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March 16, 2015

VIA EMAIL

adye@wc-b.com and habegg@wc-b.com

Alan P. Dye

Heidi K. Abegg

Webster, Chamberlain & Bean, LLP

1747 Pennsylvania Avenue, NW, Suite 1000

Washington, DC 20006

Re: Response to Cease and Desist Letter

Dear Mr. Dye and Ms. Abegg:

We are counsel to League of Conservation Voters (LCV) and have received a copy of your March 5th letter to Gene Karpinski, President of LCV. You assert in your letter that LCV has misrepresented the positions and activities of American Legislative Exchange Council (ALEC) and you cite one webpage from LCV's website to support your assertion -- <https://secure3.convio.net/lcv/site/Advocacy?cmd=display&page=UserAction&id=2067>. LCV stands behind the content on that webpage and is not willing to remove it or issue any kind of retraction or correction.

LCV's comments about ALEC are fully protected by the First Amendment. The statements about which you complain are either opinions or they are true or substantially true. You have not and cannot prove that any factual statements LCV has made about ALEC are false or that they were published with reckless disregard for the truth. In fact, a recent article in the *Washington Post* similarly reported that "[t]he lobbyists and legislators [who attended ALEC's summit] considered several model bills to be introduced across the country next year, designed to give states more power to block or delay new Obama administration environmental standards, including new limits on power-plant emissions." Tom Hamburger, *Fossil-Fuel Lobbyists, Bolstered by GOP Wins, Work to Curb Environmental Rules*, The Washington Post, Dec. 7, 2014 (http://www.washingtonpost.com/politics/fossil-fuel-lobbyists-bolstered-by-gop-wins-work-to-curb-environmental-rules/2014/12/07/3ef05bc0-79b9-11e4-9a27-6fdb612b8f8_story.html?tid=pm_politics_pop). In addition, the *Toronto Star* has reported that "[s]lides from the presentation [at the ALEC retreat this past summer] show that it also challenged established scientific evidence on climate change, while proposing to dismantle the U.S. Environmental Protection Agency." Mike De Souza, *An Inside Look at U.S. Think Tank's Plans to Undo Environmental Legislation: The corporate-sponsored American Legislative Exchange Council*

works with lobbyists and legislators to derail climate change policies, The Toronto Star, Aug. 24, 2014 (http://www.thestar.com/news/canada/2014/08/24/us_think_tank_alec_fights_environmental_legislation.html). These are just two examples to support LCV's comments about ALEC, but there is plenty more – all of the support is simply too numerous to cite here.

The First Amendment protects the right for people and organizations to comment on and criticize the activities of others. Of course, there are boundaries, but LCV's speech has not crossed those lines. Rather, your client could be viewed as attempting to silence LCV under the threat of litigation. LCV is encouraged, however, that your client supports model legislation for anti-SLAPP laws "to encourage and safeguard public participation in civic society" and to protect against abusive "lawsuits against those who express their views on matters of public concern." <http://www.alec.org/model-legislation/public-participation-protection-act/>. (See, for example, the District of Columbia's anti-SLAPP law at D.C. Code §16-5501.)

We consider this letter a complete response to this matter and trust that your client will not again try to interfere with LCV's ability to speak about issues of public interest. And, please realize that, if necessary, LCV will defend its First Amendment rights vigorously.

Sincerely,



Karen A. Post