

From: Edward W Maibach
To: J Shukla
Subject: Re: Letter to Senator Sheldon Whitehouse
Date: Tuesday, July 21, 2015 6:35:39 AM

Hi Shukla,

I would be happy to do so, but our letter might have more impact if we targeted our Senators and members of Congress, and cc'ed Whitehouse. Are you a Virginian, or a Marylander?

Or, better yet, we could consult my friend and mentor Bill Novelli -- who was central in the tobacco suit. He could give us counsel on how to be most effective.

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

From: J Shukla <shukla@iges.org>
Sent: Monday, July 20, 2015 5:13 PM
To: Edward W Maibach
Subject: Letter to Senator Sheldon Whitehouse

Dear Ed,

Are you, like me, puzzled as to why in spite of such overwhelming scientific evidence showing the influence of human activities on the Earth's climate during the past 50-100 years, a significant fraction of the US society remains skeptical? Please see the attached Op-Ed in the Washington Post, and text of a speech Senator Sheldon Whitehouse made on the floor of the US Senate on May 6, 2015.

http://www.washingtonpost.com/opinions/the-fossil-fuel-industrys-campaign-to-mislead-the-american-people/2015/05/29/04a2c448-0574-11e5-8bda-c7b4e9a8f7ac_story.html

<http://www.whitehouse.senate.gov/news/speeches/time-to-wake-up-climate-denial-recalls-tobacco-racketeering->

According to Senator Whitehouse, the fossil-fuel industry has launched a massive and sophisticated campaign to mislead the American people about the science of global warming and its harmful effects on the people. He asserts that the fossil-fuel industry is doing what big tobacco did to deny the health dangers of smoking. Senator Whitehouse is proposing that the Department of Justice of the US government begin the inquiry to file a civil suit against the fossil-fuel industry, just like the Department of Justice did against the big tobacco companies more than 15 years ago.

I believe that human-induced climate change is already affecting our planet and our societies, and will do major harm to our future generations. Therefore, I wholeheartedly support Senator Whitehouse's proposal to begin such an investigation. I plan to write to Senator Whitehouse reiterating a strong agreement among the scientific community that climate change is real, it is happening now, it is human-induced, and that we support his proposal.

I am writing to you to ask you if you are able and willing to join me in sending a letter of support to Senator Whitehouse. Thank you for your consideration.

Regards,
Shukla

President, Institute of Global Environment & Society
University Professor, George Mason University

From: Edward W Maibach
To: J Shukla
Subject: Re: Letter to Senator Sheldon Whitehouse
Date: Wednesday, July 22, 2015 3:57:28 PM

Hi Shukla,

I had breakfast with David Michaels today. He is currently the Director of the Occupational Health and Safety Administration (in the US Department of Labor), and a former environmental health colleague of mine at George Washington University. He is an expert in the case against the tobacco industry.

His feels the odds of the DOJ pursuing this case against industry are slim to none, because there are no easily quantifiable (health care) costs that the government can seek reimbursement for.

That said, I have no objection to our sending a letter to the President, our Maryland Senators and members of Congress (mine is John Delaney), with a cc to Senator Whitehouse, asking them to support Senator Whitehouse's call for a RICO investigaton.

If we do this, we should choose our words carefully, because they could wind up on page 1 of the Washington Post. In fact, if we do this, I will want to run our draft past some very thoughtful advisers.

All the best,

Ed

Edward Maibach, MPH, PhD
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From: J Shukla <shukla@cola.iges.org>
Sent: Tuesday, July 21, 2015 6:44 AM
To: Edward W Maibach
Cc: J Shukla
Subject: Re: Letter to Senator Sheldon Whitehouse

Dear Ed,

As always, excellent suggestions. I live in Maryland.
Please let me know what Bill Novelli suggests.

I am a novice on such matters.

In the past I had taken the view that perhaps I can be more effective as an educator if I were not engaged in political debates/actions.

I have changed my mind (with regrets as to why I waited so long!), and I have decided to get fully engaged in this process, not just the climate change issues but even the larger issues of inequality and social justice.

I count on your advice.

Regards,
Shukla

----- Original Message -----

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

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

Sent: Tuesday, July 21, 2015 6:35:38 AM

Subject: Re: Letter to Senator Sheldon Whitehouse

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All the best,

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Regards,
Shukla

President, Institute of Global Environment & Society

University Professor, George Mason University

From: Edward W Maibach
To: J Shukla; Edward W Maibach
Subject: Re: Letter to Senator Sheldon Whitehouse
Date: Saturday, July 25, 2015 7:27:57 AM

Hi Shukla,

I will draft a letter this weekend.

My inclination is to write a group letter. We can encourage other climate scientists -- in as many states and Congressional districts as possible -- to co-sign the letter. This will make it very easy for other scientists to participate.

The letter would be addressed to the President and the Attorney General -- given that they are the "deciders" on this decision -- and we would cc the Senators and Representatives of every co-signer.

If we can find one co-signer in every one of the nation's 435 Congressional districts, we will end up sending the letter to every member of Congress -- which would be spectacular. The letter will get lots of media attention.

We might be wise to ask one of the large science-based environmental advocacy to help us with this project. Union of Concerned Scientists would be a natural. I have excellent connections there. Environmental Defense would be good too, given that Eric Pooley is their director of communication, and he wrote a book about the dirty tricks of the fossil fuel industry that we can cite in the letter. Would you object to my asking for their help?

Back to you soon with a draft letter.

All the best,

Ed

Sent from my iGlasses

> On Jul 24, 2015, at 3:04 PM, J Shukla <shukla@iges.org> wrote:

>

> Dear Ed,

>

> Thank you for your very helpful email. Your email has given me an idea; not only can we write letters to our leaders, I will contact about 100 climate scientists that I personally know, covering most of the states, and urge them to write to their own representatives.

>

> As I had mentioned to you before, this is all new stuff for me. I have never been formally engaged in any political debate, and therefore I completely agree with you that we have to choose our words carefully. One thing we don't have to hesitate in writing is that the evidence of human induced climate change is overwhelming. You are of course a great communicator, and it will be a big help to me if you gave me a draft of what you might write to your own Congressman/Senator on this matter. I will use your draft to prepare a more general letter, which I intend to send to at least 1 or 2 climate scientists in each of the 50 states of the US.

>

> Will appreciate any help you can provide.

>

> Regards,

> Shukla

>

>

>

>> On Jul 22, 2015, at 3:57 PM, Edward W Maibach <emaibach@gmu.edu> wrote:

From: Edward W Maibach
To: Shukla
Subject: Re: Letter to Senator Sheldon Whitehouse
Date: Saturday, July 25, 2015 10:12:44 AM
Attachments: Dear President Obama and Attorney General Lynch.docx

Here is my draft. I will await your reply before contacting UCS and EDF.

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

From: Shukla <shukla@iges.org>
Sent: Saturday, July 25, 2015 9:38 AM
To: Edward W Maibach
Subject: Re: Letter to Senator Sheldon Whitehouse

Fantastic Ed. Please ask whoever you consider appropriate. Just cc me.
I am also contacting some attorneys.

I am so excited to move forward.
BTW, my student assistant Colin Nackerman who has worked with your group is available to help us.
He is a dedicated activist.

Looking forward to receiving a draft of the group letter.

Regards,
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

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I have changed my mind (with regrets as to why I waited so long!),and I have decided to get fully engaged in this process, not just the climate change issues but even the larger

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Ed

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From: [Edward W Maibach](#)
To: [Nancy Cole](#)
Cc: [Aaron Huertas](#); [Alden Meyer](#)
Subject: Re: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry
Date: Monday, July 27, 2015 1:32:09 PM

Thanks Nancy!

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

From: Nancy Cole <NCole@ucsusa.org>
Sent: Monday, July 27, 2015 10:47 AM
To: Edward W Maibach
Cc: Aaron Huertas; Alden Meyer
Subject: RE: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry

Ed, great to hear from you, and thanks for sharing this intriguing idea.

As you may know, we have entered the "fossil energy company accountability" arena ourselves and recently released a compilation report detailing some of the most egregious examples of corporate deception on this issue. < www.ucsusa.org/stopdeception >

The sign-on letter is an interesting idea. Let me discuss with a couple of my colleagues here and get back to you shortly.

Hope you are well!

Nancy

Nancy S. Cole
Director of Campaigns
Climate and Energy Program
Union of Concerned Scientists
2 Brattle Square
Cambridge, MA 02138-3780
617.301.8034 (phone)
617.864.9405 (fax)
ncole@ucsusa.org

The Union of Concerned Scientists puts rigorous, independent science to work to solve our planet's

From: Edward W. Maibach
To: Alex Bozmoski
Subject: editorial assistance needed
Date: Wednesday, July 29, 2015 3:25:47 PM
Attachments: Letter to President & AG.docx

Hi Alex,

Please review the attached letter. I'm hoping you will highlight any language that screams "liberal drivell" and suggest ways of incorporating language that resonate with conservative values, such as accountability.

Thanks,

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

From: [Edward W Maibach](#)
To: [Alex Bozmoski](#)
Subject: Re: editorial assistance needed
Date: Wednesday, July 29, 2015 4:51:32 PM

LOL. Good points.

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

From: Alex Bozmoski <alex@republicen.org>
Sent: Wednesday, July 29, 2015 4:48 PM
To: Edward W Maibach
Subject: Re: editorial assistance needed

Ed, I'd delete the civilization claim...civilization didn't thrive "due to" stability. Maybe it wasn't prevented by instability. But that's different. Don't turn climate into God.

Other than that, it's just an impossible topic to not scream hard-core left. You're talking about prosecuting conservatives. At the AEI event, even R Street was making a big (and public) fuss about how ridiculous it is for Whitehouse to ask for cooperation while he's threatening RICO.

Sorry to not be sunnier :-)

alex

On Wed, Jul 29, 2015 at 2:25 PM, Edward W Maibach <emaibach@gmu.edu> wrote:

Hi Alex,

Please review the attached letter. I'm hoping you will highlight any language that screams "liberal drivell" and suggest ways of incorporating language that resonate with conservative values, such as accountability.

Thanks,

Ed

,

Edward Maibach, MPH, PhD

From: [Edward W Maibach](#)
To: [Jagadish Shukla](#)
Subject: Re: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry
Date: Friday, July 31, 2015 5:25:04 PM

Perhaps it would be best if we first found a lawyer with RICO experience to give us an independent opinion on the basis -- or lack thereof -- of a RICO investigation. If there really is no basis, then I feel we would be unwise to engage other scientists in recommending a baseless action.

Do you know anyone with RICO experience?

Sent from my iGlasses

On Jul 31, 2015, at 5:05 PM, Jagadish Shukla <jshukla@gmu.edu> wrote:

Thanks Ed for copying me on this email exchange. I will send our draft to about 100 climate scientists in academia whom I know reasonably well. Will contact you after I have received the first batch of responses.

Regards,
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
<http://www.iges.org/>

On Jul 31, 2015, at 3:00 PM, Edward W Maibach <emaibach@gmu.edu> wrote:

Hi Peter,

Thanks for closing the loop with me so quickly.

Shukla has been consulting with lawyers so it is possible that -- with their input -- we too may decide that Senator Whitehouse's proposal is not viable. We'll let you know what we decide to do.

Regardless, our real intent is to rally the climate science community around useful proposals -- focused on solutions, and on removal of barriers. Please keep us in the loop on your plans to promote accountability in the fossil fuel industry, as we would like to be of service. I would be delighted to get involved in

assessing (and helping to shape) public opinion on this issue. I am confident that a concerted "truth" campaign can generate public indignation over the deceptions sponsored by the fossil fuel industry.

BTW: My dear friend Rob Gould -- former GM of Porter Novelli's DC office, and one of the creators of the highly successful "truth" teen anti-tobacco campaign -- would surely enjoy brainstorming with us about how to mount a similar trust campaign aimed at fossil fuel companies.

All the best,

Ed

Edward Maibach, MPH, PhD
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Director, Center for Climate Change Communication
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Fairfax, VA 22030
www.climatechangecommunication.org

e o

From: Peter Frumhoff <PFrumhoff@ucsusa.org>
Sent: Friday, July 31, 2015 1:03 PM
To: Edward W Maibach

Cc: Nancy Cole; Alden Meyer; Aaron Huertas

Subject: FW: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry

Hi Ed,

I'm following up on the scientists letter proposal that you shared with Nancy and Alden earlier this week to let you know that (1) it prompted a lot of discussion among our staff, including with UCS president Ken Kimmell and (2) after taking a close look, we've decided to not pursue this opportunity with you.

Here's why: In reaching out to climate scientists to sign on, we feel that we'd need to give them some firmer grounding for believing that a federal investigation under the RICO statute is warranted - enough so that they'd be able to explain their rationale for signing on to reporters and others. As you know, deception/disinformation isn't itself a basis for criminal prosecution under RICO. We don't think that Sen Whitehouse's call gives enough of a basis for scientists to sign on to this as a solid approach at this point.

Just so you know, we're also in the process of exploring other state-based approaches to holding fossil fuel companies legally accountable - we think there'll likely be a strong basis for encouraging state (e.g. AG) action forward and, in that context, opportunities for climate scientists to weigh in. It would be interesting - and perhaps very useful - to consider how calls for legal accountability will play out in the court of public opinion in different states/with different subsets of the American public - something perhaps we could work with you all on as this unfolds.

So, I am sorry to decline this particular opportunity. Thanks for proposing this and please keep us in the loop on how this plays out.

Thanks, Ed.

All best,

Peter

Peter C. Frumhoff Ph.D.
Director of Science and Policy
Chief Scientist, Climate Campaign

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:

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> 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.

From: [Edward W. Maibach](#)
To: [Bob Inglis](#); [Alex Bozmoski](#)
Subject: op-ed + a needlessly self-inflicted headache
Date: Saturday, September 19, 2015 12:41:11 PM
Attachments: [Maibach Op-Ed Sept 2105_ewm.docx](#)
[Letter to Pres. AG, Holdren_Final.docx](#)

Greetings gentlemen,

I am drafting the attached op-ed and will attempt to get it placed shortly after the Pope's departure. Any suggested improvements will be much appreciated.

Also, I somewhat foolishly signed on to the attached letter that -- thanks to Marc Morano -- has caused quite a stir among some Americans who are unconvinced that climate change is a problem. I expect the kerfuffle (hostile emails and voice messages arriving for me at Mason) will die down soon, but I did want to you to know that I am currently more of a liability to you than usual. BTW: The accusations against me and the other signers bear little resemblance to the actions we proposed in the letter. Oddly, many of them allege that we are proposing to have dissenting scientists locked up in prison. What we actually proposed was financial penalties against corporations than fund climate denial.

Lastly, any thoughts about my (blindingly brilliant) idea for you to lead a field trip to Greenland this summer? I am fairly sure we can raise the necessary funds rather easily.

All the best,

Ed

Edward Maibach, MPH, PhD
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From: [Edward W Maibach](#)
To: [Alex Bozmoski](#)
Cc: [Bob Inglis](#)
Subject: Re: op-ed + a needlessly self-inflicted headache
Date: Monday, September 21, 2015 1:46:54 PM

Re the op-ed, thanks for the kind words.

Re the the RICO letter, the attack against the signatories is getting more intense, but it is good to know that it isn't going to be a problem for republicEN.

p.s. I thought Eli was ED of R Street.

Edward Maibach, MPH, PhD
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From: Alex Bozmoski <alex@republicen.org>
Sent: Monday, September 21, 2015 1:42 PM
To: Edward W Maibach
Cc: Bob Inglis
Subject: Re: op-ed + a needlessly self-inflicted headache

Ed,

Firstly, your op-ed is awesome! Can't wait to see that in print. Let us know please 5% of Americans of Hispanic decent are don't think we need climate action. Amazing!

Secondly, yea, the RICO stuff touches a sore spot with conservatives. Andrew Moylan the executive director of R Street stood-up at Whitehouse's AEI event and said something like 'how do you ever expect us to trust you when you're out there threatening RICO...' And he's for a carbon tax. But I doubt you'll cause us any trouble by being on that letter; our demographic isn't exactly the people who feel persecuted by hypothetical conspiracies.

Killer op-ed; and you're exactly the guy to write it too. Very cool

Alex

On Sat, Sep 19, 2015 at 12:41 PM, Edward W Maibach <emaibach@gmu.edu> wrote:

Bob

On Mon, Sep 21, 2015 at 1:53 PM, Alex Bozmoski <alex@republicen.org> wrote:
Eli is President of R Street. Eli will someday be shadow president of America and presumably when that happens Andrew will steer the ship without a president for a while.
On Sep 21, 2015 1:46 PM, "Edward W Maibach" <emaibach@gmu.edu> wrote:
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From: J Shukla <shukla@iges.org>
Sent: Tuesday, September 22, 2015 10:04 AM
To: Dr. Kevin Trenberth
Cc: Eugenia Kalnay; Edward Sarachik; Edward W Maibach; Paul A Dirmeyer; Professor Barry Klinger; Andrew Light; Paul S Schopf; David M. Straus; Mike Wallace; Alan Robock; Dr. Bill Lau; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; Dr. Alan Betts
Subject: Re: Letter to President and Attorney General

Dear Friends,

As Sheldon Whitehouse mentioned in his email to us, this comes with the territory. The response is far more vicious than I had ever thought, but blissfully I do not read web postings (in fact I normally do not click on web links unless a friend tells me to do so). I have received a number of awful voicemails and hate emails (but I have read only emails from Peter Webster). I plan to continue to pursue this matter to its logical end.

I would just like to follow Kevin's suggestion to simply ignore it. A more important question is how do we get far more scientists to support our letter, while at the same time making absolutely clear that we consider healthy skepticism an integral part of creative science, and our letter was directed towards the fossil fuel industry. Somehow, very cleverly, some people have changed the narrative away from the fossil fuel industry and to climate skeptics. Your suggestions are welcome.

Regards,
Shukla

On Sep 21, 2015, at 12:13 PM, Kevin Trenberth <trenbert@ucar.edu> wrote:

Dear all
FYI

Shukla and his wife are now under major attack, spearheaded by Roger Pielke Jr

From: Edward W Maibach
To: lowell@raisingkaine.com; Barry A Klinger; pdirmeye~gmu.edu@email.fatcow.com; Paul S Schopf; Jagadish Shukla
Subject: Re:
Date: Tuesday, September 22, 2015 1:16:28 PM

Hi Lowell,

Neither I nor my climate science colleagues at Mason are RICO experts, so we won't be of much use to you on this issue.

Michael Gerrard at Columbia Law School is, however, an expert on this issue:

http://www.law.columbia.edu/fac/Michael_Gerrard

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

From: lowell@raisingkaine.com <lowell@raisingkaine.com>
Sent: Tuesday, September 22, 2015 12:56 PM
To: Barry A Klinger; pdirmeye~gmu.edu@email.fatcow.com; Paul S Schopf; Jagadish Shukla; Edward W Maibach
Subject:

Professors Shukla, Maibach, Dirmeyer, Klinger, Schopf, Straus:

Hi, my name is Lowell Feld and I edit the progressive political blog, Blue Virginia (www.bluevirginia.us). I also have a long background in energy and energy-related environmental issues, from my 17 years at the US Energy Information Administration and my 5 years as a consultant to a Virginia-based clean energy public relations firm (Tigercomm).

I saw your signatures on the letter to President Obama and AG Lynch (<http://www.iges.org/letter/LetterPresidentAG.pdf>) regarding the idea of using RICO to go after "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." I find this to be a fascinating idea, but am not an attorney or an expert on RICO so don't feel confident judging it beyond that in terms of how effective it might be. All I can say is, as someone who cares deeply about stopping dangerous anthropogenic global warming/climate chaos, and who is very angry at Exxon and others who have worked to discredit climate science/scientists, I hope that RICO can be used against the "bad guys."

My question has to do with Virginia's own RICO law (<https://vcode.org/18.2/13/>) and whether that might be applied at the state level, by Attorney General Herring in this case, against coal

Ed,

Sorry for taking so long to reply. I'm with Alex: the op-ed is good when coming from you. We would have made it sound like we were coming alongside the Rs to help them out. You are on the scene schooling them about the cliff that they are about to go over. They won't like being schooled, but their financial backers and the smart money may take your words to heart and reflect the warning back to the candidates. I like the comments embedded in the draft you sent--especially expanding the Hispanic number to 22% as it seems more appropriate to add "do little" to "do nothing."

As to the letter, it's provocative for sure. RICO is a sore subject and in the conservative mind it may be cast in the milieu of enforcing politically correct discourse in the academy, a regulation of speech.

The Greenland idea is blindingly brilliant for sure. It's the kind of thing that I suggested to Prince Charles--the he invite folks like George Will to accompany him to Antarctica, hosting the group at the Kiwi station there. (The Prince said he'd consider it, minding that he not get too far into policy and politics.) The challenge--which perhaps can be overcome--with members of Congress is fitting such a trip into the gift rules.

Onward!

Bob

On Mon, Sep 21, 2015 at 1:53 PM, Alex Bozmoski <alex@republicen.org> wrote:

Eli is President of R Street. Eli will someday be shadow president of America and presumably when that happens Andrew will steer the ship without a president for a while.

On Sep 21, 2015 1:46 PM, "Edward W Maibach" <emaibach@gmu.edu> wrote:

Re the op-ed, thanks for the kind words.

Re the the RICO letter, the attack against the signatories is getting more intense, but it is good to know that it isn't going to be a problem for republicEN.

p.s. I thought Eli was ED of R Street.

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

From: [Edward W Maibach](#)
To: [James L. Kinter III](#); [Jagadish Shukla](#)
Subject: The real climate deniers
Date: Wednesday, September 23, 2015 3:40:24 PM

Hi Jim and Shukla,

The former chief of staff of Senator Russell Long (Louisiana - long since deceased) left me multiple voice mails about the RICO letter. Although he has all his facts wrong, because his VM's were polite, and because Senator Long was from my home state of Louisiana, I decided to call him back. We had a pleasant chat.

He wanted to bring his essay on the real climate deniers (us) to our attention:

<http://www.truespeak.org/contents/view/deniersofactualclimatescience>

I bring it to your attention for one reason only....perhaps you should have Clim 100 students read and debunk his points as a group exercise.

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

From: Edward W Maibach
To: shukla@iges.org
Subject: Fwd: respond?
Date: Thursday, September 24, 2015 8:18:19 AM

Jeff Nesbit advises against responding.

Sent from my shoe phone

Begin forwarded message:

From: Jeff Nesbit <jnesbit@climatenexus.org>
Date: September 24, 2015 at 7:30:56 AM EDT
To: Edward W Maibach <emaibach@gmu.edu>
Subject: Re: respond?

I wouldn't advise him to do so. Same problem.

Sent from my iPhone

On Sep 24, 2015, at 6:50 AM, Edward W Maibach <emaibach@gmu.edu> wrote:

Jeff,

Should Shukla respond to Fox News? There were no improprieties. Like many research institute employees, some (or at times most) of his salary is paid through government grants.

Ed

Hi Dr. Shukla,

I am writing an article for [FoxNews.com](http://www.FoxNews.com) regarding allegations that you funnelled government research grants to your own salary through a non-profit: <http://www.climatedepot.com/2015/09/20/update-leader-of-effort-to-prosecute-skeptics-under-rico-paid-himself-his-wife-1-5-million-from-govt-climate-grants-for-part-time-work/>

Would you like to address those claims? Critics say they are relevant especially in light of the call for RICO charges against climate "deniers" because, in their view, it shows that government research grants can also bias

From: Edward W Maibach
To: Shukla
Subject: Re: Media question on alleged funneling of climate funding Fox News
Date: Thursday, September 24, 2015 9:05:37 AM

I suggest giving an interview to Chris Mooney at Washington post. I can try to arrange it. Ok?

Sent from my shoe phone

On Sep 24, 2015, at 6:42 AM, Shukla <shukla@iges.org> wrote:

Dear Ed,
Any suggestions on how to respond?

Regards,
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
E-mail: shukla@iges.org
<http://www.iges.org/>

Begin forwarded message:

From: "Lott, Maxim" <Maxim.lott@FOXNEWS.COM>
Date: September 24, 2015 at 5:40:17 AM EDT
To: "shukla@cola.iges.org" <shukla@cola.iges.org>
Subject: Media question on alleged funneling of climate funding

Hi Dr. Shukla,

I am writing an article for [FoxNews.com](http://www.FoxNews.com) regarding allegations that you funnelled government research grants to your own salary through a non-profit: <http://www.climatedepot.com/2015/09/20/update-leader-of-effort-to-prosecute-skeptics-under-rico-paid-himself-his-wife-1-5-million-from-govt-climate-grants-for-part-time-work/>

Would you like to address those claims? Critics say they are relevant especially in light of the call for RICO charges against climate

From: Edward W Maibach
To: Chris Mooney
Subject: Re: Mason climate scientist Jagadish Shukla
Date: Thursday, September 24, 2015 4:24:09 PM

Chris,

Click on the Climate Depot link to see the "story" that Fox now wishes to report on. Shukla will not be speaking with Fox, but he would like to speak to a credible reporter to explain how professors get paid (by writing grant proposals that survive peer review, the funds of which are then used to pay our salaries). Shukla is honest and honorable, and a dedicated servant to humanity. It is an outrage that he is being smeared so as to divert attention from the truth of the matter, i.e., the climate deceptions of fossil fuel companies.

Ed

p.s. To see our RICO letter, just google Shukla RICO IGES (IGES was the non-profit that Shukla founded and is now being folded into Mason) and it will pop up.

Subject: Media question on alleged funneling of climate funding

Hi Dr. Shukla,

I am writing an article for FoxNews.com regarding allegations that you funnelled government research grants to your own salary through a non-profit: <http://www.climatedepot.com/2015/09/20/update-leader-of-effort-to-prosecute-skeptics-under-rico-paid-himself-his-wife-1.5-million-from-govt-climate-grants-for-part-time-work/>

Would you like to address those claims? Critics say they are relevant especially in light of the call for RICO charges against climate "deniers" because, in their view, it shows that government research grants can also bias scientists.

Please let me know today if you would like to respond.
Thank you,

Maxim Lott
Producer
Fox News and Fox Business

Sent from my iGlasses

On Sep 24, 2015, at 12:48 PM, Chris Mooney <moonecc@gmail.com> wrote:

From: Edward W Maibach
To: James L. Kinter III
Subject: Re: The real climate deniers
Date: Friday, September 25, 2015 4:39:30 PM

#27 is on of my favorite jokes too, and you told it so well. ROFL

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

From: James L. Kinter III
Sent: Friday, September 25, 2015 4:31 PM
To: Edward W Maibach
Cc: Jagadish Shukla
Subject: Re: The real climate deniers

Dear Ed - Thanks for letting me know about the essay. I like your suggestion for CLIM 101 homework, but I have to say I didn't see any "facts" or "points" to refute. There was a lot of diatribe and some screed, but no actual points. He refers to many common global warming myths in shorthand form (sort of like the way they tell jokes in prison ... "#27 - ha ha ha"), but these have all been heard and debunked before (e.g. <https://www.skepticalscience.com/argument.php>).

Maybe Shukla has an idea for how to use this as a class exercise. Best regards. — Jim

Jim Kinter, Director
Center for Ocean-Land-Atmosphere Studies
Professor, Climate Dynamics
Dept. of Atmospheric, Oceanic & Earth Sciences
284 Research Hall, Mail Stop 6C5
George Mason University
4400 University Drive
Fairfax, VA 22030 USA

tel: (703) 993-5700 ***** fax: (703) 993-5770
email: jkinter@gmu.edu *** <http://www.iges.org>

On 23Sep2015, at 3:40 PM, Edward W Maibach <emaibach@gmu.edu> wrote:

From: [Edward W. Maibach](#)
To: [Jeff Nesbit](#)
Subject: your counsel is needed
Date: Saturday, September 26, 2015 11:34:55 AM

The situation with the RICO letter continues to escalate rapidly.

GA Tech climatologist Peter Webster (husband of Judy Curry) is a long-time friend of Shukla. He sent Shukla several emails asking Shukla to retract the letter. In those emails he states that Curry, Pat Michaels and Roger Pielke are actively collaborating with Marc Morano and well-funded groups to come after us. Curry, Michaels and Pielke apparently feel that our letter made them targets - so they are fighting back.

Univ. of Washington has already received a demand for release of all emails from the accounts of letter signers.

Shukla wants to retract the letter, or at least to propose the possibility in an email to the signatories. I advised him that retraction is unlikely to make the pain go away for the signers, and it is likely to help (and embolden) climate denial organizations at precisely the moment when they are against the ropes.

Are you willing to offer this group your counsel? If so, are you willing to have me insert you into the ongoing email steam among the signatories?

Or, if not you, who? We clearly need the best possible communication and legal counsel.

Shukla has spoke with Lauren from the Climate Science Legal Defense Fund, and he is now asking her if she is willing to be inserted into the email stream to offer her legal counsel.

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

From: [Edward W Maibach](#)
To: [Elizabeth I Woodley](#); [Jagadish Shukla](#); [Paul A Dirmeyer](#); [Barry A Klinger](#); [Paul S Schopf](#); [David M. Straus](#)
Cc: [Edwin K Schneider](#)
Subject: Re: FOIA Request for E-mails
Date: Tuesday, September 29, 2015 4:00:34 PM

Hi Elizabeth,

Two questions of clarification, the easy one first:

- 1) How would you like us to share these emails with you? Printed documents?
- 2) The exemptions criteria seems quite narrow (private information, personnel records, student information, and proprietary information) but the "in the course of public business" criteria seems quite broad. How should we reconcile the difference?

In my view, I was not paid by Mason to create the document (a letter) that is of interest to the requester, nor does the document directly relate to my job description in that it is neither teaching, research nor service -- activities which consume far more than 40 hours of my time each week during the school year. Rather, it was written in my capacity as a concerned citizen, in my spare time. Moreover, it was written almost entirely (if not entirely) during summer term, a period when I am employed by Mason only a part-time.

Thanks for any additional guidance that you can provide.

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

From: Elizabeth I Woodley
Sent: Tuesday, September 29, 2015 2:27 PM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: FOIA Request for E-mails

From: [Edward W Maibach](#)
To: [Elizabeth I Woodley](#)
Subject: Re: FOIA Request for E-mails
Date: Wednesday, September 30, 2015 3:02:28 PM

I estimate that it will take me 4 hours to comply, at a rate of \$86.50 per hour.

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

From: Elizabeth I Woodley
Sent: Tuesday, September 29, 2015 2:27 PM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: FOIA Request for E-mails

Good afternoon Professors Shukla, Dirmeyer, Maibach, Klinger, Schopf, and Straus,

My name is Elizabeth Woodley. I am George Mason University's Freedom of Information Act Compliance Officer. I wanted to let you know that I have received a FOIA request for e-mail communications which you may have sent or received from your Mason e-mail address in your capacity as Mason employees from June 1, 2015 to the present which include the keywords "RICO, racketeer, racketeering, DoJ, prosecute, or prosecution".

The FOIA statute covers records which were created "in the course of public business", in your capacity as Mason employees. Good questions to ask yourself to help determine whether a record was created in the transaction of public business are: "Was I paid by George Mason to create this document?" and "Does the document relate to the duties listed in my job description?"

Outside of some narrowly-defined exemptions, all public records are subject to FOIA. Exemptions include: private information, personnel records, student information, and proprietary information.

If you believe you may possess responsive documents, please let me know and send me an estimate of the cost to produce the documents. Please estimate the amount of time you (or another Mason employee as your designee) would spend responding to this request (searching for documents and reviewing them for possible exemptions). Please also tell me your (or your designee's) hourly rate, so that I may charge the requester for your time. Hourly rate is calculated by dividing base salary (without benefits) by 2080 for 12-month employees or 1560 for 9-month employees.

From: Edward W. Maibach
To: J Shukla
Cc: Professor Barry Klinger; Mike Wallace; Dr. Ben Kirtman; Dr. Kevin Trenberth; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; vmisra@fsu.edu
Subject: An important request
Date: Friday, October 02, 2015 7:15:06 PM

Dear fellow letter signers.

Shukla and I respectfully request that you send us your private email address.

If you prefer to leave it in a voice message, call me at 703-993-1587.

Thank you,

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

From: Holdren, John P. <John_P._Holdren@ostp.eop.gov>
Sent: Wednesday, September 30, 2015 8:01 PM
To: J Shukla
Cc: Edward W Maibach; Paul A Dirmeyer; Professor Barry Klinger; Paul S Schopf; David M. Straus; Edward Sarachik; Mike Wallace; Alan Robock; Professor Eugenia Kalnay; Dr. Ben Kirtman; Dr. Bill Lau; Dr. Kevin Trenberth; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; Dr. Alan Betts; Sheldon Whitehouse; Joseph Majkut; Lara Quint
Subject: RE: Letter to President, AG, and OSTP Director

Dear Professor Shukla,

Thank you for your email and letter of a couple of weeks ago. I apologize for my delay in responding. These two weeks have been even more demanding than usual here.

As you know, the Administration shares the concern expressed in the letter about the seriousness of the threat posed by climate change. The President has made addressing that threat a top priority, and, as you also know, it has long been a top priority of mine.

Regarding the letter's proposal of a RICO investigation, though, neither the White House Office nor the Office of Science and Technology Policy determines or directs the Department of Justice's prosecutorial or investigative decisions.

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

From: Holdren, John P. <John_P._Holdren@ostp.eop.gov>

Sent: Wednesday, September 30, 2015 8:01 PM

To: J Shukla

Cc: Edward W Maibach; Paul A Dirmeyer; Professor Barry Klinger; Paul S Schopf; David M. Straus; Edward Sarachik; Mike Wallace; Alan Robock; Professor Eugenia Kalnay; Dr. Ben Kirtman; Dr. Bill Lau; Dr. Kevin Trenberth; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; Dr. Alan Betts; Sheldon Whitehouse; Joseph Majkut; Lara Quint

Subject: RE: Letter to President, AG, and OSTP Director

Dear Professor Shukla,

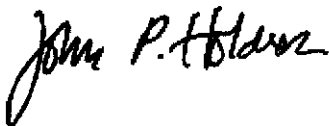
Thank you for your email and letter of a couple of weeks ago. I apologize for my delay in responding. These two weeks have been even more demanding than usual here.

As you know, the Administration shares the concern expressed in the letter about the seriousness of the threat posed by climate change. The President has made addressing that threat a top priority, and, as you also know, it has long been a top priority of mine.

Regarding the letter's proposal of a RICO investigation, though, neither the White House Office nor the Office of Science and Technology Policy determines or directs the Department of Justice's prosecutorial or investigative decisions.

I and my colleagues here do very much value views from the wider scientific community on reducing the risk of climate change, and we look forward to continuing to find ways to work together to address this critical issue.

Sincerely,



JOHN P. HOLDREN, PhD
Assistant to the President for Science and Technology
Director, Office of Science and Technology Policy

October 2, 2015

On September 1st, 2015, we sent a letter to the President and the Attorney General endorsing Senator Sheldon Whitehouse's call for a RICO investigation "of corporations and other organizations that have knowingly deceived the American people about the risk of climate change, as a means to forestall America's response to climate change." In this letter, we cited six credible source documents – books, an academic journal articles and a report from Union of Concerned Scientists – that carefully document the sustained, strategic and intentional deceptions of many organizations about climate science and climate change.

Shortly thereafter, one of us posted the letter to the website of the Institute for Global Environment and Society (IGES), a non-profit organization started in 1993 to conduct research with the aim of improving scientific understanding and prediction of the variations in the earth's climate. Posting the letter on the IGES website was regrettable, as it needlessly complicated the dissolution of IGES that is scheduled for December 31st, 2015. The plan to dissolve IGES was made more than three years ago. Posting our letter to the President on the IGES website was an error in judgment, as it needlessly embroiled IGES in an action that we undertook as concerned citizens. The letter has been removed from the IGES website, and we are working to identify another website where it can be re-posted.

This letter has caused concern among some scientists who do not agree with the scientific consensus on human-caused climate change, including some who we consider to be friends, because they misinterpreted our letter. Somehow – perhaps as a result of gross mischaracterizations of our letter by climate denial bloggers – these scientists came to see our letter as calling for criminal investigation of scientists who reject the scientific consensus on climate change. This is not at all the case. Our letter never once makes reference to individuals, be they scientists or bloggers, instead suggested an "investigation of corporations and other organizations" such as oil and coal lobby groups. We are not calling for contrarian scientists or bloggers to be investigated for expressing their beliefs about climate change. Freedom of speech and freedom of scientific exploration are critical rights that should always be respected. We wish to apologize to any scientist or blogger who mistakenly concluded that we were calling for an investigation into their activities.

There is much published credible evidence suggesting that some fossil fuel companies and other organizations broke the law by lying to the public about climate risk. We ask our government to investigate this evidence. Organizations that knowingly mislead the public about a clear and present danger – thereby robbing many innocent people of their lives and livelihoods – should be held accountable for their actions. Our government's investigation into the deadly lies of the tobacco industry provides a clear precedent for this sort of investigation.

In conclusion, we stand by our request that corporations and other organizations that have knowingly deceived the American people about the risk of climate change be investigated to determine if they knowingly deceived the public about climate science. And we wish to be clear that we are not suggesting that scientists or bloggers should be investigated for expressing their beliefs.

Jagadish Shukla, George Mason University, Fairfax, VA

From: Edward W Maibach
To: Elizabeth I Woodley; Jagadish Shukla
Subject: Re: FOIA Request for E-mails
Date: Thursday, October 08, 2015 11:02:21 AM

Hi Elizabeth,

It is my position that the time I spent preparing our letter was not conducted in the course of public business. Rather, it was conducted in my capacity as a private citizen, on my own time. I was not paid by George Mason to create this document, nor does the document relate to the duties listed in my job description. Therefore, I do not believe we have an obligation to disclose my emails related to the RICO letter.

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

From: Elizabeth I Woodley
Sent: Wednesday, October 7, 2015 9:57 AM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: RE: FOIA Request for E-mails

Good morning all,

I have just heard back from the requester and he has limited his request to only Professor Shukla's and Professor Maibach's records.

Professors Dirmeyer, Klinger, Schopf, and Straus, thank you for your estimates. You do not need to take any further action on this FOIA request. (However, I want to let you know that University Counsel thinks we may receive additional FOIA requests for similar information.)

Professor Shukla and Professor Maibach, please begin your FOIA response, and as you go through the emails, flag any information you believe to be private information, personnel information, student information, proprietary research information, or confidential donor information. I will review the flagged information and decide whether it qualifies for an exemption. Again, the

request was for e-mail communications which you may have sent or received from your Mason e-mail address in your capacity as Mason employees from June 1, 2015 to the present which include the keywords "RICO, racketeer, racketeering, DoJ, prosecute, or prosecution". Remember that our response may be challenged in court, that we will have to explain any exemptions we asserted, and that state employees face personal civil liability for willful violations of the FOIA statute. I would like to receive your responses before Wednesday, October 21.

Again, please let me know if you have any questions!

Thank you all,

Elizabeth

From: Elizabeth I Woodley
Sent: Monday, October 05, 2015 10:42 AM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: RE: FOIA Request for E-mails

Good morning all,

I have received estimates from Professors Schopf, Maibach, and Dirmeyer, but not yet from Professors Shukla, Straus, or Klinger. Please send them to me as soon as possible.

I have also consulted with Tom Moncure, the University Counsel, and he advises that when you estimate, you should make a reasonable estimate, as if you are in court, under oath. State employees can be held individually civilly liable for knowing violations of the Virginia FOIA statute. He also advises that outside recipients of emails may disclose emails as well, and if they disclose something that we did not, but should have, that could be used as evidence that we did not fully respond to the request.

Tom also believes that we may receive more FOIA requests for this same information, so he advises that you search for and produce the emails right away and do not wait for me to receive the deposit. That way you can gather them at once and be done.

If you have any questions, please contact me.

Thank you,

Elizabeth

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

Phone: (703) 993-5115

From: Elizabeth I Woodley
Sent: Tuesday, September 29, 2015 2:28 PM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: FOIA Request for E-mails

Good afternoon Professors Shukla, Dirmeyer, Maibach, Klinger, Schopf, and Straus,

My name is Elizabeth Woodley. I am George Mason University's Freedom of Information Act Compliance Officer. I wanted to let you know that I have received a FOIA request for e-mail communications which you may have sent or received from your Mason e-mail address in your capacity as Mason employees from June 1, 2015 to the present which include the keywords "RICO, racketeer, racketeering, DoJ, prosecute, or prosecution".

The FOIA statute covers records which were created "in the course of public business", in your capacity as Mason employees. Good questions to ask yourself to help determine whether a record was created in the transaction of public business are: "Was I paid by George Mason to create this document?" and "Does the document relate to the duties listed in my job description?"

Outside of some narrowly-defined exemptions, all public records are subject to FOIA. Exemptions include: private information, personnel records, student information, and proprietary information.

If you believe you may possess responsive documents, please let me know and send me an estimate of the cost to produce the documents. Please estimate the amount of time you (or another Mason employee as your designee) would spend responding to this request (searching for documents and reviewing them for possible exemptions). Please also tell me your (or your designee's) hourly rate, so that I may charge the requester for your time. Hourly rate is calculated by dividing base salary (without benefits) by 2080 for 12-month employees or 1560 for 9-month employees.

Please do not begin responding to the request until you hear from me. If the cost estimate is high enough I will require the requester to pay a deposit before we begin the response.

Please let me know if you have any questions about this request. I am available by e-mail or phone- my direct line is 703-993-5115. For more information, Mason's FOIA Policy is available here: http://universitypolicy.gmu.edu/policies/responding-to-virginia-freedom-of-information-act-foia-requests-for-records/?_ga=1.13439028.201496376.1363277436

Thank you,

Elizabeth

From: Peter Frumhoff <PFrumhoff@ucsusa.org>
Sent: Friday, July 31, 2015 1:03 PM
To: Edward W Maibach
Cc: Nancy Cole; Alden Meyer; Aaron Huertas
Subject: FW: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry

Hi Ed,

I'm following up on the scientists letter proposal that you shared with Nancy and Alden earlier this week to let you know that (1) it prompted a lot of discussion among our staff, including with UCS president Ken Kimmell and (2) after taking a close look, we've decided to not pursue this opportunity with you.

Here's why: In reaching out to climate scientists to sign on, we feel that we'd need to give them some firmer grounding for believing that a federal investigation under the RICO statute is warranted - enough so that they'd be able to explain their rationale for signing on to reporters and others. As you know, deception/disinformation isn't itself a basis for criminal prosecution under RICO. We don't think that Sen Whitehouse's call gives enough of a basis for scientists to sign on to this as a solid approach at this point.

Just so you know, we're also in the process of exploring other state-based approaches to holding fossil fuel companies legally accountable - we think there'll likely be a strong basis for encouraging state (e.g. AG) action forward and, in that context, opportunities for climate scientists to weigh in. It would be interesting - and perhaps very useful - to consider how calls for legal accountability will play out in the court of public opinion in different states/with different subsets of the American public - something perhaps we could work with you all on as this unfolds.

So, I am sorry to decline this particular opportunity. Thanks for proposing this and please keep us in the loop on how this plays out.

Thanks, Ed.

All best,

Peter

Peter C. Frumhoff Ph.D.
Director of Science and Policy
Chief Scientist, Climate Campaign
Union of Concerned Scientists
Cambridge MA

From: lowell@raisingkaine.com
To: [Bary A Klinger; pdirmeyer@qmu.edu@email.fatcow.com](mailto:Bary_A_Klinger; pdirmeyer@qmu.edu@email.fatcow.com); [Paul S Schopf](mailto:Paul_S_Schopf); [Jagadish Shukla](mailto:Jagadish_Shukla); [Edward W Maibach](mailto:Edward_W_Maibach)
Date: Tuesday, September 22, 2015 1:00:18 PM

Professors Shukla, Maibach, Dirmeyer, Klinger, Schopf, Straus:

Hi, my name is Lowell Feld and I edit the progressive political blog, Blue Virginia (www.bluevirginia.us). I also have a long background in energy and energy-related environmental issues, from my 17 years at the US Energy Information Administration and my 5 years as a consultant to a Virginia-based clean energy public relations firm (Tigercomm).

I saw your signatures on the letter to President Obama and AG Lynch (<http://www.iges.org/letter/LetterPresidentAG.pdf>) regarding the idea of using RICO to go after "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." I find this to be a fascinating idea, but am not an attorney or an expert on RICO so don't feel confident judging it beyond that in terms of how effective it might be. All I can say is, as someone who cares deeply about stopping dangerous anthropogenic global warming/climate chaos, and who is very angry at Exxon and others who have worked to discredit climate science/scientists, I hope that RICO can be used against the "bad guys."

My question has to do with Virginia's own RICO law (<https://vacode.org/18.2/13/>) and whether that might be applied at the state level, by Attorney General Herring in this case, against coal companies, Dominion Power, or others in Virginia who might have engaged in an organized, coordinated, well-funded effort to discredit climate science. I was considering writing about this, but first wanted to check with people who almost certainly know a lot more than I do about RICO laws.

Thanks, and feel free to call me if you'd prefer chatting (off the record/on background or however you prefer).

Best,

Lowell Feld
Blue Virginia
Arlington, VA
703-465-0075

From: Jeff Nesbit
To: Edward W Maibach
Subject: Re: respond?
Date: Thursday, September 24, 2015 8:52:21 AM

Ah, I like that. Get one grounded piece out there that isn't defensive. Drop Chris a note. Let me know if I can help – I can circle back with him.

From: "emaibach@gmu.edu" <emaibach@gmu.edu>
Date: Thursday, September 24, 2015 5:40 AM
To: Jeff Nesbit <jnesbit@climatenexus.org>
Subject: Re: respond?

How about an interview with Chris Mooney?

Sent from my shoe phone

On Sep 24, 2015, at 7:31 AM, Jeff Nesbit <jnesbit@climatenexus.org> wrote:

I wouldn't advise him to do so. Same problem.

Sent from my iPhone

On Sep 24, 2015, at 6:50 AM, Edward W Maibach <emaibach@gmu.edu> wrote:

Jeff,

Should Shukla respond to Fox News? There were no improprieties. Like many research institute employees, some (or at times most) of his salary is paid through government grants.

Ed

Hi Dr. Shukla,

I am writing an article for [FoxNews.com](http://www.foxnews.com) regarding allegations that you funnelled government research grants to your own salary through a non-profit:
<http://www.climatedepot.com/2015/09/20/update-leader-of-effort-to-prosecute-skeptics-under-rico-paid-himself-his-wife-1-5-million-from-govt-climate-grants-for-part-time-work/>

From: James L. Kinter III
To: Edward W Maibach
Cc: Jagadish Shukla
Subject: Re: The real climate deniers
Date: Friday, September 25, 2015 4:31:04 PM

Dear Ed - Thanks for letting me know about the essay. I like your suggestion for CLIM 101 homework, but I have to say I didn't see any "facts" or "points" to refute. There was a lot of diatribe and some screed, but no actual points. He refers to many common global warming myths in shorthand form (sort of like the way they tell jokes in prison ... "#27 - ha ha ha"), but these have all been heard and debunked before (e.g. <https://www.skepticalscience.com/argument.php>).

Maybe Shukla has an idea for how to use this as a class exercise. Best regards. — Jim

Jim Kinter, Director
Center for Ocean-Land-Atmosphere Studies
Professor, Climate Dynamics
Dept. of Atmospheric, Oceanic & Earth Sciences
284 Research Hall, Mail Stop 6C5
George Mason University
4400 University Drive
Fairfax, VA 22030 USA

tel: (703) 993-5700 ***** fax: (703) 993-5770
email: jkinter@gmu.edu *** <http://www.iges.org>

On 23Sep2015, at 3:40 PM, Edward W Maibach <emaibach@gmu.edu> wrote:

Hi Jim and Shukla,

The former chief of staff of Senator Russell Long (Louisiana - long since deceased) left me multiple voice mails about the RICO letter. Although he has all his facts wrong, because his VM's were polite, and because Senator Long was from my home state of Louisiana, I decided to call him back. We had a pleasant chat.

He wanted to bring his essay on the real climate deniers (us) to our attention:

<http://www.truespeak.org/contents/view/deniersofactualclimatescience>

I bring it to your attention for one reason only....perhaps you should have Clim 100 students read and debunk his points as a group exercise.

All the best,

From: [Jeff Nesbit](mailto:Jeff.Nesbit)
To: [Edward W Maibach](mailto:Edward.W.Maibach)
Subject: Re: your counsel is needed
Date: Saturday, September 26, 2015 11:51:01 AM

Yes, introduce me to the group. I will help. If need be, I'll organize an op ed or foundational media piece that draws the direct connection to the success of the RICO efforts against the tobacco industry to efforts to expose corporate and organizational collusion to deceive the public on climate science. This isn't about Mickey Mouse tattletale deniers who write conspiracy blog posts. This has nothing to do with Curry, Michaels and Pielke. They're just diverting it in that direction because they like the public attention.

From: "emaibach@gmu.edu" <emaibach@gmu.edu>
Date: Saturday, September 26, 2015 8:34 AM
To: Jeff Nesbit <jnesbit@climatenexus.org>
Subject: your counsel is needed

The situation with the RICO letter continues to escalate rapidly.

GA Tech climatologist Peter Webster (husband of Judy Curry) is a long-time friend of Shukla. He sent Shukla several emails asking Shukla to retract the letter. In those emails he states that Curry, Pat Michaels and Roger Pielke are actively collaborating with Marc Morano and well-funded groups to come after us. Curry, Michaels and Pielke apparently feel that our letter made them targets - so they are fighting back.

Univ. of Washington has already received a demand for release of all emails from the accounts of letter signers.

Shukla wants to retract the letter, or at least to propose the possibility in an email to the signatories. I advised him that retraction is unlikely to make the pain go away for the signers, and it is likely to help (and embolden) climate denial organizations at precisely the moment when they are against the ropes.

Are you willing to offer this group your counsel? If so, are you willing to have me insert you into the ongoing email steam among the signatories?

Or, if not you, who? We clearly need the best possible communication and legal counsel.

Shukla has spoke with Lauren from the Climate Science Legal Defense Fund, and he is now asking her if she is willing to be inserted into the email stream to offer her legal counsel.

Edward Maibach, MPH, PhD
University Professor, Department of Communication

000042

Director, Center for Climate Change Communication
George Mason University, MS 6A8
Fairfax, VA 22030
www.climatechangecommunication.org

From: Barry Klinger
To: Shukla
Cc: Paul A Dirmeyer; Edward W Maibach; Paul S Schoof; Barry Klinger
Subject: Re: Public Records Request: PR-2015-00584 (Horner) (fwd)
Date: Saturday, September 26, 2015 3:00:06 AM

In a sadly amusing coincidence, the [climatesciencedefensefund](http://climatesciencedefensefund.org) link also contained a story about our own GMU colleague Ed Wegman suing a computer scientist named John Mashey because Mashey wrote nasty things about Wegman. Thus, in the unhappy event that someone goes after the RICO signers from GMU, we could have the same year seeing harassment BY a GMU professor (Wegman) and TO a GMU professor (any of us).

According to Mashey, the Wegman suit, which was withdrawn < month after it was filed, without explanation, was for something I had never heard of before: "tortious interference". This kind of civil case involves a 3rd party coming between two parties to a contract, and examples include making false claims to drive customers away from someone's business (all this from Wikipedia). Mashey had been documenting claims that Wegman's plagiarism was even more widespread than the instances investigated by a GMU committee a few years ago (which resulted in Wegman being reprimanded by GMU)

-B A K

On 9/25/2015 9:46 PM, Shukla wrote:

Dear Ed,
Lauren Kurtz of Climate Science Defense Fund Kurtz at climatesciencedefensefund.org Told me that this is the standard practice for this group to harass people. Pl make sure that your department consults the Univ consul before doing anything. Univ of Va refused these requests when they asked for this about Mann. You should also contact Lauren at the above email. Her # is 646-801-0853.

I am really sorry I had no idea where will it go.

Regards,
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
E-mail: shukla@iges.org
http://www.iges.org/

On Sep 25, 2015, at 5:44 PM, Edward Sarachik <sarachik@u.washington.edu> wrote:

FYI

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

----- Forwarded message -----

Date: Fri, 25 Sep 2015 10:04:03 -0700
From: Scott Sipes <dssipes@uw.edu>
To: John M Wallace <wallace@atmos.washington.edu>, Edward S Sarachik <sarachik@atmos.washington.edu>
Cc: harry@uw.edu, Scott Sipes - ATMS <dssipes@uw.edu>
Subject: Public Records Request: PR-2015-00584 (Horner)

Greetings.

We have received the attached public records request which involves your email accounts. Please respond as soon as possible to this email providing authorization for UWIT to take snapshots of your email accounts for the purpose of the request.

This will allow the Office of Public Records and Open Public Meetings to collect the responsive records.

If you have questions, they should be directed to Meg McGough at pubrec@uw.edu.

Thanks.
Scott

Scott Sipes, Administrator
Department of Atmospheric Sciences
Box 351640, 408B ATG Building

University of Washington
Seattle, WA 98195-1640
206.543.6471

From: Public Records [<mailto:pubrec@uw.edu>]
Sent: Thursday, September 24, 2015 4:31 PM
To: Lisa J. Graumlich
Cc: Stephanie A. Harrington; Darlene Feikema
Subject: New Public Records Request: PR-2015-00584 (Horner)

*****Immediate attention required: This is a time-sensitive request for assistance from the Office of Public Records and Open Public Meetings. Please respond by October 8, 2015.*****
Lisa Graumlich
College of the Environment
Box 355679

Dear Lisa:

Attached to this email is a new Public Records request. You are being asked to help the University respond promptly to this request by taking the following steps:

1. Immediately identify all locations, within your area of responsibility, for any record that may be responsive to this request, including any records held by others within your school, college, unit, division or department.

Attached is a list of factors that must be considered when identifying records responsive to this request.

2. Immediately preserve potentially responsive records from destruction or alteration.

3. After you collect the responsive records, send electronic or hard copies of them to the Office of Public Records and Open Public Meetings, University of Washington, Box 354997. It is critical that the copies you send are single-sided and unstapled and that you include a copy of this letter with your submission.

4. Please call the staff at the Office of Public Records and Open Public Meetings at 543-9180 with any questions or concerns you may have about this request.

If you are aware of additional faculty, staff, departments, or entities which may have records related to this request, please notify this office as soon

as possible.

Thank you for your assistance in helping the University respond to the attached

public records request in a timely and efficient manner.

Sincerely,

Meg McGough

Compliance Officer

UNIVERSITY OF WASHINGTON

Office of Public Records and Open Public Meetings

Mail: Roosevelt Commons-Box 354997, Seattle, WA 98195

Street: 4311 11th Ave NE, #360

206.543.9180 fax 206.616.6294

pubrec@uw.edu <http://depts.washington.edu/pubrec/>

Responding to Requests for Public Records

- Any record prepared, owned, used or retained by the University, and that concerns University business, is considered a public record and must be provided to the Office of Public Records and Open Public Meetings.
- The definition of a "record" is very broad and includes correspondence, hand-written notes, forms, electronic records (such as email and databases), research records, visual records such as pictures, cd(s) or videos, audio records etc.
- You may not destroy or alter a requested record. This includes records that exist at the time a public records request is received by the University even though it may have passed its legal records retention period or is required to be destroyed by a contract.
- The University is legally required to identify all responsive records, even those it might choose to withhold from disclosure under one of the Public Records Act permissible exemptions. Thus, you must collect and send all records to the Office of Public Records and Open Public Meetings, even those you consider confidential or personal, those an outside party considers confidential (such as a vendor or licensee) or personal, or those you consider covered by the attorney-client privilege. The University might not release such records if they fall within one of the exemptions to the Public Records Act, but it must provide the

- requestor an inventory that identifies all records it chooses to exempt.
- If the request seeks a potentially large volume of records, you should work closely with the Office of Public Records and Open Public Meetings to determine a prompt timeframe for collection of records. The Office of Public Records and Open Public Meetings may explore with the requestor clarifying, narrowing, or prioritizing the request. You should not contact the requestor directly.
 - Certain records may be found in more than one UW location. You should not assume that someone else is going to provide records that you also have in your control.
 - The consequences of not responding promptly or completely to a request are very serious. The University could be sued and could face costly fines and legal costs for not complying fully with the requirements of the public records law.

<Horner_9.24.2015.pdf>

--

Barry Klinger, Associate Professor and Graduate Coordinator

Department of Atmospheric, Oceanic, and Earth Sciences, and
Center for Ocean-Land-Atmosphere Studies (COLA),
George Mason University

4400 University Drive, MS 2B3, Fairfax, VA 22030
116 Research Hall, 703-993-9227, bklinger@gmu.edu
<http://mason.gmu.edu/~bklinger>, <http://cos.gmu.edu/aoes>

From: Elizabeth J Woodley
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: FOIA Request for E-mails
Date: Tuesday, September 29, 2015 2:27:44 PM

Good afternoon Professors Shukla, Dirmeyer, Maibach, Klinger, Schopf, and Straus,

My name is Elizabeth Woodley. I am George Mason University's Freedom of Information Act Compliance Officer. I wanted to let you know that I have received a FOIA request for e-mail communications which you may have sent or received from your Mason e-mail address in your capacity as Mason employees from June 1, 2015 to the present which include the keywords "RICO, racketeer, racketeering, DoJ, prosecute, or prosecution".

The FOIA statute covers records which were created "in the course of public business", in your capacity as Mason employees. Good questions to ask yourself to help determine whether a record was created in the transaction of public business are: "Was I paid by George Mason to create this document?" and "Does the document relate to the duties listed in my job description?"

Outside of some narrowly-defined exemptions, all public records are subject to FOIA. Exemptions include: private information, personnel records, student information, and proprietary information.

If you believe you may possess responsive documents, please let me know and send me an estimate of the cost to produce the documents. Please estimate the amount of time you (or another Mason employee as your designee) would spend responding to this request (searching for documents and reviewing them for possible exemptions). Please also tell me your (or your designee's) hourly rate, so that I may charge the requester for your time. Hourly rate is calculated by dividing base salary (without benefits) by 2080 for 12-month employees or 1560 for 9-month employees.

Please do not begin responding to the request until you hear from me. If the cost estimate is high enough I will require the requester to pay a deposit before we begin the response.

Please let me know if you have any questions about this request. I am available by e-mail or phone-my direct line is 703-993-5115. For more information, Mason's FOIA Policy is available here: http://universitypolicy.gmu.edu/policies/responding-to-virginia-freedom-of-information-act-foia-requests-for-records/?_ga=1.13439028.201496376.1363277436

Thank you,

Elizabeth

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

From: [Elizabeth I Woodley](#)
To: [Edward W Maibach](#); [Jagadish Shukla](#); [Paul A Dirmeyer](#); [Barry A Klinger](#); [Paul S Schopf](#); [David M. Straus](#)
Cc: [Edwin K Schneider](#)
Subject: RE: FOIA Request for E-mails
Date: Tuesday, September 29, 2015 4:12:22 PM

Hi Ed,

To answer your questions:

1. Either printed documents or PDFs, whichever is easier for you.
2. The purpose of the FOIA statute is to promote transparency in government operations- it's an "open government" law. Therefore, it's written to broadly capture the activities of government, including public universities, while protecting limited categories of sensitive information. You are correct that the public records that you would be in possession of relate to teaching, research or service. If you can't locate any public records (related to your teaching, research or service) which contain the keywords the requester has asked for, then I will respond to the requester that no public records exist which are responsive to his request. But, the reason the requester is asking for documents is irrelevant under the FOIA statute- the purpose of the statute is to allow people to search for government misconduct, after all. We have to provide records to people who are hostile to the University or our faculty in the same way as we provide documents to people who support the University.

Hope that helps clarify. Let me know if you have more questions!

Elizabeth

From: Edward W Maibach
Sent: Tuesday, September 29, 2015 4:01 PM
To: Elizabeth I Woodley; Jagadish Shukla; Paul A Dirmeyer; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: Re: FOIA Request for E-mails

Hi Elizabeth,

Two questions of clarification, the easy one first:

- 1) How would you like us to share these emails with you? Printed documents?
- 2) The exemptions criteria seems quite narrow (private information, personnel records, student information, and proprietary information) but the "in the course of public business" criteria seems quite broad. How should we reconcile the difference?

In my view, I was not paid by Mason to create the document (a letter) that is of interest to the requester, nor does the document directly relate to my job description in that it is neither teaching, research nor service -- activities which consume far more than 40 hours of my time each week during the school year. Rather, it was written in my capacity as a concerned citizen, in my spare time. Moreover, it was written almost entirely (if not entirely) during summer term, a period when I am employed by Mason only a part-time.

Thanks for any additional guidance that you can provide.

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

From: Elizabeth I Woodley
Sent: Tuesday, September 29, 2015 2:27 PM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: FOIA Request for E-mails

Good afternoon Professors Shukla, Dirmeyer, Maibach, Klinger, Schopf, and Straus,

My name is Elizabeth Woodley. I am George Mason University's Freedom of Information Act Compliance Officer. I wanted to let you know that I have received a FOIA request for e-mail communications which you may have sent or received from your Mason e-mail address in your capacity as Mason employees from June 1, 2015 to the present which include the keywords "RICO, racketeer, racketeering, DOJ, prosecute, or prosecution".

The FOIA statute covers records which were created "in the course of public business", in your capacity as Mason employees. Good questions to ask yourself to help determine whether a record was created in the transaction of public business are: "Was I paid by George Mason to create this document?" and "Does the document relate to the duties listed in my job description?"

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If you believe you may possess responsive documents, please let me know and send me an

estimate of the cost to produce the documents. Please estimate the amount of time you (or another Mason employee as your designee) would spend responding to this request (searching for documents and reviewing them for possible exemptions). Please also tell me your (or your designee's) hourly rate, so that I may charge the requester for your time. Hourly rate is calculated by dividing base salary (without benefits) by 2080 for 12-month employees or 1560 for 9-month employees.

Please do not begin responding to the request until you hear from me. If the cost estimate is high enough I will require the requester to pay a deposit before we begin the response.

Please let me know if you have any questions about this request. I am available by e-mail or phone- my direct line is 703-993-5115. For more information, Mason's FOIA Policy is available here: http://universitypolicy.gmu.edu/policies/responding-to-virginia-freedom-of-information-act-foia-requests-for-records/?_ga=1.13439028.201496376.1363277436

Thank you,

Elizabeth

Elizabeth Woodley, J.D.
FOIA Compliance Officer
George Mason University
Compliance, Diversity, and Ethics
Phone: (703) 993-5115

From: Edward W Maibach
Sent: Friday, October 2, 2015 7:15 PM
To: J Shukla
Cc: Professor Barry Klinger; Mike Wallace; Dr. Ben Kirtman; Dr. Kevin Trenberth; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; vmisra@fsu.edu
Subject: An important request

Dear fellow letter signers.

Shukla and I respectfully request that you send us your private email address.

If you prefer to leave it in a voice message, call me at 703-993-1587.

Thank you,

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

From: Holdren, John P. <John_P._Holdren@ostp.eop.gov>
Sent: Wednesday, September 30, 2015 8:01 PM
To: J Shukla
Cc: Edward W Maibach; Paul A Dirmeyer; Professor Barry Klinger; Paul S Schopf; David M. Straus; Edward Sarachik; Mike Wallace; Alan Robock; Professor Eugenia Kalnay; Dr. Ben Kirtman; Dr. Bill Lau; Dr. Kevin Trenberth; Professor T.N. Krishnamurti; Dr. Vasubandhu Misra; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; Dr. Alan Betts; Sheldon Whitehouse; Joseph Majkut; Lara Quint
Subject: RE: Letter to President, AG, and OSTP Director

Dear Professor Shukla,

Thank you for your email and letter of a couple of weeks ago. I apologize for my delay in responding. These two weeks have been even more demanding than usual here.

As you know, the Administration shares the concern expressed in the letter about the seriousness of the threat posed by climate change. The President has made addressing that threat a top priority, and, as you also know, it has long been a top priority of mine.

Regarding the letter's proposal of a RICO investigation, though, neither the White House

From: Barry Klinger
To: Edward W Maibach; J Shukla
Cc: Mike Wallace; Dr. Ben Kirtman; Dr. Kevin Trenberth; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr. Lisa Goddard; ymisra@fsu.edu; BarryAKlinger@comcast.net
Subject: Re: Another important request
Date: Saturday, October 03, 2015 12:17:56 PM

Another issue that could be clarified is the institutional identification on the original letter. It should have said something like "for identification purposes only" since this did not represent the official view of the institutions, departments, etc.

On 10/2/2015 7:18 PM, Edward W Maibach wrote:

Dear fellow letter signers,

Shukla and I have drafted the attached statement with the aim of setting the record straight on a number of important misunderstandings associated with our original letter.

We intend to release this statement early next week, although the exact mechanism is TDB.

Please review the draft and reply to Shukla and me with your assent to be listed.

Thank you,

Ed Maibach

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

From: Edward W Maibach
Sent: Friday, October 2, 2015 7:15 PM
To: J Shukla
Cc: Professor Barry Klinger; Mike Wallace; Dr. Ben Kirtman; Dr. Kevin Trenberth; Dr. Robert Dickinson; Dr. Michela Biasutti; Dr. Mark Cane; Dr.

From: Elizabeth I Woodley
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: RE: FOIA Request for E-mails
Date: Monday, October 05, 2015 10:42:23 AM

Good morning all,

I have received estimates from Professors Schopf, Maibach, and Dirmeyer, but not yet from Professors Shukla, Straus, or Klinger. Please send them to me as soon as possible.

I have also consulted with Tom Moncure, the University Counsel, and he advises that when you estimate, you should make a reasonable estimate, as if you are in court, under oath. State employees can be held individually civilly liable for knowing violations of the Virginia FOIA statute. He also advises that outside recipients of emails may disclose emails as well, and if they disclose something that we did not, but should have, that could be used as evidence that we did not fully respond to the request.

Tom also believes that we may receive more FOIA requests for this same information, so he advises that you search for and produce the emails right away and do not wait for me to receive the deposit. That way you can gather them at once and be done.

If you have any questions, please contact me.

Thank you,

Elizabeth

Elizabeth Woodley, J.D.
FOIA Compliance Officer
George Mason University
Compliance, Diversity, and Ethics
Phone: (703) 993-5115

From: Elizabeth I Woodley
Sent: Tuesday, September 29, 2015 2:28 PM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: FOIA Request for E-mails

Good afternoon Professors Shukla, Dirmeyer, Maibach, Klinger, Schopf, and Straus,

My name is Elizabeth Woodley. I am George Mason University's Freedom of Information Act Compliance Officer. I wanted to let you know that I have received a FOIA request for e-mail

From: Elizabeth I Woodley
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: RE: FOIA Request for E-mails
Date: Wednesday, October 07, 2015 9:57:14 AM

Good morning all,

I have just heard back from the requester and he has limited his request to only Professor Shukla's and Professor Maibach's records.

Professors Dirmeyer, Klinger, Schopf, and Straus, thank you for your estimates. You do not need to take any further action on this FOIA request. (However, I want to let you know that University Counsel thinks we may receive additional FOIA requests for similar information.)

Professor Shukla and Professor Maibach, please begin your FOIA response, and as you go through the emails, flag any information you believe to be private information, personnel information, student information, proprietary research information, or confidential donor information. I will review the flagged information and decide whether it qualifies for an exemption. Again, the request was for e-mail communications which you may have sent or received from your Mason e-mail address in your capacity as Mason employees from June 1, 2015 to the present which include the keywords "RICO, racketeer, racketeering, DoJ, prosecute, or prosecution". Remember that our response may be challenged in court, that we will have to explain any exemptions we asserted, and that state employees face personal civil liability for willful violations of the FOIA statute. I would like to receive your responses before Wednesday, October 21.

Again, please let me know if you have any questions!

Thank you all,

Elizabeth

From: Elizabeth I Woodley
Sent: Monday, October 05, 2015 10:42 AM
To: Jagadish Shukla; Paul A Dirmeyer; Edward W Maibach; Barry A Klinger; Paul S Schopf; David M. Straus
Cc: Edwin K Schneider
Subject: RE: FOIA Request for E-mails

Good morning all,

I have received estimates from Professors Schopf, Maibach, and Dirmeyer, but not yet from Professors Shukla, Straus, or Klinger. Please send them to me as soon as possible.

I have also consulted with Tom Moncure, the University Counsel, and he advises that when you estimate, you should make a reasonable estimate, as if you are in court, under oath. State employees can be held individually civilly liable for knowing violations of the Virginia FOIA statute.

From: [Peter Frumhoff](#)
To: [Edward W Maibach](#)
Subject: following up
Date: Friday, October 09, 2015 2:54:44 PM

Hi Ed

I will be in DC Oct 22-23, do you have a window during that stretch to meet up?

Sorry to see the outrageous response to your letter.

Let's talk.

Peter

From: Edward W Maibach [mailto:emaibach@gmu.edu]
Sent: Friday, July 31, 2015 3:01 PM
To: Peter Frumhoff
Cc: Nancy Cole; Alden Meyer; Aaron Huertas; Jagadish Shukla
Subject: Re: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry

Hi Peter,

Thanks for closing the loop with me so quickly.

Shukla has been consulting with lawyers so it is possible that -- with their input -- we too may decide that Senator Whitehouse's proposal is not viable. We'll let you know what we decide to do.

Regardless, our real intent is to rally the climate science community around useful proposals -- focused on solutions, and on removal of barriers. Please keep us in the loop on your plans to promote accountability in the fossil fuel industry, as we would like to be of service. I would be delighted to get involved in assessing (and helping to shape) public opinion on this issue. I am confident that a concerted "truth" campaign can generate public indignation over the deceptions sponsored by the fossil fuel industry.

BTW: My dear friend Rob Gould -- former GM of Porter Novelli's DC office, and one of the creators of the highly successful "truth" teen anti-tobacco campaign -- would surely enjoy brainstorming with us about how to mount a similar trust campaign aimed at fossil fuel companies.

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

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From: Peter Frumhoff <PFrumhoff@ucsusa.org>
Sent: Friday, July 31, 2015 1:03 PM
To: Edward W Maibach
Cc: Nancy Cole; Alden Meyer; Aaron Huertas
Subject: FW: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry

Hi Ed,

I'm following up on the scientists letter proposal that you shared with Nancy and Alden earlier this week to let you know that (1) it prompted a lot of discussion among our staff, including with UCS president Ken Kimmell and (2) after taking a close look, we've decided to not pursue this opportunity with you.

Here's why: In reaching out to climate scientists to sign on, we feel that we'd need to give them some firmer grounding for believing that a federal investigation under the RICO statute is warranted - enough so that they'd be able to explain their rationale for signing on to reporters and others. As you know, deception/disinformation isn't itself a basis for criminal prosecution under RICO. We don't think that Sen Whitehouse's call gives enough of a basis for scientists to sign on to this as a solid approach at this point.

Just so you know, we're also in the process of exploring other state-based approaches to holding fossil fuel companies legally accountable - we think there'll likely be a strong basis for encouraging state (e.g. AG) action forward and, in that context, opportunities for climate scientists to weigh in. It would be interesting - and perhaps very useful - to consider how calls for legal accountability will play out in the court of public opinion in different states/with different subsets of the American public - something perhaps we could work with you all on as this unfolds.

So, I am sorry to decline this particular opportunity. Thanks for proposing this and please keep us in the loop on how this plays out.

Thanks, Ed.

All best,

Peter

Peter C. Frumhoff Ph.D.
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Chief Scientist, Climate Campaign
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From: Edward W Maibach [<mailto:emaibach@gmu.edu>]
Sent: Monday, July 27, 2015 10:36 AM
To: Nancy Cole
Cc: Aaron Huertas; Alden Meyer
Subject: Fw: Senator Whitehouse's call for a RICO investigation of the fossil fuel industry

Hi Alden and Nancy,

Jagadish Shukla -- Mason's most senior climate scientist -- and I are planning on sending a letter to the POTUS and AG (with a cc to our members of Congress) to encourage them to act on Senator Whitehouse's proposal. We can easily get a couple of dozen additional climate scientists to co-sign (with a cc to all of their members of Congress too).

With a bit of extra work -- and this is why I am writing you -- perhaps we could get at least one climate scientist from all 435 congressional districts to co-sign the letter, which would allow us to cc every member of Congress (and would become a big media story).

Can UCS help us with this?

A draft of the letter is attached (although Shukla is going to make a few small edits this

morning).

All the best,

Ed

Edward Maibach, MPH, PhD
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