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TESTIMONY OF RONALD D. ROTUNDA

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Summary

I will focus on several points. FIRST, it is a violation of free speech, injurious to scientific method, and just plain wrong for the Government to threaten scientists and entities (whether corporation, foundations, or any other entity) with criminal prosecutions because they do not embrace a belief in human-caused global warming. What the Government is doing now is chilling scientists who work in this area. Harvard Professor Jerry Mitrovica focuses on mid-Pliocene ice age of three million years ago; he tells us that he seeks in the distant past, “a temporary refuge from politically charged scientific debates.”¹

If this Committee’s investigation shows that one or more State Attorneys General are chilling scientific investigations into global warming, the Committee should offer legislation to increase or redirect federal funds in order to counterbalance this harassment. The Committee might well propose other remedies. However, this Committee cannot know the extent of the harassment unless it investigates and it cannot investigate if the State Attorneys General refuse to comply with its subpoenas, which are quite limited in time and reasonable in scope. The State Attorneys General have no privilege to refuse to comply with these subpoenas.

SECOND, the government has a very poor record of accomplishment when it comes to telling us what we should accept as scientific gospel. To put it bluntly, the government is often wrong. Government should not engage in the fatal conceit of thinking it knows what is best for the rest of us. Government should not harass scientific investigation by issuing burdensome

¹ <http://harvardmagazine.com/2016/09/the-plastic-earth>

subpoenas — e.g., a subpoena for a decade’s worth of emails — accompanied by threats of criminal prosecution of those who take positions that dispute what other scientists believe.

THIRD, Congress engages in one of its most important functions — the informing function — when it investigates the question whether other government officials, including State Attorneys General are in a corrupt conspiracy to abuse the power of government.

State Attorneys General are refusing to cooperate with Congressional subpoenas claiming that they interfere with “federalism” or “states’ rights.” That argument is specious. Surely, everyone knows that the First Amendment trumps federalism. No state law can interfere with Congress investigating whether State Attorneys General are part of a corrupt conspiracy. The State Attorneys General should be anxious to comply with these Congressional subpoenas to show that they are not in any corrupt arrangement with non-government entities. The Attorneys General of each state are supposed to use their powers to protect our constitutional right, not restrict them.

If companies that sell fossil fuels could “suppress” any research about global warming, they have done a remarkably poor job of it: studies that warn about global warming have been published continually for decades. These Attorneys General investigations affect fundamental First Amendment values because government should never use law enforcement to chill free speech or scientific inquiry.

GOVERNMENT SUBPOENAS AND THREATS OF CRIMINAL PROSECUTION CHILL SCIENTIFIC INQUIRY

Last spring, New York Attorney General Eric T. Schneiderman, and [16 other attorneys general \(15 Democrats and one independent\)](#) announced that they are investigating energy companies and scientists who do not embrace global warming with the certainty of Euclidian geometry. At the press conference, Schneiderman said, “**The bottom line is simple: [Climate change is real; it is a threat](#) to all the people we represent.”**

Other Attorneys General echo his certainty. “[Climate change has real and lasting impacts on our environment, public health, and the economy](#),” said California Attorney General Kamala D. Harris. Hence, money must be behind the refusal of some to believe in global warming. Shortly after that, Senator Sheldon Whitehouse (D. R.I.) warned us, “[Fossil fuel companies and their allies are funding a massive and sophisticated campaign to mislead the American people about the environmental harm caused by carbon pollution](#),” and so he urged the Department of Justice to prosecute all those involved.

If you do not believe that mankind is causing global warming, then you must be engaged in a fraud.

Yet, in spite of the well-publicized research by those who embrace the certainty of these State Attorneys General, many Americans are not convinced. It seems that a large majority of do not believe that humans cause Global Warming or that Global Warming is a serious problem – a skepticism they share with much of the rest of the world. One recent poll found only 9.2% of

Americans rate global warming as a top concern.² What to do? Sue someone, of course. It's the American way.

It's even better if the lawsuits contain threats of criminal investigation, because these threats have the useful purpose of chilling free speech and scientific inquiry. But you do not have to take my word for it. Scientists say that. We would like to know more facts and hone and perfect our scientific models, but instead of scientific objectivity, distinguished scientists working in this area bemoan the politicization of the science. Professor Jerry Mitrovica, a distinguished Harvard scientist, says that focusing on earth's distant past because it gives "him and his students [a temporary refuge from politically charged scientific debates.](#)"³

The prosecutors are chilling free speech. We learned in August that N.Y. Attorney General Schneiderman is demanding "[extensive emails, financial records and other documents,](#)" which imposes an extensive undertaking on all those subject to these demands.

In addition to New York Attorney General and the California Attorney General [investigating,](#) there has been a pile-on, with nearly a score of [other state attorneys general](#) exploring [alleged crimes.](#) That will teach those who question Global Warming that the Government is not fooling around. Investigations will impose serious costs on the companies and the scientists who much answer subpoenas and respond to interrogatories concerning many years of work.

The State Attorneys General say they only want to determine if fossil fuel companies *lied* to the public about Global Warming, and, if they did, whether that amounts to [securities fraud.](#)

- If the Attorneys General were serious, they would comply with the Congressional subpoenas in order to show all of us that they were not involved in any common interest agreements with private groups to harass those who disagree.
- If the Attorneys General were serious, they would publish in scientific journals what they think are the scientific errors.
- But the Attorneys General do none of the above — and stonewalling is the course one would take if the real point of their state investigations is to chill scientific inquiry.

THE GOVERNMENT'S TRACK RECORD ON PROCLAIMING SCIENTIFIC TRUTH DOES NOT INSPIRE CONFIDENCE

² <http://dailycaller.com/2016/02/01/poll-91-of-americans-arent-worried-about-global-warming/>

³ Bold emphasis added. See also, *id.*, "At the beginning of his career, Mitrovica never imagined that his research would become politicized."

The Government has repeatedly been wrong about what is scientific truth. That should give it pause when it tries to chill scientific inquiry while claiming it knows the truth.

There is the old saw about the three lies of the twentieth century:

- the check in in the mail;
- I'll love you just as much in the morning; and
- I'm from the government and here to help you.

The three lies of the twenty-first century:

- My BMW is paid for;
- this is only a cold sore; and
- I'm from the government and here to help you.

You see, some things never change. Government often suffers from the fatal conceit that it knows what is best. History should teach it more modesty.

Coffee

In 1991, the World Health Organization's International Agency for Research on Cancer (IARC) classified coffee as "possibly carcinogenic." IARC warned us repeatedly about the potential cancer risks of coffee, yet Americans kept drinking coffee and Starbucks added new coffee houses almost as fast as rabbits multiply. In 2016, the IARC did an about-face and said it was wrong.⁴ Starbucks knew about the WHO study — everyone did, but the company sold coffee anyway.

Government Assurances of Forensic Analysis

For decades, state and federal governments have assured us, with all the certainty that N.Y. Attorney General Schneiderman has about Global Warming, that the prosecutors' scientific and forensic analysis are trustworthy. Government prosecutors (like Mr. Schneiderman) routinely

⁴ Dana Loomis, Kathryn Z Guyton, Yann Grosse, Béatrice Lauby-Secretan, Fatiha El Ghissassi, Véronique Bouvard, Lamia Benbrahim-Tallaa, Neela Guha, Heidi Mattock, Kurt Straif on behalf of the International Agency for Research on Cancer Monograph Working Group, *Carcinogenicity of drinking coffee, mate, and very hot beverages*, THE LANCET, Vol. 17, #7, at pp. 877-78 (July 2016) [http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045\(16\)30239-X/fulltext](http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045(16)30239-X/fulltext) . See also, <http://www.refinery29.com/2016/06/113998/who-hot-drinks-coffee-cancer-research>

introduce this forensic evidence into court to convict people and take away their liberty, fortune, and life is trustworthy.

We know now that the science was too often wrong. The draft review by the advisory council of scientists and engineers advised, “It has become increasingly clear in recent years that lack of rigor in the assessment of the scientific validity of forensic evidence is not just a hypothetical problem but a real and significant weakness in the judicial system.”⁵

“A Justice Department spokeswoman declined to comment on the draft report.”⁶

Salt

In the 1970s, Brookhaven National Laboratory claimed there was "unequivocal" evidence that salt causes hypertension. In April 2010, the Institute of Medicine urged the FDA to regulate the amount of salt that food manufacturers use in their products; New York City Mayor Michael Bloomberg convinced 16 companies to do so voluntarily, with the threat of government regulation in the background.⁷

Yet, a study that the American Journal of Medicine published in 2006 showed that the more sodium people ate, the *less* likely they were to die from heart disease.⁸ The evidence linking salt to heart disease “has always been tenuous.”

⁵ Gary Fields and Kate O’Keeffe, [*Presidential Advisory Council Questions Validity of Forensics in Criminal Trials: Group Sees Lack of Science Behind Much of Bite-Mark, Hair, Footwear, Firearm And Tool-Mark Analysis*](#), Wall Street Journal, Sept. 2, 2016, at p. A3.

⁶ Gary Fields and Kate O’Keeffe, [*Presidential Advisory Council Questions Validity of Forensics in Criminal Trials: Group Sees Lack of Science Behind Much of Bite-Mark, Hair, Footwear, Firearm And Tool-Mark Analysis*](#), Wall Street Journal, Sept. 2, 2016, at p. A3.

⁷ Melinda Wenner Moyer, *It's Time to End the War on Salt: The Zealous Drive by Politicians to Limit our Salt Intake Has little Basis in Science*, SCIENTIFIC AMERICAN, July 8, 2011, <http://www.scientificamerican.com/article/its-time-to-end-the-war-on-salt/>

⁸ Melinda Wenner Moyer, *It's Time to End the War on Salt: The Zealous Drive by Politicians to Limit our Salt Intake Has little Basis in Science*, SCIENTIFIC AMERICAN, July 8, 2011, <http://www.scientificamerican.com/article/its-time-to-end-the-war-on-salt/>

A 2011 study, which the Journal of the American Medical Association reported, found that that the less sodium that study subjects excreted in their urine—an excellent measure of prior consumption—the *greater* their risk was of dying from heart disease.⁹

We now know that low-salt diets could have adverse side effects. When people cut their intake of salt, “the body responds by releasing renin and aldosterone, an enzyme and a hormone, respectively, that increase blood pressure.”¹⁰

Marijuana

For many decades, the Government told us that marijuana is a drug, with no legitimate use. During that time, the Federal Government funded advocacy research to show that marijuana is detrimental. Should the State Attorneys General investigate those who received these federal grants and threaten to prosecute them for “lying” about marijuana because they engaged in advocacy research?

The Federal Government will soon reschedule marijuana. That change will allow researchers to study whether marijuana can be beneficial. Once the Federal Government reschedules marijuana, will the N.Y. Attorney General be investigating those who engage in advocacy research to show the beneficial effects of marijuana? Or will he investigate and threaten those who still insist that marijuana is harmful?

Red Meat, Egg Yolks, and Fat

In 1970 and for years after that, the Government urged us to avoid red meat, egg yolks, and whole milk (too much fat). We complied with the food pyramid. From 1970 to 2005, the Department of Agriculture reported, proudly, that consumption of eggs and red meat fell by 17% and whole milk by 73%.

We should be glad that there were no ambitious State Attorneys General around, because they would investigate the food industry companies if they funded research into the *benefits* of eggs, meat and milk. The State Attorneys General would have subpoenaed a decade of records and questioned scientists who took a contrary view.

⁹ Melinda Wenner Moyer, *It's Time to End the War on Salt: The Zealous Drive by Politicians to Limit our Salt Intake Has little Basis in Science*, SCIENTIFIC AMERICAN, July 8, 2011, <http://www.scientificamerican.com/article/its-time-to-end-the-war-on-salt/>

¹⁰ Melinda Wenner Moyer, *It's Time to End the War on Salt: The Zealous Drive by Politicians to Limit our Salt Intake Has little Basis in Science*, SCIENTIFIC AMERICAN, July 8, 2011, <http://www.scientificamerican.com/article/its-time-to-end-the-war-on-salt/>

The people believed in the food pyramid and followed the Government's advice. Bad idea. During that *same* period (1970-2005) when the public followed the Federal Food Pyramid, the incidence of diabetes doubled! Studies now show that people eating dairy products like whole milk [have less of a problem](#) with heart disease than those who do not. The Government's certainty in its food pyramid was wrong. Dairy producers and cattle ranchers were right. No government criminalized scientific disagreement.

Global Cooling

In the 1970s, many scientists confidently told us to fear *Global Cooling*. Starting in about 1970, various publications warned about the coming ice age. In 1970 alone, the New York Times, the Washington Post, the Boston Globe, and the LA Times all published stories with headlines like "Scientists See Ice Age in the Future."¹¹ Time Magazine's cover story on Jan. 31, 1973 (still posted on the Magazine's website)¹² was all about "The Big Freeze."¹³ Two years later, Newsweek reported, "There are ominous signs that the earth's weather patterns have begun to change dramatically and that these changes may portend a drastic decline in food production — with serious political implications."¹⁴ The problem — warming? No, it's cooling. The story concluded by advising us, "Meteorologists disagree about the cause and extent of the cooling trend," but "they are *almost unanimous* in the view that will reduce agricultural productivity for the rest of the century." [Emphasis added.] The Christian Science Monitor's reported in 1977, the concern of John A. Eddy of the Harvard-Smithsonian Center for Astrophysics that, "[Sunspot lull may bring on new ice age.](#)"

If the American people do not believe that man-made Global Warming is a problem that demands that the Government interfere, perhaps it is because many American people do not trust the Government.

Such a conclusion is hardly irrational, not only because the Government has often been wrong but because some of the same scientists who argue that the evidence is conclusive do not act as if they believe what they say. The emails leaks of 2009 demonstrate that.

¹¹ <http://www.newsbusters.org/blogs/jack-coleman/2015/04/18/wrong-bill-maher-reporting-global-cooling-70s-not-limited-single-story>

¹² <http://content.time.com/time/covers/0,16641,19770131,00.html>

¹³ <http://www.populartechnology.net/2013/02/the-1970s-global-cooling-alarmism.html>

¹⁴ <http://www.scribd.com/doc/225798861/Newsweek-s-Global-Cooling-Article-From-April-28-1975>

The Email Leak of 2009 by Global Warming Supporters

Recall that in 2009, the Climate Research Unit (CRU) at the University of East Anglia suffered a [massive email leak](#). Supporters of global warming claimed the disclosures were out of context, but when you read the emails, it is easy to see that their most natural interpretation is that supporters of global warming were manipulating data.

In one of the quoted emails, [Professor Phil Jones](#), while discussing paleo-data used to reconstruct past temperatures, says, "[I've just completed Mike's Nature trick of adding in the real temps to each series for the last 20 years \(i.e. from 1981 onwards\) and from 1961 for Keith's to hide the decline.](#)"(Emphasis added.) How clever to use this trick to manipulate data.

The House of Commons investigated and concluded, "insofar as we have been able to consider accusations of dishonesty--for example, Professor Jones's alleged attempt to 'hide the decline'--we consider that [there is no case to answer.](#)" Not answering is frankly, not an answer. For those of us who understand English, it seems that the scientists are engaging in what they call "tricks" so that they can reach their predetermined conclusion.

There Is Never a "Bottom Line" (to quote Attorney General Schneiderman) About Any Interesting Scientific Question

Scientists and everyone else have the free speech right to argue whether man will ever be able to travel faster than light, whether we live in one universe out of an infinite number, or is our universe is alone, or whether time travel will ever occur. Some scientists believe that the universe is in a steady state, with the spontaneous creation of matter and energy out of a vacuum. Others think, like T.S. Eliot, that the world will end — "Not with a bang but a whimper."

It was not [until 1985](#) that scientists discovered physical evidence of the Big Bang. We develop human knowledge by testing competing theories. For most of human history, scientists thought that the universe has always been here. The Book of Genesis disagreed. There was a consensus among scientists, and those who funded them, that Genesis was wrong.

[Georges Lemaître, a physicist at the Catholic University of Leuven and a Belgian priest, disagreed with the orthodox view. He first proposed the Big Bang in 1927.](#) Einstein rejected Lemaître's theory, saying, "Your calculations are correct, but your physics is atrocious."¹⁵ Although Einstein *knew* Lemaître was wrong, Einstein did not seek to silence him. This is not the Middle Ages, when people suffered punishment because they did not believe that the earth was in

¹⁵ "Vos calculs sont corrects, mais votre physique est abominable" ("Your calculations are correct, but your physics is atrocious.") https://en.wikipedia.org/wiki/Georges_Lemaître

the center of the Solar System. The purpose of the Bible is to teach how to go to Heaven, not how the Heavens go.

We now know that Lemaître was correct while Einstein was wrong. Einstein posited a finite-size static universe, and eventually accepted that he was wrong and Lemaître was right. Empirical evidence now supports Lemaître's version of the Big Bang over what Steven Hawking was advocating.¹⁶

In the Twentieth Century, no democratic government (leave aside dictatorships like Russia., Iran, etc.) would investigate Lemaître to determine if there was possible fraud in propounding his theory. No democratic government, in the 20th Century, would threaten criminal prosecutions and harass Lemaître with subpoenas, depositions, etc.

One could see how Lemaître's theory might develop in our more intolerant 21st Century. The Catholic Church funded Lemaître because he was a Catholic priest. How much was that funding? Did it affect his beliefs? If a religious believer paid for part of Lemaître's visit to MIT, did that affect how Lemaître viewed mathematics? Government, in today's world, would fire a volley of subpoenas against him, his Bishop, and the Vatican to see if that funding over the last decade somehow affected Lemaître's investigations. "We are just investigating," the Government prosecutors might say; "comply with our subpoenas, our investigators, our interrogatories, search through your records for the last decade, accept this burden, and worry about criminal prosecutions or shift your attention to less controversial investigations."

If the Government had decided to prosecute, its expert witness at trial would be none other than Albert Einstein himself, winner of the Nobel Prize in Physics in 1921. The Government would have a strong case, under Mr. Schneiderman's theory. The Government would be wrong, but the efforts to chill Father Lemaître's scientific theories would be successful.

Now, most scientists believe that our universe had a beginning, and they debate whether it will have an end. (I think it will end, with a whimper, not a bang.) The thought that government authority would investigate those who advocate one position or the other is baffling.

¹⁶ "After decades of struggle, other scientists came to accept the Big Bang as fact. But while most scientists — including the mathematician Stephen Hawking — predicted that gravity would eventually slow down the expansion of the universe and make the universe fall back toward its center, Lemaitre believed that the universe would keep expanding. He argued that the Big Bang was a unique event, while other scientists believed that the universe would shrink to the point of another Big Bang, and so on. The observations made in Berkeley supported Lemaitre's contention that the Big Bang was in fact 'a day without yesterday.'"

<http://www.catholiceducation.org/en/science/faith-and-science/a-day-without-yesterday-georges-lemaitre-amp-the-big-bang.html>

WE NEED ADVOCACY RESEARCH OPPOSED TO GLOBAL WARMING, BECAUSE THAT IS HOW SCIENCE ADVANCES: MR. SCHNEIDERMAN'S SUBPOENAS CHILL INQUIRY

Questions about Global Warming — why has the rate of Global Warming not followed what the scientific models predict;¹⁷ are the oceans absorbing substantially more carbon dioxide than anyone expects; should there have been warming spikes during WWI and WWII bombings, unleashing deluge of carbon dioxide — are always constitutionally protected.

A distinguished Harvard scientist, using his models, has predicted that “If Greenland’s ice sheet melted entirely, sea level would [fall 20 to 50 meters at the adjacent coast](#),” with the sea levels dropping as far as 2000 kilometers away.¹⁸

This scientist, Professor Jerry Mitrovica (who is concerned about global warming), also has shown that for the last 2,000 years, there has been virtually no change in sea level on the Italian coast. During this time-period, earth suffered from a [Little Ice Age](#) from approximately 1300 to 1850, and a [Medieval Warm Period](#) from about 950 to 1250. Yet, the sea level appeared not to notice. More recently, it is rising slightly, but less than the standard models predict. These are all interesting and important questions to investigate, without fear of political prosecutions.

Professor Mitrovica has studied the mid-Pliocene ice age (three million years ago), when “the earth was as warm as we are about to get in the next 100 years,” so it should be of interest to the issues of today. Yet, he says, “[we don’t really know how the polar ice sheets fared](#).” We should study that issue as well, but in the political world of global warming, there is no sanctuary from political correctness.

¹⁷ Holman W. Jenkins, Jr., *How the Exxon Case Unraveled*, WALL STREET JOURNAL, Aug. 30, 2016, <http://www.wsj.com/articles/how-the-exxon-case-unraveled-1472598472> :

“In its most recent report, issued in 2013, the U.N.’s Intergovernmental Panel on Climate Change assumes a doubling of atmospheric CO₂ and predicts warming of 1.5 to 4.5 degrees Celsius—i.e., an uncertainty of output, not input.

“What’s more, this represents an increase in uncertainty over its 2007 report (when the range was 2.0 to 4.5 degrees). In fact, the IPCC’s new estimate is now identical to Exxon’s 1977 estimate and the 1979 estimate of the U.S. National Research Council.

“In other words, on the crucial question, the help we’re getting from climate models has not improved in 40 years and has been going backward of late.”

¹⁸ <http://harvardmagazine.com/2016/09/the-plastic-earth> (emphasis in original).

Some scientists (University of Northumbria) think that the greater danger may be a possible mini-ice age, because solar sunspots and 11-year cycles in the weather will converge in the 2030s. Others reject that view, arguing that human-created carbon will overwhelm any cooling brought by solar activity.¹⁹ These scientists differ with each other, while leaked emails from a major supporter of global warming show scientists trying to silence those who disagreed with the narrative of global warming.

So, what should we do about those people who are trying to show that global warming is not man-made, that it is not coming as soon as others claim, or that the benefits of warming outweigh the burdens? We could emulate the open debate between Lemaître and Einstein.

¹⁹ ***Thames Frost Fair, 1683–84, by Thomas Wyke,*** https://en.wikipedia.org/wiki/River_Thames_frost_fairs -- “River Thames frost fairs were held on the tideway of the River Thames at London in some winters between the 17th century and early 19th century, during the period known as the Little Ice Age, when the river froze over.”



Ah, that's so twentieth century; this is the twenty-first century. If the people do not believe something, the Government prosecutors should threaten criminal prosecution and extensive investigations.

FREE SPEECH, SCIENTIFIC INQUIRY, AND THE PROSECUTION'S EFFORTS TO CHILL FREE SPEECH

Fortunately, the First Amendment protects free speech and prohibits Government from using its mighty power to harass scientists and others by imposing burdensome subpoenas, discovery, depositions, threats, etc.

In *United States v. Alvarez* (2012)(6 to 3)²⁰, the Supreme Court told us that we have a constitutional right to lie about receiving the Congressional Medal of Honor. The Court was not recommending lying, but it recognized that if the Government can punish that, we start going a slippery slope with a very steep incline.

Justice Kennedy, for several Justices, said simply that the Government cannot “compile a list of subjects about which false statements are punishable.” Justice Breyer also defended lying, “even in technical, philosophical, and *scientific* contexts, where (as Socrates’ methods suggest) examination of *a false statement (even if made deliberately to mislead)* can promote a form of thought that ultimately helps realize the truth.”²¹

There were three dissenters in *Alvarez*, but all three would protect lying in matters of science. “Laws restricting false statements about philosophy, religion, history, the social sciences, the arts, and other matters of public concern” would “present a grave and unacceptable danger of suppressing truthful speech.”

The marketplace of ideas, not the subpoena power of government, should decide what is true or false.

What should *the Government* do about this general disbelief about global warming? If the government should do anything, it would be to encourage further scientific research, not threaten to prosecute those who do not toe the line. If others embrace an incorrect view of the facts, the remedy is more speech (not less) so that we can test the speech in the market place of ideas.

Justice Oliver Wendell Holmes, Jr. told us nearly a century ago that the “ultimate good desired is better reached by free trade in ideas —that the best test of truth is the power of the

²⁰ *United States v. Alvarez*, 132 S. Ct. 2537, 183 L. Ed. 2d 574 (2012). 5 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE § 20.32(c) (Thomson Reuters 5th ed. 2013).

²¹ Emphasis added.

thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution.”²²

Even if the other fellow argues something you know is impossible (he claims to have squared the circle²³), just allow more speech, and others will eventually understand that he is wrong if we protect the free market place of ideas. This free market place will allow us to discover that one cannot square the circle.²⁴

What Government should *not* do is chill the free speech of scientists. What Hippocrates said nearly 2,500 years ago about medical doctors applies to prosecutors: first, do no harm.

In addition, Government should investigate those prosecutors who do chill free inquiry by scientists. That is why the House should enforce it subpoenas.

The motive of these prosecutors is suspect because they are not investigating people who believe in global warming, only those who think that there is more to investigate. Let me explain. At Schneiderman’s press conference, former Vice President Al Gore stood proudly saying, “[We cannot continue to allow the fossil fuel industry or any industry](#)” to “[mislead the public](#)” about” the health of our planet.”

Is Schneiderman investigating Al Gore? Hardly — even though recently leaked documents show that George Soros is a major funder of Al Gore and his climate agenda. Soros uses one his organizations to fund millions to support “[political space for aggressive U.S. action](#)” to combat global warming. Soros committed “[\\$10 million per year for three years to Al Gore’s Alliance for Climate Protection.](#)”

The American people have a right to know with which private groups Mr. Schneiderman was working, what were the terms of the deal were when he launched this crusade, and what

²² *Abrams v. United States*, 250 U.S. 616,630 (1919)(Holmes, J., dissenting).

²³ To square the circle is to construct a square with the same area as a given circle by using only a finite number of steps, using only a compass and straightedge.

²⁴ In 1882, that Carl Louis Ferdinand von Lindemann proved that π (pi) is a transcendental number — not a root of any polynomial with rational coefficients. Before the Lindemann's proof, mathematicians knew that if π were transcendental, then it would be impossible to square the circle by compass and straightedge. https://en.wikipedia.org/wiki/Ferdinand_von_Lindemann

political and economic motives lie behind these prosecutorial actions.²⁵ One subject of Mr. Schneiderman's subpoenas has asked for any "common interest agreements" he has with "private activists" in connection with his criminal investigations. Mr. Schneiderman has refused to reveal that information.

The prosecutors' inaction concerning Al Gore reminds me of the Biblical verse about the person who saw the mote in his brother's eye while ignoring the beam in his own eye. (Matthew, 7:3-5.) That beam is billionaire George Soros.

CONCLUSION

As Benjamin Franklin warned us in 1731:

Printers are educated in the Belief that when Men differ in Opinion, both Sides ought equally to have the Advantage of being heard by the Publick; and that when Truth and Error have fair Play, the former is always an overmatch for the latter. Hence they cheerfully serve all contending Writers that pay them well, without regarding on which side they are of the Question in Dispute.²⁶

The New York Attorney General has opposed Congressional subpoenas trying to get to the truth as to whether the Attorney General is part of a conspiracy to abuse government power and to silence those who question the orthodoxy of Global Warming.

The First Amendment always overrides federalism or states' rights. The Supremacy Clause of our Constitution makes that clear. No state law can interfere with Congress investigating whether State Attorneys General are part of a corrupt conspiracy.

The State Attorneys General should be anxious to comply with these Congressional subpoenas to show that they are not in any corrupt arrangement with non-government entities. The Attorneys General of each state are supposed to use their powers to protect our constitutional right, not restrict them.

²⁵ See, e.g., Editorial, *Schneiderman's Climate Secrets: What is New York's Attorney General Trying to Hide?*, WALL STREET JOURNAL, April 31, 2016, <http://www.wsj.com/articles/schneidermans-climate-secrets-1472616000>

²⁶ Benjamin Franklin, *Apology for Printers*, THE PENNSYLVANIA GAZETTE, June 10, 1731, reprinted in, <http://nationalhumanitiescenter.org/pds/becomingamer/ideas/text5/franklinprinting.pdf>