

March 29, 2011

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Salazar:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to call attention to improper and overt political pressure being exerted on scientific and managerial staff of the U.S. Department of Interior. We are concerned that this undue and inappropriate pressure is being tolerated despite recent policy pronouncements to the contrary.

On September 20, 2010, you stated “The American people must have confidence that the Department of the Interior is basing its decisions on the best available science and that the scientific process is free of misconduct or improper influence.”

In a letter dated March 23, 2011, U.S. Senator Dianne Feinstein (CA) wrote to you demanding that you take “corrective action” against National Park Service (NPS) scientists in connection with their work on Point Reyes National Seashore. Her letter is precisely the type of improper political influence you decried last September.

Sen. Feinstein cited last week’s report by Department of Interior’s Office of the Solicitor as the basis for punitive actions against NPS scientists. As you know, the subject of the report is a shellfish enterprise located in Drakes Estero, one of the most sensitive stretches of the national seashore.

Far from agreeing with the charges of scientific misconduct and “cover-up”, the report vindicated the NPS personnel by finding that they –

- Committed no scientific misconduct or violation of rule or law;
- Did not conceal information or evidence any intent to deceive the national Academy of Sciences or any other entity; and
- Were not even guilty of a “lack of candor”.

The main concern the report did find was that “NPS, as an organization and through its employees, made mistakes which may have contributed to an erosion of public confidence.” These mistakes were characterized as collective and organizational in nature and are not the appropriate basis for disciplinary action against individuals.

The Solicitor’s report follows a previous investigation by the Office of Inspector General which found no misconduct by the Park Service in regard to its treatment of this shellfish company.

Ironically, Sen. Feinstein is accusing NPS scientists of exhibiting “bias” and being “advocates” while her pursuit of special treatment for her constituent shellfish company has been anything but balanced; in fact, her involvement in this matter has been almost obsessive. As you know, among other actions Sen. Feinstein sponsored a law carving an exception in the Wilderness Act for this one corporation.

Her real motive is apparent in that she is be openly lobbying to have certain NPS scientists removed from the team evaluating the environmental and policy impacts of extending the lease for her favored oyster company for another decade. In essence, Sen. Feinstein is using her office to allow a business enterprise to handpick which federal civil servants will review that corporation’s permit. That is an outrageous misuse of office.

Moreover, it is undeniable that Sen. Feinstein is doing her level best to exert influence on the review process, including pressuring NPS to suppress peer-reviewed science that describes how increased mariculture negatively impacts harbor seals. The multiple reviews that she has groundlessly stirred up are precisely the type of political pressure that is anathema to President Obama’s Scientific Integrity Initiative.

On February 1, 2011, you approved new rules governing scientific integrity matters within the Department of Interior. A key part of those rules was the establishment of a scientific review process to assess allegations of scientific misconduct. In this instance, however, the process that you set in place was not followed. Instead of review by scientific experts, the Solicitor enlisted a lawyer to evaluate the scientific work of NPS professionals.

Criminal-style investigations of scientists are a very effective form of intimidation --- intimidation compounded by the public release of a letter by a U.S. Senator urging that you “release information about the steps you take” against the scientists. Sen. Feinstein’s letter is a modern equivalent of calling for these scientists to be placed in stocks for display the village courtyard.

If your new scientific integrity rules are going to be effective, it is critical that they be followed – now. It is especially important that the Interior Department cease criminal investigations into how its scientists address research questions.

In her letter’s closing, Sen. Feinstein called upon you to “publicly disavow the practice of

selectively misusing and misconstruing science to achieve a desired outcome”. That statement grossly mischaracterizes events at Point Reyes National Seashore but aptly describes Sen. Feinstein’s letter.

During the Bush administration, political considerations routinely colored scientific work products issued by Interior agencies. Regardless of whether the influence comes from Republican or Democratic officeholders, it is equally corrosive.

You have promised that those days are over. This case would be an excellent place to make that crystal clear.

As you know, PEER is dedicated to defending public servants who suffer reprisal for doing their jobs by protecting public resources. We trust that our services will not be needed at Point Reyes but stand ready if called.

The scientists at Point Reyes are dedicated professionals. They have been subjected to an unprecedented political witch-hunt. For their dedication, they should be honored, not disavowed.

Sincerely,

Jeff Ruch
Executive Director

Cc. Senator Dianne Feinstein
Peggy O’Dell, Deputy Director, National Park Service