

## Congress of the United States

COMMITTEE ON THE JUDICIARY

### House of Representatives Washington, DC 20515

June 13, 2016

The Honorable Loretta Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Lynch:

We write to express our deep concern over the recent use of state law enforcement power to silence political opponents, and we urge you to resist partisan demands that the U.S. Department of Justice play a role in the misguided and un-American enterprise. As former U.S. Attorneys, Assistant U.S. Attorneys, and prosecutors, we know that the administration of justice must be fair and impartial for it to have any legitimacy at all.

In America, we do not prosecute our political opponents, much less those who merely express views on policy that differ from our own. But that is exactly what we have seen unfold over the last month as companies and non-profits alike have been targeted for investigation and harassment by state law enforcement officers.

This coordinated effort first came into public view on March 29, 2016, when 16 state attorneys general held a press conference with Al Gore to denounce “gridlock in Washington” over climate change policy and to announce their plans to “step into this breach” by “creatively” and “aggressively” using their prosecutorial power.

These public officials are tasked with enforcing the law, not writing it, and we find these comments profoundly unsettling. It is not the role of law enforcement officials to address perceived shortcomings in our legislative process by using their investigative and prosecutorial powers to bully private entities into compliance with their preferred policies. The attorneys general may indeed hold strong views on this issue, and they might consider dissenting views poorly reasoned; but that does not justify using the tools of law enforcement as just another means of advancing their side of a policy debate.

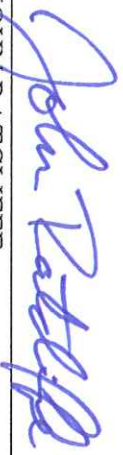
To be clear, this letter is not a debate on the merits of climate change – an issue where the signers may well have differing opinions. Rather, it is a defense of the Constitution and the First Amendment which protect the freedom of speech and freedom of association from government intrusion.

For this and other reasons, a growing number of state attorneys general have voiced opposition to the efforts announced on March 29, 2016. The Attorneys General for Alabama and Oklahoma released a joint statement saying, "Reasonable minds can disagree about the science behind global warming, and disagree they do. This scientific and political debate is healthy, and it should be encouraged. It should not be silenced with threats of criminal prosecution by those who believe that their position is the only correct one and that all dissenting voices must therefore be intimidated and coerced into silence." The Attorney General for Louisiana condemned using "prosecutorial weapons to intimidate critics, silence free speech, or chill the robust exchange of ideas." Attorneys General for Kansas and West Virginia have made similar statements criticizing the partisan nature of the investigations and the unconstitutional chilling effect these politicized investigations have on policy debates.

We agree. Policy disagreements are not illegal. It is only through the free and open exchange of ideas that proposals are vetted and sound policy enacted. This process should not be undermined by an abuse of the power to enforce the law. To do so risks compromising the public's faith and confidence in our justice system.

We are well aware that you have been urged to join this misguided investigation, and ask that you decline. This is a political debate improperly being presented as a law enforcement action. We urge you to join us in condemning this dangerous misuse of government power and rebuff any calls to participate in it.

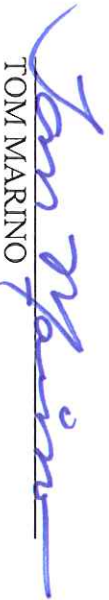
Sincerely,



JOHN RATCLIFFE  
Member of Congress



MICHAEL MCCAUL  
Member of Congress



TOM MARINO  
Member of Congress



DAN DONOVAN  
Member of Congress



GEORGE HOLDING  
Member of Congress