



## **The Real Story Behind the Feds Pursuing 'Climate Change Deniers'**

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The conservative media sites CNS News and The Blaze generated a buzz when they reported that U.S. Attorney General Loretta Lynch had discussed taking legal action against “climate change deniers.” The stories focused on recent testimony Lynch gave before a Senate committee hearing.

But the stories appear to exaggerate the extent to which the Department of Justice has gone after climate change skeptics. According to Lynch’s office, the action, asking the FBI investigate an allegation of wrongdoing, involves one party — the oil company Exxon Mobil. Individuals have not been targeted for investigation, according to the department, nor were any individuals mentioned in the letter that sparked the inquiry.

An AG spokesman said it received a request in 2015 from two California Democratic congressmen, Ted Lieu and Mark DeSaulnier, to investigate Exxon Mobil over claims that the oil company misrepresented its own research on global warming. The spokesman stated it is standard procedure to have the FBI put requests under review to see if a federal investigation is warranted. The letter from Lieu and DeSaulnier asked that the department look into whether Exxon Mobil violated the Racketeer Influenced and Corrupt Organizations (RICO) Act, consumer protection, truth in advertising, public health, shareholder protection or other laws.

“It’s the kind of investigation, depending on how it is conducted, that could veer into prosecutorial censorship,” said Peter Scheer, the executive director of the First Amendment Coalition in California. But Scheer said a justice department investigation into Exxon Mobil doesn’t have to go the way of censorship “and shouldn’t.”

Scheer said that corporations are not protected by the First Amendment if they make filings to government agencies or formal statements to the public that are deliberately misleading.

“Where they can get into trouble and where the First Amendment doesn’t protect them is if they are fraudulently concealing specific and credible information that they have or they are deliberately misrepresenting the information that they have,” Scheer said. Corporations and the people who run them are allowed to express opinions that are not politically correct and differ from the official government position, Scheer said.

Scheer said individuals such as college professors who are labeled as “climate change deniers” could not be penalized by the government for their views on global warming.

“Absolutely not,” Scheer said.

Pat Michaels, the director of the Center for the Study of Science at the Cato Institute, called the possibility of an investigation of Exxon Mobil “political grandstanding.” In the committee hearing at which Lynch testified, Sen. Sheldon Whitehouse (D-Rhode Island) made mention of the tobacco industry’s multibillion-dollar settlement with the government in 1998. The settlement came over claims the tobacco industry deliberately misrepresented its own research in the promotion and advertising of cigarettes.

“In the tobacco litigation, you had dead bodies,” Michaels said. “With global warming, you have people living twice as long as they were 100 years ago in societies powered by fossil fuels. It’s completely the opposite. How in the world can you prosecute someone for falsely representing this? You can’t demonstrate the net harm.”

Exxon Mobil spokesman Allan Jeffers said the claims against the oil company were not credible.

“Activists and media cherry-picked statements attributed to various company employees to wrongly suggest definitive conclusions were reached by company researchers at the early stages of scientific investigation of the potential for climate change,” Jeffers said in an email. “They ignored statements demonstrating that our researchers recognized the developing nature of climate science at the time, which mirrored global understanding. To suggest that we had reached definitive conclusions, decades before the world’s experts and while climate science was in an early stage of development, is not credible.”