



Written by [Alex Newman](#) on July 11, 2016

Prosecutors Persecuting Climate Skeptics Busted Hiding Records

There is even more bad news for the cabal of  climate alarmists and crony capitalists hoping to abuse the legal system to silence dissenters. The [rogue prosecutors behind the persecution of climate-change skeptics](#) became embroiled in yet another scandal last week, this time getting caught conspiring to evade freedom of information laws to conceal their scheming from public scrutiny.

It turns out that the coalition of more than a dozen alarmist state attorneys general, styling itself “[AGs United for Clean Power](#),” sought to hide their machinations from the public by concocting a “common interest agreement” among themselves and their allies. However, legal experts behind the discovery are crying foul and calling for the officials implicated in the scandal to be reined in before more people are victimized. The experts also warned that the AGs involved have subjected their offices to potential civil-rights lawsuits by the victims they targeted in the quest to quash free speech.

“We have confirmed that the Democratic AGs are citing a Common Interest Agreement to avoid releasing crucial information to the public, as they continue their abuse of power,” [explained](#) Legal General Counsel David Schnare with the Energy & Environment Legal Institute (E&E Legal), which uncovered the scandal while pursuing public records related to the prosecutors’ witch-hunt. “The earlier draft we obtained showed the desire to exempt AGs’ correspondence, which are deemed public records by their legislatures, from open records laws if they related not just to defense of the Obama administration’s EPA rules, but to investigations and nearly anything else they might not want released involving ‘fossil fuels,’ ‘renewable energy,’ or ‘climate.’” The terms of the deal seem to have made it into the new, still-secret agreement, the organization added.

Of course, it is hardly the first time the state AGs involved in the crusade have found themselves under fire for their controversial attack on free speech. Indeed, according to University of Tennessee law professor Glenn Harlan Reynolds, the rogue prosecutors [appear to be engaged in a “criminal conspiracy” to deprive their victims of constitutionally protected rights](#) in violation of federal law. “In pursuing this action, they are betraying their oaths of office, abusing their powers and behaving unethically as attorneys,” he wrote earlier this year in a column for *USA Today*, the largest newspaper in America by circulation. The penalty for such criminal conspiracies under the relevant statute includes up to a decade in prison, or even death if a kidnapping or death results.

There are also civil options for victims, who can use the statute to sue the conspirators in federal court and seek justice even if federal prosecutors do not take up the case. Separately, Reynolds raised the possibility that the rogue AGs could lose their law licenses due to their unethical behavior. And already, one of the non-profit groups targeted by the coalition is asking the court to impose sanctions on Virgin Islands Attorney General Claude Walker, an extremist who openly boasts of hating energy companies. Most of the “climate investigations” by the AGs into Exxon have already imploded.



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But there is potentially more trouble to come for the alarmist cabal. Most recently, Republican state AGs pointed out that, if “minimizing” the alleged risks from alleged man-made global warming is a crime, which is what the “AGs United for Clean Power” are claiming to “investigate,” then [exaggerating those alleged risks would also be a crime](#). That means hundreds or even thousands of alarmists could be at potential risk for criminal prosecution for knowingly defrauding the public with their hysterical fear-mongering. And as numerous sources have [documented](#), more than a few [climate-change alarmists have a long and well-established history of intentionally deceiving the public — often using tax money](#) — in a bid to build support [for policies that benefit themselves and their cronies](#). In the [now-infamous ClimateGate leak, for example, tax-funded “climate scientists” were exposed](#) conspiring to “hide the decline” in global temperatures and violate freedom of information laws, meaning the AGs for “[clean power](#)” could certainly find plenty of climate fraud to prosecute if that is what they were actually interested in. House Republicans are also probing the state AGs abuse of power.

Now, even more trouble appears to be brewing for the rogue AGs and their extremist Rockefeller-funded allies hoping to silence their political opposition and their economic competitors in the energy sector. New [documents](#) obtained by the E&E Legal and the Free Market Environmental Law Clinic (FME Law) last week confirm, among other things, that alarmist cabal has been using racketeering laws in its witch-hunt to harass and terrorize universities, climate scientists, non-profit organizations, and energy companies that question or refute the [increasingly discredited climate-change alarmism](#) underpinning [much of their agenda](#).

Perhaps even more importantly, the new documents show that the AGs seem to be deliberately flouting transparency and freedom of information laws in an effort to avoid releasing public records surrounding their campaign of persecution and intimidation against political opponents. The scheme involves a so-called “[Common Interest Agreement](#)” (CIA) between themselves and their allies purporting to exempt from disclosure documents related to their witch-hunt. But legal experts say the argument falls flat, and that state legislatures wrote transparency laws to shine the light on exactly this type of abuse by government officials.

“In short, these activist AGs are trying to write themselves out from freedom of information laws their legislatures have written them into,” explained E&E senior legal fellow Chris Horner in a statement. “They are hiding behavior that seems to be precisely the sort of abuse lawmakers sought to expose to sunlight when deciding to cover their states’ chief law enforcement officers under FOIA laws, particularly their use of nearly limitless powers to chill opposition and damage political opponents.”

According to E&E Legal, which had already uncovered suggestions that such chicanery was afoot, CIAs are common instruments used in litigation. However, “what the AGs and green groups have attempted is not; nor is keeping the pact itself from the public normal,” the organization said in a widely publicized press release. “To be legitimate, parties to a common interest agreement must have imminent litigation, a clear scope and clearly shared interests. Instead, documents obtained to date show that these AGs and their green-group colleagues with inherently disparate interests have entered not a legitimate CIA, but a pact of secrecy, covering broad topics, not specific matters, simply to avoid scrutiny of otherwise public records relating to their extraordinarily controversial abuse of political opponents’ First Amendment rights.”

E&E Legal said the secrecy pact had been written by New York State Attorney General Eric Schneiderman, one of the ringleaders, along with climate profiteer Al Gore, of the anti-science witch-hunt. While the agreement itself remains hidden by the AGs, from what is known based on responses to



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public records requests, officials and other parties to the CIA promised to alert each other when records were requested by members of the public or the media. The CIA also reportedly commits the AGs to squander taxpayers' money forcing the public to sue them to get access to public documents that should be freely available under freedom of information laws. How much public money they were willing to spend defending the lawless secrecy surrounding their scheme was not immediately clear.

"This revelation, and that these AGs think they can hide from the public even the names of outside activists with whom they have contracted a promise to stonewall FOIA requests, as well as the vow of secrecy itself, raises more questions about the scope and intentions behind the investigations," E&E Legal said in its statement announcing the findings. "What are these crusading AGs afraid of the public learning about their investigations? Why are they invoking absurd claims to try and withhold documents — and writing themselves a blank check to self-exempt from the FOIA laws their legislators apparently thought those with the authority to exercise police powers had better be subject to? Why are they making parties sue to obtain these public records, which even Vermont's OAG acknowledged was improper?"

"The obvious answer to all of this," the organization continued, "is that they are afraid of the embarrassment they will suffer once people see what they hastily agreed to, which also subjects these offices to potential civil rights lawsuits and other counter-suits by those they've targeted."

So far, people trying to get the records under state transparency laws have been stifled by the rogue officials involved in the cabal persecuting climate skeptics. However, according to E&E Legal Executive Director Craig Richardson, the organization expects to do "whatever is necessary" to pry the public records from the officials and get them before the public. The goal is to educate Americans on this "unprecedented abuse of power," Richardson said. "All that we have found indicates that these AGs and their outside activist partners will make litigation necessary at every turn."

Several of the "investigations" into climate skeptics and alleged skeptics have already collapsed, and the others appear to be going nowhere. Indeed, the rogue AGs appear to be retreating from their half-baked assault on the Constitution. Facing a massive public backlash and worldwide ridicule, Virgin Islands Attorney General Walker, for example, tried to quietly drop his subpoena against his intended victims. So far, though, at least one his intended victims, the Competitive Enterprise Institute, [has fought back, pressing the court to slap sanctions on the rogue prosecutor](#) for his abuse of power and his attack on constitutionally protected rights.

The American public must not allow this sort of lawless and abusive behavior by government officials to go unpunished. Instead, Americans should make sure that there is accountability imposed on the perpetrators of this anti-constitutional crusade to protect an [imploding tax-funded theory](#) and the [tax-funded crony "industry" surrounding it](#). Whether that means civil or criminal penalties, or losing their law licenses, or all of the above, Americans must go on the offense to protect their fundamental liberties from rogue officials. The First Amendment is not optional. Any attacks on it must be dealt with strongly, to ensure that future bureaucrats tempted to go rogue and violate their oath of office think very carefully before doing so.

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