



The Litigation Factory

The Center for Biological Diversity: A story of greed, power, and deceit.

By Chance Gowan

Who among us upon hearing the heartrending sound of a howling wolf doesn't, just for a second, dream of wilderness and the wonders of nature? Well, if you're a rancher or a stockman, that dream may only last for a fraction of a second before it's broken by the sound of bawling sheep or cattle, signifying an impending attack on your livelihood and the animals in your care—those that define the existence of you and your family.

To many in the world, the sound of a wolf and the image of a pack running playfully across a snowy, sunlit mountainside conjures images of everything wild and offers, if just for a moment, an escape from the surrounding monoliths that cage them. If you're executive director for a large environmental "nonprofit" like Kieran Suckling, it probably sounds more like gold bouncing off the lid of a very large piggy bank. For many years now, the Center for Biological

Diversity has been cashing in on this wild canine's romantic image.

CBD started out by suing over charismatic fauna like whales and baby harp seals.

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They were visceral, huggable, and in need of the protection of a benevolent benefactor. It gave CBD credibility. It offered potential donors a level of comfort in the purity of

their cause. Over time, CBD has developed a business plan that focuses on a constant threat of imminent species demise that, when marketed aggressively, assures unending promises to its bottom line.

CBD has become infamous for filing hundreds upon hundreds of lawsuits and petitions to list all manner of unknown and unstudied species under the Endangered Species Act (ESA). Every time it petitions, its "creative media" team generates reams of news releases. Every news release includes a plea for more donations. And in its never-ending quest to stash more cash, it has broadened its horizons in the last few years.

In 2011, the U.S. Fish & Wildlife Service (FWS) signed an agreement with WildEarth Guardians (WEG) to evaluate 113 species for listing under the ESA. CBD didn't believe that was even close to enough and, as part of its "sue and settle" strategy, demanded that hundreds of additional species be added to

the agreement. Rather than face years of litigation, FWS caved in and acquiesced to the demands of just these two radical environmental groups. Government agents agreed to put aside their priority work until 2018 and focus all of their time evaluating the merits of listing nearly a thousand species—most of which are so obscure that almost nothing is known about them.

According to analysis by prominent attorney Karen Budd-Falen, this endeavor will cost American taxpayers more than \$206 million just to process the paperwork. None of the money will go to on-the-ground conservation and hundreds of thousands of acres of public land will become off-limits for the use and enjoyment of American citizens. And since this was a legal settlement, CBD and WEG will have exclusive rights to essentially dictate which critters will receive what treatment, without opportunity for public criticism or professional, independent peer review.

When it comes to scaring its benefactors and feeding its outrageously self-serving hunger for money, it seems there is no end to the lengths that CBD will go. Feeding on the tragedy of the killings in Newtown, Conn., CBD, smelling another opportunity to raise money, decided to wage war on the National Rifle Association. Suckling and CBD ran a full-page advertisement in the *New York Times*, stating the group “has long fought the NRA over the senseless killing of endangered wolves, condors, polar bears and bald eagles...and to end gun violence against people.” I don’t know what the NRA has to do with killing condors or polar bears, but CBD hoodwinked its supporters into donating to the “Stop NRA Extremism Fund.”

Then it twice sued the Environmental Protection Agency under the Toxic Substances Control Act, demanding that it ban lead from bullets and fishing weights. Those suits were denied because the EPA does not have that authority. CBD then sued the U.S. Forest Service, saying it is violating the Resource Conservation & Recovery Act by failing to use its authority to halt the “disposal of hazardous waste” in the form of spent bullets from hunters. That case was also denied. CBD staff knew full well those lawsuits were frivolous and without merit because they have teams of lawyers who know better. However, winning the suits was not the point. The point was to show supporters how hard they were trying and if they would just send a few more dollars...

In a classically overzealous attempt to have an honest rancher stripped of his federal grazing rights, CBD sued the Forest Service, published photos of a barren landscape, fraudulently stated that rancher Jim Chilton had decimated the rangelands, and demanded that his grazing rights be terminated. The photos were taken by CBD photographer A.J. Schneller. They were not taken on Chilton’s grazing range. They were taken where Schneller had been camping while partying with a mass of May Day revelers. (Check out “Got’Cha!” Summer 2005, at www.rangemagazine.com.)

CBD had committed blatant fraud.

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Chilton sued and won a judgment of \$600,000. CBD lawyers appealed to the Arizona Supreme Court, essentially arguing that the First Amendment gave them the right to lie. They lost that appeal and Kieran Suckling stated, “It shows that a bitter little man with a very large bank account can wage war on environmental groups in the courtroom.” Given CBD’s history of throwing around the weight of its staff of attorneys backed by ill-gotten fortune, I suggest this quote could be more accurately rendered if the words “environmental groups” were replaced with “American citizens” and the comments were aimed at Mr. Suckling.

These radical activists have also petitioned to stop the residents of rural Alaska from heating with fuel oil. (It doesn’t get cold at CBD’s main office in Tucson so its staff won’t have to suffer.) They are threatening to sue the Department of Homeland Security for allowing its agents to drive off-road, thereby imperiling the Sonoran pronghorn.

They are demanding that wolverines be listed as endangered due to the impacts from global warming—which hasn’t happened in almost two decades. This, even though wolverines have always been so scarce that nobody knows how many there are or ever were, or how global warming, if it even exists, might affect them.

CBD is currently deluging its benefactors, imploring them to immediately donate to the polar bear fund, stating that the money is necessary to protect the polar bear from imminent extinction. However, according to renowned polar bear scientist Dr. Susan Crockford: “Polar bears are a conservation success story. Their numbers have rebounded remarkably since 1973.” When asked about CBD’s claims, Dr. Crockford said, “CBD is fearmongering for cash—spreading misinformation to you and your children for the sake of increasing donor revenues.”

When it comes to making baseless claims intended to incite the public, CBD’s Amaroq Weiss, a “former lawyer,” takes it to a new level. (Amaroq is the name of the chief wolf in the book “Julie of the Wolves,” in charge of wolfness. The name Weiss is close to the German word, *weis*, for white. Did she choose her own name?) She claims that Idaho lawmakers set aside \$400,000 to kill nearly every wolf in the state, saying, “Idaho is under serious threat of dropping near, or even below, minimal recovery levels.” Mike Jimenez, senior wolf biologist with FWS, says, “Wolf populations in Idaho are secure and have leveled out,” meaning near maximum sustainable population levels. With Idaho wolf numbers approaching 1,000 animals, and considering that thousands of Idaho hunters harvested a mere 200 wolves in 2013, the possibility of reducing wolf numbers to minimum recovery levels (10 pairs, 100 animals) is far-fetched, to say the least.

In 2014, when Washington state removed a single wolf from a pack that ultimately killed more than 100 sheep in a rancher’s flock, Amaroq decried that the state should have used paint balls, rubber bullets and red flags to scare the wolves away. Would she, CBD’s chief wolf, volunteer to get close enough to a pack of wolves in the middle of a killing frenzy to wave a flag and shoot at one with a paint ball?

When Idaho for Wildlife planned its second annual predator derby and fur sale, Amaroq labeled it a killing festival, decreeing that cash and prizes would be awarded to see

who could kill the most wolves, coyotes, skunks, weasels, jackrabbits, raccoons and other wildlife. Using this tactic she implored CBD supporters to send cash immediately. The derby's executive director Steve Alder laughed about that and stated that there had been a rash of depredations in Salmon, Idaho, and the derby is intended to help the families who are losing livestock from the ranges and pets from surrounding residential areas. The derby is aimed solely at wolves and coyotes. Last year about 100 participants killed 23 coyotes and, Alder says, "one guy saw a wolf." Hardly the blood-fest Amaroq wanted it to be.

Does the CBD do anything tangible for wildlife? Is it involved in anything palpable, like funding habitat restoration? The closest thing I found was its campaign to reduce world overpopulation. That, my friends, is an ambitious crusade. And how does the CBD approach such a huge and elusive task? Why, it gave away 40,000 condoms this past holiday season. With the world population increasing by over 200,000 every day, that effort would hardly put a dent in population growth. But with catchy phrases like "hump smarter—save the snail darter" and "cover your tweedle—save the burying beetle" stamped on each and every condom, the program does go a long way toward advertising for donations toward its endangered species program. Which, as we've seen, is largely limited to litigation to list species like mud snails and tapered pigtoes.

When you are looking for truth, it's often best to follow the money. If we do that with CBD and most other environmental profiteering organizations, it leads us down a dark and twisted trail. CBD produces annual reports that are designed to reassure donors and supporting foundations that it is doing good things and accounting for their money. These Greens brag endlessly about all of the lawsuits they file and of the hundreds of thousands of acres they've shut down over the years.

At the bottom of its 2013 report is a "statement of activities" which clearly specifies that only seven percent of its funds went into "general and administrative" uses, another seven percent of its funds were used for "fund-raising," and CBD bragged about how it spent the remaining money by "effectively and efficiently putting 86 percent of every dollar into our conservation programs."

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bly assume that funding for administration includes salaries for staff. Likewise, most people would probably think that money put into "conservation programs" would be something tangible, like restoring habitat for the green-eyed mud slug. But this is where an effective use of funds translates into an even more effectual use of phraseology. In 2013, according to IRS Form 990, the group was required to break down exactly where all those donations, grants, and "legal revenues" went. And most of it went to salaries and compensation. In fact, in 2013 \$5.84 million of its \$9.37 million income went directly to salaries. Suckling himself collected in excess of \$200,000.

CBD likes to boast that its suits are based on science and even its Form 990 states that "scientific research" is a cornerstone of its program. But when columnist Hugh Holub asked Suckling if CBD activities suffered

from the absence of a science-based approach to its litigious demands, he replied, "No, kids with science degrees are hindered by resource management values." He has also stated, "I'm more interested in hiring philosophers, linguists, and poets."

In a recent flyer from CBD, there is a section called Meet the Staff. And it turns out that Suckling and CBD have little use for scientists. Of the 96 staff members introduced, only six had a title of "scientist" and not one of those six appeared to have documented expertise in even one species.

So who does CBD deem important for the business of attempting to dictate the future of America's natural resources? Thirty-four lawyers, 25 directors, and another 30 staffers primarily dedicated to "creative media," which roughly translates to disorientation, obfuscation, and mystification.

So what is it that CBD really wants, besides the obvious, which is money and power? The best summary came from an interview in the *New Yorker* with CBD's founder and executive director. Suckling described a dream of "decentering and disempowering of the human" and stated that CBD's goal is "endeavoring to undo the dominion of man over animals and plants" and "to deconstruct stuff that exists in the world; legal arrangements, social and economic forums, and even physical structures." In other words, CBD is seeking to create anarchy. Its first step is to prohibit the citizens of America from wisely benefiting from our natural resources; the next, to deprive us of our inalienable rights to life, liberty, and the pursuit of happiness, as our economic forums are "deconstructed" and our physical structures are destroyed.

Those are pretty incongruous objectives for an organization that clearly places power and compensation above all else that it purports to care about. And one that pushes forth an expert bearing the name of Amaroq, a wolf from a book that was described as "courageous and wealthy."

Wasn't there once a story about a wolf in sheep's clothing? ■

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