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Some time ago, I wrote about Lamar Smith (R-Texas and chairman of the House Science Committee) and his [efforts to intimidate climate scientists](#) [8]. In that post, I noted that Smith had issued:

...a Congressional subpoena—the King Kong of information requests—for all emails and correspondence between the paper's authors and NOAA officials.

You might say that as taxpayers we have a right to see everything that government employees and government-funded scientists write to each other...but when the only correspondence that is sought is that concerning a scientific finding that pisses off a politician, society's collective you-know-what detector really ought to go off.

I'm happy to report that neither the paper's authors nor NOAA complied with the subpoena, the issuance of which was met with severe criticism from the scientific community, including a fierce [letter from the American Meteorological Society](#) [9].

I'm sorry to say, though, that Rep. Smith has not given up. But now he's turned his attention from government scientists to a non-profit advocacy group, in this case, the Union of Concerned Scientists. UCS has been around since 1969, when a group of scientists got together to make the case that scientific research should be focused on solving environmental and social problems, not developing new military technologies. And climate change is among those problems. As [explained](#) [10] on its blog, "UCS has been working for years, publicly, to expose activities by the fossil fuel industry and their allies that undermine climate science, mislead the public, and shield oil companies from accountability."

Wielding the same weapon he wielded against climate scientists, Rep. Smith recently issued a subpoena to UCS. In an [op-ed published recently in The New York Times](#) [11], UCS president Ken Kimmel explained:

The subpoena orders me to hand over correspondence between my staff members and state attorneys general, and between my staff members and environmental organizations and funders.

Why go after UCS? The background to Rep. Smith's demand is that UCS has been uncovering evidence that scientists at ExxonMobil had informed company executives decades ago that the combustion of fossil fuels was contributing to global warming and posed a significant danger. Despite these warnings, ExxonMobil was apparently contributing to misinformation campaigns denying the reality of global warming and, even more significantly from a legal point of view, failing to warn their investors that the company's main product was causing serious real-world problems. State attorneys general in New York and Massachusetts are now investigating these claims (and have [received subpoenas of their own](#) [12] from Rep. Smith's committee).

In an interpretation of the First Amendment that gives new meaning to the term "Orwellian," Rep. Smith says that suggesting that ExxonMobil might have been lying to the public and its shareholders is an attack on the corporation's right to free speech. Meanwhile, apparently, UCS has no free speech right to share its evidence with state attorneys general. This makes my head hurt.

UCS will refuse to comply with the subpoena, according to UCS's Ken Kimmel, and should Rep. Smith try to push the matter further, I suspect that he will find himself stymied (a full vote of the House would be necessary to pass a resolution of contempt of Congress). But clearly that's not what he's after. Rather, he wants to score a cheap talking point. After all, if UCS doesn't turn over its e-mails, Smith will be able to darkly suggest that it has something nefarious to hide. It's all depressingly familiar. As executive director of a non-profit organization dedicated to ensuring that evolution and climate change are taught accurately in our nation's schools, I find it hard not to take this personally. Who's next?

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