



Science Committee broadens witch hunt against nonprofits

Eli Lehrer

July 14, 2016

The U.S. House Science Committee has subpoenaed the head of the Union of Concerned Scientists and the presidents of some other left-of-center advocacy groups like Greenpeace to testify about their dealings with state attorneys general and *their* communications with other nonprofits.

These subpoenas concern (recursion alert) an effort led by New York State Attorney General Eric Schneiderman and Massachusetts Attorney General Maura Healey to subpoena information about the relationship between right-of-center advocacy groups and ExxonMobil concerning climate change.

As I've written before, the efforts by the state attorneys general – some of which targeted my former employer, the Competitive Enterprise Institute – were a deeply problematic attack on free speech. They deserve derision and, luckily, seem to have fizzled. But the Science Committee subpoenas, as I've also written before, are only a very small shade better. Like the one issued to CEI, these inquiries are so broad as to include private, internal documents related to collaboration with other nonprofits.

This is a problem. All advocacy groups exist to encourage public officials to do certain kinds of things or not to do other kinds of things. Any advocacy group worth its salt will do so in collaboration with like-minded groups. Suggesting a government official do something that happens to be bad public policy—whether it's chilling free speech, ignoring climate change or imposing economy-killing regulations—shouldn't be illegal or even questionable.

In fact, democratic governance requires us all to be, at the least, tolerant even of those policy ideas we think are godawful. Personally, I can't think of a single major issue where I agree with Greenpeace's agenda, but the group certainly has a right to pursue that agenda.

The real villains are government officials who go on fishing expeditions for evidence of what Walter Olson has called "wrongful advocacy." This chills free speech and limits ability of private groups to conduct their affairs confidentially.

Now, going after Schneiderman, Healey, Virgin Islands Attorney General Claude Earl Walker (who led the initial attack on CEI) and any other public officials who went after right-of-center groups is perfectly legitimate. In fact, I'd love to see the attorneys general forced to answer uncomfortable questions in front of C-SPAN cameras and, perhaps, even face official sanctions.

But the Science Committee's own "show us your papers" efforts to go after UCS, Greenpeace and other groups are very nearly as wrong as the conduct they are investigating.