

## **Chilton Ranch Lawsuit**

Jurors in Pima County, Arizona awarded rancher Jim Chilton \$600,000 in a libel suit against the Tucson-based environmental activist group, Center for Biological Diversity, on January 21, 2005.<sup>1</sup>

Jurors voted that the Center for Biological Diversity (Center) made “false, unfair, libelous and defamatory statements” regarding Mr. Chilton’s management of his 21,500-acre Forest Service grazing allotment. The jury awarded Mr. Chilton \$100,000 for the harm done to his reputation. The jury tacked on an additional \$500,000 in punitive damages meant to punish the Center and deter others from committing libel.<sup>2</sup>

Mr. Chilton sued the Center after it appealed his decision to renew his Forest Service grazing permit. “They wanted the Forest Service to do an Environmental Impact Statement,” said Mr. Chilton. “That would have taken anywhere from two to seven years and during that time there would be an injunction against grazing. It would have ruined me.” “People have taken too much abuse for too long in this community,” he said.

The Center accused Mr. Chilton of massive overgrazing and gross mismanagement, using 21 photos taken of “denuded” barren patches on the Forest Service allotment.

Mr. Chilton said, “We showed the jury how they intentionally misrepresented the photographs.” The barren spots were actually where old houses and mining communities once resided. Cattle had nothing to do with them. Using wide-angle cameras, the range surrounding bare spots was shown to be verdant and healthy. Soil and riparian scientists showed the waterways and rangelands to be in excellent condition.

To prove the material was defamatory, Mr. Chilton not only had to show it was false and hurt him, but also had to demonstrate that the activists knew they had lied or shown “reckless disregard” for the truth. Such evidence of malice had to be “clear and convincing.” The bar would have been lower had Mr. Chilton not been ruled a “public figure” by Judge Richard Fields. An ordinary citizen would only have to show the Center was negligent through a preponderance of the evidence. Judge Fields instructed jurors that they couldn’t consider the Center’s statements libelous if they viewed them as opinions, rather than facts.

In closing arguments, Mr. Chilton’s attorney, Kraig Marton, told jurors that he had proved at least four photos weren’t even on Mr. Chilton’s allotment and that the Center willfully ignored scientific studies praising Mr. Chilton’s grazing practices.

To win punitive damages, Mr. Chilton had to prove that the Center intended to cause harm, was motivated by “spite or ill will,” or acted to serve its “own interest.” Mr. Marton told jurors they only had to look at the Center’s anti-grazing agenda and refusal to apologize in court for proof of its contempt toward Mr. Chilton and his way of life.

Center for Biological Diversity Policy Director, Kieran Suckling, told the Arizona Daily Star that he was worried about the “chilling effect” the verdict might have on advocacy groups like his.

“If you’re gonna lie,” Mr. Marton said, “you have to pay the consequences.”

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Bruce Colbert, AICP is executive director at the Property Owners Association of Riverside County, June 11, 2018.

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<sup>1</sup> “*Arizona Daily Star*, “Rancher wins \$600K in suit against enviros,” January 22, 2005, [https://tucson.com/news/science/environment/rancher-wins-k-in-suit-against-enviros/article\\_a9c41f36-6093-51e2-9e37-57e5e7689362.html](https://tucson.com/news/science/environment/rancher-wins-k-in-suit-against-enviros/article_a9c41f36-6093-51e2-9e37-57e5e7689362.html).

<sup>2</sup> Chilton Ranch, “Chilton Ranch Lawsuit,” [http://chiltonranch.com/chilton\\_ranch\\_lawsuit.html](http://chiltonranch.com/chilton_ranch_lawsuit.html).