



PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

June 21, 2021

Mr. Channing D. Phillips
Acting United States Attorney
District of Columbia
555 4th Street NW
Washington, DC 20530

The Honorable Sonceria Ann Berry
Secretary of the Senate
Room S-312
U.S. Capitol
Washington, D.C. 20510-7116

The Honorable Cheryl L. Johnson
Clerk of the U.S. House of Representatives
Room H154
U.S. Capitol
Washington, D.C. 20510-6601

Re: Request for Investigation into Possible Violations of the False Statement Act by Tracy Stone-Manning

Dear Mr. Phillips,

Protect the Public's Trust (PPT) is a non-profit organization dedicated to promoting compliance in government and restoring the public's trust in government officials. In pursuit of this mission, it has been brought to our attention that the Biden Administration's nominee to be Director of the Bureau of Land Management (BLM) may have made false statements to Congress during her ongoing confirmation process.

Overview

On April 23, 2021, President Biden nominated Tracy Stone-Manning to be Director of the BLM. On June 8, the Senate Energy and Natural Resources Committee held a hearing to consider her nomination. During the hearing, Ms. Stone-Manning faced questions regarding her involvement in an investigation into an eco-terrorism incident from 1989. [Ms. Stone-Manning claimed that she has never been the target of a](#)



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[criminal investigation](#). In her written testimony to the U.S. Senate Committee on Energy and Natural Resources, Manning provided the following answer [emphasis added]:

17. Legal proceedings:

(c) Have you ever been investigated, arrested, or charged by any federal, state, or local law enforcement authority for the violation of any federal, state, or local law, regulation, or ordinance, other than a minor traffic offense? If so, please fully and completely explain the details and circumstances of each such violation and include the case number or other information to identify the public record of the proceeding.

[TSM Response] **No**, I have never been arrested or charged and to my knowledge I have never been the target of such an investigation. In 1989, I testified before a federal grand jury in Boise, Idaho, as part of an investigation into an alleged tree-spiking incident related to a timber sale. I later testified in a trial that resulted in the conviction of a responsible individual.

The broad nature of the question is intended to elicit information from the respondent in the event they were ever under investigation. By answering “No” and narrowing her response to the question (i.e., relying on the term of art “target of an investigation”), Ms. Stone-Manning avoided providing details that might have been harmful to her confirmation prospects. In the context of the facts since revealed, her response appears designed to willfully and knowingly misrepresent and/or conceal her involvement in an eco-terrorism conspiracy that required her court testimony in order to receive immunity from federal prosecution.

Her response was deliberate in this material misrepresentation, violated federal law and presents significant questions about the character of the individual positioned to be the next Director of the Bureau of Land Management.

The Legal Standard

[Federal law at 18 USC 1001 \(a\)\(1\)-\(2\)](#) states that any person in any matter within the jurisdiction of the legislative, executive, and judicial branch of the United States Government that “knowingly and willfully” (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; [or] (2) makes any materially false, fictitious, or fraudulent statement or representation; ... shall be fined [or imprisoned].



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Ms. Stone-Manning was involved in the spiking of trees by an environmental group

In 1989, a group known as Earth First! placed metal spikes inside trees that were intended to be logged in a forest in Idaho. “Tree spiking” can cause serious injuries to loggers cutting down those trees. Two of the key individuals involved in this act asked Ms. Stone-Manning to send the US Forest Service an anonymous letter announcing the trees had been spiked, [and she complied with the request](#). Ms. Stone-Manning later admitted to sending the letter after retyping it, claiming she felt that she was reporting a crime by sending the letter. She retyped it on a separate typewriter because she said she was concerned that her fingerprints were “all over it.”

Ms. Stone-Manning misrepresented her involvement in the investigation into the tree spiking

Upon the beginning of the tree spiking investigation, [Ms. Stone-Manning was asked to provide fingerprints, palm prints, and handwriting samples](#) to a grand jury. In 1990, she told the Spokesman-Review newspaper that she disapproved of how FBI and US Forest Service agents investigating the tree spiking were treating her. In 1993, she testified against others involved in the tree spiking in exchange for immunity, and her testimony resulted in prison sentences for those convicted. Ms. Stone-Manning told newspapers at that time that she initially did not come forward for fear of retribution, but ultimately agreed to testify because she [would have been charged with conspiracy herself](#) had she refused.

In 2013, when Ms. Stone-Manning was seeking confirmation for a position in the administration of then-Montana Governor Steve Bullock, she testified to Montana lawmakers that she agreed to come forward in 1993 because the person who asked her to send the letter [was about to be released from jail on an unrelated charge, and that her testifying in the tree spiking would help him remain in prison](#). Ms. Stone-Manning said she came forward for this reason at the unsolicited behest of the ex-girlfriend of the man she testified against.

The fact that Ms. Stone-Manning was subpoenaed to submit fingerprint and hair samples, her testifying in exchange for immunity, and her multiple explanations of her involvement in the tree spiking are all clear indications that she was in fact – at least at one point – under investigation. Therefore, she was clearly required to provide Congress with the details of this investigation, which she clearly failed to do. Her failure to respond truthfully to the question materially misrepresented the reality of her experience and created a false reality for Congress. Moreover, Ms. Stone-Manning was almost certainly a subject of the investigation, and her statement that she was unaware of that reality is not credible. If Ms. Stone-Manning had not been a subject, there would have been no need for federal authorities to offer her immunity.



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If Ms. Stone-Manning was merely a witness she could have simply testified unconditionally, or at most, been subpoenaed to do so.

Ms. Stone-Manning Knowingly Violated Federal Law

Ms. Stone-Manning's nomination to be Director of the BLM falls under the jurisdiction of both the legislative and executive branches of the federal government, including the written testimony and questionnaires she filled out prior to her confirmation hearing. By answering question 17(c) "No" and then proceeding to narrow the question in her subsequent response using a misleading term of art (i.e., "target of an investigation"), Ms. Stone-Manning created a false representation when compared to the facts that have come to light. The precise language and evasiveness of her answer demonstrate a sophistication and the deliberate nature of her intention to deceive the Committee.

In doing so, Ms. Stone-Manning appears to have knowingly and willfully: (1) concealed or covered up a material fact and (2) used an evasive response to a broad question in order to materially misrepresent the situation and her involvement in an eco-terrorism conspiracy which ultimately led to federal imprisonment for two individuals.

Common sense and publicly available facts point to the conclusion Ms. Stone-Manning was under investigation for her role in the tree-spiking eco-terrorism plot. Further, she was aware of the need to cooperate with the authorities to avoid federal indictment and/or prison. The record established by subpoenas, newspaper articles, Ms. Stone-Manning's own public statements, and the fact she testified in exchange for immunity clearly support this conclusion. Whether she was ultimately charged or convicted in the case is irrelevant; she was being investigated by federal authorities in the tree spiking case, and the fact of her immunity undeniably reinforces this point.

Despite this extensive public record to the contrary, Ms. Stone-Manning answered "No" to the question of whether she was ever under investigation and sought to materially misrepresent and conceal the true nature of her role in the 1989 eco-terrorism conspiracy. Thus, she submitted factually false answers to the questionnaire and violated federal law.

Conclusion

During the confirmation process, U.S. Senators are Constitutionally-mandated to consider whether an individual has the necessary professional experience, subject matter expertise and ethical character to be entrusted with the authority inherent in such Senate-confirmed positions. A written questionnaire and confirmation hearing



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are two such mechanisms to deliver information critical to this assessment. When information is withheld, concealed, or materially misrepresented, the U.S. Senate is unable to effectively carry out this core function of their office. Enforcement of the False Statement Act is critical to deterring nominees from deceiving U.S. Senators and ensuring the American public that those individuals who are confirmed have the necessary character and integrity worthy of a public trust position.

Based on the facts and legal standards outlined above, we request your office initiate an immediate and thorough investigation into these possible violations of federal law by Ms. Stone-Manning. Protect the Public's Trust appreciates your dutiful attention to this important issue, and looks forward to the outcome of your investigation.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust
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