

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0533**

June 9, 2016

The Honorable Kamala D. Harris  
Attorney General of California  
1300 "I" Street  
Sacramento, CA 95814-2919

Dear Attorney General Harris,

We write in response to the recent attempt by Chairman Lamar Smith of the U.S. House of Representatives Committee on Science, Space, and Technology to harass and suppress your work to hold companies accountable for swindling the American people as to the truth of climate science. We also wish to correct Chairman Smith's misunderstanding of the First Amendment, which, contrary to his letter, is not designed to protect fraud and deceit. We are supportive of your investigation and believe the Science Committee's baseless allegations against you are nothing more than part of his continued agenda to assault climate science.

As you know, recent evidence suggests that leading oil companies, such as ExxonMobil and Shell, confirmed the science of climate change decades ago and even changed their business decisions to adapt to a warming planet. The *New York Times* has reported ExxonMobil may have known as early as the 1950s that their carbon emitting product contributes to warming the earth. At the same time, *Inside Climate News* and the *Los Angeles Times* reported ExxonMobil, Shell, and other energy groups began a coordinated campaign of mass deception as to the truth of climate science – spreading doubt and confusion among the public and ultimately sinking climate action in Congress.

Members of Congress have called on the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC) to investigate whether ExxonMobil violated federal law and lied to its shareholders. In addition, over 500,000 petition signatures have been delivered to DOJ and state Attorneys General (AG) calling for investigations into what ExxonMobil knew and when they knew it. We were pleased when you and the AGs of New York, Massachusetts, and the Virgin Islands announced investigations into the wrong doings of ExxonMobil.

Contrary to Chairman Smith's letter, your investigation as to whether ExxonMobil lied about the truth of climate change and misled investors does not constitute an effort to silence

speech or scientific research. In fact, through an investigation, ExxonMobil's climate research could confirm climate science and help end any continuing confusion as to the truth of climate science among the public.

Further, Chairman Smith seems to have a misunderstanding of the First Amendment. The First Amendment protects freedom of speech, but it does not protect companies from defrauding the American people or improperly disclosing information to their shareholders. Big Tobacco also attempted to invoke the First Amendment in order to protect them from their actions to deceive the public about the dangers of smoking. Their defense failed, and federal courts ruled that the Constitution does not protect fraud.

We support your investigation into whether ExxonMobil lied about the truth of climate change and misled investors, and we denounce Chairman Smith's actions as a flagrant abuse of power. If ExxonMobil and other oil companies hid the science of climate change and embarked on a massive campaign of public deception, the American people have the right to know and ExxonMobil should be held accountable. The urgent danger of climate change is real, and ExxonMobil likely delayed climate action by a generation and imperiled all of humanity in the process. The U.S. military, the Pope, the majority of the American people, and the 175 countries which signed the Paris agreement all recognize the imminent threat of climate change. It is time for Chairman Smith to stop attacking science and begin taking meaningful action to find solutions to the climate change threats facing our planet.

Sincerely,



Ted W. Lieu  
Member of Congress



Zoe Lofgren  
Member of Congress



Jared Huffman  
Member of Congress



Michael M. Honda  
Member of Congress



Barbara Lee  
Member of Congress

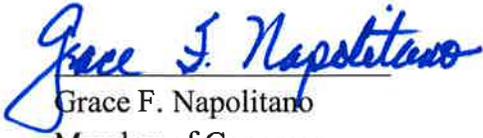
Mark DeSaulnier  
Member of Congress



Sam Farr  
Member of Congress



Mike Thompson  
Member of Congress



Grace F. Napolitano  
Member of Congress



Eric Swalwell  
Member of Congress



Mark Takano  
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Lois Capps  
Member of Congress



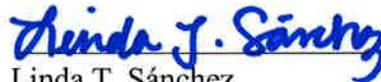
Judy Chu  
Member of Congress



Doris Matsui  
Member of Congress



Jackie Speier  
Member of Congress



Linda T. Sánchez  
Member of Congress



Alan Lowenthal  
Member of Congress



Janice Hahn  
Member of Congress



Maxine Waters  
Member of Congress

cc:

The Honorable Lamar Smith,

Chairman, House Committee on Science, Space, and Technology