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FACSIMILE NO. 410-576-7036

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May 31, 2016

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

We are in receipt of your May 18, 2016 letter requesting that the Maryland Office of the Attorney General produce certain records and information relating to the involvement of this office in the investigation of matters related to climate change.

You state, without any foundation, that the actions of this office "may even amount to an abuse of prosecutorial discretion." If you have any basis whatsoever for that assertion, please let us know what it is. Absent such explanation, your letter looks like an attempt to intimidate this office or to thwart it from performing its constitutional functions.

The media reports and public discourse to which you refer in your letter are, of course, constitutionally protected activities. Communications between our office and scientists ought to be cause for praise from the "Science" Committee, not suspicion. And, in any event, when we undertake an investigation, civil or criminal, it is based upon facts and solid principles of law. To suggest otherwise is irresponsible and wrong.

We understand that you made similar requests for information from the offices of other attorneys general, and that many of those offices have already responded by declining to fulfill your request. From those letters, it should by now be abundantly clear that your Committee does not have jurisdiction to intrude upon the law enforcement actions of the chief legal officer of a sovereign state, much less scrutinize the privileged, internal deliberations that underlie those actions. *Tobin v. United States*, 306 F.2d 270, 276 (D.C. Cir. 1962). We thus decline to provide the information requested in your May 18th letter.

You requested a response on May 30, 2016. Our office was closed in observance of Memorial Day. We hope that you joined us yesterday in honoring sacrifices made by the brave men and women of the Armed Forces who protect and preserve freedom around the world.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh".

Brian E. Frosh
Attorney General