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May 31, 2016

The Honorable Lamar Smith
Chairman, House Committee on Science, Space and Technology
2321 Rayburn House Office Building
Washington, DC 20515-6301

Dear Chairman Smith:

I am responding to a letter of May 18, 2016 from you and several other members of Congress to Maine Attorney General Janet Mills in which you express concern that this Office may be engaged in an inappropriate investigation into the activities of the fossil fuel industry. Consistent with its longstanding practice, this Office neither confirms nor denies the existence of any pending investigation.

Your letter requests that this Office immediately produce certain documents and information. We object to this request for several reasons. As an initial matter, your letter provides no factual support for the proposition that this Office has acted inappropriately in any way. In the absence of some evidence of wrong-doing specific to the Maine Attorney General, there is no factual justification for a Congressional demand for records. More fundamentally, we are unaware of any jurisdictional basis upon which Congress may demand records from a state prosecutorial authority regarding pending investigations into violations of state law. *See, e.g., New York v. U.S.*, 505 U.S. 144, 162 (1992) (describing the constitutional limitations on the authority of Congress to compel states to govern according to Congressional wishes). We also note that much of the material you request would, to the extent it exists, be protected by several well-established privileges recognized under both Maine and federal law. For all of these reasons, we respectfully deny your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Pistner'.

Linda Pistner
Chief Deputy Attorney General