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June 24, 2016

The Honorable Lamar Smith  
Chairman  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
2321 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Smith:

I have received your letter of June 17.

In my letter of May 31, I invited you to identify any basis whatsoever for your assertion that the actions of our office "may even amount to an abuse of prosecutorial discretion." Your response is devoid of any support for your charge.

Your second letter charged, again without any foundation, that we have engaged in a strategy "to use prosecutorial powers to stifle scientific discourse, intimidate private entities and individuals, and deprive them of their First Amendment rights and freedoms."

Both of your letters are baseless.

You rely on the general authority of Congressional Committees, but conspicuously omit the most pertinent language in Rule X of the Rules of the House of Representatives, which states in full: "The Committee on Science, Space, and Technology shall review and study on a continuing basis laws, programs, and Government activities **relating to nonmilitary research and development**." (Emphasis added.) Your authority to "investigate ... investigations" of state attorneys general is questioned even by members of your own committee. See June 2 Letter from the Honorable Don Beyer and the Honorable Donna Edwards *et al.*; June 23 Letter from the Honorable Eddie Bernice Johnson.

Your failure (or refusal) to offer support for your charge of abuse of prosecutorial discretion makes your so-called investigation look much more like an attempt to interfere with the constitutional functions of this office and those of other attorneys general. Accordingly, we decline your requests.

Sincerely,

A handwritten signature in blue ink that reads "Brian E. Frosh".

Brian E. Frosh  
Attorney General