

The Washington Post
Copyright 2003, The Washington Post Co. All Rights Reserved

Friday, August 15, 2003

A Section

Ethics Probe Opened on Interior Dept. Lawyer; Environmental Groups Allege
Conflicts of Interest
R. Jeffrey Smith
Washington Post Staff Writer

The Interior Department's inspector general yesterday opened a probe into allegations of conflicts of interest surrounding a series of meetings involving the agency's top lawyer, members of his former law firm and officials of the cattle industry he represented before joining the Bush administration, the department announced. Officials said Solicitor William Gerry Myers III, a former attorney for ranchers and other grazing interests, requested the review after two environmental groups complained he had violated his ethics agreement at the department. Friends of the Earth and Public Employees for Environmental Responsibility lodged their complaint after obtaining Myers's office calendars through the Freedom of Information Act.

The ethics inquiry by the inspector general is the third involving a top official of the department. Deputy Secretary James Steven Griles, a former lobbyist for mining, oil and gas interests, has been the focus of a probe since May into his own meetings with former clients on key policy matters, including energy development in Wyoming.

Another ethics probe concerns whether Bureau of Land Management director Kathleen Burton Clarke, a former Utah director of natural resources, violated a promise to recuse herself from a controversial land swap with the state of Utah, which critics alleged was a boon to state business interests. A report by the inspector general concluded that the department had undervalued by \$116 million the land it was giving to Utah. The land swap was canceled.

The department spokesmen charged that the allegations were motivated by the fundraising needs of "partisan special interest groups."

For the last two years, Myers has been at the center of controversy over the Bush administration's efforts to ease restrictions on the use of public lands for grazing. In May, President Bush nominated Myers to become a judge on the U.S. Court of Appeals for the 9th Circuit, which covers nine states including Oregon, Washington, Arizona, Montana, Idaho, Nevada and Alaska.

Environmental groups, which say overgrazing is damaging public land, have protested efforts by Myers and others in the department to limit the number of environmental impact studies and to restrict the application of the Endangered Species Act, which has been invoked to block grazing on public land.

These and other Interior Department decisions -- including a proposal last week to open public land in parts of five western states to oil and gas

development -- have led environmentalists to charge that the administration is using public lands policy to solidify its links to powerful business interests in the West.

In January 2002, Karl Rove, the president's top political strategist, met with 50 senior officials of the department at a West Virginia retreat to discuss the administration's support for agricultural interests, according to department officials. The meeting was disclosed by the Wall Street Journal.

Myers, an aide to then-Sen. Alan K. Simpson (R-Wyo.) and Energy Department official in the administration of President George H.W. Bush, signed a pledge May 1, 2001, not to participate for one year in any matter involving his former clients or any clients of his former law firm in Boise, Idaho. From 1993 to 1997, he was executive director of the Public Lands Council, an association of 27,000 cattle and sheep farmers that use public land, and an official of the National Cattlemen's Beef Association.

Myers's calendars indicate he met with representatives of the cattle industry in October 2001 and in April and November 2002. In October 2001 he attended a Washington reception held by his former law firm and met three of the firm's attorneys. He also participated in at least a dozen internal meetings on grazing issues, according to the calendars.

Mark Pfeifle, an Interior Department spokesman, declined to respond to several requests for accounts of other meetings on Myers's calendars. He said the visit by attorneys from Myers's firm was merely a courtesy call, that Myers did not attend some meetings with ranchers that were listed on his calendars, and that Myers did not meet with former clients during the period of his recusal pledge.

Pfeifle said he was aware of one meeting between Myers and an environmental group during this period.