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By Fax and E-mail

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

Dear Chairman Smith:

We represent the Rockefeller Brothers Fund (“RBF”), and along with David Angeli, Esq., we are co-counsel to the Rockefeller Family Fund (“RFF”). We write in response to the July 6, 2016 letter (the “July Letter”) sent by the House Committee on Science, Space, and Technology (the “Committee”) to both the RBF and RFF (together, the “Funds”). We wish to respond to certain points made in the July Letter. We also provided some of this information to Mr. Mark Marin in a phone call on July 11, 2016.

First, in response to the Committee’s suggestion that we speak to the Committee staff by phone or in person, we have now done so. In addition, prior counsel to RFF did meet with the Committee staff on May 23, 2016 after the Committee’s initial letter relating to the document request that is renewed in the July Letter. We remain open to further dialogue if it will help address the Committee’s concerns.

Second, neither of the Funds participated in the June 22, 2016 meeting with the House Progressive Caucus or the 2012 conference on climate change held in La Jolla, California, both of which are mentioned in the July Letter. None of the participants in those meetings were “affiliates” of the Funds. Although certain of the meeting participants may have, at some point in time, received grants from the Funds, the grantees are independent of the Funds, with separate boards and management. We believe that the work of these organizations is important, but they are not affiliates of the Funds.

Third, we continue to be concerned that the Committee’s request, as presently formulated, intrudes upon First Amendment rights for the reasons explained more fully in our earlier correspondence. While we appreciate that the Committee is focused on correspondence between the Funds and state attorneys general or the identified organizations rather than the Funds’ internal deliberative process, we are concerned that these communications will necessarily curtail the Funds’ freedom to associate. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460-61 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1162 (9th Cir. 2010)

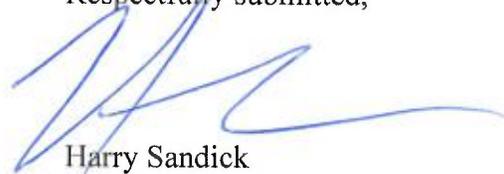
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(“Implicit in the right to associate with others to advance one’s shared political beliefs is the right to exchange ideas and formulate strategy and messages and to do so in private.”).

We also question the relevance of the Funds to the investigation being conducted by the Committee. The Committee has expressed concern about the propriety of the lawsuits being filed or contemplated by certain state attorneys general. The Funds have no authority to initiate lawsuits on behalf of the state attorneys general, and as a result the Funds have limited relevance to the Committee’s investigation.

As a compromise to resolve this issue, the Funds are prepared—if it would be accepted in satisfaction of the document requests—to produce factual information relating to grants made to the organizations in your prior correspondence. Such information would include (a) the names of the grantee organizations; (b) the dates and amounts of any prior grants; and (c) the general purpose of such grants. This information (from January 1, 2012 to May 18, 2016) would provide the Committee with information about whether the Funds provided financial support to the identified organizations, without impinging on the Funds’ First Amendment rights. The Funds make this offer without admitting or denying that such grants were offered to support work by the grantees related to the consideration of the actions initiated by the state attorneys general.

Respectfully submitted,



Harry Sandick