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The background of the main section is a stylized, high-contrast image. It features a person's face in profile, with the ear and part of the head visible. The face is rendered in a dark, almost black color, with some red highlights. A red star is visible in the bottom left corner of the image.

Instrument of Power: How Fossil Fuel Donors Shaped the Anti-Climate Agenda of a Powerful Congressional

Committee

Rep. Lamar Smith has led a strategic attack on climate science using the committee he chairs. Back in Texas, his constituents face the effects of global warming.

By Marianne Lavelle , David Hasemyer

DEC 5, 2017

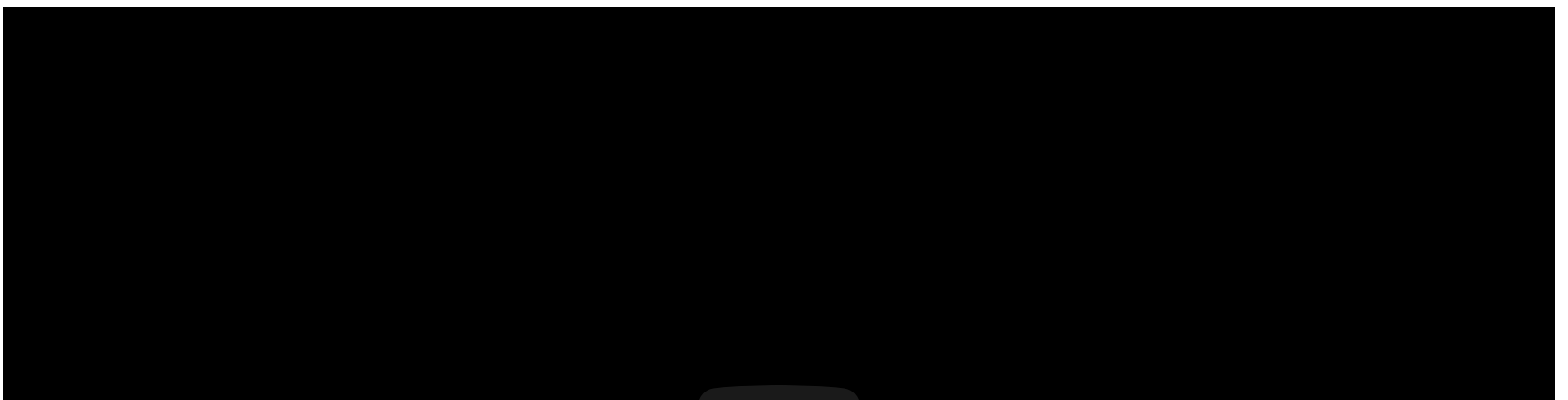


FREDERICKSBURG, Texas—It's midway through fall, and cold has yet to settle over the Eckhardt family orchard. So, Diane Eckhardt waits with rising apprehension.

Cold is the switch that triggers the growing sequence that by summer has limbs sagging with ripe, juicy peaches. The reliable chill season in Texas Hill Country allowed Eckhardt's grandfather, Otto, to start the family business here in the 1930s.

But last year, with temperatures the warmest since 1939, Eckhardt's trees produced just 10 percent of their usual yield. And the year before, warm weather reduced production between 60 and 70 percent. Now, Eckhardt worries not only about the next crop, but about the future of a business she hopes will be passed on to her niece and nephews.

"We know **climate change** is happening," she said.





But while the Eckhardts face that certainty, their congressman sows uncertainty, casting doubt on the consensus science that greenhouse gases are the dominant cause of rising global temperatures, and opposing government action to curb them.

Sixteen-term Republican Lamar Smith has used his power as chairman of the House Science, Space and Technology Committee for the past five years to do battle on behalf of the fossil fuel industry. Embracing the arguments of a small group of climate contrarians, Smith acknowledges that warming is happening but says more research is needed to determine the amount and causes, and **whether it does more good** than harm.

Smith's critics say he misrepresents facts, cleverly casts doubt on legitimate studies by claiming they are based on "secret data" and uses his subpoena power to help industry battle state and federal regulators and environmental groups. The result is that a panel with vast jurisdiction over all government non-military science, research and development has become an instrument of attack on mainstream climate science.

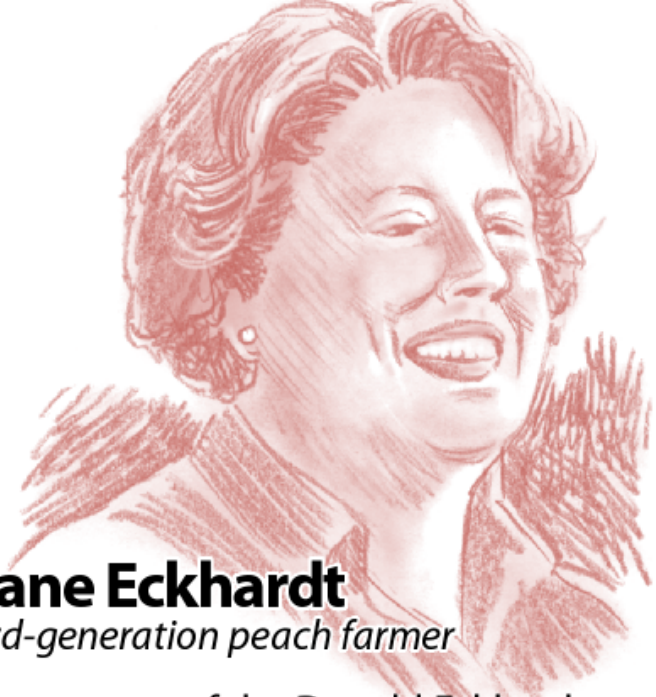
"Anyone stating what the climate will be in 500 years or even at the end of the century is not credible," Smith said at a **hearing** he chaired in March. "In the field of climate science, there is legitimate concern that scientists are biased in favor of reaching predetermined conclusions. This invariably leads to alarmist findings that are wrongly reported as facts."

Things weren't always this way. Under both Democratic and

moderate Republican leadership, the science committee had educated lawmakers and the public about the threats posed by rising temperatures caused by human activity and the need for decisive action.

But in **a case study of the power of fossil fuel interests to shape government policy**, the industry's money and alliances with conservative think tanks and advocacy groups transformed the committee's membership and supported the rise of Smith, son of an old oil and ranching family in South Texas.

Today, "we're in total denial," says the highest-ranking Democrat on the panel, fellow Texan Eddie



Diane Eckhardt

Third-generation peach farmer

- Co-manager of the Donald Eckhardt Orchards since 2003
- Supervises 50-acre orchard with 2,700 trees that produce 17 varieties of peaches
- Family settled in Gillespie County, Texas, in 1846
- Family started peach farming in the 1930s
- Bachelor of arts in biology from Southwestern University in Georgetown, Texas
- Nursing degree from Texas Tech Health Science Center University
- Part-time orthopedic nurse



Choke Hold

Articles in this series are examining the fossil fuel industry's fight against climate policy, science and clean energy.

Bernice Johnson. Instead of looking at the evidence and making policy recommendations on climate—as once happened—the committee is "pretending to be oblivious."

"When you look at the [campaign] contribution list, it becomes very clear" that the forces that oppose regulation are calling the

shots, she said.

Smith, 70, has announced he will retire after his term as chairman ends next year. But many believe his legacy will be lasting. The committee under Smith has "contributed to the sort of diminishment of science in public policy," said Andrew Rosenberg, of the Union of Concerned Scientists, an organization that has been one of Smith's targets. "It has reinforced the view that everything must be partisan, and you've got to choose sides. It sends a message that science is partisan, too."

The Science Committee Transformed

The House Science Committee held Congress' **first hearings** on climate science in 1976, and it resulted in passage of **bipartisan legislation** to establish a National Climate Program Office. Five years later, Al Gore, then a congressman and committee member, co-chaired another set of **hearings** on "Carbon Dioxide and Climate: The Greenhouse Effect."

With fidelity to its nonpartisan tradition, the committee championed scientists who found themselves under fire during President George W. Bush's administration. The Republican chairman at the time, Sherwood Boehlert of New York, faced off against Bush officials and GOP colleagues on Capitol Hill, armed, he says now, with what he learned about global warming during 24 years on the committee. "I [witnessed] a parade of some of the most distinguished scientists...from around the world testify that climate change is for real, it has serious and negative consequences, and we damn well better do something about it," Boehlert said.

But by 2013, Republican moderates like Boehlert who accepted climate science were eliminated. Redistricting by both parties—to make red districts redder and blue districts bluer—was partly to blame. But much of the change was due to a systematic effort by conservatives, with significant help from fossil fuel interests that were seeking to stave off policies that might cut into their profits.

The Science Committee's Disappearing Center

At least seven Republicans on the House science committee in 2006 supported some climate action; today, none do. By 2013, all were replaced by more conservative Republicans or by Democrats. This graphic shows the hollowing out of the political center by using the League of Conservation Voters' annual environmental voting scorecards. Climate denial is now entrenched as a majority view, while supporters of climate action are marginalized in the minority.

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climate
news

Judy Biggert

Illinois (1998-2013)
Lost to Democrat Rep. Bill Foster

Sherwood Boehlert

New York (1983-2007)
Retired; replaced by Republican Rep. John Katko

Vernon Ehlers

Michigan (1993-2011)
Retired; replaced by Republican Rep. Justin Amash

Wayne Gilchrest

Maryland (1991-2009)
Lost in primary to Republican Rep. Andy Harris

Bob Inglis

South Carolina (1993-1999, 2004-2011)
Lost in primary to Republican Rep. Trey Gowdy

Timothy V. Johnson

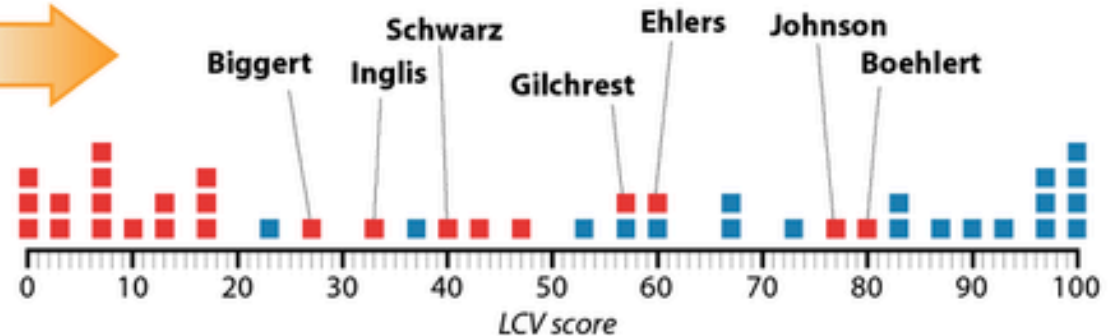
Illinois (2001-2013)
Retired; replaced by Republican Rep. John Shimkus

Joe Schwarz

Michigan (2005-2007)
Lost in primary to Republican Rep. Tim Walberg

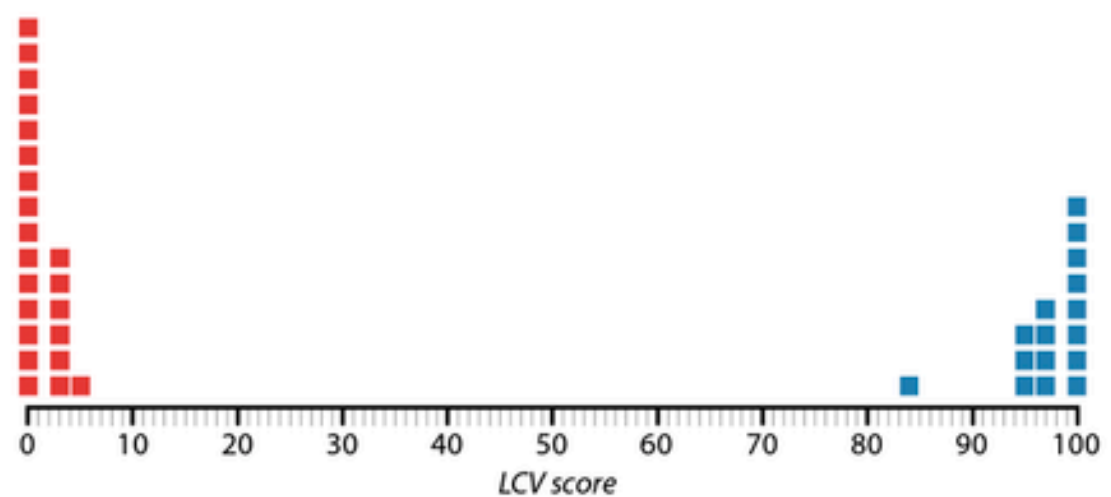
House Science Committee (2006)

44 members, League of Conservation Voters scores



House Science Committee (2016)

38 members, League of Conservation Voters scores



SOURCES: League of Conservation Voters; InsideClimate News research

PAUL HORN / InsideClimate News

Helping the effort was the 2010 Supreme Court decision in *Citizens United v. the Federal Election Commission*, which opened the door to unlimited political spending. The decision empowered hugely wealthy donors like the oil billionaire Koch brothers seeking to shape politics in America. Between 2010 and 2012 alone, individuals and companies in the fossil fuel industry spent an unprecedented \$90.5 million to elect friendly Republicans, an increase of 66 percent over the previous two election cycles (compared with \$15.7 million they gave to Democrats), according to Center for Responsive Politics data.

In the end, nearly a third of the Republicans who sat on the committee in 2006—seven of 24, including Boehlert—were

defeated or retired over the next six years in the wake of primary challenges from the right.

The conservative advocacy group, the Club for Growth, financed many of the challenges. The group has a broad low-tax, less-government agenda, but its victims saw the hand of fossil fuel interests at work.

"My most enduring heresy was saying that climate change was real," said Bob Inglis of South Carolina, who became convinced of climate reality on a science committee trip to Antarctica. He lost in 2010 to Rep. Trey Gowdy, who was endorsed by the Club for Growth. "It had appeared that I had crossed to the other side and had become unfaithful to the tribe."

Wayne Gilchrest of Maryland, a science committee Republican defeated in the 2008 primary, believed the conservative activists had a deeper objection than his stand on climate issues. "The foundation upon which their enterprise was built was to select members of Congress that could be told what to do," Gilchrest said. "They wanted a puppet."

The Club for Growth, which spent between \$6 million and \$22 million each election cycle between 2004 and 2016, did not have to disclose its donors until it established a Super PAC in 2010. But at least \$3 million came into the club from the



Sherwood Boehlert

Republican Chair of House Committee on Science, Space and Technology (2001-2007)

- Served 12 terms in the House before retiring in 2007
- Moderate, pro-environment Republican
- Sponsored a bill in 2001 to elevate the Environmental Protection Agency to Cabinet-level status
- Bachelor of science in public relations from Utica College
- County executive of Oneida County, New York, from 1979-1983
- Serves on the board of former Vice President Al Gore's Alliance for Climate Protection

labyrinth Koch network between 2009 and 2015, according to **the tax returns of their various nonprofit advocacy groups**. And the club's Super PAC disclosures show that its wealthy donors include some heavily invested in the fossil fuel industry and connected to the Koch brothers, like hedge fund manager Paul Singer of Elliott Management, and Quantum Energy, a Houston private equity and venture capital firm specializing in oil and gas.

Meanwhile, the fossil fuel industry became the biggest contributor to science committee members, according to Center for Responsive Politics data.

House Science Committee: Follow the Money

Fossil fuel companies—including oil, gas, coal and electric utilities—were the leading source of industry Political Action Committee money to members of the House Science Committee between the 2006 and 2016 election cycles.

PACs	TOTAL 2006-2016	TOP FOSSIL FUEL PACs	AMOUNT
1 Congressional PACs	\$11.6M	1 National Rural Electric Cooperative Assoc.	\$653,878
2 Fossil fuel interests	\$8.0M	2 Koch Industries	\$472,500
3 Health professionals	\$7.2M	3 ExxonMobil	\$387,499
4 Defense industry	\$7.0M	4 Valero Energy	\$318,000
5 Banks, savings & loans	\$7.0M	5 Chevron Corp.	\$214,175
6 Agriculture, crop, forestry	\$6.6M	6 Exelon Corp.	\$213,500
7 Insurance	\$6.2M	7 National Mining Assoc.	\$168,500
8 Building trade unions	\$5.6M	8 Marathon Petroleum	\$168,500
9 Public sector unions	\$5.5M	9 PG&E Corp.	\$146,550
10 Transportation unions	\$5.4M	10 Chesapeake Energy	\$139,500

SOURCE: Center for Responsive Politics

PAUL HORN / InsideClimate News

The oil and gas industry has been Smith's biggest contributor, with \$764,000 in donations over the course of his career in Congress. Smith points out that the industry's share is just a small portion of his overall contributions—about 5 percent of the \$14 million he has raised since the 1989 election cycle.

Lamar Smith's Campaign Contributions

The oil and gas industry has been the top donor to House Science Committee Chairman Lamar Smith, R-Texas, over his 16-term career in Congress.

inside
climate
news

ALL CONTRIBUTIONS (PACs & individuals)		TOTAL	TOP OIL & GAS COMPANIES (donated through PACs)		AMOUNT
1	Oil & gas	\$764,047	1	Valero Energy	\$125,750
2	Retired	\$750,574	2	Koch Industries	\$94,250
3	Lawyers/law firms	\$609,728	3	Oil & gas company*	\$41,900
4	Misc. finance	\$536,450	4	Nustar Energy	\$37,800
5	Electronics mfg. & equip.	\$525,751	5	Exxon Mobil	\$29,000
6	Health professionals	\$511,409	6	Marathon Petroleum	\$28,500
7	TV/movies/music	\$504,353	7	Tesoro Corp.	\$27,500
8	Real estate	\$431,263	8	Petroleum Engineer	\$24,950
9	Insurance	\$373,182	9	WB Osborn Oil & Gas	\$19,900
10	Automotive	\$327,150	10	American Fuel & Petrochem Manufacturers	\$16,000

*unspecified

SOURCE: Center for Responsive Politics

PAUL HORN / InsideClimate News

"I'm supported by a wide variety of individuals and industries, including the energy sector, which employs 400,000 Texans statewide," Smith told InsideClimate News.

After the 2012 election, with GOP moderates on the science committee wiped out, the House Republican leadership chose Smith from among three climate deniers vying for the chairmanship. He had raised four times more money that election cycle than his competitors, F. James Sensenbrenner of Wisconsin and Dana Rohrabacher of California, and had doled out more than \$147,000 to help other Republican candidates.

'Secret Science' Charge Returns

Even before Smith took over the committee, he co-signed a letter in December 2012 calling on the **Environmental Protection Agency** (EPA) to release the "secret data" behind proposed air pollution regulations. On the letter with him was Rep. Andy Harris (R-Md.), a conservative who had unseated Gilchrest and who then chaired the panel's energy subcommittee. "It is likely that the majority of benefits from all federal regulations are grounded in data sets that have never been available to the public," the letter said.

The "secret science" charge was false. At issue was a large, long-term federally funded study published by Harvard researchers in 1993 showing that fine soot pollution, largely from burning fossil fuels, shortened lives. The researchers had obtained personal health information from 22,000 participants on the promise of confidentiality. Fossil fuel interests and advocacy groups they funded rebranded this common health research privacy measure as sinister. In 1997, when the Clinton administration was finalizing the first-ever air quality standards on fine soot, protesters in white lab coats appeared on Capitol Hill holding signs that said, "Harvard, release the data!" The protesters were hired by a group called Citizens for a Sound Economy, which was founded by the Koch brothers and which also received funding from the Exxon Foundation that year.



The oil and gas industry has been Rep. Lamar Smith's biggest campaign contributor. The Texas Republican was first elected to Congress in 1986. Credit: Mark Wilson/Getty Images

Since that time, hundreds of studies have affirmed that fine soot causes respiratory and cardiovascular disease and death. And a panel jointly funded by the EPA and the auto

industry received access to the Harvard study's raw data for a reanalysis in 2001 that validated the original study.

But **16 years after the white lab coat protests**, Smith was reviving the "secret science" charge just as the Obama administration was finalizing a plan to tighten the fine soot regulations, a move vehemently opposed by coal-fired power generators and oil refiners.

Eight months after assuming the chairmanship, Smith slapped the EPA with the first subpoena that the House science committee had issued in 21 years. The **subpoena** demanded the EPA release data from the Harvard study and a separate American Cancer Society study in sufficient detail "to allow one-to-one mapping of each pollutant and ecological variable to each subject." The EPA worked to obtain the data without personal information, and the agency ultimately released some to Smith, but he was not satisfied. "**What is EPA Hiding From the Public?**" was the title of a Smith op-ed in the *Wall Street Journal* in June 2014.

Smith drafted legislation called the **Secret Science Reform Act** to require that the EPA base its regulatory decisions only on scientific data that is publicly available and reproducible. Science advocacy groups say the restriction



Lamar Smith

Republican Chair of House Committee on Science, Space and Technology

- Advanced an anti-climate action agenda, casting doubt on consensus science as science committee chair
- Issued subpoenas and called hearings to defend ExxonMobil against investigations in New York and Massachusetts
- Received more than \$764,000 in campaign contributions from oil and gas interests
- Bachelor of arts in American Studies from Yale and law degree from Southern Methodist University
- Fifth-generation Texan and native of San Antonio
- Retiring from Congress at the end of current term

would curb all regulation to protect public health because health research routinely relies on confidential patient information. It also would rule out regulations based on studies of natural disasters or human-caused events—like spills of oil or fracking wastewater—since they could not be reproduced. And it might put at risk EPA's 2009 finding that carbon pollution was an endangerment to health—the underpinning of all Obama administration action on climate change. The bill is "based on a misunderstanding of how science works," said Rush Holt, the CEO of the American Association for the Advancement of Science, at a hearing earlier this year.

Smith's legislation, which passed the House twice in the Obama era but died in the Senate, was approved by the House again in March with a new name: the HONEST ACT (the Honest and Open New EPA Science Treatment Act of 2017).

"Our goal has been to rely on good science, the facts and reliable data in an effort to discover the truth," Smith told InsideClimate News, when asked to sum up the role he has tried to play. "It is my responsibility to ensure that federal agencies rely on science that has integrity and is free from political influence."

Political Operatives Replace Scientists

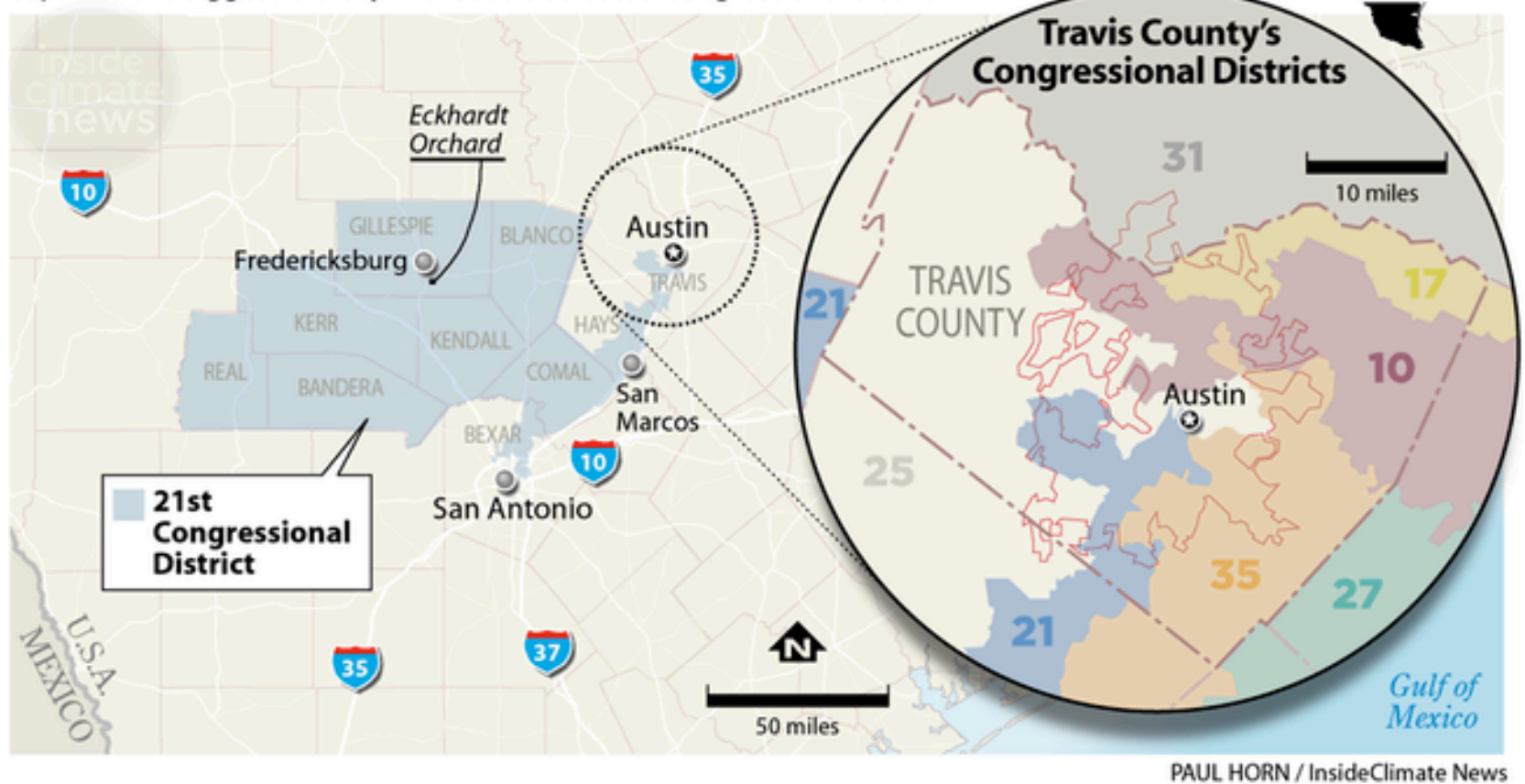
Smith's first subpoena came only after a contentious debate and party-line vote in the committee. But his powers were greatly expanded in 2015, when the House leadership allowed him unilateral subpoena power. Smith said it was necessary because, under Obama, "federal agencies often stonewalled the committee's constitutional obligations to conduct oversight." He would issue 25 subpoenas over the next two years, against scientists, regulators, environmental groups and even state attorneys general.

Smith also hired seven staffers from the aggressive House Oversight and Government Reform Committee, which had provided fodder for Republican attacks on the Obama administration with its probes on Benghazi, IRS treatment of

conservative groups, solar manufacturer Solyndra's bankruptcy and other issues. "In 2015, it became increasingly apparent that the Obama administration was advancing a one-sided, unconstitutional agenda," Smith told InsideClimate News. "We needed to bring in staff who had strong backgrounds in conducting oversight of government agencies and getting them to answer questions."

Feeling Climate Impacts in Texas' 21st District

Texas Hill Country has been experiencing record-warm temperatures that have taken a toll on Diane Eckhardt's family-run peach orchard. Her district is represented by Lamar Smith, a Republican who disputes climate science. Because of redistricting, GOP areas dominate the district, which encompasses a slice of heavily Democratic Austin. The Texas capital is the biggest U.S. city without a dedicated Congressional district.



The science committee majority staff, which had more than a dozen Ph.D. scientists during the Boehlert era, now was loaded with political operatives like Mark Marin, who had been deputy staff director for Rep. Darrell Issa (R-Calif.) and Joe Brazauskas, who had been a law clerk for the National Mining Association before serving as a counsel on Issa's House Oversight committee.

Warming 'Pause': Smith Investigates NOAA

In June 2015, Smith and his team targeted research published by scientists from the National Oceanic and Atmospheric Administration (NOAA). The [paper in the peer-reviewed](#)

journal Science undercut a key talking point of climate science deniers: It found that there had been no pause in global warming over the past two decades.

In response to Smith's subpoenas and letters, **NOAA provided the science committee** with its raw data and methodology, and its scientists gave briefings on their research for committee staff. But **Smith wanted the researchers' emails.**

He said an agency whistleblower had alleged that the paper had been rushed to publication despite the concerns and objections of a number of agency employees. The purported whistleblower, a NOAA scientist named John Bates, later said his complaint had been mischaracterized; he disagreed with how the scientists stored and archived their climate data, but he did not dispute the study's findings or allege data manipulation. "**I knew people would misuse this,**" he told *Science* magazine's website.

Eddie Bernice Johnson **fired back at her committee's chairman in a letter:** "The only thing you accused NOAA of doing is engaging in climate science—i.e., doing their jobs."



Eddie Bernice Johnson

Highest-ranking Democrat on the House Committee on Science, Space and Technology

- Thirteen-term representative of the 30th Congressional District that includes Dallas County and a large segment of Dallas
- Plans round tables on climate science issues she believes are being ignored by the committee
- Bachelor's degree in nursing from Texas Christian University and master's degree in public administration from Southern Methodist University
- Appointed by President Jimmy Carter in 1977 to serve as regional director of the Department of Health, Education and Welfare
- Served in both the Texas State Senate and House

Smith's NOAA investigation **provoked an unusual rebuke from the American Association for the Advancement of Science** and six other major scientific groups, who accused him of chilling scientific inquiry.

Since the NOAA paper's publication, **several studies** as well as **a reanalysis of the original NOAA work** have affirmed the finding that there has been no hiatus in global warming.

But Smith continued to accuse the scientists of wrongdoing. In a March hearing, Smith reiterated that the committee heard from whistleblowers that NOAA employees "put their 'thumb on the scale' during the analysis of data." And in an April speech at an annual conference of climate deniers sponsored by the Heartland Institute, Smith said both NOAA and EPA during the Obama administration had been "complicit in furthering a one-sided partisan agenda focused on climate change."

MIT atmospheric scientist Kerry Emanuel believes he gained insight into Smith and his approach after an exchange a couple of years ago. It began with a discussion on a topic on which they agreed—how the U.S. had fallen behind Europe in numerical weather prediction. Emanuel took the opportunity to give Smith a copy of a primer he had written for non-scientists on climate science and risk.

Lamar Smith on the Science

When it comes to climate change and the rise in extreme weather, Rep. Lamar Smith frequently cites the Intergovernmental Panel on Climate Change to claim a "lack of evidence." In fact, the IPCC has found that several types of extreme weather "very likely" (more than a 90% chance) or "likely" (more than a 66% chance) have increased in intensity and/or frequency.

The IPCC found that there is "low confidence on a global scale, that drought has increased in intensity or duration. **The same lack of evidence can be found for almost every kind of**



extreme weather event."



Rep. Lamar Smith
(R) Texas

IPCC ASSESSMENT OF OBSERVED CHANGES SINCE 1950s

(Unless stated otherwise)

Warmer and fewer cold days and nights	Very Likely
Warmer and more frequent hot days and nights	Very Likely
Warm spells, heat waves	Likely in large parts of Europe, Asia, Australia (medium confidence on a global scale)
Heavy precipitation events	Likely more areas with increases than decreases
Increases in intensity/duration of drought	Likely changes in some regions (low confidence on a global scale, due to lack of data and differing definitions of drought)
Increases in intense tropical cyclone activity	Virtually certain in North Atlantic since 1970s (low confidence in changes prior to 1970s)
Increased incidence magnitude of extreme high sea level	Likely, since 1970

SOURCES: Email to ICN 11/17 (Smith quote); IPCC 5th Assessment 2013

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A few days later, Emanuel got a call from Smith, who wanted to talk about the book. "He struck me as a very astute man," Emanuel said. "Clearly he had read the book very thoroughly or had been thoroughly briefed on it.

"He proceeded politely to ask sharp questions. Could this be wrong? Could it be not as bad? A lot of the questions were

about uncertainty," Emanuel recalled. At first the scientist felt he was making headway with the congressman, a hope that was quashed the next time he heard Smith publicly dismissing climate science. "In hindsight, I think I was unwittingly a coach, helping him armor himself against reasonable arguments."

"There's nothing stupid about Lamar Smith," said Emanuel. "He's not uniformly anti-science. It's not that he doesn't understand the science. He struck me as a lawyer for the defense, who knows his defendant is guilty, but is bound by law or honor or legal code to defend."

Subpoena Power Unleashed

Smith's tactics to defend fossil fuel energy created legal worries for the EPA, which was battling the industry in court. Officials feared that the constant document requests by Smith would help industry lawyers obtain otherwise confidential material that could be used against the agency in court.

In one instance, Smith acted with a like-minded Republican committee chairman, Jason Chaffetz of House Oversight, to demand internal documents on one of the Obama administration's most contentious regulations, intended to protect thousands of waterways and marshlands. After Chaffetz obtained memos showing an interagency dispute over the rule, he released them. EPA's foes, including the oil industry, which would not normally have had access to the records, sought to introduce them in a court challenge to the new clean water regulation. "Once documents have been disclosed and widely disseminated, an agency has waived any deliberative process or other privilege that may have applied," argued North Dakota's attorney general, the lead litigant.

In letters to Smith, EPA repeatedly raised its concern about the risk of releasing documents in cases involving **the Clean Water Act**, **the regional haze pollution** standards, a decision over a controversial copper mine decision in Alaska, and others.



Rep. Lamar Smith, speaking here with John Holdren, director of the White House Office of Science and Technology Policy under President Barack Obama, strongly opposed the Obama administration's efforts to reduce power plant emissions. Credit: Chip Somodevilla/Getty Images

Smith's most dramatic rush to the legal defense of the fossil fuel industry was his unprecedented move last year to **issue subpoenas to two state attorneys general** and several nongovernmental advocacy groups over the states' **climate change fraud investigation of Exxon**. He accused the attorneys general of colluding with environmentalists, violating Exxon's free speech rights and chilling private sector science funding.

New York Attorney General Eric Schneiderman, a Democrat, refused to comply with the subpoena, which he said "oversteps the boundaries of federalism, separation of powers, and the committee's own jurisdiction."

Smith disagreed. "The science committee has jurisdiction over all non-military, non-medical research and development," he said in the email to InsideClimate News. "We had an

obligation to the scientific community and the American people to find out whether the attorneys general have intentionally intimidated researchers who disagree with them."

Legal experts see another possible outcome of Smith's inquiry. If he were to obtain and make public internal documents like correspondence among the attorneys general—material that Exxon would have trouble obtaining as a litigant—the company could use it in court.

"It sure looks like he is acting on behalf of Exxon," said Maryland Attorney General Brian Frosh, a Democrat who is part of a coalition supporting the investigation by New York and Massachusetts. "It's hard to understand why he thinks that it's an appropriate role for a congressman and Congress to get involved on behalf of an entity like Exxon. It's not like ExxonMobil is incapable of defending itself."

And, indeed, even though Smith did not obtain documents, Exxon cited the mere fact of his inquiry to give weight to its effort last year to **derail** the probe. Exxon picked up **Smith's argument** that the attorneys general were appointing "themselves to decide what is valid and what is invalid regarding climate change." For that reason and on multiple constitutional grounds, Exxon lawyers asked a federal judge in Texas to dismiss the investigations.

Although the Texas judge declined to rule, he **embraced Exxon and Smith's contention** that the New York and Massachusetts investigations were intended to "squench public discourse by a private company that may not toe the same line as these two attorneys general." The case has been transferred to New York federal court, where a judge has yet to rule.

Back Home in the 21st District

For the most part, Smith hasn't had to address the climate issue back home, even though polls show that a majority of his adult constituents believe human activity is causing global

warming and Texas has suffered more severe climate and weather disasters since 1980 than any other state.



With their peaches at risk from warmer winters, Diane Eckhardt and her family are looking for ways to diversify their Texas farm's offerings. Credit: David Hasemyer/InsideClimate News

Only last year did a Democratic opponent, Tom Wakely, try to make climate change a major campaign issue. Smith won with 57 percent of the vote—the first time he had fallen below the 60 percent mark. Boehlert believes voters don't care as urgently about climate change as they do about jobs, health care and the economy. "People don't think the environment touches them dramatically and personally, but it does," he said.

For Diane Eckhardt, it's hard to ignore what's happening. She kicks up an orange cloud of dust as she walks through her family's orchard at sunset with her 85-year-old father, Donald, and her 9-year-old nephew, Quentin.

Eckhardt, 43, who has a degree in biology, tries to keep politics and peaches separate. But it's clear she disagrees with



Diane Eckhardt has seen the impact warming temperatures have on her Texas peach orchard, in Rep. Lamar Smith's Congressional district. She worries about the business she hopes to pass on to the next generation. Credit: Dave Hasemyer/InsideClimate News

policymakers like Smith whose distrust of the science imperils her family business and its future.

"We have to pay attention to climate science because the science is there," she said. "We have to extend outside of our ideologies to protect what we have."

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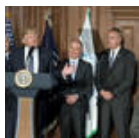
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