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The #ExxonKnew Hearing was Perfectly On Brand for Congress Right Now

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The purpose of the House Committee on Science, Space, and Technology has never been less clear than it was on Wednesday, when it held a hearing to deliberate over whether the committee has the authority to subpoena environmental groups and state attorneys general over an ongoing investigation into alleged fraud by Exxon.

The committee's understanding of the so-called #ExxonKnew investigation seemed to vary significantly.

Republican representatives tended to ask questions about Exxon's first amendment rights and express concern for the state investigation's potential to chill scientific investigation. On the other side, Democrats lamented wasting the committee's time on subpoenas that are neither appropriate nor scientific.

Everyone seemed to agree that one of the investigations was unlawful and could have a significant chilling effect on legitimate inquiry, but opinions diverged sharply on whether the inappropriate investigation was carried out by the attorneys general or by the House committee.

According to the attorneys general investigating Exxon, they are trying to determine whether Exxon committed fraud by continuing to deny the role of fossil fuels in climate change, even while its own scientists were aware of the connection. The scientists themselves are not under investigation—their work took place decades ago. Exxon's communications with and funding for public policy groups, think tanks, and other perpetrators of climate denial are being investigated.

"In America, it is unlawful for companies to lie to their stakeholders," Rep. Ted Lieu (D-CA) noted Wednesday.

But the purpose of the Science Committee subpoenas is, according to committee chair Rep. Lamar Smith (R-TX), to determine the origin of the state investigations. The rationale for the committee's involvement, again according to Smith, is that "such investigations may have an adverse impact on federally-funded scientific research." Attorneys general from California, New York, and Massachusetts have refused to answer the subpoenas, as have environmental groups.

To justify his position, Smith brought in three witnesses (a fourth was supplied by the Democrats). Of those three, two have questioned the credibility of scientists who have determined that humans are causing climate change. Those two also have ties to ExxonMobil.

Law professor Ronald Rotunda is affiliated with the Cato Institute, which received \$125,000 from ExxonMobil between 1991 and 2006. In addition, the Cato Institute received \$5.5 million from Koch-funded sources between 2005 and 2011. Rotunda is also affiliated with the Heartland Institute, which received \$676,500 between 1997 and 2006. Law professor Elizabeth Price Foley is also affiliated with the Cato Institute, as well as the James Madison Institute and the Federalist Society, both of which have received funding from both ExxonMobil and the Koch brothers, according to data from the Center for American Progress Action Fund.

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“Seventy percent of Republicans on the committee are climate deniers and, in total, have received nearly \$4 million in campaign contributions from the dirty energy industry,” Angela Kelley, executive director at the Center for American Progress Action Fund, said in a statement. “The math is a stark warning to their constituencies and the greater public. It’s time Chairman Smith abandon this crusade.”

During the hearing, Rep. Paul Tonko (D-NY), whose home state is among those investigating Exxon, said he was concerned the subpoenas are damaging the credibility of the committee.

Smith’s aggressive stand on behalf of Exxon—and potentially against the American public, which is represented by attorneys general—has certainly not gone unnoticed. At a press conference Wednesday morning, Sen. Sheldon Whitehouse (D-RI), said that the hearing raises questions about the committee’s financial ties.

“How far is the hand of the fossil fuel industry into the glove of this committee?” Whitehouse asked.

Several participants at the hearing raised the point that the House Science committee might not even have jurisdiction over the state investigations. (This is also only the second time in history a congressional committee has subpoenaed state authorities.) Oversight of state attorneys general would likely be left to the House Committee on Oversight and Government Accountability, said law professor Charles Tiefer, the lone witness called by the Democrats.

Just last week, the chair of that committee told CNN’s Wolf Blitzer that he would not investigate an ongoing scandal in the Florida attorney general’s office.

“I don’t see the federal jurisdiction in this case,” Rep Jason Chaffetz (R-UT) said. “It does look to me to be a state issue. It’s regarding an attorney general in Florida. I just don’t see the federal jurisdiction.”

Rep. Don Beyer (D-VA) entered the [video](#) of these comments into the hearing record Wednesday.

“This committee has no business harassing state attorneys general from investigating credible claims that ExxonMobil hid evidence from its shareholders related to the potential risks posed by climate change,” Beyer said.

Meanwhile on Wednesday, a petition was presented at the American Geophysical Union (AGU), urging the group to stop receiving funds from Exxon Mobil. Three hundred AGU scientists and 50,000 other people signed the petition, which was handed over during the group's annual board meeting.

“AGU's own policy expressly forbids accepting funding from any organization that spreads science misinformation,” petition organizers said.

The petition is part of a larger push within the scientific community to distance itself from entities that refuse to accept the link between fossil fuel use and climate change.