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VIA HAND DELIVERY AND FIRST-CLASS MAIL

Claude Earl Walker, Esq.
c/o Linda Singer, Esq.
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1100 New York Ave.
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Dear Attorney General Walker:

The subpoena that you served on the Competitive Enterprise Institute (“CEI”) is a blatant attempt to intimidate and harass an organization for advancing views that you oppose. There is no way to understand your demand that CEI turn over all of its internal documents concerning climate change and its communications with a corporation, ExxonMobil, other than as an effort to punish it for its public policy views, chill its associations, and silence its advocacy.

You acknowledged as much in your remarks at the March 29 “AGs United for Clean Power” press conference in New York. You said that you launched this investigation not to carry out any law-enforcement duty, but to “make it clear to our residents as well as the American people that we have to do something transformational” about climate change, stop “rely[ing] on fossil fuel,” and “look at reliable energy.” You are entitled to your opinions on public policy, but you have no right to wield your power as a prosecutor to advance a policy agenda by persecuting those who disagree with you.

That is, in fact, the law: “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943). The freedoms of belief and expression guaranteed by the Constitution do not yield even to government officials’ insistence that some perceived crisis demands urgent action, the niceties of the law be damned. That is when the right to dissent matters most.

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Your demand on CEI is offensive, it is un-American, it is unlawful, and it will not stand. You can either withdraw it or expect to fight, because CEI strongly believes that this campaign to intimidate those who dissent from the official orthodoxy on climate change must be stopped.

I agree, and would also note that the law does not allow government officials to violate Americans' civil rights with impunity.

Sincerely,



Andrew M. Grossman

Counsel to the Competitive Enterprise Institute

Attachment