

November 1, 2018

The Honorable John Thune  
Chairman, Senate Committee on Commerce, Science,  
and Transportation  
512 Dirksen Senate Office Building  
Washington DC, 20510

The Honorable Bill Nelson  
Ranking Member, Senate Committee on Commerce,  
Science, and Transportation  
425 Hart Senate Office Building  
Washington, DC 20510

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

The Honorable Eddie Bernice Johnson  
Ranking Member, House Committee on Science,  
Space, and Technology  
394 Ford House Office Building  
Washington, DC 20515

Dear Members of Congress:

The integrity of our nation's legal system and the accountability of those entrusted to enforce our laws are at the foundation of our system of government. That is why recent reports that an activist billionaire is funding a program that systematically embeds lawyers within state attorneys general offices to advance his policy aims are so troubling. This is a concerted effort to use private money to dictate state law enforcement decisions nationwide. It should raise red flags and spur independent oversight.

According to [news reports](#) and [investigations by watchdog groups](#), former New York City Mayor Michael Bloomberg and the State Energy & Environmental Impact Center at New York University Law School ("NYU Law Center") [have collaborated](#) in an "extensive and elaborate campaign using elective law enforcement offices, in coordination with major donors and activist pressure groups, to attain a policy agenda that failed through the democratic process." This campaign places lawyers who are cherry picked for their environmental activism within select attorney general offices, all of them currently held by Democrats. Using Bloomberg's vast resources, the Law Center hires the "Special Assistant Attorneys General" and makes them available to state attorneys general providing that they promise to deploy these Bloomberg-funded government officials to make cases that promote an anti-energy industry agenda. The NYU Law Center is a federally tax exempt entity, as is Bloomberg Philanthropies, the organization that funded it, which is supposed to strictly limit their partisan political advocacy.

To date, Mr. Bloomberg's State Energy & Environmental Impact Center has embedded activist lawyers in nine states, all with Democrat attorneys general - New York, Illinois, Maryland, Massachusetts, New Mexico, Oregon, Pennsylvania, Virginia, Washington State, and Washington, DC. The purpose is to advance progressive positions on clean energy, climate change, and other environmental policy matters under the guise of law enforcement. In exchange for providing office space and the power of their public for these privately hired prosecutors, these elected attorneys general have access not only to these "pro bono" attorneys, but to public relations services to promote their politically motivated lawsuits to voters.

In October, Acting New York Attorney General Barbara Underwood filed a taxpayer-funded civil lawsuit against ExxonMobil. Matthew Eisenson, a Bloomberg-funded official, [signed a lawsuit](#) the state filed. In addition, Gavin McCabe, another attorney in the New York Attorney General's office and associated with the NYU Law Center, signed an [amicus brief in June](#) supporting New York City's climate lawsuit against energy companies.

Why is this issue so important? Because Underwood and other attorneys general have begun using their offices, including taxpayer resources, to try to extract billions of dollars from American energy companies in the name of climate change. These climate lawsuits, while so far unsuccessful, represent a major threat to American businesses, economic growth and job creation. Democratic attorneys general have often been at the center of such lawsuits. The work of the [Manufacturers' Accountability Project](#) has helped unearth and expose unsettling details about

coordination between trial attorneys, public officials, environmental activists and wealthy donors in an ongoing effort to target energy companies for prosecution based more on political views rather than the law.

Lawmakers must start asking the following questions about private money shaping the prosecutorial actions of attorneys general offices:

- Why is the NYU Law Center, funded by Mr. Bloomberg, only working with attorneys general offices controlled by Democrats?
- What was the role of the New York Attorney General's office in soliciting and organizing a private funding stream from Mr. Bloomberg exclusively for Democrat attorneys general?
- Are these Bloomberg-funded special assistant attorneys general compliant with ethics standards designed to ensure that public officials make decisions about what cases to pursue based only on the merits and not based on political strings attached to private money from an outside source?
- If states are allowing their chief law enforcement office to be corrupted by outside political money, should they continue to receive substantial federal resources to subsidize their state law enforcement function?

With this letter, we urge you to help uphold the integrity of the American law enforcement system by seeking answers to these and other relevant questions in the course of an investigation into the NYU Law Center and the program being operated nationwide solely with Mr. Bloomberg's money.

Sincerely,



Jason Pye  
Vice President for Legislative Affairs  
FreedomWorks



Matthew Kandrach  
President  
Consumer Action for a Strong Economy



Andrew Langer  
President  
Institute for Liberty



George Landrith  
President  
Frontiers of Freedom

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CC: House Committee on Science, Space and Technology