

Pam Bondi, U.S. Attorney General
950 Pennsylvania Avenue NW
Washington, DC 20530
August 11, 2025

Dear Attorney General Bondi,

On behalf of Power The Future, a non-profit dedicated to ensuring robust public understanding about U.S. energy policy and security, I write to highlight information strongly indicating capture of judicial officers by a coordinated, national lawfare campaign. The facts set forth below heighten concerns which have grown over time about a behind-closed-doors campaign to influence our independent judiciary at both the state and federal level. The Senate Judiciary Committee has recently drawn its attention to similar facts,¹ but your Office has the power and the duty to ensure that the judiciary is living up to its creed as impartial arbiters, un beholden to any party or interest other than the truth. This information warrants full federal oversight because the Federal Judicial Center (FJC) —which has been engaged in the latest round of behind-closed-doors advocacy for lawfare is a creature of Congress but is also subject to Executive scrutiny.²

Specifically, Power The Future is concerned that the FJC is actively assisting in a campaign which boasts of having “educated” approximately two thousand judges,³ including federal judges, on how to approach “climate” litigation. “Climate” litigation actually seeks in part to impose federal energy (rationing) policy through the courts, even though policy “must be addressed by the two other branches of government.”⁴ The FJC enlisted in this campaign by hosting seminars for judges with speakers drawn exclusively from the world of plaintiffs’ witnesses or historic amicus brief filers in support of the plaintiffs.

As now-Senate Judiciary Subcommittee on the Federal Courts Chairman Ted Cruz wrote to one principal in the FJC’s campaign: “So-called ‘climate change lawsuits’—lawsuits claiming that private companies should be monetarily liable for damage to public infrastructure allegedly caused by climate change—have exploded in the past five years. In tandem with this unprecedented litigation, the Environmental Law Institute (ELI) launched a ‘first-of-its-kind

¹ United States Senate Committee on the Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights, “Enter the Dragon—China and the Left’s Lawfare Against American Energy Dominance,” Subcommittee Hearing, June 25th, 2025; Editorial, “Judicial Ethics and Double Standards,” *Wall Street Journal*, Aug. 30, 2024, https://www.wsj.com/opinion/climate-judiciary-project-judges-environmental-law-institute-supreme-court-dick-durbin-sheldon-whitehouse-5256997a?mod=article_inline; Emma Colton, Breanne Deppisch, “Unearthed chat sheds light on cozy ties between judges, climate activists, raising ethical concerns,” FoxNews.com, July 17, 2025, <https://www.foxnews.com/politics/judges-climate-activists-private-forum-exposed>.

² For example, another creature of Congress which previously asserted it was not susceptible to control by the Executive Branch, the Institute of Peace, was recently reconstituted by the President and Secretary of State. The D.C. Circuit stayed a District Court injunction against the Executive Branch asserting control of supposed nongovernmental entities created by Congress. *Institute of Peace v. Jackson et al.*, Case No. 25-5185 (D.C. Cir.).

³ See, e.g., “CJP has reached an estimated 1,800 judges”. Environmental Law Institute, Impact Report 2023, <https://www.eli.org/sites/default/files/files-pdf/AR%20NEW%20DesignsV2-DigitalNEW-reduced.pdf>.

⁴ *City of New York v. B.P. p.l.c.*, 325 F. Supp. 3d 466 (S.D.N.Y.)(July 19, 2018).

effort’ to provide judges with ‘education on climate science, the impacts of climate change, and the ways climate science is arising in the law.’ It appears that ELI’s goal in providing this ‘education,’ however, may be to influence judges to side with plaintiffs in climate change cases.”⁵

Not only do the FJC’s ideologically-motivated seminars present the plaintiffs’ witnesses and amicus supporters to judges who may preside over the plaintiffs’ cases—that was the express (now publicly scrubbed) objective of the program.⁶ Further, records obtained under the Freedom of Information Act compound this troubling impression. That is that, in fact, the “education” campaign reflects open coordination between activist groups, the plaintiff’s bar, and some members of the judiciary to the detriment of the fair, open and transparent administration of justice required by the United States Constitution.

For example, several records obtained under FOIA, enclosed herein, reference the involvement of Judge David Tatel, who served for nearly 30 years on the U.S. Court of Appeals for the DC Circuit until 2022. One February 2021 email from a plaintiff’s witness who ELI arranged to serially brief judges on “climate” litigation, Dr. Don Wuebbles, references “the kind of issues that Judge Tatel raised towards counteracting arguments from nonbelievers” in catastrophic man-made global warming.⁷

In another email, dated March 23, 2021, from ELI’s Paul Hanle to a serial presenter, plaintiff’s expert witness Dr. Ben Santer—also a member of the board of the activist Union of Concerned Scientists, which was an original organizer of the climate litigation campaign⁸—Hanle describes ELI as working “through the auspices of the National Judicial College, with which our project is partnering.” Hanle later thanked Santer for Santer’s presentation “to a large group of judges—perhaps one to two hundred”, stating, in relevant part, “I would venture you convinced many who did not know before that the science has moved far and fast and the scientific case is

⁵ Letter from Sen. Ted Cruz to Ms. Jordan Diamond, President, Environmental Law Institute, Feb. 23, 2024, <https://www.commerce.senate.gov/services/files/F2BB1C79-7627-4CF5-A146-6814341CEB2B>.

⁶ ELI’s webpage originally boasted, with since-scrubbed enthusiasm, that this involves making the plaintiffs’ case “to judges who will be deciding these cases.” <https://web.archive.org/web/20201129020818/https://www.eli.org/judicial-education/recent-ongoing-upcoming-projects>.

⁷ February 24, 2021 Email from Don Wuebbles to Paul Hanle, copying Jolene Russell, Ramanathan Veerbhadran, and Sandra Nichols Thiam, discussing a program participated in by Judge Tatel and obtained by Energy Policy Advocates from the U.S. Department of Energy under a Freedom of Information request. Available at <https://climatelitigationwatch.org/wp-content/uploads/2025/08/Doc-90.pdf>. See also the attached summary of proceedings.

⁸ Climate Accountability Institute, “Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control” (Oct. 2012), <https://climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct12.pdf> (Summary of the Workshop on Climate Accountability, Public Opinion, and Legal Strategies); see also <https://climatelitigationwatch.org/missing-link-claim-dealt-another-blow-new-emails-show-ag-kamala-harris-office-helped-plan-la-jolla-climate-litigation-conference/>. See also, e.g., Christopher Horner, “Law Enforcement for Rent,” Competitive Enterprise Institute, August 2018, <https://cei.org/wp-content/uploads/2018/08/Christopher-Horner-Law-Enforcement-for-Rent-with-Appendix.pdf>.

underpinned by very strong evidence.” Hanle added, “your approach is very effective with judges.”

Another email from an ELI official to Hanle and Santer, also attached, stated the obvious, which was that “that [the judge] connected this material to her own docket ...[is] [j]ust what we want to see!” Hanle also weighed in, “You certainly had an impact on her.”

These records are also attached to this letter.

Further troubling is that the timeline suggests this campaign originated as the plaintiffs’ counsel’s response to two federal courts ruling against them in the span of two weeks. The overlapping staff between ELI’s board/governance committee and the plaintiff’s legal team noted by Sen. Cruz (FN. 3, *supra*), adds important context to the fact that ELI launched this campaign soon after “climate science [got] its day on the docket,”⁹ and failed to persuade federal judges to assist the plaintiffs’ campaign to use the courts to impose never-enacted policies and punish political opponents.¹⁰

Within months of those adverse decisions, the ELI organized and financed a spate of “workshops,” working through the FJC to place before federal judges the plaintiffs’ presentation on the dispute before those judges might be assigned such a case. ELI calls this the “Climate Judiciary Project.”¹¹ As stated in recent testimony before the U.S. Senate Committee on the Judiciary, “The Climate Judiciary Project, run by the Environmental Law Institute, seeks to “educate”—from a left-wing perspective—federal and state judges about climate change and related litigation designed to extract billions of dollars from energy companies.”¹² Indeed, the project was initiated by ELI at the urging of Paul Hanle,¹³ former president of Climate Central, which is a participant in the climate industry’s campaign to assign specific “attribution” for

⁹ Warren Cornwall, “In a San Francisco courtroom, climate science gets its day on the docket,” Science.org, American Association for the Advancement of Science, March 22, 2019, <https://www.science.org/content/article/san-francisco-court-room-climate-science-gets-its-day-docket>.

¹⁰ The cases seek to establish a “national or international emissions policy” (emphases in the original), invoking “claims [which] depend on a global complex of geophysical cause and effect involving all nations of the planet.” *City of Oakland v. BP P.L.C.*, 325 F. Supp. 3d 1017, 1021 (N.D. Cal. 2018). Judge Alsup distinguished another case cited by plaintiffs as aiding their argument for justiciability of “climate” claims, *Connecticut v. Am. Elec. Power Co.*, 582 F.3d 309, 325 (2d Cir. 2009), rev’d on other grounds, noting that it involved “[a] decision by a single federal court concerning a common law of nuisance cause of action, brought by domestic plaintiffs against domestic companies for domestic conduct, [which] does not establish a *national or international* emissions policy (assuming that emissions caps are even put into place).” *Ibid.* (emphasis in original). Here, the claims are plainly not so limited.” *Id.* See also, *City of New York v. B.P. p.l.c.*, 325 F. Supp. 3d 466 (S.D.N.Y.)(July 19, 2018).

¹¹ See, Testimony of Scott Walter, Capital Research Center, Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights, June 25, 2025, <https://capitalresearch.org/article/scott-walters-written-testimony-to-the-senate-judiciary-subcommittee/>.

¹² Testimony of Scott Walter, Capital Research Center, Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights, June 25, 2025, <https://capitalresearch.org/article/scott-walters-written-testimony-to-the-senate-judiciary-subcommittee/>.

¹³ <https://www.eli.org/vibrant-environment-blog/educating-judges-climate-litigation-today-and-tomorrow>.

different weather events to climate defendants.¹⁴ The plaintiffs' witnesses who present at these seminars also specifically advocate that outcome.

For example: "Santer says that during his [National Academy of Sciences] briefing [*NB*: for judges; the NAS being another federal ward which has enlisted in this campaign¹⁵], he specifically referred to the nuisance cases, which seek to recover damages from oil majors for their climate liability as well as for misleading shareholders over the risks of climate change... Santer acknowledges he is not a neutral observer in the debate and believes fossil fuel companies should be held accountable. He adds that attribution science has advanced enough 'to pinpoint a company's contribution . . . and assign liability based on their total contributions.'"¹⁶

"The Federal Judicial Center Foundation is authorized to accept gifts to support Center programs" <https://www.fjc.gov/about>; discrete programs are often specifically paid for by outside foundations. See, e.g., <https://www.fjc.gov/education/programs-and-resources-judges>, <https://www.fjcfoundation.org>.¹⁸ A perusal of the group's history reveals its sudden transformation, following the aforementioned judicial setbacks for "climate" plaintiffs, from a sleepy entity offering occasional seminars on, e.g., antitrust law to a hyperactive and nearly

¹⁴ See, e.g., Matthew Cappucci, "Climate change damage boosted Hurricane Sandy's damage by \$8 billion, study finds" *Washington Post*, May 19, 2021, <https://www.washingtonpost.com/weather/2021/05/19/hurricane-sandy-climate-change-damages/>.

¹⁵ On "this particularly egregious corruption of the US National Academy of Sciences," <https://x.com/RogerPielkeJr/status/1861493374877847890>, see, e.g., Roger Pielke, Jr., "Attribution Stealth Advocacy at the NAS," Substack, Nov. 4, 2024, <https://rogerpielkejr.substack.com/p/attribution-stealth-advocacy-at-the>.

¹⁶ Dawn Reeves, "DOE Scientist Begins Briefing Federal Judges On Climate Attribution," Inside EPA, May 10, 2021; ellipses in original.

¹⁷ See also, "The Board, however, acting primarily through its chair, will inform potential donors about the FJCF and the Federal Judicial Center (FJC) and its work. In this regard, Center staff should inform the Board of projects in which outside donors might have an interest and provide, to the degree practicable, the information listed in § 2.a.2.e, *infra*...2) The Board regards the following as helpful but non-binding, non-exclusive factors to consider in assessing whether gifts would, or would appear to, compromise of judicial branch or Judicial Center integrity and independence....e) The following factual attributes of potential donors ...2. The existence of any pending major litigation before any federal court, including the nature of the claims raised and the status of the action;" <https://www.fjc.gov/fjcfoundation/procedures.html> ("For a more complete description of factors the Board considers in deciding whether to accept a gift, see the guidelines adopted by the Board." <https://www.fjc.gov/fjcfoundation/information.html>).

¹⁸ See also, "The Board, however, acting primarily through its chair, will inform potential donors about the FJCF and the Federal Judicial Center (FJC) and its work. In this regard, Center staff should inform the Board of projects in which outside donors might have an interest and provide, to the degree practicable, the information listed in § 2.a.2.e, *infra*...2) The Board regards the following as helpful but non-binding, non-exclusive factors to consider in assessing whether gifts would, or would appear to, compromise of judicial branch or Judicial Center integrity and independence....e) The following factual attributes of potential donors ...2. The existence of any pending major litigation before any federal court, including the nature of the claims raised and the status of the action;" <https://www.fjc.gov/fjcfoundation/procedures.html> ("For a more complete description of factors the Board considers in deciding whether to accept a gift, see the guidelines adopted by the Board." <https://www.fjc.gov/fjcfoundation/information.html>).

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monomaniacal presenter of the climate plaintiffs' case to judges.

<https://www.fjcfoundation.org/page/reports>. For years the seven-member FJC Board has included an attorney who represents the State of California in its climate litigation.¹⁹ *Id.*

Recalling how charitable grants underwrite at least one leading “climate” tort firm with millions of dollars (FN. 3, *supra*), which the firm apparently uses to keep academic “experts” on retainer, these seminars appear to represent yet another vehicle for activist donors to support the climate litigation industry. Except this time the activists do so by using a federal entity—FJC—and to influence judges in advance by introducing experts to those judges outside the scrutiny of a courtroom.

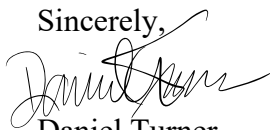
In light of the growing evidence raising questions about the propriety of this effort, the Department of Justice has an obligation to ensure the American people know how or whether the judiciary's independence is being threatened, and whether any judges involved in any way in any of the many cases in this litigation campaign have partaken in these (often luxurious) “education” seminars provided, apparently, by the same donor-machine underwriting the litigation campaign.

As the *Wall Street Journal* editorial board has noted, *supra*, “under the left’s ethics standard, every judge who attends a Climate Judiciary Project event should have to step aside from climate-related cases. Democrats Sheldon Whitehouse and his Senate sidecar Dick Durbin are trying to use ethics as a political weapon against conservative Justices, but watch out: It’s a double-edged sword.” We respectfully submit that the evidence that has emerged including that cited herein indicates the ethics concerns in this matter extend beyond merely a double-standard.

The Department has a duty to act by ensuring a fair and impartial transparent judiciary. We respectfully request that you investigate the origins of FJC’s involvement in this plaintiffs’ litigation campaign, the extent and the propriety of this campaign of *ex parte* advocacy before the federal judiciary, the specifics of participation in this campaign by judges, whether this participation both generally and in its specifics raises questions of conflict or recusal, and what remedies the Executive Branch, or Congress in exercising its legitimate oversight function, might have available.

If we can provide any assistance in those matters for which we possess particular knowledge please do not hesitate to contact me.

Sincerely,



Daniel Turner

Founder and Executive Director, Power the Future

Enc: Emails, notes cited *supra*

¹⁹ See also, e.g., Kyle Kohli, “Pay to play? California’s peculiar outside counsel arrangements raise big questions,” *EnergyInDepth*, July 10, 2025, <https://eidclimate.org/pay-to-play-californias-peculiar-outside-counsel-arrangements-raise-big-questions/>