Unilateral Congressional Subpoena Power...

Lamar Smith, the departing head of the House science panel, will leave a controversial and complicated legacy

By Jeffrey Morvis, Warren Cornwall | Nov. 5, 2017, 5:58 PM
The powerful weapon House Republicans handed Democrats

A GOP rule change handed unilateral subpoena authority to many House committee chairmen. Democrats cried foul, but now they hope to use it against Trump.

By ANTHONY ADRAGNA | 10/28/2018 06:59 AM EDT | Updated 10/28/2018 02:25 PM EDT
Targeting of individual scientists...
...has also happened on both sides of the aisle

Dems' climate probe brings 'witch hunt' accusations

Arizona Rep. Raúl Grijalva is on a mission to expose climate skeptics. Some say he's going too far.

By ALEX GUILLÉN | 02/27/2015 05:51 AM EST | Updated 02/28/2015 06:28 AM EST
Hearings: often more show than substance

Scientists are engaging in politics in new ways

Scientific American Endorses Joe Biden

We’ve never backed a presidential candidate in our 175-year history—until now

By THE EDITORS | Scientific American October 2020 Issue
Anti-Lobbying Restrictions

What is lobbying?

» Attempting to influence a politician or public official regarding particular legislation or a particular activity—usually in a way that benefits a particular organization
The Anti-Lobbying Act

- Seeks to prevent individuals or organizations from using government funds to lobby for their own political aims or to seek more government funds

- Byrd Amendment
  - Applied some of these restrictions to recipients of federal grants, loans, and contracts
  - Prohibits them from seeking to influence a member of Congress in relation to such grants, loans or contracts
What Does This All Mean?

A scientist CAN generally:

» Meet with a legislator to discuss general policy issues or to present a non-partisan analysis—particularly if the legislator requests the meeting
  • The further you are from the area of your federally-funded work, the safer you are

» Meet with a legislator and engage in activities that might in fact constitute lobbying, as long as NO FEDERAL FUNDS OR RESOURCES are used to carry out the activities
  • Must be done on your own time and using your own resources
Tips and Best Practices

- Use your own funds and resources to engage in political activity, and do so on your own time
- Understand whether open records laws may apply to you
- Maintain a clear separation between personal and professional
  - Keep good records of working hours
  - Keep personal vs. professional email and social media accounts separate
  - Don’t use government equipment for personal political activities
  - Avoid wearing agency logo or other insignia when engaging in political activity
- Consider speaking in your personal capacity
- Consider using disclaimers
- Understand your institution’s policies around political speech
How to Respond if Targeted

» Remember: institutional counsel only represents the institution

» If facing internal retaliation, understand internal channels available for complaints and implications of using them

» If facing external targeting:
  » May be best to ignore certain hostile messages
  » Congressional inquiries, subpoenas, records requests, and threatening messages should never be ignored—contact CSLDF or another lawyer