

United States Senate

WASHINGTON, DC 20510

May 25, 2016

The Honorable Loretta Lynch
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: DOJ's investigation into private entities' views on climate change

Dear Attorney General Lynch:

We write today to demand that the Department of Justice (DOJ) immediately cease its ongoing use of law enforcement resources to stifle private debate on one of the most controversial public issues of our time—climate change.

This past March, during a DOJ oversight hearing before the Senate Judiciary Committee, one of our colleagues from the other side of the aisle lamented that, “[u]nder President Obama, the Department of Justice has done nothing so far about the climate denial scheme.” To our astonishment, you responded as follows:

This matter has been discussed. We have received information about it and have referred it to the FBI to consider whether or not it meets the criteria for what we could take action on.

We also understand that, in 2015, the Department was asked by a “coalition of environmentalists and lawmakers”¹ to investigate whether the past decisions of a private sector company to adopt and publicly disclose certain views on climate issues, and to refrain from adopting and publicly disclosing others, may have violated the Racketeer Influenced and Corrupt Organizations Act and related laws.

Statements from a March 29, 2016, press conference held by Democrat Attorneys General from New York, Connecticut, Maryland, Massachusetts, and Virginia, along with staff from the Democrat Attorney General’s offices in California, Delaware, the District of Columbia, Illinois, Iowa, Maine, Minnesota, New Mexico, Oregon, Rhode Island, and Washington (the “State Attorneys General”) make clear that similar investigations are ongoing. The Attorney

¹ Valerie Richardson, *Democratic AGs, climate change groups colluded on prosecuting dissenters, emails show*, <http://www.washingtontimes.com/news/2016/apr/17/democratic-ags-climate-change-groups-colluded-on-p/> (April 17, 2016).

General of the United States Virgin Islands also issued a subpoena seeking from over 100 private parties, including universities, scientists and nonprofit organizations, decades worth of documents, communications, emails, op-eds, speeches, advertisements, letters to the editor, research, reports, studies and memoranda of any kind—including drafts—that refer to climate change, greenhouse gases, carbon tax, or climate science.²

These actions provide disturbing confirmation that government officials at all levels are threatening to wield the sword of law enforcement to silence debate on climate change.³ As you well know, initiating criminal prosecution for a private entity's opinions on climate change is a blatant violation of the First Amendment and an abuse of power that rises to the level of prosecutorial misconduct.⁴ Using such a prosecution to issue intrusive demands targeting individuals who represent the parts of civil society that are most dependent on free inquiry and debate is something categorically different. As the U.S. Court of Appeals for the Sixth Circuit reminded the Justice Department just weeks ago, "no citizen—Republican or Democrat, socialist or libertarian—should be targeted or even have to fear being targeted"⁵ on the basis of ideological disagreement with the government.

We encourage you to consider the following statement from Alabama Attorney General Luther Strange and Oklahoma Attorney General Scott Pruitt, issued in response to the announcement of the investigation by the previously referenced State Attorneys General, as you consider your path forward:

[Scientific and political debate] should not be silenced with threats of criminal prosecution by those who believe that their position is the only correct one and that all dissenting voices must therefore be intimidated and coerced into silence. It is inappropriate for State Attorneys General to use the power of their office to attempt to silence core political speech on one of the major policy debates of our time.⁶

In light of the above, please confirm within 14 days that the Department (1) has terminated all investigations or inquiries arising from any private individual or entity's views on climate change and (2) will not initiate in the future any such investigations or inquiries. In addition, we ask that you explain what steps you are taking as the federal official charged with protecting the civil rights of American citizens to prevent state law enforcement officers from unconstitutionally harassing private entities or individuals simply for disagreeing with the prevailing climate change orthodoxy.

We expect your prompt attention to this matter. If you have any questions, please contact Senator Mike Lee's Judiciary Committee staff at (202) 224-2791.

² Valerie Richardson, *Exxon climate change dissent subpoena sweeps up more than 100 U.S. institutions*, <http://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-communications/> (May 3, 2016).

³ Megan McArdle, *Subpoenaed Into Silence on Global Warming*, <http://www.bloombergview.com/articles/2016-04-08/subpoenaed-into-silence-on-global-warming> (April 8, 2016).

⁴ 18 U.S.C. § 530B; *ABA Model Rule* 3.1.

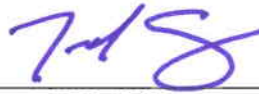
⁵ *United States v. NorCal Tea Party Patriots*, No. 15-3793, slip op. at *1 (6th Cir., Mar. 22, 2016).

⁶ Richardson, *supra*, at note 1.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mike Lee", written over a horizontal line.

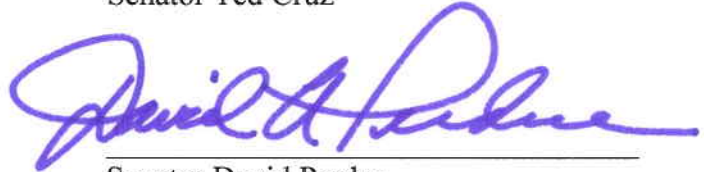
Senator Mike Lee

A handwritten signature in blue ink, appearing to read "Ted Cruz", written over a horizontal line.

Senator Ted Cruz

A handwritten signature in blue ink, appearing to read "Jeff Sessions", written over a horizontal line.

Senator Jeff Sessions

A handwritten signature in blue ink, appearing to read "David Perdue", written over a horizontal line.

Senator David Perdue

A handwritten signature in blue ink, appearing to read "David Vitter", written over a horizontal line.

Senator David Vitter