



THE UNITED STATES VIRGIN ISLANDS  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

CLAUDE EARL WALKER, ESQUIRE  
ATTORNEY GENERAL

June 23, 2016

The Honorable Lamar S. Smith, Chairman  
Congress of the United States  
House of Representatives  
Committee on Science, Space, and Technology  
2321 Rayburn House Office Building  
Washington, D.C. 20515-6371

Re: ExxonMobil Investigation

Dear Chairman Smith:

I write in response to your letter of June 17, 2016, regarding the investigations by numerous states and territories of ExxonMobil.

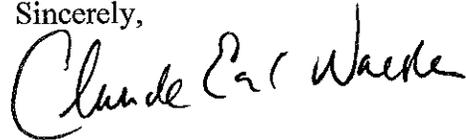
Again, I would like to correct, respectfully, any mistaken impression of the nature of the investigation. The only target of my office's investigation is ExxonMobil, and references to other entities or individuals in any subpoenas are intended to provide information relevant to whether ExxonMobil misrepresented its knowledge about climate change. If ExxonMobil did make such misrepresentations, it could constitute fraud, which is not protected by the First Amendment. In fact, in the context of commercial speech such as ExxonMobil's, the primary purpose of the First Amendment is to protect the public's interest in receiving full and accurate information in order to safeguard an honest marketplace for consumers and investors. My investigation seeks to protect, not chill, these critical constitutional values.

Without speaking or consenting to this Committee's jurisdiction to undertake oversight of a matter of local law enforcement, I reiterate that the Virgin Islands has no documents responsive to your first and third requests and only a handful of documents responsive to the second request. This request covers confidential communications with other state attorneys general in a common law enforcement investigation, which are protected from disclosure. *Giovan v. St. Thomas Diving Club, Inc.*, 37 V.I. 176, 183-84 (V.I. Terr. Ct. 1997). However, in the interest of satisfying the Committee's concerns, the Virgin Islands will provide these documents subject to a confidentiality agreement, as is customary when sharing confidential information with other government entities relating to an open law enforcement investigation.

*Honorable Lamar S. Smith, Chairman  
Congress of the United States  
June 23, 2016  
Page 2*

Please ask your staff to reach out to Carol Jacobs of my office so that we can arrange to provide these materials promptly. She may be reached at either (340) 774-5666 or [carol.jacobs@doj.vi.gov](mailto:carol.jacobs@doj.vi.gov).

Sincerely,

A handwritten signature in cursive script that reads "Claude Earl Walker". The signature is written in black ink and is positioned above the printed name and title.

Claude Earl Walker, Esq.  
Attorney General

cc: Honorable Eddie Bernice Johnson, Ranking Member