



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

CLAUDE EARL WALKER, ESQUIRE  
ATTORNEY GENERAL

May 27, 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

Dear Chairman Smith:

I write in response to your letter of May 18, 2016, regarding the investigations by numerous states and territories of potential fraud by ExxonMobil.

I would like to correct, respectfully, your mistaken impression of the nature of the investigation. This investigation stems from well-documented statements ExxonMobil made in both internal and public documents that may have misrepresented its knowledge of climate change, and is intended to determine whether the company violated the law. It does not infringe upon any party's First Amendment rights because, as you know, the First Amendment does not shelter fraud, particularly in the kinds of commercial speech in which ExxonMobil has engaged. My responsibility, under the laws of the Virgin Islands, is to ensure an honest marketplace for consumers and investors, and it is solely pursuant to, and guided by, that duty that I have undertaken this inquiry.

Without speaking or consenting to this Committee's jurisdiction to undertake oversight of a matter of local law enforcement, I will address your specific questions. The Virgin Islands has no documents responsive to your first and third requests. For the reasons laid out below, I cannot provide documents in response to the second question, seeking communications with other state attorneys general, which would require us to disclose confidential law enforcement communications.

The Virgin Islands Department of Justice and other enforcement agencies in the Virgin Islands regularly coordinate with federal and state enforcement agencies on a variety of investigations, which, in the interests of the government, witnesses, and targets, require confidentiality. Disclosing documents obtained and created in the course of this investigation would compromise our ability to gather, analyze, and act upon sensitive information in cooperation with other law enforcement partners in this and other important matters.

The materials you have requested are privileged and confidential under the laws of the Virgin Islands. The requested records are confidential attorney work product and attorney-client

*The Honorable Lamar S. Smith*  
*Chairman*  
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privileged pursuant to Title 5, Virgin Islands Code § 852, and also are protected by the deliberative process privilege, *Vento v. IRS*, No. 08-159, 2010 WL 1375279, at \*5 (D.V.I. Mar. 31, 2010). Finally, the V.I. Department of Justice's communications with other state attorneys general in this matter are protected against disclosure under the common interest doctrine. *Giovan v. St. Thomas Diving Club, Inc.*, 37 V.I. 176, 183-84 (V.I. Terr. Ct. 1997).

If you have any further questions regarding this matter, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Claude Earl Walker". The signature is written in a cursive style with a large initial "C" and a long horizontal flourish at the end.

Claude Earl Walker, Esq.  
Attorney General