

Opening Statement of Ranking Member Donna F. Edwards
Subcommittee on Investigations and Oversight
Hearing on: The Endangered Species Act: *Reviewing the Nexus of Science and Policy*
October 13, 2011

I would like to thank Chairman Broun for holding this hearing, and also thank our witnesses for being here today. At its heart, this hearing is about scientific integrity and whether we face problems with science in the management of the Endangered Species Act.

I'd like to start off by quoting one of our country's most famous conservationists, President Richard Nixon:

“Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed. It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage we all share as Americans.”

I share that sentiment.

President Nixon said those words on the occasion of signing into law the Endangered Species Act in 1973.

I share that quote because protecting wildlife and protecting nature from utter destruction used to be a bipartisan cause. Unfortunately, my Republican colleagues no longer see eye to eye with their Party's former president. Let's make no mistake about it, the Endangered Species Act, when it is allowed to work, protects wildlife from utter destruction.

However, since 1973, protection of wildlife has increasingly become associated with “the liberal cause.” What's most disturbing about this is that since 1973 we've learned so much about the benefits of biodiversity and the value healthy ecosystems provide to people.

As I look up, I see the portrait of Chairman Sherry Boehlert, a Republican, and a proud environmentalist. It truly saddens me that he may have been the last of his kind...

The focus of today's hearing seems to be on attacking the integrity of agency scientists, with a little help from former U.S. District Court Judge Oliver Wanger's (pronounced: *Wayne-ger*) inflammatory opinion in the Delta Smelt case from last month. In the wake of that widely reported decision, Judge Wanger appears to have backtracked on his over-the-top comments.

I think Judge Wanger's extreme language was misguided, and efforts to attack the credibility of agency scientists are also misguided. The evidence of the past decade has shown that the real scientific integrity issue at our Federal agencies generally, and the Fish and Wildlife Service specifically, has been political meddling with agency science. I hope our group of witnesses can speak to that.

I have to thank you, Chairman Broun, for calling such a superb panel for just that purpose. Present on today's panel you have a former Bush Administration Assistant Secretary, Craig Manson, who was mentioned 155 times in a 2008 Investigative Report by the Department of Interior Inspector General. The

then-Interior IG, Earl Devaney, was looking into allegations of misconduct by Mr. Manson's Deputy, Julie MacDonald. To quote just a small portion of the Inspector General's Memorandum, he noted that:

“MacDonald's zeal to advance her agenda has caused considerable harm to the integrity of the ESA program and to the morale and reputation of the FW, as well as potential harm to individual species. Her heavy-handedness has cast doubt on nearly every ESA decision issued during her tenure; of the 20 decisions we reviewed, her influence potentially jeopardized 13 ESA decisions. MacDonald's conduct was backed by the seemingly blind support of former Assistant Secretary for Fish and Wildlife and Parks, Judge Craig Manson. Judge Manson so thoroughly supported MacDonald that even when a known error in a *Federal Register* notice, which was caused by MacDonald's calculations, was brought to Manson's attention, he directed that the notice be published regardless of the error.”

If I'm not mistaken Mr. Chairman, I believe that the Fish and Wildlife witness we have here today, Gary Frazer, was the very person who brought the aforementioned error in the *Federal Register* notice to Mr. Manson's attention. And how was he rewarded for trying to correct this error? Mr. Manson transferred him out of the agency. Thankfully, one of Mr. Manson's successors had the good sense to rectify this abusive conduct with regard to Mr. Frazer, a dedicated public servant who just wanted to get the correct information published, and not simply spit out whatever was politically expedient. He is back at the Department and I am happy to see him here before us today in an official capacity.

The DOI Inspector General found that during Julie MacDonald's tenure she had “bullied, insulted, and harassed the professional staff of FWS to change documents and alter biological reporting,” disclosed nonpublic information to private sector sources including to lobbyists, and participated in the editing process for a species for which she had a potential personal financial conflict of interest. All of this was done with Mr. Manson's unwavering support.

The Chairman has repeatedly asked about the status of the Obama Administration's science integrity policy. I am sure you join me in finding satisfaction from the fact that the Department of Interior has put a final policy in place. But the reason such a policy was even needed was because of conduct during the prior Administration by political appointees such as Mr. Manson.

If Mr. Manson's tenure at Interior was all that we had to look forward to covering in today's hearing, this would be a great opportunity. However, we also have a witness from the State of Alaska who can explain to the Subcommittee his State's unique new policy which says that once the state takes a position, such as on an endangered species issue, state scientists must advocate that position—regardless of the facts—or face punishment. That sort of gag rule is precisely the kind of thing that I am sure the Chairman wants to make sure the Obama Administration does not condone in its own agencies and this is something we can certainly both agree on.

So I look forward to a spirited discussion today, and expect that by the end of this hearing we will all have some newfound respect for the difficult environment our Federal agency scientists work in—and perhaps some state scientists too—to try and do the right thing, day in and day out, while getting attacked from the outside, and sometimes from within.

I yield back Mr. Chairman.

