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Subject: Parting words as the Trump administration enters from stage right

To:

A man dies when he refuses to stand up for that which is right. A man dies when he refuses to stand up for justice. A man dies when he refuses to take a stand for that which is true.

-Martin Luther King, Jr.

Dear friends, colleagues, and fellow conservationists:

Today is my last day as a federal environmental lawyer, a job I've had for more than thirty years. For the past twenty years, I've tried to help the U.S. Fish and Wildlife Service give meaning to the Endangered Species Act. Among our most noble laws, the Act tells us to find ways to share this planet in harmony with other creatures. It has been a great privilege to do this work, and it has been a great pleasure to do it with many extraordinary lawyers and scientists. I thank you all for including me in it.

Now we are in troubled times. Much that we have worked for seems in peril. Our new President seems to have little regard for science, or indeed for truth of any kind. The events of the last few weeks have shown the importance of the checks and balances set forth in the Constitution, and in particular the critical role of an independent federal judiciary. That check alone should give us some hope that the worst abuses will not stand.

But there's another check on arbitrary Executive action that isn't found in the Constitution. That check is you, the career civil servants, and particularly the lawyers. As Executive Branch employees, you serve the President, but you don't serve his every whim. You serve to help him fulfill his oath of office, which requires him to faithfully execute the laws of the United States. More than other civil servants, agencies' lawyers have a special duty to say what the law is, what it allows, and what it prohibits. I believe that you will serve that role faithfully.

I believe that, if a directive came down that families registering for campsites in national parks must declare whether they are Muslim, the National Park Service's lawyers would politely advise that our laws do not permit that sort of inquiry. And I think they would likely note that, to remind us of the wrongness of that sort of thinking, the Park Service administers the national historic sites at Manzanar and Minidoka, where American citizens of Japanese descent were imprisoned during the Second World War.

I believe that, if a directive came down that an oil drilling project must proceed without regard to whether it jeopardizes an endangered species, the Fish and Wildlife Service's lawyers would respectfully advise that the project cannot go forward, because the Endangered Species Act makes it the duty of every federal agency to protect and recover endangered species.

So here is my parting plea to you: Stand your ground. Don't allow your name to be placed on a document that you know to be legally indefensible or scientifically unsound. Don't allow "alternative facts" to trump solid scientific data. Document your objections for the record. And remember that you're not alone. The Department of the Interior's independent Inspector General is there to protect you. And so far, we still have a free and vigorous press.

Finally, remember that the pendulum will swing back soon enough, as it always does. I leave you with the words of Thomas Jefferson, written in a letter to a friend in 1798 at another dark moment in our nation's history, the passage of the Alien and Sedition Acts:

A little patience, and we shall see the reign of witches pass over, their spells dissolve, and the people, recovering their true sight, restore the government to its true principles.

Farewell, and good luck.

--

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