

Western Values Project

ANALYSIS OF BERNHARDT'S WEB OF LIES:

Bernhardt: "Aware of No Case in Which the Department has Purposely Withheld or Improperly Delayed the Sharing of Scientific Information with the Public, where Disclosure was Appropriate During [his] Tenure."

Bernhardt Told Senator Hirono (D-HI) That He is "Aware of No Case in Which the Department has Purposely Withheld or Improperly Delayed the Sharing of Scientific Information with the Public, where Disclosure was Appropriate During [his] Tenure." [[Bernhardt QFR Responses](#)]

But, He Blocked the Release of a Scientific Report on the Effects of Pesticides on Wildlife

- **Top Political Officials Blocked The Release of a Report on the Effects of Pesticides on Wildlife.** "Top political appointees of the Interior Department, which oversees the Fish and Wildlife Service, blocked the release and set in motion a new process intended to apply a much narrower standard to determine the risks from the pesticides." [[New York Times](#), 03/26/19]
 - **Bernhardt Intervened in the Report's Release.** "Leading that intervention was David Bernhardt [who...] abruptly summoned staff members to the first of a rapid series of meetings in which the Fish and Wildlife Service was directed to take the new approach, one that pesticide makers and users had lobbied intensively to promote." [[New York Times](#), 03/26/19]
 - **Bernhardt Held Several Meetings About The Report.** "Agency records suggest Mr. Bernhardt, after having had only limited involvement in the issue, had nine meetings or calls on his schedule with Fish and Wildlife staff in October and November 2017, and helped write the letter saying the Interior Department was no longer prepared to release the draft." [[New York Times](#), 03/26/19]

He May Have Pressured the Reversal of a Scientific Report on the Effects of Arizona Housing Development in Favor of the Trump Donor's Project

- **A high-ranking U.S. Fish and Wildlife official had his expert analysis trumped by Interior political appointees in order to pave the way for a real estate development project long opposed by local advocates.** "A now-retired federal official said he bowed to political pressure from a higher-up in the Trump administration

when he reversed a key decision he had made on a 28,000-home Benson development near the San Pedro River. 'I got rolled,' said Steve Spangle, who was a top U.S. Fish and Wildlife Service official in Phoenix. A 'high-level politico' at the Interior Department pressured him through an attorney in its Solicitor's Office, Spangle told the Arizona Daily Star in a recent interview." [[Arizona Daily Star](#), 04/28/19]

The Real Estate Development Founder, Mike Ingram, Has Met With Top Interior Department Officials, Including Bernhardt and Solicitor Nominee Jorjani

- **Ingram Is A Current Member of Interior's International Wildlife Conservation Council.** [[International Wildlife Conservation Council](#), accessed 04/28/19]
- **Ingram is on the Board of Directors of Safari Club International. Safari Club International - Foundation is listed on Bernhardt's financial disclosure form as an entity that compensated him more than \$5,000 in a year for 'legal services.'** [[Safari Club International](#), accessed 05/12/19, David Bernhardt [OGE Form 278e](#)]
- **On April 4th, 2018, Ingram Met With Then-Deputy Secretary David Bernhardt From 2:30 PM To 3 PM.** Senior Deputy Director for the Office of Intergovernmental and External Affairs Benjamin Cassidy was also listed as attending. [[David Bernhardt April 2018 Calendar](#), accessed 04/28/19, [Benjamin Cassidy](#), accessed 04/28/19]
- **On May 2nd, 2017, Ingram Was Listed As An Attendee To An "Arizona Stakeholder Meeting" With Interior Employees Including Daniel Jorjani And Scott Hommel.** The meeting's description included water rights, water storage, federal and Indian land rights and allocation from the Colorado River. [[Daniel Jorjani May 2017 Calendar](#), accessed 04/28/19]

Ingram Co-Chaired a Trump Fundraiser and Has Donated a Total of \$35,500 to the Trump MAGA Committee and Victory Fund

- **Ingram Was Listed As A Co-Chair To The "Opening Day" Fundraiser That Offered The Opportunity To Go Hunting And/Or Fishing With Donald Trump Jr. And Eric Trump.** "Our sources say 'Opening Day' is being thrown to thank the hunting, shooting and fishing communities for their support. It's something mainstream media didn't cover, but Donald Trump Jr. and others spent a lot of time in Michigan, Ohio, Pennsylvania and Iowa ... all states with a huge population of hunters, fishermen and gun enthusiasts....Our Trump sources believe these people came out in force and made the difference in the election....Proceeds will be distributed to conservation charities." [[TMZ](#), 12/16/16]

- **Ingram Gave One Contribution of \$10,000 To Trump Victory On October 6th, 2017.** [Federal Elections Commission, accessed [04/28/19](#)]
- **Ingram Gave One Contribution of \$3,705 On December 7th, 2016 And One Contribution of \$11,795 On December 7th, 2016 For A Total Of \$15,500 To Trump Make American Great Again Committee.** [Federal Elections Commission, accessed [04/28/19](#)]
- **Ingram Gave One Contribution of \$10,000 To Trump Victory On September 14th, 2016.** [Federal Elections Commission, accessed [04/28/19](#)]

Bernhardt: "Following all Ethics Laws, Regulations, and the Ethics Pledge."

He said he will "continue to consult with the career ethics experts within the Department of the Interior, and seeking the guidance of career ethics experts. In addition, [he is] committed to not participating in any particular matter on which [he] lobbied or in the specific issue area in which that particular matter falls, as determined by the ethics pledge." [[Bernhardt's QFR Responses](#)]

But, He Failed to Properly Report Lobbying On Behalf of Westlands Water District, A Former Client, and Changed a Rule Benefitting Westlands Once In Office

- **An Invoice Indicates that Bernhardt Continued to Lobby for Westlands Water District, a Major Client of His, "Several Months After He Filed Official Papers Saying That He Had Ended His Lobbying Activities."** "The bill for Mr. Bernhardt's services, dated March 2017 and labeled 'Federal Lobbying,' shows, along with other newly disclosed documents, Mr. Bernhardt working closely with the Westlands Water District as late as April 2017, the month Mr. Trump nominated him to his current job, deputy interior secretary. In November 2016, Mr. Bernhardt had filed legal notice with the federal government formally ending his status as a lobbyist." [[New York Times](#), 04/04/19]
- **Bernhardt Promoted a Policy at Interior Sought by Westlands Water District by Working to Weaken Endangered Species Act Protections for a Rare Fish Species. Because Westlands is a Former Client, He May Have Violated the Trump Administration's Ethics Pledge.** "Because Mr. Bernhardt's actions would disproportionately benefit one of his former clients, independent ethics specialists said that, under the terms of the Trump administration's ethics pledge, which Mr. Bernhardt signed, he should not have been given clearance to act. Its "revolving door" provision requires former lobbyists to recuse themselves for two years from any particular matter or specific issue on which they lobbied in the two years before joining the administration." [[New York Times](#), 02/12/19]

Bernhardt: "Once a Subordinate is Involved with a Particular Matter in which a Former Client is a Party or My Former Firm Represents a Party There is No Communication Between Us on That Particular Matter Involving Specific Parties"...

He said, "[he does] not provide any communication to them before or after meetings, and [he] would likely not ever be aware of the reality that such a meeting was occurring absent public disclosure." [[Bernhardt's QFR Responses](#)]

However, Bernhardt Knew About At least One Meeting Between Interior Official Todd Willens and the Independent Petroleum Association of America (IPAA), A Former Bernhardt Client, On Proposed Changes to The Sage Grouse Plan.

- **Bernhardt's Calendar Showed He Recused Himself from a Sage Grouse Meeting Attended By Members of the IPAA:** "Interior Secretary David Bernhardt — who is being investigated for potential conflicts of interest with the oil and gas industry, department officials confirmed Monday — recused himself from a Wyoming sage grouse meeting with a Casper oilman in late 2017 due to the man's ties to the Independent Petroleum Association of America, according to documents obtained by the Western Values Project." The meeting was found on Assistant Deputy Secretary Todd Willens' calendar. [[Casper Star Tribune](#), 04/17/19]
- **Bernhardt Worked Directly on Sage Grouse Policy During His Time As Deputy Secretary.** "The secretary had a proactive role in sage grouse management during his time as deputy secretary, and had numerous meetings with energy companies and groups, including the IPAA, according to calendar items recently disclosed and reviewed by Roll Call." [[Casper Star Tribune](#), 04/17/19]

Bernhardt: "Committed to Securing Written Advice Before Taking Any Action Involving Former Lobbying Clients, and Instructing [his] Subordinates To Do The Same"...

He Told Senator Cortez Masto That He Has "Committed to Securing Written Advice Before Taking Any Action Involving Former Lobbying Clients, and Instructing [his] subordinates to do the same." [[Bernhardt QFR Responses](#)]

Despite Attending Scores of Meetings on Policies That Could Benefit Former Clients, Interior Has Failed to Produce Any Written Documentation After Repeated Requests.

- **Bernhardt Attended Scores of Meetings On Policies That Could Be Beneficial To Former Clients.** "Recently posted versions of acting Interior Secretary David Bernhardt's daily schedules contain [...] a keynote address at the Trump International Hotel in Washington for the industry group Domestic Energy Producers Alliance, encounters with executives at Chevron Corp. and Royal Dutch Shell, and a meeting with

the chairman of a conservative group Bernhardt previously represented in litigation that environmentalists believe was geared toward weakening the Endangered Species Act.” [Roll Call, 04/08/19]

- **These Meetings Included Topics Such As Sage Grouse and National Monuments.** “More than 100 of the previously undetailed interactions involved meetings on policy items, including the federally protected American burying beetle and sage grouse, implementation of public records law, litigation around national monuments and numerous specific environmental impact statements.” [Roll Call, 04/08/19]

Interior FOIA Requests Have Yet to Produce Any Documentation of Written Advice Provided to Bernhardt On Ethics Requirements to WVP.

- **In October 2017, the Western Values Project Submitted a Freedom of Information Act Request to the Department of the Interior Office of the Solicitor for Any Ethics Waivers Issued to Then-Deputy Secretary David Bernhardt.** [WVP Letter to DOI Office of the Solicitor, Dated October 23, 2017]
 - **The Solicitor’s FOIA Officer Informed WVP That There Were No Responsive Documents.** “In response to your letter, the Office of the Solicitor searched its records and found no documents responsive to your request.” [Office of the Solicitor Letter to WVP, Dated October 31, 2017]
- **In January 2018, the Western Values Project Submitted a Freedom of Information Act Request to the Department of the Interior Office of the Secretary For Communications Between David Bernhardt and the Agency’s Ethics Office.** [WVP Letter to DOI Office of the Secretary, Dated January 17, 2018]
 - **The Secretary’s FOIA Officer Did not Answer the Request, Instead Referred WVP to the Office of the Solicitor.** “[G]iven the subject matter of your request that pertains to [...] we believe the information you are seeking will be found within SOL. Please submit your FOIA Request to SOL directly and they will issue their response directly to you.” [DOI Office of the Secretary Letter to WVP, Dated February 21, 2018].
- **In July 2018, the Western Values Project Submitted a Freedom of Information Act Request to the Department of the Interior Office of the Solicitor For Communications Between David Bernhardt and the Agency’s Ethics Office.** [WVP Letter to DOI Office of the Solicitor, Dated July 20, 2018].
 - The Solicitor’s Office Has Yet to Acknowledge or Respond To This Most Recent FOIA Request.

But, Bernhardt Has Admitted He Received Only Verbal Permission to Work on a Policy Sought by Former Client Westlands Water District.

- **Bernhardt Received Only Verbal Approval from an Interior Department Ethics Official Before Initiating a Rollback of the Endangered Species Act Sought by Former Client Westlands Water District.** Bernhardt promoted a policy at Interior sought by former client Westlands Water District by working to weaken Endangered Species Act protections for a rare fish species. Because Westlands is a former client of Bernhardt's, he could possibly have violated the Trump administration's ethics pledge by not recusing himself from a matter on which he lobbied in the two years before joining the administration. [[New York Times](#), 02/12/19]
- **Interior Provided Written Guidance on the Matter More Than a Year After Bernhardt Worked on the Issue.** "Although Bernhardt was [recused](#) from working on "particular matters" affecting Westlands until August 2018, agency ethics officials gave him verbal approval to work on some issues that affect the agricultural district before then, including endangered species protections. But written guidance from the ethics officials did not come until this past February, more than a year after his calendars indicate he began work on those issues, and several days after a New York Times report on his involvement in Westlands-related policies." [[POLITICO](#), 04/21/19]