

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. ....

(CLERK'S OFFICE USE ONLY)

City of Richmond

Circuit Court

Christopher Horner

v./In re:

George Mason University

PLAINTIFF(S)

DEFENDANT(S)

Competitive Enterprise Institute

I, the undersigned [ ] plaintiff [ ] defendant [X] attorney for [X] plaintiff [ ] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [ ] Claim Impleading Third Party Defendant
[ ] Monetary Damages
[ ] No Monetary Damages
[ ] Counterclaim
[ ] Monetary Damages
[ ] No Monetary Damages
[ ] Cross Claim
[ ] Interpleader
[ ] Reinstatement (other than divorce or driving privileges)
[ ] Removal of Case to Federal Court

Business & Contract

- [ ] Attachment
[ ] Confessed Judgment
[ ] Contract Action
[ ] Contract Specific Performance
[ ] Detinue
[ ] Garnishment

Property

- [ ] Annexation
[ ] Condemnation
[ ] Ejectment
[ ] Encumber/Sell Real Estate
[ ] Enforce Vendor's Lien
[ ] Escheatment
[ ] Establish Boundaries
[ ] Landlord/Tenant
[ ] Unlawful Detainer
[ ] Mechanics Lien
[ ] Partition
[ ] Quiet Title
[ ] Termination of Mineral Rights

Tort

- [ ] Asbestos Litigation
[ ] Compromise Settlement
[ ] Intentional Tort
[ ] Medical Malpractice
[ ] Motor Vehicle Tort
[ ] Product Liability
[ ] Wrongful Death
[ ] Other General Tort Liability

ADMINISTRATIVE LAW

- [ ] Appeal/Judicial Review of Decision of (select one)
[ ] ABC Board
[ ] Board of Zoning
[ ] Compensation Board
[ ] DMV License Suspension
[ ] Employee Grievance Decision
[ ] Employment Commission
[ ] Local Government
[ ] Marine Resources Commission
[ ] School Board
[ ] Voter Registration
[ ] Other Administrative Appeal

DOMESTIC/FAMILY

- [ ] Adoption
[ ] Adoption - Foreign
[ ] Adult Protection
[ ] Annulment
[ ] Annulment - Counterclaim/Responsive Pleading
[ ] Child Abuse and Neglect - Unfounded Complaint
[ ] Civil Contempt
[ ] Divorce (select one)
[ ] Complaint - Contested\*
[ ] Complaint - Uncontested\*
[ ] Counterclaim/Responsive Pleading
[ ] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[ ] Separate Maintenance
[ ] Separate Maintenance Counterclaim

WRITS

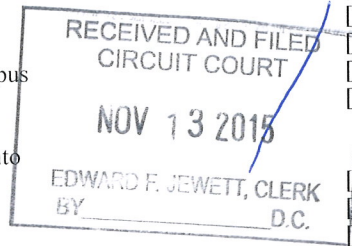
- [ ] Certiorari
[ ] Habeas Corpus
[ ] Mandamus
[ ] Prohibition
[ ] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [ ] Accounting
[ ] Aid and Guidance
[ ] Appointment (select one)
[ ] Guardian/Conservator
[ ] Standby Guardian/Conservator
[ ] Custodian/Successor Custodian (UTMA)
[ ] Trust (select one)
[ ] Impress/Declare
[ ] Reformation
[ ] Will (select one)
[ ] Construe
[ ] Contested

MISCELLANEOUS

- [ ] Appointment (select one)
[ ] Church Trustee
[ ] Conservator of Peace
[ ] Marriage Celebrant
[ ] Bond Forfeiture Appeal
[ ] Declaratory Judgment
[ ] Declare Death
[ ] Driving Privileges (select one)
[ ] Reinstatement pursuant to § 46.2-427
[ ] Restoration - Habitual Offender or 3rd Offense
[ ] Expungement
[ ] Firearms Rights - Restoration
[ ] Forfeiture of U.S. Currency
[X] Freedom of Information
[ ] Injunction
[ ] Interdiction
[ ] Interrogatory
[ ] Judgment Lien-Bill to Enforce
[ ] Law Enforcement/Public Official Petition
[ ] Name Change
[ ] Referendum Elections
[ ] Sever Order
[ ] Taxes (select one)
[ ] Correct Erroneous State/Local
[ ] Delinquent
[ ] Vehicle Confiscation
[ ] Voting Rights - Restoration
[ ] Other (please specify)



[ ] Damages in the amount of \$ ..... are claimed.

November 13, 2015

DATE

Matthew D. Hardin

PRINT NAME

314 West Grace Street, Suite 304, Richmond VA 23220

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(804) 608-6456

matthewdhardin@gmail.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

[ ] PLAINTIFF [ ] DEFENDANT [X] ATTORNEY FOR [X] PLAINTIFF [ ] DEFENDANT

\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**Civil Action Type Codes  
(Clerk's Office Use Only)**

Accounting .....	ACCT	Ejectment .....	EJET
Adoption .....	ADOP	Encumber/Sell Real Estate .....	RE
Adoption – Foreign .....	FORA	Enforce Vendor's Lien .....	VEND
Adult Protection .....	PROT	Escheatment .....	ESC
Aid and Guidance .....	AID	Establish Boundaries .....	ESTB
Annexation .....	ANEX	Expungement .....	XPUN
Annulment .....	ANUL	Forfeiture of U.S. Currency .....	FORF
Annulment – Counterclaim/Responsive Pleading...	ACRP	Freedom of Information .....	FOI
Appeal/Judicial Review		Garnishment .....	GARN
ABC Board .....	ABC	Injunction .....	INJ
Board of Zoning .....	ZONE	Intentional Tort .....	ITOR
Compensation Board .....	ACOM	Interdiction .....	INTD
DMV License Suspension .....	JR	Interpleader .....	INTP
Employment Commission .....	EMP	Interrogatory .....	INTR
Employment Grievance Decision .....	GRV	Judgment Lien – Bill to Enforce .....	LIEN
Local Government .....	GOVT	Landlord/Tenant .....	LT
Marine Resources .....	MAR	Law Enforcement/Public Official Petition .....	LEP
School Board .....	JR	Mechanics Lien .....	MECH
Voter Registration .....	AVOT	Medical Malpractice .....	MED
Other Administrative Appeal .....	AAPL	Motor Vehicle Tort .....	MV
Appointment		Name Change .....	NC
Conservator of Peace .....	COP	Other General Tort Liability .....	GTOR
Church Trustee .....	AOCT	Partition .....	PART
Custodian/Successor Custodian (UTMA) .....	UTMA	Permit, Unconstitutional Grant/Denial by Locality .....	LUC
Guardian/Conservator .....	APPT	Petition – (Miscellaneous) .....	PET
Marriage Celebrant .....	ROMC	Product Liability .....	PROD
Standby Guardian/Conservator .....	STND	Quiet Title .....	QT
Asbestos Litigation .....	AL	Referendum Elections .....	ELEC
Attachment .....	ATT	Reinstatement (Other than divorce or driving privileges) .....	REIN
Bond Forfeiture Appeal .....	BFA	Removal of Case to Federal Court .....	REM
Child Abuse and Neglect – Unfounded Complaint .....	CAN	Restore Firearms Rights – Felony .....	RFRF
Civil Contempt .....	CCON	Restore Firearms Rights – Review .....	RFRR
Claim Impleading Third Party Defendant – Monetary Damages/No Monetary Damages .....	CTP	Separate Maintenance .....	SEP
Complaint – (Miscellaneous) .....	COM	Separate Maintenance – Counterclaim/Responsive Pleading .....	SCRP
Compromise Settlement .....	COMP	Sever Order .....	SEVR
Condemnation .....	COND	Taxes	
Confessed Judgment .....	CJ	Correct Erroneous State/Local .....	CTAX
Contract Action .....	CNTR	Delinquent .....	DTAX
Contract Specific Performance .....	PERF	Termination of Mineral Rights .....	MIN
Counterclaim – Monetary Damages/No Monetary Damages .....	CC	Trust – Impress/Declare .....	TRST
Cross Claim .....	CROS	Trust – Reformation .....	REFT
Declaratory Judgment .....	DECL	Uniform Foreign Country Money Judgments .....	RFCJ
Declare Death .....	DDTH	Unlawful Detainer .....	UD
Detinue .....	DET	Vehicle Confiscation .....	VEH
Divorce		Voting Rights – Restoration .....	VOTE
Complaint – Contested/Uncontested .....	DIV	Will Construction .....	CNST
Counterclaim/Responsive Pleading .....	DCRP	Will Contested .....	WILL
Reinstatement – Custody/Visitation/Support/ Equitable Distribution .....	CVS	Writs	
Driving Privileges		Certiorari .....	WC
Reinstatement pursuant to § 46.2-427 .....	DRIV	Habeas Corpus .....	WHC
Restoration – Habitual Offender or 3 <sup>rd</sup> Offense .....	REST	Mandamus .....	WM
		Prohibition .....	WP
		Quo Warranto .....	WQW
		Wrongful Death .....	WD

**VIRGINIA:**  
**IN THE CIRCUIT COURT OF THE CITY OF RICHMOND**

Christopher Horner,

AND

Competitive Enterprise Institute,  
Petitioners,

v.

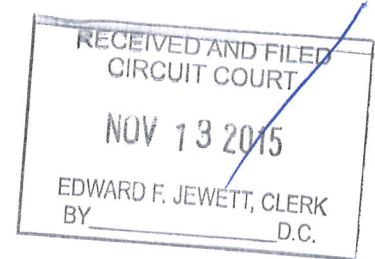
CASE NO.:

CL 15-4712-2

Rector and Visitors, George Mason University,  
Respondent.

SERVE:

Thomas M. Moncure, Jr.  
University Counsel & Assistant Attorney General  
4400 University Drive, MS 2A3  
Fairfax, VA 22030



**PETITION FOR WRIT OF MANDAMUS AND INJUNCTIVE RELIEF**

NOW COMES Christopher Horner and the Competitive Enterprise Institute, by counsel, alleging the following:

- 1) This matter is brought under the Virginia Freedom of Information Act (FOIA) Virginia Code § 2.2-3713(A) which authorizes this Writ and gives this Court jurisdiction. Venue is proper in this Court pursuant to Va. Code § 2.2-3713(A)(3).
- 2) On September 24, 2015, pursuant to Virginia Code § 2.2-3700 *et. seq.*, Christopher Horner, a resident and domiciliary of Virginia, specifically Albemarle County, in his own right and together with the Competitive Enterprise Institute, sent a Virginia Freedom of Information Act request by email to Elizabeth Woodley of George Mason University (“the University” or “GMU”), a FOIA-covered institution, requesting certain records relating to

several faculty members. See Exhibit A.

3) Specifically, the Petitioners requested “copies of all records in the University’s system in the form of electronic mail sent From or To the above-named GMU faculty (including also in the cc: or bcc: fields) dated from June 1, 2015 through the date you process this request, inclusive, which use of [sic] contain any of the words RICO, racketeer, racketeering, DoJ, prosecute or prosecution.”

4) Later, Petitioners worked with Ms. Woodley to narrow the request to two faculty members, Profs. Jagadish Shukla and Edward Maibach.<sup>1</sup>

5) On October 1, 2015, Ms. Woodley described GMU’s VFOIA process in an email to Petitioners. “At George Mason University, our procedure when receiving a request for employee emails is to request that each employee (or their designee) produce the emails and flag them for possible exemptions to the FOIA statute. I then review the emails and determine whether an exemption, in fact, applies.”

6) On October 6, 2015, Petitioners wrote to Ms. Woodley to note:

“[F]or a VFOIA search to occur it must be free from conflicts of interest.

The process GMU described to us for processing VFOIA requests places the individuals who are in fact most conflicted in complete control of determining which records are potentially responsive, and which to produce for further processing pursuant to VFOIA.

We bear in mind how such conflicts can undermine searches, as discussed in a report by the Office of Inspector General of the US Department of Commerce. ...

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<sup>1</sup> Petitioners seek only the Maibach records; Maibach is a professor of “climate change communication, strategic communication, and social marketing [and]... how to mobilize populations to adopt behaviors and support public policies that reduce greenhouse gas emissions...” <http://communication.gmu.edu/people/emaibach>. Viewed Nov. 8, 2015.

It is that sort of scenario that we hope to avoid, and that we are confident VFOIA also proscribes. As such, we repeat our request for a search and processing free from conflict of interest. As such, we appreciate if you also inform us how the search for requested “Maibach”/RICO-related records was conducted when responding.

If you have any questions please do not hesitate to contact me. (citation omitted)

7) On October 8 and 9, 2015, respectively, Ms. Woodley replied that Profs. Shukla and Maibach informed her they had no responsive records. As a result, the University’s response was that it had no responsive records in its possession.

8) In the University’s “no records” response regarding Prof. Maibach, Ms. Woodley wrote:

“In answer to your question about our FOIA process, I inform each employee of the scope of the Virginia Freedom of Information Act by sending them a statement like “The FOIA statute covers ‘public records’, which are records created ‘in the course of public business’.” I ask the employee to determine if he or she possesses public records responsive to a request. If he or she does possess responsive public records, I request that each employee (or their designee) produce the records and flag them for possible exemptions to the FOIA statute. I also refer them to our FOIA Policy ([http://university-policy.gmu.edu/policies/responding-to-virginia-freedom-of-information-act-foia-requests-for-records/?\\_ga=1.205438611.201496376.1363277436](http://university-policy.gmu.edu/policies/responding-to-virginia-freedom-of-information-act-foia-requests-for-records/?_ga=1.205438611.201496376.1363277436)) and inform employees that they may face individual, civil liability for knowing and willful violations of Virginia FOIA.

Once the employee sends public records to me, I review them and determine whether any exemptions, in fact, apply. We charge for the employee’s (or designee’s) time to locate and review the records, but not for my second review.”

9) In fact, responsive records do exist, exemplars of which are attached to this Complaint as Exhibit B.

10) On information and belief, pursuant to the University’s assertions about its search for records responsive to Petitioners’ “Maibach” request, and because Petitioners can demon-

strate that such records do in fact exist, Petitioners assert that George Mason University did not conduct an adequate and lawful search for records as contemplated by the Virginia Freedom of Information Act.

11) Petitioners also assert upon information and belief that, regardless of whether it conducted a search for records as contemplated by VFOIA, George Mason University is improperly claiming “no records” exist as records requested by Petitioners under Va. Code § 2.2-3705.1 *et seq.*

12) Petitioners also assert upon information and belief that, regardless of whether it conducted a search for records as contemplated by VFOIA, George Mason University is improperly withholding records requested by Petitioners, which records are not properly exempt from production under Va. Code § 2.2-3705.1 *et seq.*

13) Under Virginia Code § 2.2-3704 (D), a single instance of denial of the rights and privileges conferred by the Virginia Freedom of Information Act shall be sufficient to invoke the jurisdiction of this Court and seek mandamus and appropriate attorney’s fees.

14) Any denial of a Virginia Freedom of Information request or improper withholding of documents without justification by an enumerated exemption may be reviewed and overturned by a court of appropriate jurisdiction pursuant to Virginia Code § 2.2-3713(A).

### **Prayer for Relief**

WHEREFORE, the Petitioners respectfully pray, through counsel, that this Court,

a) Hold an expedited hearing on this matter in the interests of justice and in the spirit of Va. Code § 2.2-3713(C);

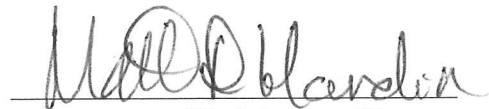
b) Order George Mason University to conduct an adequate and fair search for responsive records, and to produce such records to the Petitioners, subject only to legally-allowable withholdings;

c) Enjoin the University from seeking fees pursuant to Va. Code § 2.2-3704(F) unless such fees are required to produce discrete responsive records, and such fees are itemized and reviewable by the Petitioners and the Court;

d) Order the University, pursuant to § 2.2-3713 (D) to pay Petitioners' reasonable costs and fees associated with this instant matter, and,

f) Order such necessary and proper injunctive relief or any other relief as this Court deems just and proper.

Respectfully submitted this 13th day of November, 2015,



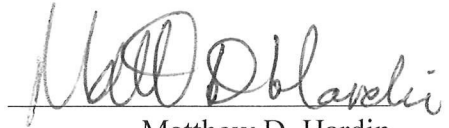
**Christopher Horner**  
**Competitive Enterprise Institute**

**By Counsel:**

Matthew D. Hardin  
VSB # 87482  
314 West Grace Street, Suite 304  
Richmond, VA 23220  
Telephone: (804) 608-6456  
Facsimile: (877) 310-3847

CERTIFICATE OF SERVICE

I hereby certify that I will send a copy of the foregoing via U.S. Mail to Thomas M. Moncure, Jr., University Counsel & Assistant Attorney General, immediately upon filing it with the Court. I will also supply electronic copies to his attention at [tmoncure@gmu.edu](mailto:tmoncure@gmu.edu), and via fax to (703) 993-2340.

A handwritten signature in black ink, appearing to read "Matthew D. Hardin", written over a horizontal line.

Matthew D. Hardin  
Counsel for Christopher Horner

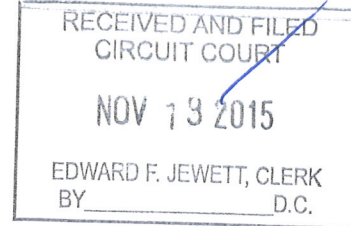


**VIRGINIA:**  
**IN THE CIRCUIT COURT OF THE CITY OF RICHMOND**

Christopher Horner,

AND

Competitive Enterprise Institute,  
Petitioners,



v.

CASE NO.: \_\_\_\_\_

Rector and Visitors, George Mason University,  
Respondent.

**AFFIDAVIT OF ATTORNEY IN SUPPORT OF  
PETITION FOR MANDAMUS AND INJUNCTIVE RELIEF**

COMMONWEALTH OF VIRGINIA  
CITY OF RICHMOND, SS:

Personally appearing before the undersigned and with authority in and for said county and state, Matthew Hardin, Esq., being first duly sworn by the undersigned, deposes and says:

1. Affiant is an attorney licensed to practice law in the Commonwealth of Virginia and the attorney representing the Petitioner in the above-entitled action.
2. Each of the statements of fact, law and argument showing good cause for the petition, as found in paragraphs 1 through 14 of the Petition for Mandamus and Injunctive Relief in the above entitled action, are true, based on knowledge, information and belief.

3. Petitioner Horner reasonably seeks recovery of costs and fees pursuant to Va. Code § 2.2-3713(D).

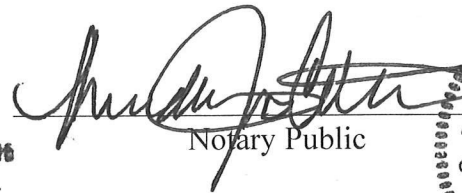
Further, affiant sayeth naught.



Matthew Hardin,  
Va. Bar No. 87482  
Attorney for Petitioner

I, Brenda A. Jones Cotman, a Notary Public of the County and State aforesaid, hereby certify that Matthew Daniel Hardin, Esq. personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand this the 13 day of NOV., 2015.

  
Notary Public

My Commission Expires January 31, 2016

My Commission expires: \_\_\_ / \_\_\_ / \_\_\_\_.





## Request under the Virginia Freedom of Information Act

September 24, 2015

Elizabeth Woodley, J.D.  
FOIA Compliance Officer  
George Mason University  
Compliance, Diversity, and Ethics

BY ELECTRONIC MAIL — [ewoodley@gmu.edu](mailto:ewoodley@gmu.edu)

**Re: Public Records Request – Certain Emails to or from Profs. Shukla, Maibach, Dirmeyer, Klinger, Schopf, and Straus**

Dear Ms. Woodley,

With the Competitive Enterprise Institute (CEI) and as a resident of Albemarle County, Virginia, pursuant to the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.* (VFOIA), I request you please provide us within five working days copies of all documents in your possession as described below.

We make this request together following up a [September 1, 2015 letter](#) recently in the news, sent by among others six George Mason University faculty members. In it, Profs. Jagadish Shukla, Edward Maibach, Paul Dirmeyer, Barry Klinger, Paul Schopf, and David Straus write the United States Department of Justice, expressly in their capacities as professors with your public institution dedicated to the vigorous exchange of ideas, to “strongly endorse” criminal investigation of those who disagree with them.

Specifically, these GMU faculty members write in support of investigation of parties identified in some of their favorite books and pamphlets for not sharing the same vision of “America’s response to climate change”, using the Federal Racketeer Influenced and Corrupt Organizations Act (RICO).

While we credit the faculty’s understatement in characterizing this suggestion as an “aggressive and imaginative use of limited tools available to” the federal government in

countering political opposition, we are interested in the use of public resources afforded them to advance this unique twist on vigorous policy debate.

As such, please provide us copies of all records in the University's system in the form of electronic mail sent From or To the above-named GMU faculty (including also in the cc: or bcc: fields) dated from June 1, 2015 through the date you process this request, inclusive, which use of contain any of the words RICO, racketeer, racketeering, DoJ, prosecute or prosecution.

We understand that open records laws may seem a rather less "aggressive or imaginative use of limited tools available" to the public than those conjured by Profs. Shukla, Maibach, Dirmeyer, Klinger, Schopf, and Straus and their cadre. However, as both requesters are engaged in research, investigative journalism and publication, as well as transparency pursuits seeking public records relating to environmental and energy policy, we share an approach of giving preference to increasing — as opposed to suppressing — the information available to the public, particularly regarding the use of public resources.

We ask that you please provide responsive documents in electronic format, and in complete form, with any appendices or attachments as the case may be. We do not seek duplicates of responsive records.

As you are aware, Va. Code § 2.2-3704 (B) requires your office to provide a response within five days. Such a response can take several forms:

- 1) Pursuant to § 2.2-3704 (B)(1), you can withhold all responsive records, but only if you "identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records."
- 2) Pursuant to § 2.2-3704 (B)(2), you can provide the records in part and withhold them in part, but only if you "identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records."
- 3) Pursuant to Va. Code § 2.2-3704(B)(3), you can claim that no records exist.
- 4) Pursuant to Va. Code 2.2-3704(B)(4), you can claim an extra seven days are needed to make one of the responses delineated in ##1-3, above.

Va. Code 2.2-3704(F) allows a public body to "make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records." The statute does not allow a public body to charge for a mere determination that records are exempt and therefore withheld pursuant to Va. Code § 2.2-3704 (B)(1), in which case the public body must nevertheless identify the volume of the records it is withholding and the statutory basis for doing so. Similarly, the University may claim it

has no responsive records pursuant to § 2.2-3704 (B)(3). It may not, however, charge for such a response.

Requesters' specific purpose makes release and waiver of any costs in the public interest, in that the principal purpose of the request is to access and disseminate information to the general public and is not for the principal purpose of personal or commercial benefit. Neither requester has any commercial interest in obtaining the requested information. Instead, we intend to use the requested information to inform the public, so the public can meaningfully oversee the use of public resources.

Regardless, I authorize charges of up to \$100.00 in advance. Please do not hesitate to contact me with any questions.

Sincerely,



Christopher C. Horner, Esq.

Competitive Enterprise Institute  
1899 L Street NW, Suite 1200  
Washington, DC 20036  
202.262.4458 (M)

1489 Kinross Lane  
Keswick, VA 22947  
[CHornerLaw@aol.com](mailto:CHornerLaw@aol.com)

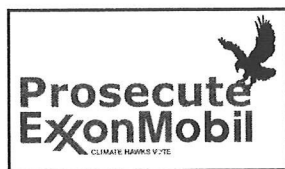
**From:** Edward W Maibach <emaibach@gmu.edu>  
**To:** J Shukla <shukla@iges.org>, "Dr. Kevin Trenberth" <trenbert@ucar.edu>  
**CC:** Eugenia Kalnay <ekalnay@umd.edu>, Edward Sarachik <sarachik@u.washington.edu>, Paul A Dirmeyer <pdirmeye@gmu.edu>, "Professor Barry Klinger" <klinger@cola.iges.org>, Andrew Light <alight1@gmu.edu>, "Paul S Schopf" <pschopf@gmu.edu>, "David M. Straus" <dstraus@gmu.edu>, Mike Wallace <wallacem@uw.edu>, Alan Robock <robock@envsci.rutgers.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robted@jsg.utexas.edu>, "Dr. Michela Biasutti" <mbiasutti@gmail.com>, "Dr. Mark Cane" <mcane@ldeo.columbia.edu>, "Dr. Lisa Goddard" <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>  
**Sent:** 9/22/2015 7:28:29 AM  
**Subject:** Re: Letter to President and Attorney General

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All,

Should you be inclined to take further action in support of Senator Whitehouse's proposal, one option is to sign on to this online petition that launched today (with an option to share the link on your social media accounts):

[http://www.climatehawksvote.com/prosecute\\_exxon?recruiter\\_id=305519](http://www.climatehawksvote.com/prosecute_exxon?recruiter_id=305519)



## Prosecute Exxon - Climate Hawks Vote

Sign now: Tell US Attorney General Loretta Lynch to launch a RICO investigation of Exxon's deliberate climate deception.

[Read more...](#)

For what it's worth, I signed.

Also, I encourage you to read the excellent investigative journalism pieces that have been written by Neela Banerjee, Lisa Song, David Hasemyer, and published this week by Inside Climate News: <http://insideclimatenews.org/>

Rumor has it that several more of their articles on Exxon's climate misdeeds will be published throughout this week, including one on Exxon's RICO liability.

Lastly, some closing words from my mentor Bill Novelli (who was Executive Director of the Campaign for Tobacco-Free Kids -- the organization that convinced the state AGs to prosecute the tobacco industry): Problems worthy of attack prove their worth by attacking back.

All the best,

Ed

Edward Maibach, MPH, PhD  
University Professor, Department of Communication  
Director, Center for Climate Change Communication  
George Mason University, MS 6A8  
Fairfax, VA 22030  
[www.climatechangecommunication.org](http://www.climatechangecommunication.org)

**From:** Edward W Maibach <emaibach@gmu.edu>

**To:** Kevin Trenberth <trenbert@ucar.edu>, Cane Mark <mcane@ldeo.columbia.edu>, J Shukla <shukla@iges.org>

**CC:** "John\_P.\_Holdren@ostp.eop.gov" <John\_P.\_Holdren@ostp.eop.gov>, "Patricia\_M.\_McLaughlin@ostp.eop.gov" <Patricia\_M.\_McLaughlin@ostp.eop.gov>, Paul A Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, Paul S Schopf <pschopf@gmu.edu>, "David M. Straus" <dstraus@gmu.edu>, Edward Sarachik <sarachik@u.washington.edu>, Mike Wallace <wallacem@uw.edu>, Robock Alan <robock@EnvSCI.RUtGerS.eDU>, Kalnay Eugenia <ekalnay@atmos.umd.edu>, Kirtman Ben <bkirtman@rsmas.miami.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robed@jsg.utexas.edu>, Biasutti Michela <mbiasutti@gmail.com>, Goddard Lisa <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>, "Sheldon Whitehouse" <sheldonwhitehouse@cox.net>, Joseph Majkut <Joseph\_Majkut@whitehouse.senate.gov>, Lara Quint <Lara\_Quint@judiciary-dem.senate.gov>

**Sent:** 9/17/2015 2:19:41 PM

**Subject:** Re: Letter to President, AG, and OSTP Director

---

From Marc Morano at Climate Depot:

<http://www.climatedepot.com/2015/09/17/twenty-climate-scientists-including-top-un-scientist-call-for-rico-investigation-of-climate-skeptics-in-a-letter-to-obama-argue-skeptics-guilty-of-disinformation-like-tobacco-companies/>



Debate no more! Jailed for scientific dissent?!  
Twenty climate scientists, including Top UN scientist, call for RICO investigation of climate skeptics in letter to Obama | Climate Depot

Top UN scientist Dr. Kevin Trenberth and 19 other scientists have become so tired of debating global warming that they are now apparently seeking to jail those who disagree with them. One of the sc...

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---

Edward Maibach, MPH, PhD  
University Professor, Department of Communication  
Director, Center for Climate Change Communication  
George Mason University, MS 6A8  
Fairfax, VA 22030  
[www.climatechangecommunication.org](http://www.climatechangecommunication.org)

---

**From:** Kevin Trenberth <trenbert@ucar.edu>

**Sent:** Thursday, September 17, 2015 11:45 AM

**To:** Cane Mark; J Shukla

**Cc:** John\_P.\_Holdren@ostp.eop.gov; Patricia\_M.\_McLaughlin@ostp.eop.gov; Edward W Maibach; Paul A Dirmeyer; Professor Barry Klinger; Paul S Schopf; David M. Straus; Edward Sarachik; Mike Wallace; Robock Alan; Kalnay Eugenia; Kirtman Ben; Dr. Bill Lau; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Biasutti Michela; Goddard Lisa; Dr. Alan Betts; Sheldon Whitehouse; Joseph Majkut; Lara Quint

**From:** Edward Sarachik <sarachik@u.washington.edu>

**To:** J Shukla <shukla@iges.org>

**CC:** "Dr. Edward Maibach" <emaibach@gmu.edu>, Paul Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, Andrew Light <alight1@gmu.edu>, "Dr. Paul Schopf" <pschopf@gmu.edu>, "Dr. David M. Straus" <dstraus@gmu.edu>, Mike Wallace <wallacem@uw.edu>, Alan Robock <roboc@envsci.rutgers.edu>, Professor Eugenia Kalnay <ekalnay@atmos.umd.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Dr. Kevin Trenberth" <trenbert@ucar.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robted@jsg.utexas.edu>, "Dr. Michela Biasutti" <mbiasutti@gmail.com>, "Dr. Mark Cane" <mcane@ldeo.columbia.edu>, "Dr. Lisa Goddard" <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>

**Sent:** 9/3/2015 11:33:16 AM

**Subject:** Re: Letter to President and Attorney General

---

Dear Shukla: I am happy to be a co-signer in whatever form the letter will eventually take. Question: Does the RICO law only apply to organizations or are individuals also liable? Cheers..ed

On Thu, 3 Sep 2015, J Shukla wrote:

> Dear Friends,

>

> Thank you for agreeing to be a co-signer of the attached letter to the President and Attorney General. Please find attached a slightly revised version of the letter which will be sent as soon as I have received your final concurrence via email. I also plan to send a separate letter to Senator Whitehouse informing him of our letter to the President and Attorney General.

>

> It is not necessary for you to send me a signed letter, please just send me an email confirming your agreement. Thank you.

>

> Regards,

> Shukla

>

>

=====  
Edward S. Sarachik  
CIG/UW  
3737 Brooklyn Ave.  
Box 355674  
Seattle, WA 98195-5674  
Phone 206-285-5221



**From:** Cane Mark <mcane@ldeo.columbia.edu>

**To:** J Shukla <shukla@iges.org>

**CC:** John\_P.\_Holdren@ostp.eop.gov, Patricia\_M.\_McLaughlin@ostp.eop.gov, "Dr. Edward Maibach" <emaibach@gmu.edu>, Paul Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, "Dr. Paul Schopf" <pschopf@gmu.edu>, "Dr. David M. Straus" <dstraus@gmu.edu>, Edward Sarachik <sarachik@u.washington.edu>, Mike Wallace <wallacem@uw.edu>, Robock Alan <robock@EnvSCI.RUtGerS.eDU>, Kalnay Eugenia <ekalnay@atmos.umd.edu>, Kirtman Ben <bkirtman@rsmas.miami.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Dr. Kevin Trenberth" <trenbert@ucar.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robed@jsg.utexas.edu>, Biasutti Michela <mbiasutti@gmail.com>, Goddard Lisa <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>, Sheldon Whitehouse <sheldonwhitehouse@cox.net>, Joseph Majkut <Joseph\_Majkut@whitehouse.senate.gov>, Lara Quint <Lara\_Quint@judiciary-dem.senate.gov>

**Sent:** 9/17/2015 8:38:13 AM

**Subject:** Re: Letter to President, AG, and OSTP Director

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In case you missed this initial article on Exxon:

<http://insideclimatenews.org/news/15092015/frontline-video>

On Sep 14, 2015, at 11:18 AM, J Shukla <[shukla@iges.org](mailto:shukla@iges.org)> wrote:

Dear Dr. Holdren,

It has been a long time since I have had email correspondence with you. I do hope this email will reach your office.

Please find enclosed a letter to the President, the Attorney General, and you, reiterating the position of an overwhelming majority of climate scientists about the potentially serious adverse effects of human-induced climate change. The letter also supports Senator Whitehouse's proposal that the Department of Justice begin a RICO investigation of the fossil-fuel industry, who according to Senator Whitehouse, have knowingly deceived the American people about the risks of climate change. The letter has been endorsed by a number of distinguished scientists whose names and affiliations are provided at the end of the letter.

We will be grateful if you can please bring this letter to the attention of the President. Thank you.

Regards,  
J. Shukla

University Professor, George Mason University  
President, Institute of Global Environment & Society  
Research Hall, Room 105  
George Mason University, MSN: 2B3  
4400 University Drive  
Fairfax, VA 22030 USA

Tel: [703-993-5700](tel:703-993-5700)  
E-mail: [shukla@iges.org](mailto:shukla@iges.org)  
<http://www.iges.org/>

<Letter to Pres, AG, Holdren Final.docx>

**From:** Sheldon Whitehouse <sheldonwhitehouse@cox.net>

**To:** Kevin Trenberth <trenbert@ucar.edu>, Edward W Maibach <emaibach@gmu.edu>, Cane Mark <mcane@ldeo.columbia.edu>, J Shukla <shukla@iges.org>

**CC:** John\_P.\_Holdren@ostp.eop.gov, Patricia\_M.\_McLaughlin@ostp.eop.gov, Paul A Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, Paul S Schopf <pschopf@gmu.edu>, "David M. Straus" <dstraus@gmu.edu>, Edward Sarachik <sarachik@u.washington.edu>, Mike Wallace <wallacem@uw.edu>, Robock Alan <robock@EnvSCI.RUtGerS.eDU>, Kalnay Eugenia <ekalnay@atmos.umd.edu>, Kirtman Ben <bkirtman@rsmas.miami.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robted@jsg.utexas.edu>, Biasutti Michela <mbiasutti@gmail.com>, Goddard Lisa <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>, Joseph Majkut <Joseph\_Majkut@whitehouse.senate.gov>, Lara Quint <Lara\_Quint@judiciary-dem.senate.gov>

**Sent:** 9/17/2015 2:55:04 PM

**Subject:** Re: Letter to President, AG, and OSTP Director

---

Comes with the territory, I'm afraid. Sorry, though. The outrage and aggrievement are just irresistible to some. So we're all clear: the tobacco case was a CIVIL RICO case, not criminal, so jailing and imprisoning have nothing to do with it. Just a forum where you can't lie and can be cross-examined in front of a neutral judge. And the govt won fair and square and soundly, just as I believe they would here.

---

**From:** Kevin Trenberth

**Sent:** Thursday, September 17, 2015 5:20 PM

**To:** Edward W Maibach; Cane Mark; J Shukla

**Cc:** John\_P.\_Holdren@ostp.eop.gov; Patricia\_M.\_McLaughlin@ostp.eop.gov; Paul A Dirmeyer; Professor Barry Klinger; Paul S Schopf; David M. Straus; Edward Sarachik; Mike Wallace; Robock Alan; Kalnay Eugenia; Kirtman Ben; Dr. Bill Lau; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Biasutti Michela; Goddard Lisa; Dr. Alan Betts; Sheldon Whitehouse; Joseph Majkut; Lara Quint

**Subject:** Re: Letter to President, AG, and OSTP Director

---

That is the least of it:

Oh, it's particularly bad this time because it's been picked up by Twitchy: <http://twitchy.com/2015/09/17/alarmists-enraged-20-climate-scientists-ask-obama-to-use-the-rico-act-to-go-after-global-warming-skeptics/>

I am getting hate e-mails and phone calls.

Kevin

On 9/17/15 3:19 PM, Edward W Maibach wrote:

From Marc Morano at Climate Depot:

<http://www.climatedepot.com/2015/09/17/twenty-climate-scientists-including-top-un-scientist-call-for-rico-investigation-of-climate-skeptics-in-a-letter-to-obama-argue-skeptics-guilty-of-disinformation-like-tobacco-companies/>

**From:** Cane Mark <mcane@ldeo.columbia.edu>

**To:** Barry Klinger <klinger@cola.iges.org>

**CC:** Edward W Maibach <emaibach@gmu.edu>, Kevin Trenberth <trenbert@ucar.edu>, J Shukla <shukla@iges.org>, "John\_P.\_Holdren@ostp.eop.gov" <John\_P.\_Holdren@ostp.eop.gov>, "Patricia\_M.\_McLaughlin@ostp.eop.gov" <Patricia\_M.\_McLaughlin@ostp.eop.gov>, Paul A Dirmeyer <pdirmeye@gmu.edu>, Paul S Schopf <pschopf@gmu.edu>, "David M. Straus" <dstraus@gmu.edu>, Edward Sarachik <sarachik@u.washington.edu>, Mike Wallace <wallacem@uw.edu>, Robock Alan <robock@envsci.rutgers.edu>, Kalnay Eugenia <ekalnay@atmos.umd.edu>, Kirtman Ben <bkirtman@rsmas.miami.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robed@jsg.utexas.edu>, Biasutti Michela <mbiasutti@gmail.com>, Goddard Lisa <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>, Sheldon Whitehouse <sheldonwhitehouse@cox.net>, Joseph Majkut <Joseph\_Majkut@whitehouse.senate.gov>, Lara Quint <Lara\_Quint@judiciary-dem.senate.gov>

**Sent:** 9/20/2015 9:36:31 AM

**Subject:** Re: Letter to President, AG, and OSTP Director

Thanks Barry. This is very well done.

I do have misgivings about invoking RICO, which may too easily lead to civil liberty abuses. At the same time, all this outrage from climate doubters would seem legitimate if they had expressed similar outrage when Mike Mann and others were being harassed.

best, mark

On Sep 19, 2015, at 1:07 PM, Barry Klinger <klinger@cola.iges.org> wrote:

Dear RICO Letter signers,

Never happy about other people defining and mischaracterizing my position, I put together a little postscript to the RICO letter. Feedback on what I wrote is welcome.

<http://mason.gmu.edu/~bklinger/rico.html>

-B A K

On 9/17/2015 5:19 PM, Edward W Maibach wrote:

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<http://www.climatedepot.com/2015/09/17/twenty-climate-scientists-including-top-un-scientist-call-for-rico-investigation-of-climate-skeptics-in-a-letter-to-obama-argue-skeptics-guilty-of-disinformation-like-tobacco-companies/>



## Debate no more! Jailed for scientific dissent?! Twenty climate scientists, including Top UN scientist, call for RICO investigation of climate skeptics in letter to Obama | Climate Depot

Top UN scientist Dr. Kevin Trenberth and 19 other scientists have become so tired of debating global warming that they are now apparently seeking to jail those who disagree with them. One of the sc...

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---

Edward Maibach, MPH, PhD  
University Professor, Department of Communication  
Director, Center for Climate Change Communication  
George Mason University, MS 6A8  
Fairfax, VA 22030  
[www.climatechangecommunication.org](http://www.climatechangecommunication.org)

---

**From:** Kevin Trenberth <[krenbert@ucar.edu](mailto:krenbert@ucar.edu)>  
**Sent:** Thursday, September 17, 2015 11:45 AM  
**To:** Cane Mark; J Shukla  
**Cc:** John P. Holdren@ostp.eop.gov; Patricia M. McLaughlin@ostp.eop.gov; Edward W Maibach; Paul A Dirmeyer; Professor Barry Klinger; Paul S Schopf; David M. Straus; Edward Sarachik; Mike Wallace; Robock Alan; Kalnay Eugenia; Kirtman Ben; Dr. Bill Lau; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Biasutti Michela; Goddard Lisa; Dr. Alan Betts; Sheldon Whitehouse; Joseph Majkut; Lara Quint  
**Subject:** Re: Letter to President, AG, and OSTP Director

From Climate Nexus:

**Documenting Dangers, Doing Nothing:** Exxon supported scientists conducted pioneering research into fossil fuels' role in climate change back in the 1970s. But when scientists warned management that addressing climate issues through policy change could affect their profitability, Exxon began a decades-long campaign to discredit the research. The second in a multi-part series from InsideClimate News reveals how an early culture of elite scientific exploration was abandoned by a corporate agenda that sought to hide the truth and cover up the potentially catastrophic implications of business-as-usual. **(News:** [InsideClimate News](#), [The Hill](#), [Newsweek](#), [PBS](#), [Fortune](#)) **Commentary:** [New York Times](#), [Andrew Revkin column](#), [Inverse](#), [Jacqueline Ronson column](#), [Grist](#), [Katie Herzog column](#), [Wired](#), [Sarah Zhang column](#))

On 9/17/15 9:38 AM, Cane Mark wrote:

**From:** Barry Klinger <klinger@cola.iges.org>

**To:** Edward W Maibach <emaibach@gmu.edu>, Kevin Trenberth <trenbert@ucar.edu>, Cane Mark <mcane@ldeo.columbia.edu>, J Shukla <shukla@iges.org>

**CC:** "John\_P.\_Holdren@ostp.eop.gov" <John\_P.\_Holdren@ostp.eop.gov>, "Patricia\_M.\_McLaughlin@ostp.eop.gov" <Patricia\_M.\_McLaughlin@ostp.eop.gov>, Paul A Dirmeyer <pdirmeye@gmu.edu>, Paul S Schopf <pschopf@gmu.edu>, "David M. Straus" <dstraus@gmu.edu>, Edward Sarachik <sarachik@u.washington.edu>, Mike Wallace <wallacem@uw.edu>, Robock Alan <robock@EnvSCI.RUtGerS.eDU>, Kalnay Eugenia <ekalnay@atmos.umd.edu>, Kirtman Ben <bkirtman@rsmas.miami.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robtred@jsg.utexas.edu>, Biasutti Michela <mbiasutti@gmail.com>, Goddard Lisa <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>, Sheldon Whitehouse <sheldonwhitehouse@cox.net>, Joseph Majkut <Joseph\_Majkut@whitehouse.senate.gov>, Lara Quint <Lara\_Quint@judiciary-dem.senate.gov>

**Sent:** 9/19/2015 10:07:01 AM

**Subject:** Re: Letter to President, AG, and OSTP Director

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**To:** Edward W Maibach <emaibach@gmu.edu>, Cane Mark <mcane@ldeo.columbia.edu>, J Shukla <shukla@iges.org>

**CC:** "John\_P.\_Holdren@ostp.eop.gov" <John\_P.\_Holdren@ostp.eop.gov>, "Patricia\_M.\_McLaughlin@ostp.eop.gov" <Patricia\_M.\_McLaughlin@ostp.eop.gov>, Paul A Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, Paul S Schopf <pschopf@gmu.edu>, "David M. Straus" <dstraus@gmu.edu>, Edward Sarachik <sarachik@u.washington.edu>, Mike Wallace <wallacem@uw.edu>, Robock Alan <robock@EnvSCI.RUtGerS.eDU>, Kalnay Eugenia <ekalnay@atmos.umd.edu>, Kirtman Ben <bkirtman@rsmas.miami.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robed@jsg.utexas.edu>, Biasutti Michela <mbiasutti@gmail.com>, Goddard Lisa <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>, Sheldon Whitehouse <sheldonwhitehouse@cox.net>, Joseph Majkut <Joseph\_Majkut@whitehouse.senate.gov>, Lara Quint <Lara\_Quint@judiciary-dem.senate.gov>

**Sent:** 9/17/2015 2:20:57 PM

**Subject:** Re: Letter to President, AG, and OSTP Director

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I am getting hate e-mails and phone calls.

Kevin

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Edward Maibach, MPH, PhD  
University Professor, Department of Communication  
Director, Center for Climate Change Communication  
George Mason University, MS 6A8  
Fairfax, VA 22030

**From:** Edward Sarachik <sarachik@u.washington.edu>

**To:** J Shukla <shukla@iges.org>

**CC:** "Dr. Edward Maibach" <emaibach@gmu.edu>, Paul Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, Andrew Light <alight1@gmu.edu>, "Dr. Paul Schopf" <pschopf@gmu.edu>, "Dr. David M. Straus" <dstraus@gmu.edu>, Mike Wallace <wallacem@uw.edu>, Alan Robock <robock@envsci.rutgers.edu>, Professor Eugenia Kalnay <ekalnay@atmos.umd.edu>, "Dr. Bill Lau" <wkmlau@umd.edu>, "Dr. Kevin Trenberth" <trenbert@ucar.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robted@jsg.utexas.edu>, "Dr. Michela Biasutti" <mbiasutti@gmail.com>, "Dr. Mark Cane" <mcane@ldeo.columbia.edu>, "Dr. Lisa Goddard" <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>

**Sent:** 9/20/2015 11:41:53 AM

**Subject:** Re: Letter to President and Attorney General

---

Dear All: I've already received a copy of a letter to the President of my University:

To:

Ana Mari Cauce

Interim President

University of Washington

Dear Ms Cauce;

Are you aware that two of your professors; Edward Sarachik and Michael Wallace, have signed a letter addressed to the President and Attorney General of the United States, urging them to use criminal prosecution in order to oppress and silence scientists with whom these professors disagree?

The letter is attached. You can see that your employees are in fact signatories.

Is this accepted practice at your institution? Do you encourage or condone such methods in the field of scientific debate?

As a taxpayer, I would appreciate an answer - I suspect that federal funds go to these professors for their research - funds that are apparently being misused in order to further a political agenda and to engage in "lawfare" against any who disagree with their views.

This is a weapon aimed at the heart of our open society, and is a blow to freedom of inquiry and debate in science. Destroying the foundation of free scientific speech is a very high price to pay in order to service a dubious, hysterical end-of-the-world theory that is based almost entirely on computer models, and which is apparently falsified by measurement over the past several decades.

I would add also; this attempt to use government coercion to silence dissent

implies strongly that these professors know they do not have a winning argument.

I would appreciate your attention to this matter.

I also received an e-mail decrying my persecution of climate deniers. When I pointed out that it was not about individuals but about organizations who know about climate change but are organizing efforts to cast doubt on it I got the following response;

Dr. Sarachik:

I already read your letter. RICO investigations can lead to prosecutions of individuals as well as corporations.

Do you advocate RICO investigations of the organizations associated with the Climategate scientists, who confessed to scientific misconduct and numerous crimes in their emails? There are as many if not more books and peer-reviewed papers challenging the integrity of climate scientists as there are books and papers challenging the integrity of skeptics.

Do you advocate RICO investigation of all parties in the global warming debate, or only prosecution of your opponents?

If you included yourself, Michael Mann, Phil Jones, Keith Briffa, and Mike Hulme as targets of RICO, I might agree with you. Why, by the way, did Michael Mann insist on hiding his emails from the Virginia AG? Why did climate scientists agree to hide and even destroy data in the Climategate emails? Would you endorse the hiding of emails and data by skeptics as well?

Let's demand RICO investigation of all parties to the debate. Surely you would have no objection, being a disinterested man in search of justice and truth.

=====

At this point I decided it is folly to respond to any of these people. I would advise everybody to be careful about responses unless they wish to risk lawsuits which would be pointless and time consuming. Cheers...ed

=====

Edward S. Sarachik  
CIG/UW  
3737 Brooklyn Ave.  
Box 355674  
Seattle, WA 98195-5674  
Phone 206-285-5221



**From:** Eugenia Kalnay <ekalnay@umd.edu>

**To:** Kevin Trenberth <trenbert@ucar.edu>

**CC:** Edward Sarachik <sarachik@u.washington.edu>, J Shukla <shukla@iges.org>, "Dr. Edward Maibach" <emaibach@gmu.edu>, Paul Dirmeyer <pdirmeye@gmu.edu>, Professor Barry Klinger <klinger@cola.iges.org>, Andrew Light <alight1@gmu.edu>, "Dr. Paul Schopf" <pschopf@gmu.edu>, "Dr. David M. Straus" <dstraus@gmu.edu>, Mike Wallace <wallacem@uw.edu>, Alan Robock <robock@envsci.rutgers.edu>, "Eugenia E. Kalnay" <ekalnay@umd.edu>, "William K.M. Lau" <wkmlau@umd.edu>, "Professor T.N. Krishnamurti" <tkrishnamurti@fsu.edu>, "Dr. Vasubandhu Misra" <vmisra@fsu.edu>, "Dr. Robert Dickinson" <robted@jsg.utexas.edu>, "Dr. Michela Biasutti" <mbiasutti@gmail.com>, "Dr. Mark Cane" <mcane@ldeo.columbia.edu>, "Dr. Lisa Goddard" <goddard@iri.columbia.edu>, "Dr. Alan Betts" <Akbetts@aol.com>

**Sent:** 9/20/2015 2:46:04 PM

**Subject:** Re: Letter to President and Attorney General

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Dear all:

I should chime in!

On Friday I got an email addressed to the UMCP president and to Jim Carton, my boss (and cc's to Bill Lau and me). You can read Carton's wonderful response he sent on Saturday!

I was planning to respond with a link to Barry's points and to his great "Guide to skeptics", but I'll talk with Jim Carton first.

As Don Quijote said to Sancho Panza, "The dogs are barking at us, Sancho. It signals that we are galloping"

I agree the best thing is to ignore them...

Eugenia

On Fri, Sep 18, 2015 at 9:17 PM, James A. Carton <[carton@umd.edu](mailto:carton@umd.edu)> wrote:

Dear Dr. Evans:

Thank you for sharing your deeply felt opinions and concerns. I think you are questioning the science of climate change, the analogy to the tobacco industry, and the appropriateness of our faculty in signing a letter suggesting a particular legal remedy. I'll respond to these issues from my prospective as Chair of the Department of Atmospheric and Oceanic Science.

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First the science: the overwhelming weight of research, including key work done here at University of Maryland, leaves no uncertainty that the rise of atmospheric greenhouse gasses and aerosols, both the result of human activities, are causing the earth's climate to change. The atmospheric concentration of carbon dioxide is the highest that it has been for the last million years. This rise is primarily responsible for the increasing acidification of the oceans, the rise of surface temperature, and the melting of continental ice, among other effects. Unfortunately, like the tobacco industry in the mid-20th century, it seems to me that some of the industries that benefit from the release of greenhouse gasses have tried to suppress this research. The letter is an effort to find a response within our legal code.

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Secondly, regarding the involvement of our faculty in signing this letter: Distinguished University Professor Eugenia Kalnay and Dr. Lau have the right to express their views without interference from me. Indeed, as they are world leaders in the science of climate variability we should take their views very seriously. All three of us have known Richard Lindzen for decades. Writing just for myself I am unimpressed with his understanding of climate research, although I am very fond of him as a

person.Â

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Regards, Jim

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-XXXXXXXXXX --

James Carton

Professor and Chair, Dept. Atmos. Ocean Sci.

University of Maryland

College Park, MD 20742

301-405-5365, [www.atmos.umd.edu/~carton](http://www.atmos.umd.edu/~carton)

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**From:** [milo@goodmilo.com](mailto:milo@goodmilo.com) [mailto:[milo@goodmilo.com](mailto:milo@goodmilo.com)]

**Sent:** Friday, September 18, 2015 6:28 PM

**To:** Wallace D. Loh; James A. Carton

**Cc:** Home; Eugenia E. Kalnay; William K.M. Lau

**Subject:** Defending science and concern with professors

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University of Maryland

1101 Main Administration Building

College Park, MD 20742-6105

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Sept 18, 2015

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Dear President Loh and Professor Carton:

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As a parent of a UMD student in the College of CMNS, I am writing to express my concern with a letter signed by two professors in the Department of Atmospheric and Oceanic Sciences.Â On Sept 1, 2015 Professors Eugenia Kalnay and William Lau sent a letter to President Obama, Attorney General Lynch, and Director Holdren regarding climate change.Â In their letter they requested the President and others to consider federal RICO (Racketeer Influenced and Corrupt Organizations Act) investigations into corporations, organizations, and other scientists that disagree with the signers view on the seriousness of climate change.

(<http://www.iges.org/letter/LetterPresidentAG.pdf>)

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In 1633 Galileo Galilei was jailed for the second time due to his insistence that the Earth was not the center of the universe, and that instead the Earth revolved around the Sun.Â Is that the time period of scientific acceptance that these University of Maryland professors wish to take our students back to?Â Do they truly believe that anyone who disagrees with their current scientific knowledge should be subjected to federal charges and possible imprisonment?Â Do they apply these narrow-minded requirements that all-comers must accept their views in the academic courses they teach?

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Personally, I believe we are seeing a warming of the Earth, but my personal beliefs are irrelevant in a discussion of science.Â As a scientist, I will forever remain open to hearing alternate points of view and hypotheses.Â The Global Warming Policy Foundation has an impressive list of distinguished professors and scientists as academic advisors, including MIT's Professor Richard Lindzen and Yale's Professor Mendelsohn,Â many of whom would be subject to imprisonment based on UMD's Professors Kalnay's and Lau's call for action.

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I ask the two of you to consider if this approach to science in which researchers demand others accept their findings or risk defamation and imprisonment is the approach to science that UMD wishes to back.Â I am not calling for any action against Professors Kalnay and Lau.Â I have no desire to damage anyone's career over a difference in opinion.Â However, I would ask that a conversation take place with these professors, and at the very least, ensure the rights of their students to disagree with their points of view, and the rights of their students to be open to the writings of groups such as the Global Warming Policy Foundation without retribution.Â Furthermore, you may want to discuss the cost of having the University of Maryland's name associated with such extreme and visible calls for action.Â

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Sincerely,

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Jenifer Brinker Evans

24 Smith St

Groton, MAÂ 01450

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cc:Â Eugenia Kalnay, William Lau