

To: Kathy Fosmark  
ACSF



### Environmental lawsuits backed by BIG bucks

A while back a letter on the fishing industry web site [Worldcatch.com](http://Worldcatch.com) caught my eye. Written by Jack Sterne, a lawyer representing environmental interests in Alaska, the letter was a response to an article discussing the funding of the Stellar sea lion lawsuit by Greenpeace. It seemed crafted to leave the impression that going to court was a financial strain on the involved environmental organizations and that the lawyers representing them were doing so at some significant level of personal sacrifice as a public service.

Said Sterne in his letter, "There is no environmental group that I know of that has 'millions of dollars' either for legal fees or for paying the costs of a lawsuit. Those of us who work for nonprofit environmental law firms typically make much less money than we could in the private sector (usually half as much or more), and we do so because we believe in the causes we represent. 'It kind of brings to mind the image of the down-at-the-heels, struggling yet 'committed to the public good no matter what the sacrifice' lawyers that John Grisham has turned into folk heroes, doesn't it?"

Having for some time been interested in the role that "charitable" foundations play in national and international fisheries arenas through their support of various non-governmental organizations (NGOs), I found Sterne's letter and the image he was presenting intriguing.

There was something about its tone that didn't quite ring true with my understanding of who was paying for what and how much was being paid, in the rarefied world where many environmental organization folks hang out.

Since the larger foundations provide rather detailed information on their grant making activities on their e. rather than taking Sterne's words at face value, I thought I'd do a little background checking myself. Sterne works for the law firm Trustees for Alaska. He wrote that the Earthjustice Legal Defense and his firm were co-counsel in the Stellar sea lion suit and that both are non-profit public interest firms with the mission of providing legal services to environmental groups. Earthjustice used to be the Sierra Club Legal Defense Fund. On its web site, Earthjustice claims that it is the "non-profit law firm for the environment," which, for more than a quarter century, has represented "hundreds of environmental clients, large and small, without charge."

### Multimillion dollar gifts

The database on the Pew Charitable Trusts site revealed that since 1996, Pew has given Earthjustice \$9.797 million. It seems Sterne's understanding that no environmental group has millions of dollars for legal fees or to pay the costs of a lawsuit isn't all that accurate. And what about the "needy" clients? Earthjustice lists a number of organizations as clients that will be familiar to many in the fishing industry for their "contributions" to the management process. Among them are:

- The Conservation Law Foundation (CLF);
- The Center for Marine Conservation (CMC);
- The World Wildlife Fund (WWF);
- The National Audubon Society;
- The Natural Resources Defense Council.

Each of the first three have received over a million dollars from Pew since 1996. The Natural Resources Defense Council (NRDC) has received over \$5 million and Audubon, almost \$8 million. While Sterne might be right that these organizations don't have millions of dollars "either for legal fees, or for paying the costs of a lawsuit," it seems as if they do have millions of dollars. Note that these figures are for grants from the Pew Trusts. Other foundations, such as Packard, Rockefeller, and W. Alton Jones, also support them heavily.

### Who is Pew?

As the 800-pound gorilla among sources of dollars for environmental organizations with an oceans orientation, I thought it might be educational if I primarily focused on the Pew Trusts.



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On its web site, Pew is described as a group of seven individual charitable trusts established between 1948 and 1979 by two sons and two daughters of Joseph N. Pew and his wife. Joseph N. Pew founded Sunoco Inc. Seven of the eleven directors of the Trusts are Pews. Based in Philadelphia, PA, the trusts have approximately \$4.8 billion in assets and made grants totaling \$235.6 million in 2000. Since 1995, Pew Trusts have made about \$50 million in fisheries-focused grants.

**Pew Oceans Programs**

The Pew Fellows Program in Marine Conservation is designed to “fund innovative work in marine ecosystems, fisheries management, coastal conservation, and marine contamination.” The Pew Oceans Commission, initially co-chaired by New Jersey Gov. Christine Todd Whitman and ex-Congressman and Clinton aide Leon Panetta, is “an independent group of distinguished Americans conducting a national dialogue on the policies needed to restore and protect living marine resources.”

This “independent group” includes: the chairman of Sunoco Inc.; the president of the Center for Marine Conservation; a trustee of the Rockefeller Brothers Fund, which has provided grants to the Conservation Law Foundation, the Natural Resources Defense Council, the Center for Marine Conservation, the American Oceans Campaign, and Audubon; a Trustee of the Packard Foundation, which has provided grants to the Conservation Law Foundation, the Natural Resources Defense Council, the Center for Marine Conservation, the American Oceans Campaign, Audubon, Environmental Defense, and SeaWeb; the president of the American Sportfishing Association; the president of the Pew Center on Global Climate Change; the president of the Center for Marine Conservation; and a Pew Fellow. It also includes two commercial fishermen.

**Earthjustice, SeaWeb**

While the accompanying table only includes grants focused on fisheries and/or oceans issues, Pew also awarded Earthjustice \$5.5 million last year to establish a center to coordinate public education initiatives to “enhance wilderness protection efforts by the US conservation community.” SeaWeb is the public outreach arm of Pew’s ocean interests. According to the SeaWeb website, “SeaWeb is a project designed to raise awareness of the world ocean and the life within it. The ocean plays a critical role in our everyday life and in the future of our planet.

We believe that as more people understand this and begin to appreciate the earth as a water planet, they will take actions to conserve the ocean and the web of life it supports.”

SeaWeb has also received approximately \$1.33 million dollars from the Packard Foundation. In addition to the \$24 million listed in the table, Pew has provided about \$34 million more in fisheries/ocean focused grants donating a total of almost \$90 million to the “conservation” community since 1995.

**What’s Pew’s motivation?**

Why has Pew spent so much on fisheries issues? What has Pew — or the public — gotten for its money? And, most importantly, what has the impact of these millions of dollars been on the fishing industry, the fisheries it depends on, and the management process that’s supposed to keep it all going?

The answers to those questions could be critical to the future of the commercial fishing industry. While I can’t provide those answers, I can provide enough background information to help you draw your own conclusions. I’ll do that in next month’s CFN.

Grantee	Purpose	Amount
University of Michigan	'97, '98 Pew Fellows	\$3,000,000
New England Aquarium	'99, '00 Pew Fellows	\$2,631,000
New England Aquarium	'97, '98 Pew Fellows	\$3,000,000
New England Aquarium	'00 to '03 Pew Fellows	\$1,568,000
New England Aquarium	'01 Pew Fellows	\$1,500,000
New England Aquarium	'96 Pew Fellows	\$1,000,000
New England Aquarium	'99, '00 Pew Fellows	\$769,000
New England Aquarium	'97, '98 Pew Fellows	\$432,000
N.R.D.C.	SeaWeb	\$1,453,000
SeaWeb	Public Education	\$1,600,000
SeaWeb	Core Programs	\$1,200,000
Earthjustice	Ocean Law Project	\$1,475,000
Earthjustice	Ocean Law Project	\$1,233,000
Earthjustice	Ocean Law Project	\$269,000
Strategies for Global Environment	National Oceans Commission	\$3,500,000
<b>Total</b>		<b>\$24,630,000</b>

Expanded versions of this FishNet USA and previous NJ FishNet editions and much more information on this subject is available on the NJ Fishing website at [www.fishingnj.org](http://www.fishingnj.org)

