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May 31, 2016

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

Dear Chairman Smith:

I write to respond to the May 18, 2016 letter from you and several other Majority members of the House Committee on Science, Space and Technology. The letter requests documents regarding alleged investigatory and prosecutorial efforts by the State of Vermont, Office of Attorney General ("VTAG") related to climate change.

The VTAG is committed to a vital role in addressing climate change. For years, the office has participated in multi-state coalition efforts toward this end, including pressing the federal Environmental Protection Agency to limit climate change pollution from fossil-fueled electric power plants, defending federal rules controlling climate change emissions from large industrial facilities, and pushing for federal controls on the emissions of the potent greenhouse gas methane from the oil and gas industry.

Your letter makes ungrounded assertions as to the motivation of this office. Should this office deem it appropriate, it would not hesitate to seek redress for unlawful false or misleading statements to the State's consumers or investors related to climate change. Such efforts would not implicate First Amendment rights.

Assuming that there were documents in the VTAG's possession, custody or control within the scope of your requests, the VTAG declines to produce them. Your requests for documents violate fundamental Constitutional principles. Any investigation or prosecution undertaken by the VTAG would involve exercise of the State's sovereign police powers. As is discussed more fully in the Office of the

Attorney General of New York's May 26, 2016 letter to you, Congress does not have jurisdiction to demand documents from a state law enforcement official regarding the official's exercise of the state's sovereign police powers. Those powers are reserved to the states and protected from federal oversight or interference by the 10th Amendment. Congress' investigative and oversight jurisdiction is derived from and limited by its power to legislate concerning federal matters.

Further, as is also discussed more fully in the Office of the Attorney General of New York's May 26, 2016 letter to you, we are not aware of any precedent supporting a Congressional investigation or Congressional oversight of a state Attorney General. We think that is for good reason.

For these reasons, respectfully, the VTAG is not producing any documents in response your letter.

Sincerely,



Susanne R. Young
Deputy Attorney General

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

Majority Staff, Committee on Science, Space, and Technology Rayburn House
Office Building, Room 2321

Minority Staff, Committee on Science, Space, and Technology Ford House
Office Building, Room 394