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August 11, 2003

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Lawsuit by CEI

Dear Attorney General Ashcroft:

The Competitive Enterprise Institute (CEI) filed a law suit this week against the White House Office of Science and Technology Policy seeking to invalidate a report on global warming that was published in 2000, as well as any other document incorporating that report. The report, the peer-reviewed National Assessment of the Potential Consequences of Climate Variability and Change ("National Assessment"), documents the grave dangers posed by global warming. For the reasons set forth below, we have concern about the relationship between CEI and White House officials working at the Council on Environmental Quality (CEQ). We are writing today to ask you to look into whether CEQ solicited CEI's filing of the new law suit.

At the end of May of last year, the United States sent to the United Nations a formal report on global warming pursuant to its obligations under the 1992 Rio Treaty (a/k/a UNFCCC). *See* Climate Action Report of 2002. That report references the National Assessment and documents similar likely impacts. The release of the Climate Action Report created a significant public controversy because of the disparity between the report's official conclusions about the great risks posed by global warming and efforts by President Bush to minimize the problem. In the midst of this controversy, Phil Cooney, the Chief of Staff at CEQ contacted Myron Ebell, Director of Global Warming and International Environmental Policy at CEI, to request CEI's assistance in dealing with this "crisis." *See* June 3, 2003 e-mail from Myron Ebell to Phil Cooney documenting CEQ's request (copy enclosed). Mr. Ebell's response to this request reveals great intimacy between CEI and CEQ in their strategizing about ways to minimize the problem of global warming. It also suggests that CEQ may have been directly involved in efforts to undermine the United States' official reports, as well as the authority of the EPA Administrator.

The Honorable John Ashcroft
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We are concerned that the new litigation is an improper product of that close relationship, and we therefore ask that you investigate this.

Feel free to call us with any questions or concern.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Blumenthal".

Richard Blumenthal
Connecticut Attorney General

A handwritten signature in black ink, appearing to read "G. Steven Rowe".

G. Steven Rowe
Maine Attorney General

cc: Connecticut Congressional Delegation
Maine Congressional Delegation



Myron Ebell <mebell@cei.org>
06/03/2002 05:08:05 PM

Record Type: Record

To: Phil Cooney/CEQ/EOP@EOP

cc:

Subject: Phil, thanks for calling and

Dear Phil,

Thanks for calling and asking for our help. I know you're in crisis mode, but from our end it is a most welcome change from the Administration's SOP, which is to tell conservatives to stop bothering them and to shut up. So it's nice to know we're needed once in a while. I want to help you cool things down, but after consulting with the team, I think that what we can do is limited until there is an official statement from the Administration repudiating the report to the UNFCCC and disavowing large parts of it.

As I said, we made the decision this morning to do as much as we could to deflect criticism by blaming EPA for freelancing. It seems to me that the folks at EPA are the obvious fall guys, and we would only hope that the fall guy (or gal) should be as high up as possible. I have done several interviews and have stressed that the president needs to get everyone rowing in the same direction. Perhaps tomorrow we will call for Whitman to be fired. I know that that doesn't sound like much help, but it seems to me that our only leverage to push you in the right direction is to drive a wedge between the President and those in the Administration who think that they are serving the president's best interests by pushing this rubbish.

The references to the National Assessment in the report are most hurtful to us because we dropped our lawsuit last September 6th after receiving a written assurance that the National Assessment did not represent "policy positions or official statements of the U. S. government." The previous communication from the U. S. government to the UNFCCC was a detailed criticism of the IPCC's Third Assessment Report that reflected that agreement and also implied a disavowal of the National Assessment. So the new transmittal to the UNCCC looks to us much like it looks to the New York Times.

So I'm willing and ready to help, but it won't be possible to do much without some sort of backtracking from the Administration. Unless that occurs, then you have handed an awful lot of ammunition to Jim Jeffords, and the only way we will be able to fight him and all his allies in the Congress is to get much more strident and noisier. Even if the Administration does move quickly to get back on the right side of the issue, it may be too late to save our side in the Senate from being squashed. If it were only this one little disaster we could all lock arms and weather the assault, but this Administration has managed, whether through incompetence or intention, to create one disaster after another and then to expect its allies to clean up the mess. I don't know whether we have the resources to clean up this one.

Best,

Myron.