

Abbe David Lowell
direct tel +1 202 974 5605
adlowell@chadbournel.com



chadbournel
Chadbournel & Parke LLP
1200 New Hampshire Avenue NW
Washington, DC 20036
telephone: (202) 974-5600

August 19, 2016

VIA HAND DELIVERY

The Hon. Lamar S. Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515-6301

Re: July 15, 2016 Subpoena

Dear Chairman Smith:

This letter will follow up on communications I have had with the Majority Staff concerning the Committee's July 15, 2016 subpoena. As you know, by letter dated July 27, 2016, on behalf of our clients, we objected to various procedural and substantive aspects of the subpoena. In this letter, as with prior correspondence, we expressed a request for and willingness to have a meeting to discuss the subpoena and the issue of climate change underlying that subpoena.

In earlier correspondence, we noted that the letter requests of the Committee were signed only by Members in the Majority, and we asked whether the Minority Members and staff were included. We did not get responses to those questions. Apparently, the subpoena was issued, also without involvement by the Minority. For the meeting we proposed and were trying to schedule, I asked your staff to consult with the Minority staff so that they could attend. Eventually, I received an email from your staff suggesting a call "to discuss [my] questions" concerning participation by the Minority. It appears the Majority staff did not want to explain in writing the Committee's dealing with the Minority Members and staff. I made that call.

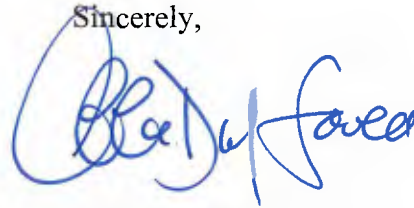
During the conversation, your staff member stated that the Minority chose not to join the investigation or the requests for information and so, under "long-standing" Committee practice, the Minority would not be invited to any meeting about the document subpoena or requests. I have been involved advising clients on congressional inquiries for some time, and I have served as special counsel on congressional investigations. In the past, even in your Committee, the "practice" had been to require a full Committee vote or consent of the Ranking Member before the issuance of a subpoena. In addition, we have seen statements (e.g., July 7, 2016) from the Ranking Minority Member asking for a Committee meeting and involvement in the process.

Even if the Committee now creates a new policy of excluding its Members from its work, we do not think that is a process that achieves the stated goal of any congressional

oversight activity – to fairly explore issues of national importance like climate change. Nor is this a policy and procedure in which we can participate in good faith. Such a one-sided process also affirms the view in the public's eye that Congress has become a partisan institution that is not serious about addressing real problems.

On behalf of our clients, then, let me reiterate their willingness to participate in any fair proceedings of the Committee, including meeting with you and the Ranking Member or the staffs of the Majority and the Minority to see if we can provide information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Abbe David Lowell". The signature is stylized and cursive, with the first name "Abbe" being the most prominent.

Abbe David Lowell

cc: Ranking Member Eddie Bernice Johnson