



October 17, 2018

The Honorable Rep. Rob Bishop  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Raúl Grijalva,  
Ranking Member  
House Committee on Natural Resources  
1329 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Bishop, Ranking Member Grijalva,

On June 20, 2018, the Center for Biological Diversity (Center) received a puzzling, disturbing letter from Rep. Rob Bishop and Rep. Bruce Westerman. It suggested, with no actual evidence, that the Center is the agent of a foreign government or the Japanese Communist Party because of our long-standing efforts to protect the endangered Okinawa dugong. We were puzzled by the letter because the dugong has been a U.S. government conservation priority since 1970 when it was placed on U.S. Endangered Species Act list.<sup>1</sup> All U.S. federal agencies which impact the dugong are legally required to ensure they do not drive it further toward extinction. The Center is proud to contribute to this U.S. conservation commitment by ensuring U.S. environmental and cultural laws are followed by U.S. federal agencies. It is hard to imagine how doing so could be un-American or would trigger of foreign agent suspicions.

We were disturbed because Congressmen Bishop and Westerman employed language and assumptions mirroring a shameful history of politicians abusing the Foreign Agents Registration Act (FARA) to defame and intimidate the social justice movement. In 1951, renowned civil rights activist W.E.B. Du Bois was publicly demonized and eventually prosecuted under FARA for distributing an international petition to ban nuclear weapons. Having succeeded in casting a dark shadow over Du Bois's work, the government offered to drop the charges in exchange for a no contest plea. Du Bois refused, forcing a trial in order to expose the government's abusive, illegal, politically motivated attack. He succeeded when the case was dismissed for lacking any actual evidence.

The Center believes congressmen Bishop and Westerman are betraying the public trust enshrined in our elected offices to pursue a politically motivated abuse of authority. Nonetheless, on June 27, 2018 we responded with a letter providing responsive information. On August 2, 2018 the Center sent a second letter providing additional information following queries through email by Representative Bishop's staff. On September 17, 2018 Chairman Bishop and Rep. Westerman

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<sup>1</sup> U.S. Fish and Wildlife Service. *List of Endangered Foreign Fish and Wildlife*. 35 Fed. Reg. 18319 (Dec. 2, 1970).

sent another letter to the Center requesting information regarding recent developments in our long-standing work to protect the federally endangered dugong.

We believe that government functions best in the clarity of sunlight — open and transparent — for all Americans to witness and understand. We are more than happy, therefore, to appear before the Committee to educate its members about the imperiled dugong, its dramatic decline toward extinction, and the Center’s contribution to the U.S. government’s commitment to save it. Therefore we again formally request that the Committee hold a public hearing at a time of your convenience on the Okinawa dugong and the many complex issues surrounding it.

We remain very concerned that the Committee on Natural Resources does not have jurisdiction — nor the necessary expertise and experience — to conduct meaningful oversight of the Foreign Agents Registration Act. However, given the recent guilty plea by President Trump’s campaign manager Paul Manafort regarding his violation of FARA, we agree that this critically important law be the subject of vigorous oversight by the appropriate bodies, namely the House and Senate Judiciary Committees. And as should have been abundantly clear from our first response, our work to protect the dugong from extinction does not implicate FARA. Despite your lack of jurisdiction of this law and its inapplicability to our dugong work, we would still be willing to come to your committee to discuss why our work on the Okinawa dugong complies with FARA in an open and public hearing.

However, we do not believe that your staff are conducting legitimate and lawful oversight given Rule X(1)(I) of the standing Rules of the U.S. House of Representatives. Indeed, most of your staff’s investigation on FARA simply appears to consist of reviewing the Center’s publicly available press releases. The attempts to mislead the public through vague insinuations and innuendo about the Center and its staff do not serve the public interest. Instead, they represent an abuse of power that is designed to do nothing more than harass our staff and to stifle important public interest work to protect our environment — both at home and abroad — while distracting the public from the actual violations of FARA by personnel within the Trump administration and Trump campaign.

Consequently, we believe that we have already sufficiently replied to your requests for information and will not be providing further responses outside of a public hearing context. I have instructed my staff accordingly. We hope that you will reconsider and reflect upon how you apply the powers granted to you by the American people. And we await your invitation to come testify in front of the full Committee before it is too late to save the Okinawa dugong.

Sincerely,



Kieran Suckling  
Executive Director  
Center for Biological Diversity

Cc:

The Honorable Bob Goodlatte  
Chairman  
House Committee on the Judiciary  
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The Honorable Jerrold Nadler  
Ranking Member  
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