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The Climate Police Escalate

A subpoena hits a think tank that resists progressive orthodoxy.

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Sometimes we wonder if we're still living in the land of the free. Witness the subpoena from Claude Walker, attorney general of the U.S. Virgin Islands, demanding that the Competitive Enterprise Institute cough up a decade of emails and policy work, as well as a list of private donors.

Mr. Walker is frustrated that the free-market think tank won't join the modern church of climatology, so he has joined the rapidly expanding club of Democratic politicians and prosecutors harassing dissenters.

New York Attorney General [Eric Schneiderman](#) started the assault last autumn with a subpoena barrage on [Exxon Mobil](#). His demand for documents followed reports by Inside Climate News and the Los Angeles Times that claimed Exxon scientists had known for years that greenhouse gases cause global warming but hid the truth from the public and shareholders.

Those reports selectively quoted from Exxon documents, which in any case were publicly available and often peer-reviewed in academic journals. Some Exxon scientists changed their views over the years, and several years ago the company even endorsed a carbon tax.

Mr. Schneiderman nonetheless says he is investigating Exxon for "defrauding the public, defrauding consumers, defrauding shareholders." He also tipped a broader assault by claiming that the oil and gas company was funneling climate misinformation through "organizations they fund, like the American Enterprise Institute," the "American Legislative Exchange Council" and the "American Petroleum Institute." He wants to use the Exxon case to shut down all "climate change deniers."

Mr. Schneiderman didn't single out CEI, and CEI doesn't disclose its donors. But in January CEI senior attorney Hans Bader blasted Mr. Schneiderman for violating Exxon's First Amendment rights. "Government officials cannot pressure a private party to take adverse action against a speaker," he wrote. Mr. Schneiderman responded by inviting more than a dozen state AGs to join him in "collectively, collaboratively and aggressively" investigating fossil-fuel companies and their donations. He rolled out Al Gore for the press conference.

Mr. Walker belongs to this climate prosecution club and so he unleashed his subpoena attack on CEI, as well as on DCI Group, a Washington-based PR firm that represents free-market and fossil fuel groups. His demand for a decade's worth of papers on climate research is a form of harassment. The process is itself punishment, intended to raise the cost of speaking freely on climate policy lest it invite legal bills and other political headaches.

Mr. Walker is also over the line in demanding the names of nonprofit CEI's donors, who can remain secret under federal law. Anyone on the list will become a new target for the Schneiderman climate posse.

CEI has filed to quash the subpoena, and the nonprofit has hired attorneys [Andrew Grossman](#) and David Rivkin, who recently founded the Free Speech in Science Project to defend First Amendment rights against government abuses. The project is much needed.

Rhode Island Senator Sheldon Whitehouse has asked the Justice Department to use the RICO statutes to bring civil cases against climate dissenters. Attorney General Loretta Lynch recently referred to the FBI a request from two Democrat Congressmen seeking a criminal probe of Exxon. Democrats on Capitol Hill have sent letters pressuring companies to disavow the Chamber of Commerce for its climate heresy.

This is a dangerous turn for free speech, and progressives ought to be the first to say so lest they become targets for their own political heresies. Rather than play defense, the targets of the climate police need to fight back with lawsuits of their own.