

GEORGE JEPSEN
ATTORNEY GENERAL



55 ELM STREET
P.O. BOX 120
HARTFORD, CT 06141-0120

June 20, 2016

Office of the Attorney General
State of Connecticut

Rep. Lamar Smith
2409 Rayburn HOB
Washington, DC 20515

Rep. Bill Posey
120 Cannon HOB
Washington, DC 20515

Rep. Frank Lucas
2405 Rayburn HOB
Washington, DC 20515

Rep. Jim Bridenstine
216 Cannon HOB
Washington, DC 20515

Rep. F. James Sensenbrenner
2449 Rayburn HOB
Washington, DC 20515

Rep. Randy Weber
510 Cannon HOB
Washington, DC 20515

Rep. Dana Rohrabacher
2300 Rayburn HOB
Washington, DC 20515

Rep. John Moolenaar
117 Cannon HOB
Washington, DC 20515

Rep. Randy Neugebauer
1424 Longworth HOB
Washington, DC 20515

Rep. Brian Babin
316 Cannon HOB
Washington, DC 20515

Rep. Mo Brooks
1230 Longworth HOB
Washington, DC 20515

Rep. Barry Loudermilk
238 Cannon HOB
Washington, DC 20515

Rep. Ralph Lee Abraham
417 Cannon HOB
Washington, DC 20515

Rep. Gary Palmer
206 Cannon HOB
Washington, DC 20515

Rep. Michael T. McCaul
131 Cannon HOB
Washington, DC 20515

Rep. Darin LaHood
2464 Rayburn HOB
Washington, DC 20515

Rep. Bruce Westerman
130 Cannon HOB
Washington, DC 20515

Rep. Warren Davidson
1011 Longworth HOB
Washington, DC 20515

Dear Representatives,

This is in response to your letter dated June 17, 2016, which states that you did not receive a response to your previous letter of May 18, 2016. (Curiously, however, your latest letter also asserts that you “the Committee strongly disagrees with [our] contentions.”) Please find enclosed a copy of our response to your original letter, mailed to you on May 27 advising you that this office does not have documents responsive to the Committee’s requests.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Jepsen", with a large, sweeping initial "G" and a trailing flourish.

George Jepsen
Attorney General
State of Connecticut

cc: Representative Eddie Bernice Johnson, Senator Chris Murphy, Senator Richard Blumenthal, Representative John Larson, Representative Joe Courtney, Representative Rosa DeLauro, Representative Jim Himes, Representative Elizabeth Esty

GEORGE JEPSEN
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May 27, 2016

Rep. Lamar Smith
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Washington, DC 20515

Rep. Bill Posey
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Rep. Frank Lucas
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Rep. Ralph Lee Abraham
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Washington, DC 20515

Dear Representatives,

I write in response to your letter, dated May 18, 2016, seeking documents and communications concerning this office's "investigation or potential prosecution of companies, nonprofit organizations, scientists, or other individual related to the issue of climate change." Your letter accuses this office of using legal action and investigative tactics against those who have questioned the causes, magnitude and best responses to climate change. You also assert that we have undertaken legal actions that may rise to the level of abuse of authority and call this office's integrity into question. For the

reasons set forth below, your attacks on the integrity and conduct of this office are wholly unwarranted, and your request for information is misdirected.

You have accused the chief civil law enforcement official of a sovereign state of misconduct without any factual or legal basis – and, indeed, based entirely on a false factual premise. Your letter incorrectly asserts that this office has, in fact, commenced an investigation or other legal action into a party or parties based on their speech or beliefs concerning climate change. This office is not among the states or territories that have initiated investigations through issuance of subpoenas or other formal requests for production. Nor has this office threatened any entity or individual with investigation, prosecution, or other legal action. Indeed, we have not requested that any person or organization voluntarily produce information relating to their past statements or positions on climate change. (As a technical point, although your letter refers to “prosecutions,” this office lacks authority to undertake criminal action.)

In light of the fact that Connecticut has not commenced or announced an investigation, your purpose is perhaps to intimidate this office or others from doing so. Be assured that this office reserves the full and unfettered right to conduct any investigation or enforcement action within its authority if we determine that doing so is in the best interests of the State of Connecticut. We acknowledge the overwhelming scientific consensus that climate change is real, that human activity has contributed to it, and that it represents a grave and escalating threat to the welfare of Connecticut's citizens and to its economy. With that in mind, we continue to evaluate if Connecticut law is available as an effective tool to address the impacts to our state from climate change. More particularly, the focus of our analysis is whether state laws, including consumer protection laws, may provide redress against knowingly false commercial speech concerning global warming and, if so, if applying such laws might produce relief that is meaningful in light of the resources required to obtain it.

I will not be dissuaded or intimidated from undertaking this review – or, if warranted, a formal investigation or enforcement – by heavy handed tactics from those with vested interests in avoiding legal scrutiny or their allies. Rather, we will be guided exclusively by the applicable law, facts, and the interest of the people of the State of Connecticut, and not by the interests of others on any side of this debate. Were we to undertake such an investigation, we would do so as a lawful exercise of authority properly reserved to the states and not subject to federal preemption or Congressional supervision. At this point, however, we have not instituted an investigation or other legal action. We, therefore, respectfully advise you that there are no documents responsive to your request for information concerning ongoing investigations or potential prosecutions.

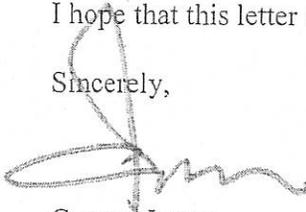
Your letter notes this office's participation in an event hosted by the New York Attorney General's office on March 29, 2016. Contrary to your characterization, the event was not intended to announce a commitment to a joint investigation by all attendees of any particular target or targets relating to climate change, and it did not result in any such announcement. It was an occasion for discussion with colleagues on

opportunities to work together in a variety of ways to confront climate change, as we have previously, for example, in defending the Obama Administration's action to combat global warming.

In closing, I emphasize that my focus in evaluating potential avenues of legal action is not, and will never be, on academic or other non-commercial speech or intended to chill debate on issues of public importance. I trust that you, too, as responsible public servants, would avoid acting under the auspices of your committee to impede and dissuade discussion among public officials and others concerning climate change, an issue of collective and paramount concern to all of our constituents.

I hope that this letter adequately responds to your request for information.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Jepsen", written over a horizontal line.

George Jepsen
Attorney General
State of Connecticut

cc: Representative Eddie Bernice Johnson, Senator Chris Murphy, Senator Richard Blumenthal, Representative John Larson, Representative Joe Courtney, Representative Rosa DeLauro, Representative Jim Himes, Representative Elizabeth Esty