

**Before the Department of Commerce and National
Oceanic and Atmospheric Administration**

Washington, D.C. 20240

**In Re: The National Sea Grant College Program Act's)
Current Guidance on the Ability of Grant Recipients)
to Take Positions on Issues of Public Debate)**

*To the Secretary of Commerce and the Under Secretary
of Commerce for Oceans and Atmosphere:*

Petition for Rulemaking

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INTRODUCTION

Pursuant to the Right to Petition Government clause contained in the First Amendment of the U.S. Constitution,¹² Public Employees for Environmental Responsibility (“petitioner”) hereby files the following petition for your consideration.

The National Sea Grant College Program Act allows the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, to create qualifications for designation as a sea grant institute. 33 U.S.C. § 1126(a)(1)(F). The National Sea Grant College Program publishes the Fundamentals of a Sea Grant Extension Program (“Fundamentals”), setting forth requirements for colleges in the program. As part of the Fundamentals, all agents, specialists, and leaders of the Sea Grant College Program are prohibited from “tak[ing] positions on issues of public debate.”

THE SEA GRANT PROGRAM MUST BE AMENDED

The current guidance limits scientists’ ability to fully express their scientific findings and take positions on matters of public debate that involve those findings. The purpose of the National Sea Grant College Program is to encourage distribution of multidisciplinary knowledge to protect the Nation’s resources. The currently ambiguous neutrality guidelines that allow NOAA Sea Grant administrators to attach a gag order to grant recipients,

¹ U.S. Const., amend. I. (“Congress shall make no law ... abridging ... the right of the people ... to petition Government for a redress of grievances.”). United Mine Workers of Am., Dist. 12 v. Illinois State Bar Ass’n, 389 US 217, 222 (1967)(the right to petition for redress of grievances is among the most precious of the liberties safeguarded by the Bill of Rights). United States v. Cruikshank, 92 US (2 Otto) 542, 552 (1875)(the Supreme Court has recognized that the right to petition is logically implicit in, and fundamental to, the very idea of a republican form of government).

² 5 U.S.C. §553(e) (2005) (“Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.”)

preventing them from taking positions on public issues, severely undercuts the overall purpose of the National Sea Grant College Program by discouraging the dissemination of scientific knowledge to the broader public and restricting the free speech rights of grant recipients. Further, most Sea Grant funded university extension faculty spend much of their time advocating – it is the very nature of their role in applying science and knowledge in society. This vague prohibition against advocacy is only rarely and selectively applied, and in an arbitrary, capricious, and punitive fashion.

Accordingly, PEER hereby petitions the Secretary of Commerce to amend the guidance to permit recipients of the grant to advocate for positions in matters of public debate, so that college and university scientists are no longer inhibited in the same way governmental scientists were under the Bush Administration. Such an amendment is necessary both to comport with university academic freedom policies, and to further the purpose of the National Sea Grant College Program to:

“...increase the understanding assessment, development, management, utilization, and conservation of the Nation’s ocean, coastal, and Great Lakes resources by providing assistance to promote a strong education base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.”

33 U.S.C. §1121(b).

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*To the Secretary of Commerce and
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Petition for Rulemaking

Pursuant to the Administrative Procedure Act, 16 U.S.C. § 553(e), Public Employees for Environmental Responsibility (“PEER”) hereby petitions the United States National Oceanic and Atmospheric Administration to amend its guidance to allow grant recipients to take positions on matters of public debate.

Standing to File. PEER is a 501(c)(3) non-profit organization incorporated under the laws of the District of Columbia. PEER serves the professional needs of the local, state, and federal employees – the scientists, rangers, and resource managers – charged with the protection of America’s environmental resources, including the resources within the marine waters. PEER members have both personal and professional interests in national resources.

ARGUMENT IN SUPPORT OF PETITION

I. BACKGROUND: SEA GRANT COLLEGE PROGRAM

The National Sea Grant College Program was created during the 1960s in order to promote research, development, and conservation of America's coastal resources. Congress instituted the program to call for a multidisciplinary approach to environmental problems, deciding that the best way to achieve those goals was to fund colleges and universities in order to provide for such research and extension programming. Such federal effort was sorely needed in order to promote the national interest in both conserving American coastal, ocean, and Great Lakes resources and promoting wise stewardship and sensible development of these resources.

The National Sea Grant College Office, created within the National Oceanic and Atmospheric Administration (NOAA), manages the program. Congress originally created several requirements for Sea Grant Institutes, such as a demonstrated commitment to the goals of the program, existing competence in fields related to coastal, ocean and Great Lakes resource management, and recognition in those fields. The Under Secretary of Commerce for Oceans and Atmosphere was also given the flexibility to create additional criteria for Sea Grant Institutes.

The National Sea Grant College Office published the "Fundamentals of a Sea Grant Extension Program," which detail some of the additional requirements that Sea Grant Institutes must follow in order to qualify for the program. One of the requirements is that agents for the National Sea Grant College Program "do not take positions on issues of public

debate.”³ Without providing further detail or standards as to what is and what is not considered such “advocacy,” or who makes the judgment, this vague requirement can be used at the capricious discretion of administrators to prevent any scientist or specialist who is working with the program to be an advocate or to fully express his or her opinion on environmental issues.

STATEMENT OF FACTS RELATING TO PROFESSOR RICHARD STEINER⁴

Professor Richard Steiner is a highly respected marine scientist and conservation specialist who has been at the University of Alaska for thirty years. Of the entire faculty at the University, Professor Steiner has the largest part of his faculty workload devoted to offshore oil and environmental issues, having worked on these issues around the world for decades. As far back as 1991, University administrators have continuously pressured Professor Steiner and objected to his advocacy regarding oil spill prevention, restoration, response, and general environmental issues.

In 1994, the University of Alaska Regent, who owns an Alaskan timber company, asked at the Regents meeting that Steiner be terminated from the University. The University of Alaska Fairbanks Chancellor sent the Regent a letter criticizing Professor Steiner for inviting then-President Clinton to address the Exxon Valdez Fifth Anniversary Conference in Anchorage, and the Regent then sent the reprimand letter to the *Anchorage Times* which published it in an attempt to publicly discredit Professor Steiner.

³ Ronald C. Baird, Fundamentals of a Sea Grant Extension Program. Cornell University. National Oceanic and Atmospheric Administration (2000).

⁴ All facts documented here are supported by the public record, and are based on the document “Chronology of Professor Richard Steiner academic freedom case – University of Alaska,” October 2009, available at: www.peer.org/docs/ak/09_20_10_Chronology_of_Steiner_case.pdf.

In 2004, when the Selendang Ayu oil spill in the Aleutian Islands occurred, Professor Steiner went on record as saying the accident was preventable, having previously warned about the possibility of such incidents. Following this media appearance, the Dean of the School of Fisheries and Ocean Sciences required faculty to clear all press contact and inquiries through the department public relations staff, and ordered Steiner's news coverage removed from the department website.

The Dean told Professor Steiner in 2005 "not to criticize state government as that is where we get our money," not to "advocate," and to remove himself as an informational source listed on the non-profit organization Alaska Oceans Program website. The Dean also sent Steiner a threatening letter warning him not to criticize him or the University in public following a front-page story on the infringement of academic freedom in the *Anchorage Daily News* that discusses these issues, and planned to terminate Steiner's office lease in retaliation. The Associate Dean of the department found extensive hostility toward Professor Steiner and unhealthy work conditions at the main program office following a grievance filed by the faculty union, and Professor Steiner was therefore left in his separate office temporarily as the union grievance requests. Also in 2005, National Sea Grant officials state that Steiner has "a reputation for crossing the advocacy line to become an environmental advocate".

In 2008, Professor Steiner was specifically excluded from meetings between Shell Oil and University faculty, students, and staff, in violation of the state's Open Meetings Act and university open meetings policies. It was later learned through public records requests that in response to his request to sit in on the meeting, the University Chancellor sent an email to

other administrators saying that Professor Steiner was “not on a need to know basis with these meetings,” and that others had expected Professor Steiner to “be a spoiler.”

In March of 2008, Professor Steiner joined several colleagues interested in Alaskan marine conservation in publicly criticizing a conference organized by the University of Alaska, Sea Grant, and Shell Oil concerning offshore oil development in Bristol Bay Alaska. Professor Steiner and his colleagues had drafted a letter criticizing the conference for disallowing participation of all interested parties living around the bay area, having a pro-industry slant, failing to address the critical question of whether drilling should occur in the bay, and failing to present overall independence and objectivity in position.

NOAA and University administrators objected to Professor Steiner’s comments. After the media coverage of Steiner’s concerns about the biases in the conference, a National Sea Grant official wrote the Chair of the Alaska Sea Grant Advisory Committee saying: “I have strong feelings about extension agents getting into advocacy and I would be happy to take Steiner to task if warranted.” Dean Denis Wiesenburg met with National Sea Grant Deputy Director Jim Murray in May 2008, who, according to an e-mail recounting the conversation, indicated that NOAA had “an issue with Rick Steiner” because “he was acting as an advocate and asked if he was being paid with Sea Grant funds”, adding that “one agent can cause problems nationally.” As the basis for urging that Professor Steiner “not be paid with Sea Grant funds”, Murray cited manual guidance that Sea Grant extension agents should strive to be “neutral brokers of information”.

In July 2008, the Dean of the School of Fisheries and Ocean Sciences, together with the

Deputy Director of the National Sea Grant College Program, decided that Professor Steiner's Sea Grant funding would be terminated based on his public position about the conference. In December of 2008, a University administrator informed Professor Steiner that the federal funding would be terminated due to the fact that he "regularly takes strong public positions on issues of public debate." In March of 2009, the University of Alaska officially informed Professor Steiner that he was going to lose his federal funding due to his public comments about the conference.

In June 2009, the university administration took further adverse action against Professor Steiner by terminating his office lease in retaliation for the negative publicity the university had received over the case. The grievances filed by the faculty union on Professor Steiner's behalf were ultimately denied by the university administration, letting stand the adverse administrative actions taken against Professor Steiner because of his public comments. After serving with distinction and with part of his salary paid by Sea Grant for his entire university career of 30 years, he had now been removed from the federal grant entirely. This is the first instance we are aware of in which a university faculty member has lost their federal grant funding due specifically to their public comments. It is certainly the first such occurrence in the NOAA Sea Grant program nationwide.

II. CURRENT GUIDANCE FOR THE SEA GRANT COLLEGE PROGRAM IS INCONSISTENT WITH THE GOALS OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.

When Congress created the National Sea Grant Program, the main objective was "to increase the understanding, assessment, development, utilization, and conservation of the Nation's

ocean, coastal, and Great lakes resources.”⁵ To achieve these goals, Congress decided it needed to “promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.”⁶ Congress considered investment in strong research and public service crucial to achieve the best use of the nation’s resources.⁷

The current guidance prohibiting scientists from “tak[ing] positions on issues of public debate” directly conflicts with the goals of the National Sea Grant Program, conflicts with university academic freedom policies, and undermines the national interest. This requirement limits the ability of scientists and other agents to fully inform government, industry and the general public about the current state of the nation’s ocean, coastal and Great Lakes resources. This *de facto* gag order thus contravenes the intent of Congress.

National Sea Grant Deputy Director Jim Murray used the Sea Grant manual guidance as the basis for urging that Professor Steiner’s Sea Grant funding be terminated, citing that Sea Grant extension agents should strive to be “neutral brokers of information.”⁸ However, the original manual guidance actually frowns instead upon emotional advocacy that loses objectivity and “reject[s] research findings that conflict with a given position,” while citing SGE professionals who strive to “provide the best information available” as “effective” and acting within the appropriate bounds of the grant guidelines.⁹ Professor Steiner’s advocacy was not emotional advocacy and did not involve rejecting any research findings, but instead

⁵ 33 U.S.C. §1121(b).

⁶ Id.

⁷ 33 U.S.C. §1121 (a)(2).

⁸ SGE neutrality guidance, *available at*:

http://www.peer.org/docs/noaa/02_10_09_Sea_Grant_neutrality_guidance.pdf.

⁹ Id.

attempted to widen the scope of debate at the Bristol Bay conference, in an attempt to provide better information. Thus, while the current neutrality guidelines are overly vague, they indicate that Professor Steiner did not violate the neutrality standards of the Sea Grant program.

The neutrality guidelines also puts forth an undesirable scenario in which Sea Grant was listed as a co-sponsor of a meeting that “was not balanced among different points of view. The [other groups] should have had equal time on the program to express their views...as a meeting co-sponsor, it was Sea Grant’s responsibility to make sure that the planning for the meeting was properly balanced.”¹⁰ In the case of Professor Steiner, the North Aleutian Basin Energy-Fisheries Initiative is precisely the type of highly biased project co-sponsored by Sea Grant and Shell Oil that is the textbook example of an undesirable scenario. In giving critical comments about the Initiative and the Bristol Bay conference, which had pro-industry slants and excluded critical environmental and local group participation, Professor Steiner was providing the best information available, consistent with his faculty workload obligations, so that the Initiative would not lose objectivity and be guilty of “rejecting research findings that conflict with a given position.” Thus, he was actually trying to correct exactly the kind of unchecked bias that Sea Grant attempts to prevent, and in doing so, was performing as an effective SGE professional.

Without this type of advocacy, the problems with the Bristol Bay conference may never have been exposed to the public. To protect the nation’s ocean, coastal and Great Lakes resources, Sea Grant agents, such as Professor Steiner, need to be able to point out problems within the Sea Grant program itself and comment upon controversial issues related to ocean and coastal

¹⁰ Id.

protection and development without fear of losing funding or other retribution. NOAA's current guidance prohibiting advocacy suppresses the amount of research information, critical thinking, and new ideas that are available to government agencies and legislators.

Furthermore, universities are in urgent need of professors who are willing to take a stand on controversial issues, and to challenge conventional orthodoxies, thereby widening the scope of discussion and increasing the total mix of information leading to a final decision. Our colleges and universities have a long tradition of academic freedom that must remain protected, and the Sea Grant program was not meant to undermine that tradition by restricting academic scientists from taking positions on issues of public importance in order to receive NOAA funding. Thus, in order to fully realize the objectives of the National Sea Grant Program, the Sea Grant guidelines must be changed so that grant-funded scientists can publish and speak to others about their research and perspectives without fear of retribution.

III. SEA GRANT BAN ON ADVOCACY ILLEGALLY LIMITS THE FIRST AMENDMENT RIGHTS OF EMPLOYEES.

a. Limiting private and non-funded speech

The defining Supreme Court case regarding restrictions on the speech of recipients of government grants is Rust v. Sullivan, 500 U.S. 173 (1991). The government may limit the speech of grant recipients, but can only limit speech that is paid for with federal funds, not private speech. The restrictions placed upon Professor Steiner's Sea Grant funding are improperly applied to speech not paid for with Sea Grant funds.

The Supreme Court in Rust recognized that the university was an integral part of society. Although Rust is commonly interpreted to allow bans on speech within the context of a

government program, it did not prohibit program participants from speaking on the issues involved on their own time or on time funded by other sources. Indeed, the court recognized in Rust that “the university is a traditional sphere of free expression so fundamental to the functioning of our society that the Government's ability to control speech within that sphere by means of conditions attached to the expenditure of Government funds is restricted by the vagueness and overbreadth doctrines of the First Amendment.” Id. at 200 (*internal citations and quotations omitted*). The employees “remain free...to pursue...related activities when they are not acting under the auspices of the [governmental] project.” Id. Rust therefore recognized an explicit university research exception.

Professor Steiner made his comments to the press conference in March of 2008 in the context of his main faculty workload requirement that he conduct extension education and public outreach on, among other conservation matters, offshore oil and environmental issues. They were not made on his Sea Grant-funded time; indeed, only 10% of his faculty time was funded by [the] Sea Grant. This squarely falls under the university research exception outlined in Rust. By terminating the federal grant due to Professor Steiner's comments, the Sea Grant program exerts an unacceptable ban on what he does and says at all times, not only including actions and comments during the course of his normal non-Sea Grant faculty duties, but presumably even on his own personal time. This illogical application of Sea Grant funding would, by extension, allow any grant-making institution to withdraw grant funding when faculty make comments that are embarrassing or unwelcome to the institution on private or non-Sea Grant-funded time, directly contravening Supreme Court precedent.

b. Matters of public concern

The government may not forbid employees from speaking as citizens on matters of public

concern. However, it may forbid employees from speaking as citizens if there is no issue of public concern or importance involved. Pickering v. Board of Education, 391 U.S. 563 (1968) decreed that school officials violated the First Amendment Rights by firing a teacher who wrote a letter criticizing the school board for its allocation of school funds. The issue of a public employee's rights of free speech should be resolved by balancing "between the interests of the [employee], as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees." Id. at 568. Thus, the threshold question in a public employee speech case is necessarily whether the speech touches on matters of public concern or importance, or whether the speech concerns only private internal matters and should not be protected under the First Amendment, as in Connick v. Myers, 461 U.S. 138 (1983).

Oceanic, Great Lakes, and coastal region resources are clearly matters of public concern as the various bodies of water and ecosystems are preserved for public use and are resources held in trust for the public by the government. This public trust doctrine runs strongly throughout traditional common law and is embodied in the seminal case Illinois Central Railroad v. Illinois, 146 U.S. 387 (1892). Employee speech ensuring that the government properly manages these resources pertains strongly to issues of public concern, and must be protected. In the case of Professor Steiner, the letter that he joined in writing is similar to the critical letter written by the plaintiff teacher in Pickering, but concerned an even wider public scope, as the marine resources of Alaska are an important public resource both regionally and nationally. Thus, Professor Steiner passes the public concern threshold outlined in Pickering, and his speech must be protected.

c. Impact of academic freedom on First Amendment protections

Garcetti v. Ceballos, 547 U.S. 410 (2006) held that the government can restrict the speech of a public employee making statements pursuant to his public employment duties if the speech “owes its existence to [the] employee’s professional responsibilities.” Id. However, the Court in Ceballos reserved for a future decision the issue of whether the same analysis would apply in a case involving speech related to “academic scholarship or classroom instruction.” Id. at 425. Here, Professor Steiner’s critique and letter comments were based on his marine conservation research at the university, falling under the umbrella of scholarship. Ceballos is explicitly inapplicable in academic institution cases due to the difference of academic freedom, with which Sea Grant guidelines should not and cannot interfere.

Professor Steiner’s First Amendment free speech rights were violated by the termination of his Sea Grant funding. In order to uphold the National Sea Grant College Program’s employees’ constitutional right to free speech, and university policies on academic freedom, NOAA should immediately amend the guidance in order to allow Sea Grant agents to “take positions on issues of public debate.”

IV. CURRENT REQUIREMENTS LIMIT SCIENTIFIC INTEGRITY AND ARE VULNERABLE TO ABUSE.

The current requirement prohibiting agents from “tak[ing] positions on issues of public debate” restricts academic freedom for college and university scientists. Instead of being allowed to express their views, which are of particular importance because such academics are [often] experts in their field, such scientists are inhibited in a similar way as government scientists were under the Bush administration. Such policies significantly hindered the flow of proper research and scientific information to Congress on climate change and other

important scientific issues, and should not be allowed to continue or to intrude into the academic realm.

An investigation performed by the Government Accountability Project in 2007 found that the Bush administration had unduly restrictive policies and practices that limited climate scientists from openly speaking with the public or Congress.¹¹ Instead of reporting the full findings to the public, officials often weakened the conclusions of final scientific reports before releasing them. In the same year, a report from the Committee on Oversight and Government Reform confirmed that President Bush had “engaged in a systemic effort to manipulate climate change science.”¹² If scientists had been able to report their findings directly to Congress or to the public without fear of being fired, Congress would have had the accurate information required to make an informed policy decision regarding climate change, thus serving the national interest.

The current guidance of the National Sea Grant College Program is similar to the restrictive rules constricting the climate scientists during the Bush Administration. Current issues facing our ocean, coastal, and Great Lakes resources are complex and require objective, uncensored information to inform action from state and federal legislators to ensure those resources are protected. By prohibiting scientists from taking positions on issues of public debate, the National Sea Grant College Program limits the effectiveness of the nation’s scientists, thus weakening the role that scientists play in protecting our nation’s resources.

¹¹ Tarek Maassarani. Redacting the Science of Climate Change. Government Accountability Project (2007). Examines the press release policies under the Bush administration where climate scientists were not allowed to reveal their findings unless given proper authorization from other parts of the agencies. Additionally, scientists would be told which parts of the project they were allowed to talk about, and were told to limit any discuss on global climate change.

¹² See Comm. on Oversight and Gov’t Reform, U.S. House of Rep, 110th Cong., Political interference with Climate Change Science Under the Bush Administration, (2007). Report detailed how the administration limited certain scientists from the media and extensively edited reports before sending them to congress.

Professor Steiner’s situation illustrates how the ban on advocacy harms scientific integrity since his federal funding was revoked due to the content of his speech, regardless of its veracity.

It is clear that university faculty members and other persons in academia all must “advocate,” because as individuals, they have viewpoints, and their faculty position requires them to express those viewpoints, and without fear of retribution. To “advocate” means “to support or promote the interests of another”;¹³ under this definition, a Sea Grant recipient should be perfectly able to support or promote the interests of local communities or the health of the marine environment. Faculty members are not only entitled to speak out regarding what their research can bring to the issue at hand, but are also uniquely positioned to increase the level of discourse on the topic.

Many other Sea Grant-funded faculty members have often acted as advocates. However, they usually advocate for commercial development and exploitation of ocean resources, rather than conservation. Indeed, the Alaska Sea Grant Strategic Plan sets among its goals to increase industry profits, enhance industry reputation, encourage industrial development, and so on – thereby advocating particular constituencies over others. The problem here arose when Professor Steiner, acting as no more partisan than his colleagues (only in the opposing direction), raised concerns about the powerful industrial interests in Alaska, bringing a sorely needed viewpoint into sharp focus. Because his conclusions were in opposition to these industry interests, who contribute significant amounts of money to the University, Professor Steiner was singled out for retribution. Further evidence of the selective and retaliatory

¹³ See “advocate” in Merriam-Webster’s Online dictionary, available at: <http://www.merriam-webster.com/dictionary/advocate>.

nature of this adverse administrative action due to his public comments is found in a Sea Grant publication Professor Steiner authored in 1990 entitled “Lessons of the Exxon Valdez.” In that publication, Professor Steiner advocated changes as far reaching as higher standards of corporate responsibility, better shipping standards, double-hulls for oil tankers, a new national energy policy based on efficiency and alternatives to fossil fuels, a \$1 / gallon gasoline tax, citizens advisory councils, unlimited financial liability for oil spills, an enhanced global environmental ethic, and other suggestions, many of which were ultimately adopted by Congress in the Oil Pollution Act of 1990. Again, this was a Sea Grant publication. Had the Sea Grant neutrality guideline been invoked with regard to that publication at the time, some of the suggestions may not have been adopted as federal policy. This Sea Grant publication won a federal government publication award.

The fact that the Sea Grant neutrality guidelines are now being selectively used to censure Professor Steiner, but not other Sea Grant recipients who have actively advocated for industrial development, clearly shows abuse resulting from the vague language and inconsistent application of the guidelines. It is time for the Sea Grant program to discard the delusion that scientific neutrality is enhanced by keeping scientists out of the public debate.

Accordingly, PEER petitions NOAA to amend the Sea Grant Program guidance to permit all grant recipients to advocate for positions in matters of public debate that are within their areas of expertise. Language assuring grant recipients that NOAA policy will never be used to restrain them from “misconduct” connected with First Amendment expressions of opinion on matters of public debate should be added to all Sea Grant contracts and grants in order to ensure clear, consistent, and lawful application of the program to Sea Grant recipients.

CONCLUSION

The current guidance prohibiting scientists from engaging in public advocacy is inconsistent with the goals of NOAA and the National Sea Grant College Program, inconsistent with university academic freedom policies, and applied selectively, capriciously, and in a punitive manner. Without an amendment to this provision, scientists funded by Sea Grant program grants will continue to work under a *de facto* gag order for fear of losing funding. This will severely reduce the availability of research, new ideas, and creative perspectives to ocean, coastal, and Great Lake resources policymakers to ensure that such resources are utilized in the best manner. In fact, current Sea Grant guidelines paradoxically stymie the research that grant applicants conduct outside of the Sea Grant program. Moreover, scientists that receive funding from the program have a constitutionally protected right to freedom of speech which the government cannot limit to the extent that it has under the Program. Professor Steiner's loss of federal funding illustrates all of the problems with the current Sea Grant ban on advocacy.

PEER therefore petitions NOAA to amend the guidance for the National Sea Grant College Program to allow grant recipients to "take positions on issues of public debate."

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