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Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6301

(202) 225–6371
www.science.house.gov

July 6, 2016

Neil F. Quinter
Attorney at Law
Brownstein Hyatt Farber Schrek
1350 I St NW #510
Washington, DC 20005

Dear Mr. Quinter,

The Committee on Science, Space, and Technology is in receipt of your June 27, 2016, response to its request for information related to ongoing oversight of coordinated attempts to deprive companies, nonprofit organizations, and scientists of their First Amendment rights and ability to fund and conduct scientific research free from intimidation and threats of prosecution. This response marks the second time your client, the Union of Concerned Scientists, has refused to produce documents in response to oversight letters signed by 17 Members of the Committee. Further, your office has not attempted to engage the Committee in a dialogue related to our requests. This is disappointing. I urge you and your client to engage with the Committee as soon as possible to discuss the Committee's requests.

The Committee maintains its authority to investigate your client's activities and communications with various state attorneys general and other non-profit organizations. As previously stated in the Committee's June 17, 2016, letter, this authority is grounded in both the Constitution and rules of the U.S. House of Representatives.[1] The Committee maintains that the First Amendment, as interpreted by the Supreme Court, is not an impenetrable shield to Congressional inquiry.[2] Moreover, the Committee is concerned that the objections raised in your June 27, 2016, letter appear to selectively apply the law based solely upon the political party to which your client supplies information.

On June 22, 2016, the House Progressive Caucus held a forum entitled "Oil is the New Tobacco." The forum was attended by (i) multiple members of the Union of Concerned Scientists (UCS), specifically Ms. Kathy Mulvey and Mr. Peter Frumhoff, (ii) Dr. Naomi Oreskes, founder of the Climate Accountability Institute (CAI), as well as (iii) other participants

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[1] *See generally* U.S. Constitution, Art. I; *McGrain v. Daugherty*, 273 U.S. 135 (1927) (Congress was investigating the U.S. Dep't of Justice's handling of the Teapot Dome scandal); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491 (1975) (U.S. Senate committee investigating the activities of U.S. Servicemen's Fund and their effect on the morale of members of the Armed Services).
[2] *Watkins v. U.S.*, 354 U.S. 178, 198 (1957); *Barenblatt v. U.S.*, 360 U.S. 109, 126 (1959).

in the 2012 La Jolla Conference.[3] During the forum, Rep. Paul Tonko (D-NY), asked: "Have any of you had interactions with the any of the AGs?"[4] Both Dr. Oreskes of CAI and Ms. Mulvey of UCS responded in a candid and forthcoming manner about the assistance and information they have provided to the attorneys general investigating companies, scientists, and non-profit groups.[5] It appears that your client has no First Amendment concerns providing information to Members of the House Progressive Caucus; yet, continually and improperly refuses to provide any information to this Committee. That your client appears to have cast aside any First Amendment concerns when interacting with the Members of the House Progressive Caucus, but purports to be unwilling to provide this Committee similar information is, at minimum, concerning. It is clear that Members on both sides of the aisle have legitimate questions regarding the activities of your client with regard to the assistance provided to the attorneys general, and I urge you to reconsider your unwillingness to provide information to the Committee.

Accordingly, the Committee reiterates its May 18, 2016, requests and asks that your client produce responsive documents and communications to the Committee on or before July 13, 2016, at 12:00 p.m. As explained in detail in the Committee's June 17, 2016, letter, this request is a legitimate exercise of the Committee's oversight duties under the Constitution and the Rules of the House.

If your client continues to refuse to provide information responsive to the Committee's requests on a voluntary basis, I will be left with no alternative but to utilize the tools delegated to the Committee by the Rules of the House of Representatives. Specifically, the Committee will consider use of compulsory process to obtain responsive documents in the possession, custody, or control of your client.

At any point, I welcome the opportunity to discuss the Committee's request with you or your staff. To arrange a meeting or discuss matters over the phone prior to July 13, 2016, please contact the Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

Lamar Smith

Rep. Lamar Smith
Chairman

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

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[3] Congressional Progressive Caucus Facebook Page Video release entitled *LIVE: CPC & SEEC Forum "Oil Is The New Tobacco" available at* https://www.facebook.com/USProgressives/ (last visited July 1, 2016).
[4] *Id.*
[5] *Id.*