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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 the 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 the 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 one or more state attorneys general are chilling scientific investigations into global warming, the Committee should offer legislation to increase or redirect federal funds to counterbalance this harassment. The Committee might also propose other remedies, but 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 issued 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 when it comes to telling us what we should accept as scientific gospel. To put it bluntly, the government is often wrong. The government should not engage in the fatal conceit of thinking it knows what is best for the rest of us. The government should not harass scientific investigation by issuing burdensome subpoenas – e.g., a subpoena for

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

a decade's worth of emails – accompanied by threats of criminal prosecution for 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 of 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 and claim 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 are supposed to use their powers to protect our constitutional rights, not restrict them.

If companies that sell fossil fuels have the power to “suppress” research about global warming, they have done a remarkably poor job doing it. Studies that warn about global warming have been published continually for decades.

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 they were 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, U.S. Sen. Sheldon Whitehouse (D-RI) 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](#).” He then urged the Department of Justice to prosecute all those involved.

If you do not believe [mankind](#) is causing global warming, then Whitehouse and other like-minded people say you must be engaged in fraud.

Despite 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 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 he is 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 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 the New York attorney general and the California attorney general [investigating](#), there has been a pile-on, with 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 must answer many subpoenas and respond to interrogatories concerning numerous 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 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 the scientific errors are.

The attorneys general do none of the above – and stonewalling is the course one would take if the real point of the state investigations is to chill scientific inquiry.

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

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.

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."

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;
- I'm from the government and here to help you.

Then there's the three lies of the twenty-first century:

- My BMW is paid for;
- This is only a cold sore;
- 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 (WHO) International Agency for Research on Cancer (IARC) classified coffee as "possibly carcinogenic." IARC warned us repeatedly about the potential cancer risks of coffee, but Americans kept drinking coffee. In fact, 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 regardless.

Government Assurances of Forensic Analysis

For decades, state and federal governments have assured us with the same certainty that Schneiderman has about global warming, that the prosecutors' scientific and forensic analyses are trustworthy. Government prosecutors (like Mr. Schneiderman) routinely introduce this forensic evidence into court to convict people and take away their liberty, fortune, and life.

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

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>.

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 Food and Drug Administration 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.”

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

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/>.

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/>.

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](#) marijuana is a drug [with no legitimate use](#), and it 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 New York attorney general be investigating those who engage in advocacy research to show the beneficial effects of marijuana? 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 later, 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.

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 food pyramid, the incidence of diabetes doubled! Studies now show that people eating dairy products such as 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

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/>.

In the 1970s, many scientists confidently told us to fear what they said was inevitable: global cooling. Starting in about 1970, various publications warned about the coming ice age. In 1970 alone, *The New York Times*, *Washington Post*, *Boston Globe*, and *LA Times* all published stories with headlines such as “Scientists See Ice Age in the Future.”¹¹ *Time Magazine*’s cover story on January 31, 1973¹² 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 *Newsweek* was referring to wasn’t global warming; it was 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 it will reduce agricultural productivity for the rest of the century.”

The *Christian Science Monitor* reported in 1977 the concern expressed by John A. Eddy of the Harvard-Smithsonian Center for Astrophysics, who said, “[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 Americans do not trust the government.

Such a conclusion is hardly irrational – not only because the government has been wrong often 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 email leaks of 2009 demonstrate that.

The Email Leak of 2009 by Global Warming Supporters

In 2009, the Climate Research Unit 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 the 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.](#)”

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.populartechology.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 U.K. House of Commons investigated and concluded, “[I]nsofar 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 if 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](#) scientists discovered physical evidence of the so-called “Big Bang.” We develop human knowledge by testing competing theories. For most of human history, scientists thought the universe has always been here. The Book of Genesis disagrees. There was a consensus among scientists, and those who funded them, that Genesis is wrong.

[Georges Lemaître, a physicist at the Catholic University-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 believed Lemaître was wrong, Einstein did not seek to silence him. This was, after all, not the Middle Ages, when people suffered punishment because they did not believe that Earth was in 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 Lemaître was correct and 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

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.

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.’”

In the twentieth century, no truly democratic government (leave aside dictatorships and faux democracies such as those that have ruled in Russia, Iran, and in other countries) would investigate Lemaître to determine if there was possible fraud in propounding his theory. Certainly, no democratic government in the twentieth 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 twenty-first 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 past 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," they'd add.

If the government did decide 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, but the government would be wrong. None of that would matter, however. The efforts to chill Father Lemaître's scientific theories would be successful.

Most scientists today 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 over the other is baffling.

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

Questions about global warming include: 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,

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

¹⁷ Holman W. Jenkins, Jr., "How the Exxon Case Unraveled," *The Wall Street Journal*, August 30, 2016: <http://www.wsj.com/articles/how-the-exxon-case-unraveled-1472598472>.

unleashing deluge of carbon dioxide? These and all other inquiries should always be protected by the Constitution.

A distinguished Harvard scientist has predicted, “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 says he’s concerned about global warming, also has shown that for the past 2,000 years, there has been virtually no change in sea level on the Italian coast. During this period, Earth suffered from the Little Ice Age, from approximately 1300 to 1850, and the 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, but those investigations should occur without fear of political prosecution.

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 his research should be of interest to the issues of today. He wrote, “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.

Some scientists, notably those at the University of Northumbria, think a mini-ice age is a more dangerous and realistic possibility than global warming, 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

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

¹⁹ See picture below by Thomas Wyke, titled “Thames Frost Fair.” Available at https://en.wikipedia.org/wiki/River_Thames_frost_fairs. Description of picture: “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.”

What should we do about those people who are trying to show 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.

Schneiderman and those who agree with his position might say in response, “Ah, that’s so twentieth century. This is the twenty-first century! If the people do not believe something, 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 using burdensome subpoenas, discovery, depositions, threats, etc.



In *United States v. Alvarez* (2012),²⁰ the U.S. Supreme Court told the American people they 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 down a slippery slope with a very steep incline.

Justice Anthony Kennedy said the government cannot “compile a list of subjects about which false statements are punishable.” Justice Stephen 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,” wrote Justice Samuel Alito in the dissent.

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 marketplace of ideas.

Justice Oliver Wendell Holmes told us nearly one century ago, “[The] ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the 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

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.

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.

protect the free market place of ideas. This free market place will allow us to discover that one cannot square the circle.²⁴

Even if someone argues something you know is impossible, just allow more speech and others will eventually understand that he is wrong, but only if we protect the free marketplace of ideas.

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 today: first, do no harm.

In addition, Government should investigate those prosecutors who do chill or attempt to chill scientists' free inquiry. That is why the House of Representatives should enforce its 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 and said, "[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? No – even though recently leaked documents show that George Soros is a major funder of 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 Gore's](#) Alliance for Climate Protection.

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

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.

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>.

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 he is part of a conspiracy to abuse government power and to silence those who question man’s role in 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 they are not in any corrupt arrangement with nongovernment entities. State attorneys general are supposed to use their powers to protect our constitutional rights, not restrict them.

²⁶ Benjamin Franklin, “Apology for Printers,” *The Pennsylvania Gazette*, June 10, 1731. Reprint available at: <http://nationalhumanitiescenter.org/pds/becomingamer/ideas/text5/franklinprinting.pdf>.