

Congress of the United States
Washington, DC 20515

July 25, 2023

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland,

New evidence shows that major oil and gas corporations knew their products would fuel the climate crisis but intentionally deceived the public for decades in order to protect their profits.^{1,2} We write to renew previous calls for the Department of Justice (DOJ) to investigate Shell, ExxonMobil, and potentially other fossil fuel companies to determine whether their massive and coordinated campaigns of deception violated federal laws and constituted a corrupt enterprise.

New internal documents released in April confirm that Shell had a deep, structural understanding of climate change as early as the 1970s and yet proceeded to sow doubt about the science and the need for action.¹ Shell-sponsored reports in 1975 and 1978, respectively, warned that “increases in the CO₂ content of the atmosphere could lead to the so-called greenhouse effect... which would be enough to induce major climatic changes”² and that these changes could create “drastic economic consequences” as well as “severe stresses on human societies.”³ A 1989 internal Shell report warned that without substantial reductions in carbon emissions, “Civilisation could prove a fragile thing.”⁴ Despite these warnings, Shell continued to publicly promote the

¹ <https://www.climatefiles.com/bp/new-shell-oil-documents-dirty-pearls-investigation-2023/>

² <https://www.documentcloud.org/documents/23735819-1975-iiasa-energy-systems-project-2nd-status-report-with-shell-support>

³ <https://www.documentcloud.org/documents/23735747-1978-iiasa-proceedings-series-carbon-dioxide-climate-and-society>

⁴ <https://www.documentcloud.org/documents/23735737-1989-oct-confidential-shell-group-planning-scenarios-1989-2010-challenge-and-response-disc-climate-refugees-and-shift-to-non-fossil-fuels#document/p5/a2235474>

use of fossil fuels and participate in trade associations and other groups that pushed climate denial and opposed solutions.^{5,6}

In January, a peer-reviewed study in the journal *Science* demonstrated that between 1977 and 2003, Exxon and ExxonMobil scientists “predicted global warming correctly and skillfully.”⁷ But while other scientists in government and academia communicated their findings, the *Science* study found that “ExxonMobil worked to deny it—including overemphasizing uncertainties, denigrating climate models, mythologizing global cooling, feigning ignorance about the discernibility of human-caused warming, and staying silent about the possibility of stranded fossil fuel assets in a carbon-constrained world.”⁸

There is also evidence that the fossil fuel industry’s pattern of climate deception continues today in the companies’ efforts to convince the public they are part of the solution. A 2022 peer-reviewed study in the journal *PLOS One* found that pledges by ExxonMobil, Shell, Chevron, and BP to move away from fossil fuels were not supported by “concrete actions” and that the companies’ professed transition to clean energy “is not occurring, since the magnitude of investments and actions does not match discourse ... [and] accusations of greenwashing appear well-founded.”⁹ Indeed, after announcing record annual profits of more than \$55 billion and \$40 billion, respectively, Exxon and Shell each announced they would slash investments in low-carbon projects they had previously publicized to consumers.^{10,11}

The available evidence that these companies lied — and continue to lie — to the public about their central role in exacerbating the climate crisis demands further investigation. Since Members of Congress last [wrote](#) to the Justice Department about this issue in 2016, eight state attorneys general and dozens of municipalities across the country have filed lawsuits against Exxon, Shell, and other fossil fuel companies to hold them accountable for their deception.¹²

The efforts of fossil fuel companies to conspire to deny the known dangers of their products and mislead the public about the science echo the deceptive tactics of tobacco companies, which the DOJ successfully litigated under the Racketeer Influenced and Corrupt Organizations (RICO) Act. In light of these latest revelations, we request that the DOJ investigate Exxon, Shell, and other members of the fossil fuel industry to determine whether they violated RICO, consumer protection, truth in advertising, public health, or other laws.

5 <https://www.desmog.com/2023/03/31/lost-decade-how-shell-downplayed-early-warnings-over-climate-change/>

6 <https://graphics.latimes.com/oil-operations/>

7 <https://www.science.org/doi/10.1126/science.abk0063>

8 <https://www.science.org/doi/10.1126/science.abk0063>

9 <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0263596>

10 <https://www.bloomberg.com/news/articles/2023-02-10/exxon-retreats-from-major-climate-effort-to-make-biofuels-from-algae>

11 <https://www.bloomberg.com/news/articles/2023-02-02/shell-to-pause-renewables-unit-s-spending-growth-after-record-2022#xj4y7vzkg>

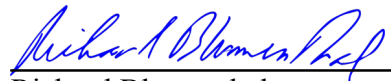
12 <https://climateintegrity.org/cases>

Your office has time and again voiced its support for holding polluters accountable and securing environmental justice. If the allegations against ExxonMobil, Shell, and other major fossil fuel companies are true, their coordinated efforts to deceive Americans constitute the most consequential deception campaign in history, with potentially existential consequences for our planet. We respectfully request that the DOJ investigate whether these actions violated federal law.

Sincerely,



Ted W. Lieu
Member of Congress



Richard Blumenthal
United States Senator



Katie Porter
Member of Congress



Kathy Castor
Member of Congress



Pramila Jayapal
Member of Congress




Kim Schrier, M.D.
Member of Congress



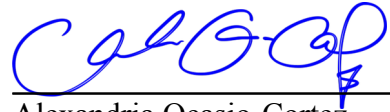
Sheldon Whitehouse
United States Senator



Matt Cartwright
Member of Congress



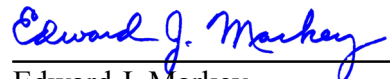
Jared Huffman
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Mark DeSaulnier
Member of Congress



Edward J. Markey
United States Senator



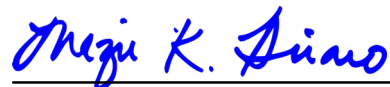
Cori Bush
Member of Congress



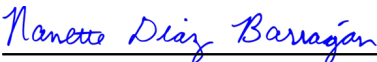
Rashida Tlaib
Member of Congress



Kevin Mullin
Member of Congress



Mazie K. Hirono
United States Senator



Nanette Diaz Barragán
Member of Congress



Peter Welch
United States Senator



John Fetterman
United States Senator



Alex Padilla
United States Senator