Emails Reveal Schneiderman, Other AG’s Colluding with Al Gore and Greens to Investigate Climate Skeptics

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Washington, D.C. (April 15, 2016) – The offices of New York Attorney General Eric Schneiderman (D), and other politically-aligned AGs, secretly teamed up with anti-fossil fuel activists in their investigations against groups whose political speech challenged the global warming policy agenda, according to e-mails obtained by the Energy & Environment Legal Institute (E&E Legal).

E&E Legal released these emails on the heels of a Wall Street Journal report about a January meeting, in which groups funded by the anti-fossil fuel Rockefeller interests met to urge just this sort of government investigation and litigation against their political opponents. After the Competitive Enterprise Institute (CEI) criticized these AGs’ intimidation campaign, the U.S. Virgin Islands’ Claude Earl Walker — one of the AGs working with Schneiderman — subpoenaed ten years of CEI records relating to the global warming issue.

The e-mail correspondence between Schneiderman’s staff, the offices of several state attorneys general, and activists was obtained under Vermont’s Public Records Law, and also show Schneiderman’s office tried to obscure the involvement of outside activists. His top environmental lawyer encouraged one green group lawyer who briefed the AGs before their
March 29 “publicity stunt” press conference with former U.S. Vice President Al Gore not to tell the press about the coordination. At that event the AGs announced they were teaming up to target opponents of the global warming agenda.

David Schnare, E&E Legal’s General Counsel, noted, “These emails show Schneiderman’s office suggested their outside-activist green allies deceive the press; meanwhile, AGs in his coalition have subpoenaed at least one policy group’s correspondence with the media. We call on these AGs to immediately halt their investigation and lay out for the public the full extent of this collusion, producing all records or information provided them in briefings or other work with the outside activists, including those they are trying to keep secret through a Common Interest Agreement.”

The latter point references the New York and Vermont AGs trying to claim privilege for discussions and emails even with outside groups in this effort to go after shared political opponents, including each state that receives an open records request immediately alerting the rest to that fact. In that case, according to the Schneiderman office’s draft, every state was to immediately return any records to New York. To its credit Vermont objected to that as, naturally, being against state laws.

The documents cover the weeks leading up to that aforementioned press conference with numerous AGs, led by Schneiderman and Gore. They show communication and coordination between:

- Lem Srolovic, chief of the New York Attorney General’s Environmental Protection Bureau
- Scot Kline, a Vermont assistant attorney general
- Matt Pawa, an environmental lawyer who works with the Climate Accountability Institute and the Global Warming Legal Action Project of the Civil Society Institute
- Peter Frumhoff, director of science and policy for the Union of Concerned Scientists

Pawa and Frumhoff have been pushing for this investigation for years, at least since a 2012 workshop titled “Establishing Accountability for Climate Change Denial,” a brainstorming session in California for activists on convincing attorneys general to investigate “deniers” through the Racketeer Influenced and Corrupt Organizations Act (RICO).

“These emails strongly suggest the financial motive for AGs to pursue their political opponents, not content with merely silencing and scaring away support for those who dare disagree with their extreme global warming agenda,” said Craig Richardson, E&E Legal’s Executive Director. “Alarmingly, government officials are actively trying to cover up their coordination by using a Common Interest Agreement, even to claw back records already circulated, which another attorney general properly objected to as violating state law.”

Emails recently obtained by CEI also show academics aspiring to “convince state AGs to file suit” under RICO laws, also plainly with an eye toward obtaining a massive settlement to underwrite the global warming campaign. CEI awaits a ruling by a Virginia court on other related correspondence that should prove highly relevant to these AGs’ campaign.
As the Vermont and New York correspondence show, Pawa and Frumhoff were invited to secretly brief the state attorneys general. They each received 45 minutes to provide arguments on “climate change litigation” and “the imperative of taking action now” immediately prior to the AGs’ press conference, according to schedules prepared by Schneiderman’s office.

The next day, March 30, Pawa wrote to Srolovic of New York and Kline seeking help. A Wall Street Journal reporter wanted to talk to Pawa, and he asked the two officials: “What should I say if she asks if I attended?”

Srolovic of the New York State Attorney General’s office replied: “My ask is if you speak to the reporter, to not confirm that you attended or otherwise discuss the event.”

The documents obtained by E&E Legal also include responses to a questionnaire sent to the state attorneys general by the New York AG’s office. The US Virgin Islands Attorney General noted he had just completed an $800 million settlement from Hess Oil company — used to create an “environmental response trust” and promote solar power — and was interested in using this coalition to identify “other potential litigation targets” and ways to “increase our leverage”.

AGs across the country have criticized these investigations, calling them efforts to “silence critics”

Attorneys General across the country have come out strongly against these investigations. West Virginia AG Patrick Morrisey said, “You cannot use the power of the office of the Attorney General to silence your critics.” Oklahoma AG Scott Pruitt and Alabama AG Luther Strange issued a joint press release stating, “It is inappropriate for State Attorneys General to use the power of their office to attempt to silence core political speech on one of the major policy debates of our time.” AG Jeff Landry of Louisiana said, “It is one thing to use the legal system to pursue public policy outcomes; but it is quite another to use prosecutorial weapons to intimidate critics, silence free speech, or chill the robust exchange of ideas.”

Following are the actual e-mails E&E Legal received through it’s open records request:

- Work groups and first call set
- Vermont OGA cover letter
- Vermont OAG intended authorities
- Vermont & New York OAGs fine with Sharon Eubanks joining Pawa for AGs briefing
- Questionnaire responses
- New York OAG wants to call Vermont OAG w something learned
- New York OAG wants Pawa to not confirm participation to WSJ
- Gore is adding star power and words to avoid
- Development of Agenda
- Common Interest Agreement and discussion
- Calls with Pawa and Frumhoff
- Call agenda
- AG’s principles
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