



PROJECT ON
GOVERNMENT OVERSIGHT

Exposing Corruption. Exploring Solutions.

September 13, 2016

The Honorable Lamar Smith
Chairman
House Science, Space, and Technology Committee
2409 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

The Project On Government Oversight (POGO) is an independent nonprofit that investigates and exposes corruption and other misconduct in order to achieve a more effective, accountable, open, and ethical federal government. In our efforts to further this mission, I am writing to express my concern that, if pursued, the subpoenas your Committee issued to multiple nonprofit organizations, including the Union of Concerned Scientists (UCS), will have a deep chilling effect on the work of all corporate and civil society organizations.

The subpoenas demand that these nonprofits turn over their climate change-related communications with state attorneys general and with other nonprofits. The effect of these subpoenas will be felt long after you conclude your investigation and may stymie the work of countless civil society organizations, whose very mission is to communicate with decision-makers in efforts to improve policy. Whether you agree with the underlying positions of a nonprofit should not be a factor in whether it is allowed to work in furtherance of its mission.

POGO deeply believes in the essential role Congress plays in our democratic process through oversight and investigations. However, having been subject to a similarly worrisome subpoena several years ago, I understand the effects that such a congressional inquiry can have on the work of a nonprofit such as UCS. Since 1981, POGO has received numerous knocks at our door by federal officials with badges as well as subpoenas from Congress and federal agencies. In our case, those actions were little more than an effort to intimidate the messenger by using government power in violation of the First Amendment.

I urge you to revoke the subpoenas, understanding the lasting impact they will have on government watchdogs as well as companies working with local, state, and federal governments. The forced disclosure of the subpoenaed communications will be harmful to the legitimate interests of protected speech, whistleblowers and sources, and the general public.

Sincerely,

A handwritten signature in black ink that reads "Danielle Brian". The signature is written in a cursive, flowing style.

Danielle Brian
Executive Director