

July 26, 2016

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**BY ELECTRONIC MAIL**

The Honorable Lamar Smith  
Chairman  
Committee on Science, Space and Technology  
2321 Rayburn House Office Building  
Washington, D.C. 20515

RE: Response to Committee's July 13, 2016 Subpoena

Dear Mr. Chairman:

I write on behalf of the Union of Concerned Scientists (UCS) in response to your July 13, 2016 subpoena demanding documents relating to communications between UCS employees and state attorneys general, and communications between UCS employees and other groups or individuals "related to the issue of climate change." These communications are protected by the First Amendment to the U.S. Constitution and the House Science Committee lacks jurisdiction to investigate them; therefore, UCS will not comply with the subpoena.

UCS has been transparent—by publishing on its website—documents and other material about its work exposing fossil fuel companies' misinformation, denial, and distortion of the climate risks of their products. In the case of Exxon Mobil, this includes evidence that the company's public messages on climate risk contradict the findings of the company's own scientists.

The subpoena makes no allegation of wrong doing on the part of UCS, and UCS is determined to defend its constitutional rights to peaceful assembly with like-minded groups, to petition the government, and to free speech on the issue of climate change and other public matters. We outlined in great detail our objections to the Committee's previous requests for documents in letters dated June 1, June 27, and July 13, which we have enclosed and hereby incorporate as part of our response to your subpoena. In sum, 1) the Committee does not have the jurisdiction to issue this subpoena; and 2) the subpoena violates our client's First Amendment rights.

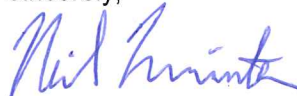
We are not going to reiterate our objections in depth, but must note again that your claim of an interest in preserving "research free from intimidation" grossly misrepresents the attorneys general investigation, which focuses on whether ExxonMobil's willful distortion of the work of company scientists constitutes fraud. Further, the Committee has utterly failed to explain why this generalized and misapplied concern overrides UCS's specific, particularized and evident First Amendment rights. UCS has not violated any law or regulation and there is absolutely no evidence that its advocacy work has intimidated anyone. In contrast, your subpoena is intimidating and, if enforced, would interfere with our client's ability to participate freely in our democratic process. UCS will defend its rights so that it, and other advocacy groups, whatever their political perspectives or substantive agendas, may be free to exercise the birthright of all Americans – the rights to freely speak, associate, and petition their government.

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UCS's offer to brief the committee made in our July 13 letter and subsequent conversation still stands. We understand that the Committee may exercise options available to it to attempt to compel our client to provide the subpoenaed documents, and perhaps punish it for standing up for its First Amendment rights. We would appreciate receiving advance notification before such action is taken.

Sincerely,



Neil Quinter

cc: The Honorable Eddie Bernice Johnson,  
Ranking Member, Committee on Science, Space and Technology

Enclosures: Letter from Neil Quinter to the Honorable Lamar Smith (June 1, 2016)  
Letter from Neil Quinter to the Honorable Lamar Smith (June 27, 2016)  
Letter from Neil Quinter to the Honorable Lamar Smith (July 13, 2016)