

**Update on the Congressional investigation & other news**  
**14 November 2016**

Dear friends of Climate Accountability Institute:

CAI responded to Chairman Smith's letter of 13 October 2016 in a letter from our attorney Neil Quinter of Brownstein Hyatt LLP filed on 27 October. Let me know if you'd like a copy.

Mr. Quinter pointed out, as we did in our 13 July response, that CAI "has not met with or otherwise discussed our quantitative and accountability work with State Attorneys General." We do not intend to comply with the subpoena's request to provide documents and email communications, nor will we accept the invitation of a "transcribed interview of Richard Heede in his capacity of founder and director of CAI." The Chairman does not veil his intention to pursue enforcement including initiating proceedings "to find {Mr. Heede} in contempt of Congress, or ... civil enforcement action in federal court."



Our response affirms that the "1) the Committee does not have the jurisdiction to issue this subpoena, and 2) the subpoena violates our client's First Amendment rights." Mr. Quinter reiterates CAI's offer to "discuss its important climate change work with the Committee."

In a separate but related matter, I received a subpoena from Paul, Weiss LLP (attorneys for ExxonMobil) on 9 November "to produce documents, information, or objects" in the case of *ExxonMobil Corp v. Maura Healey Massachusetts AG* filed in U.S. District Court, Northern District of Texas. I am discussing CAI's response with UCS and its attorney.

A sampling of recent press coverage, for your further reading:

- Boston Globe* (2016) Congressional bullying on behalf of Big Oil - editorial, 12 September.
- Tippee, Bob (2016) Crusade to punish climate dissent changes course, *Oil & Gas Journal*, 12 September.
- Hasemyer, David (2016) Constitutional Scholars Object to Lamar Smith's Exxon Subpoenas, *InsideClimate News*, 12 September.
- Hasemyer, David (2016) Is There a Legal Precedent for Fighting Lamar Smith Subpoenas? Try 1960, *InsideClimate News*, 13 September.
- Hasemyer, David (2016) Lamar Smith Hearing Attempts to Bolster Legal Argument for Subpoenas, *InsideClimate News*, 14 September.
- Schwartz, John (2016) Are Subpoenas on Exxon Mobil Inquiries Valid? Experts Say Yes, and No, *New York Times*, 14 September.
- Halperin, David (2016) House Science Hearing On ExxonMobil And Subpoenas: What You Should Know, *Huffington Post*, 14 September.
- Krauss, Lawrence M. (2016) The House Science Committee's Anti-Science Rampage, *New Yorker*, 14 Sept.
- Mufson, Steven (2016) A 'Red Scare' tactic or standing up for ExxonMobil on climate change? *Washington Post*, 14 September.
- Johnson, S (2016) Lamar Smith invites legal scholars to tell him what he's doing is fine, *Ars Technica*, 16 Sep
- Krauss, Clifford (2016) S.E.C. Is Latest to Look Into Exxon Mobil's Workings, *New York Times*, 20 September.
- San Antonio Express-News* (2016) Lamar Smith's bully tactics cross the line, Editorial Board, 17 October.

**Congressional bullying on behalf of Big Oil**  
*Boston Globe - editorial*  
 12 Sep 2016



Rep. Lamar Smith, R-Texas. Charles Dharwadkar/AP/FILE 2012

**Lamar Smith Hearing Attempts to Bolster Legal Argument for Subpoenas**

David Hasemyer  
*InsideClimate News*  
 14 September 2016

*House Science committee hears three witnesses arguing subpoenas of NY and Mass. Attorney generals are justified; opponents argue they are a shield for Exxon.*



Rep. Lamar Smith held a House Science Committee hearing Wednesday with witnesses arguing for the constitutionality of his subpoenas. Credit Getty

**The House Science Committee's Anti-Science Rampage**

Lawrence M. Krauss  
*New Yorker*  
 14 September 2016



*There has always been tension between business interests and Congress. But Lamar Smith, the chairman of the House Committee on Science, Space, and Technology, has escalated that tension into outright war. "History 101 Class" / AP*

Hasemyer, David (2016) Exxon Now Seeks to Block New York Attorney General's Climate Probe, *Inside Climate News*, 18 October.

Hasemyer, David (2016) Exxon Widens Climate Battle, May Depose 17 State AGs, *InsideClimate News*, 10 November.

Hulac, Benjamin (2016) GOP chairman sails to victory, setting up showdown with enviros, *ClimateWire*, 10 November.

Our work is also featured in more technical fora:

Benjamin, Lisa (2016) The Responsibilities of Carbon Major Companies: Are They (and Is the Law) Doing Enough? *Transnational Environmental Law*, vol. 5(2):353-378, online 24Oct16.

Drollette Jr., Dan (2016) Just 90 companies are accountable for more than 60 percent of greenhouse gases: Interview with Richard Heede, *Bulletin of Atomic Scientists*, 27 October 2016.

Negin, Elliott (2016) Holding Corporate Carbon Producers Accountable, *Catalyst*, Union of Concerned Scientists, vol. 15(fall):8-11.

Douglas Starr, Co-Director Graduate Program in Science Journalism, Boston University, wrote an excellent profile of our history, mission, and climate work in *Science*.

Starr, Douglas: "The carbon accountant: Richard Heede pins much of the responsibility for climate change on just 90 companies. Others think that's a cop-out," *Science*, 353:858-861, 26Aug16.

Participants from CAI, UCS, 350.org, and Greenpeace filmed a segment for Samantha Bee's *Full Frontal* (TBS); I also recorded an interview with Alex Smith of Radio EcoShock. Both segments will air in the next few weeks.

I gave an invited paper at the *International Conference on Fossil Fuel Supply & Climate Change Policy*, Queen's College, Oxford, in late September with my CDP colleagues Paul Griffin and Pedro Faria entitled: Aligning an oil and gas company's reserves and future emissions with a 2°C science-based target A preliminary study of an oil and gas major

I will keep you informed. Please call me with questions, comments, or recommendations.

With respect and gratitude for your support,



Rick Heede, Director.

**Lamar Smith's bully tactics cross the line**

Editorial Board  
*San Antonio Express-News*  
17 October 2016

<https://www.mycentral.com/story/news/politics/editorial/2016/10/17/lamar-smiths-bully-tactics-cross-the-line-9977311.php?amp-ru=table>



Rep. Lamar Smith, chairman of the Science, Space, and Technology Committee, has used his position to stall scientific inquiry of climate change. AP file photo



**THE CARBON ACCOUNTANT**  
Richard Heede pins much of the responsibility for climate change on just 90 companies. Others say that's a cop-out

By Douglas Starr