



PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

October 12, 2021

TO: The Honorable Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C Street NW – MS 4428
Washington, D.C. 20240

CC: Emory A. Rounds
Director
U.S. Office of Government Ethics
1201 New York Ave NW #500
Washington, D.C. 20005

Corey Amundson
Chief
Public Integrity Section
U.S. Department of Justice
1331 F Street NW
Washington, D.C. 20005

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

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

Dear Mr. Greenblatt,

Protect the Public's Trust (PPT) operates as a non-profit organization dedicated to promoting integrity in government and restoring the public's trust in government officials. In pursuit of this mission, we are requesting an investigation into whether Tracy Stone-Manning, the new Director of the Bureau of Land Management (BLM), made false statements to Congress during her confirmation process.



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Overview

Our organization filed a complaint on June 22, 2021, with the U.S. Attorney for the District of Columbia inquiring into whether Ms. Stone-Manning violated the False Statements Act with a misrepresentation in her Questionnaire to the Senate Committee on Energy and Natural Resources submission as part of the confirmation process to be the Director of BLM. As our complaint notes (Attachment A), the alleged misrepresentation pertained to Ms. Stone-Manning's response to Question 17(c), which asked whether she had ever been investigated and, if so, to provide relevant information and supporting documents necessary for the Committee to evaluate her response. Ms. Stone-Manning's response was evasive and misrepresented her involvement in the criminal investigation that resulted in felony convictions and prison time for two associates.

By refusing to provide details that might have been harmful to her confirmation prospects, Ms. Stone-Manning's 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. Since the submission of our complaint on June 22, 2021, additional facts have come to light that appear to change the nature of Ms. Stone-Manning's statements from a material misrepresentation (still a violation) to an intentionally false statement (i.e., perjury). Since Ms. Stone-Manning is now officially joining the Department of the Interior as a high-ranking official, it is important that the American public's expectation of a single, consistent standard of enforcement of the laws be maintained.

The need for such a review cannot be overstated. In 2020, the Interior Office of Inspector General (OIG) issued a report into whether the previous BLM leadership made statements to Congress that misrepresented material facts as it pertained to the agency's move to Grand Junction, Colorado. While the complex, internal decision-making regarding the BLM's move out West warranted serious inquiry, this alleged violation on issues of honesty and integrity in the confirmation process before the U.S. Senate about a matter as grave as participation in eco-terrorism surely demands an equivalent investigation. Given the national attention around Ms. Stone-Manning's false statements, the American public's faith in leadership oversight and accountability being equally applied is at stake.

Ms. Stone-Manning was clearly a target of investigation and evidently received a "target letter"

During her confirmation process, Ms. Stone-Manning submitted written testimony to the U.S. Senate Committee on Energy and Natural Resources. Among the questions the Senators asked was a series of queries regarding her involvement in legal proceedings. Included among them was question 17(c),



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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.

She responded,

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.

Despite this explicit denial that she was ever the target of an investigation, the facts revealed throughout the confirmation process and in recent months tell a contrary story. This is supported by statements from 1) Ms. Stone-Manning's co-conspirator, 2) the Assistant US Attorney, 3) Ms. Stone-Manning's interviews in 1990 and 1993, and 4) the lead federal criminal investigator at the time.

Contrary to her assertions that she merely re-typed and mailed a letter given to her, Ms. Stone-Manning's co-conspirator, convicted felon John Blount, described a much deeper and longer involvement in the tree-spiking plot on her part. According to E&E News, Mr. Blount stated, "Stone-Manning knew of the plan and had agreed weeks in advance to send the anonymous letter warning the Forest Service of the illegal deed."¹

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.

According to an investigative report in The Daily Caller, "Assistant U.S. Attorney George Breitsmater wrote in a pre-trial memo that the individuals who were subpoenaed in 1989 'were believed to be involved in the spiking.' Breitsmater added that the individuals were subpoenaed as part of a 'criminal investigation,' but the evidence collected at the time was not sufficient enough to identify the individuals responsible for the tree spiking."²

¹ "Convicted tree spiker: Stone-Manning knew plans in advance," Scott Streater, E&E News (July 15, 2021) at <https://www.eenews.net/articles/convicted-tree-spiker-stone-manning-knew-plans-in-advance/>.

² "Biden Bureau of Land Management nominee Tracy Stone-Manning was involved in 'Eco-Terrorism' case, resulted in college roommate's conviction, prison sentence, court records show," Andrew Kerr, The Daily Caller (June 11, 2021) at <https://dailycaller.com/2021/06/11/tracy-stone-manning-tree-spiking-bureau-land-management/>.



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As would be expected of someone under investigation for eco-terrorism, Ms. Stone-Manning did not have a positive experience. In 1990, she told the Spokesman-Review Spokane Chronicle that she disapproved of how FBI and US Forest Service agents investigating the tree spiking were treating her.³

In 1993, Ms. Stone-Manning reinforced the fact that she was under investigation and faced criminal penalties if she did not cooperate. As reported in The Missoulian:

“Stone-Manning said she could have been charged with conspiracy because she mailed the letter for Blount, were it not for her agreement with the U.S. attorney.”

The outlet [The Missoulian] reported that U.S. Attorney Maurice Ellsworth sent a letter to Stone-Manning’s lawyer stating she “will be granted use immunity for the statements which she makes to the degree that it may incriminate her.”⁴

The lead federal criminal investigator for the tree spiking plot, Michael Merkley, provides the most succinct and direct indictment of Ms. Stone-Manning’s false statements to Congress. On July 14, 2021, Mr. Merkley, a retired Special Agent for the USDA Forest Service, sent a letter to Chairman Manchin and Ranking Member Barrasso, detailing his first-hand account of the eco-terrorism investigation and Ms. Stone-Manning’s involvement in it.⁵ While the entirety of his letter should be read thoroughly, several statements are worth highlighting in this complaint [emphasis added]:

As the criminal investigator assigned to this case, I believe that **I am the only other person, besides Ms. Stone-Manning, who knows the full and complete truth in this case** and I feel that it is my duty to present the facts to you. ...

After presenting...evidence to Assistant U.S. Attorney, Mr. George Breitsmeter, he scheduled the case to be heard by a federal grand jury seated in Boise, Idaho. **After hearing my testimony, the grand jury issued subpoenas for hair samples, hand writing exemplars, and finger prints.** These subpoenas were served on persons suspected of having knowledge of the incident, including Ms. Tracy Stone-Manning. ...

³ “Tree Spiking Probe of Professor Still Open After a Year,” Spokesman-Review Spokane Chronicle (Aug. 5, 1990).

⁴ “Biden Bureau of Land Management nominee Tracy Stone-Manning was involved in ‘Eco-Terrorism’ case, resulted in college roommate’s conviction, prison sentence, court records show,” Andrew Kerr, The Daily Caller (June 11, 2021) at <https://dailycaller.com/2021/06/11/tracy-stone-manning-tree-spiking-bureau-land-management/>. See also “Woman Trades Her Testimony for her immunity in Spiking Case,” The Missoulian (May 21, 1993).

⁵ Michael Merkley, retired special agent criminal investigator for the Forest Service (July 14, 2021) found at: <https://www.energy.senate.gov/services/files/03E32662-AF39-43BE-9109-48809E1E56EB>.



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It was not until after we informed her that she would be arrested if she did not comply with the subpoena that she reluctantly provided those samples to me. ...

Ms. Guenevere Lilburn told the FBI agents she could identify those involved in the incident...Ms. Lilburn gave me several names of those involved, including Ms. Stone-Manning's...She also recounted a conversation she had overheard wherein Ms. Stone-Manning along with other co-conspirators planned the tree spiking and discussed whether to use ceramic or metal spikes in the trees. Through Ms. Lilburn's account, it **became clear that Ms. Stone-Manning was an active member of the original group that planned the spiking** of the Post Office Timber Sale trees.

As a result of Ms. Lilburn's testimony, **the grand jury sent Ms. Stone-Manning a "target letter" which meant she was going to be indicted on criminal charges** for her active participation in planning these crimes. She hired an attorney and negotiated a deal with the Assistant United States Attorney to gain immunity in exchange for her testimony against the other defendants. ...

She was aware that she was being investigated in 1989 and again in 1993 when she agreed to the immunity deal with the government to avoid criminal felony prosecution. I know, because I was the Special Agent in Charge of the investigation.

The statements made by Mr. Merkle are both crystal clear and shocking. They comport with contemporaneous statements of Ms. Stone-Manning, her co-conspirator Mr. Blount, and in light of all available facts, common sense. In sum, Ms. Stone-Manning was a target of investigation for tree spiking and she knew it.

Ms. Stone-Manning materially misrepresented facts in response to her Questions for the Record

After facing several critical rounds of questions during her confirmation and nearly a month of media reports concerning her involvement in the eco-terrorist plot, the Department of the Interior, in coordination with and on behalf of Ms. Stone-Manning, submitted her official responses to the Questions for the Record (QFR). Many of the QFRs raised by Senators sought to dive deeper into issues raised at her confirmation hearing, specifically those involving the tree spiking plot and the below-market six-figure loan she obtained from a donor to her then-boss while she was a staff member for a U.S. Senator and for which she says she "has no available records."



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Ms. Stone-Manning's statement to the following question again appears to be in conflict with clearly established facts. In the QFR, Senator Barrasso asked:

“Did you have personal knowledge of, participate in, or in any way directly or indirectly support activities associated with the spiking of trees in any forest during your lifetime?”

Ms. Stone-Manning replied, “No.”⁶

Based on the available facts, including Ms. Stone-Manning's own statements during her hearing and in newspaper articles, at best this is a material misrepresentation and at worst, her response is an intentional lie.

According to Ms. Stone-Manning, in 1989, two of the key individuals involved in the tree spiking plot asked Ms. Stone-Manning to send the U.S. 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 on a separate computer. The statements of her co-conspirator, Mr. Blount, reveal a more active involvement.

At this point, to deny having any participation or assistance with tree spiking in official testimony to Congress after months of media and congressional scrutiny concerning her truthfulness on this topic, is truly remarkable. It demonstrates a continued and intentional effort to deceive the committee and the American public about her personal and undisputed involvement in an eco-terrorist plot that had the potential to murder loggers, federal employees, and American citizens.

Conclusion

Honesty is a minimum requirement of those who are entrusted with positions of public trust such as the Director of the Bureau of Land Management. Ms. Stone-Manning's statements during the confirmation process, in coordination with and relying on guidance from other appointees at the Department, raise questions about the Department's commitment to integrity and truthfulness when dealing with Congress and the American people. Now that the political process has run its course and Ms. Stone-Manning will be officially joining the Department, it is critical that she and every other high-ranking official in the government understand that lying, perjury or materially misrepresenting information to Congress is taken seriously and there are no exceptions based on political affiliation or other irrelevant factors that may be raised in a case such as Ms. Stone-Manning's.

⁶ Stone-Manning Responses to Questions for the Record submitted on June 8, 2021, Senate Committee on Energy and Natural Resources (July 14, 2021). *See also* “Biden's BLM pick hit with new allegations from former investigator in tree-spiking case,” Ben Lefebvre, Anthony Andragna & Burgess Everett, Politio (July 15, 2021).



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As Ms. Stone-Manning undertakes the many important duties of her new role, thousands of federal employees and millions of American citizens dependent on her decisions concerning federal lands will need to know she is being honest about the basis for her decisions and statements. Enforcement of the False Statement Act is one step that can be taken to reassure the public and the federal workforce that public trust positions do in fact require accountability when individuals violate the basic expectations of a public trust position.

Based on the facts and legal standards outlined in this complaint and its attachment, we request your office initiate an immediate and thorough investigation into these possible violations of federal law by Ms. Stone-Manning. In addition to the questions regarding possible violations by Ms. Stone-Manning, we also request you investigate the following questions:

- 1) Did any employee at the Department of the Interior, including at BLM, the Office of the Solicitor or the Office of the Secretary, participate in discussions with Ms. Stone-Manning and/or the preparation or drafting of responses to the Senate Committee on Energy and Natural Resources questionnaire or the subsequent Questions for the Record that misrepresented the events regarding the investigation into the tree-spiking incident?
- 2) Did any employee at the Department, including at BLM, the Office of the Solicitor or the Office of the Secretary review and approve Ms. Stone-Manning's responses on the questionnaire or subsequent Questions for the Record that indicated she had never been arrested, charged or the target of an investigation?

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
Michael@protectpublictrust.org



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ATTACHMENT A

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



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from 1989. [Ms. Stone-Manning claimed that she has never been the target of a 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



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subject, there would have been no need for federal authorities to offer her immunity. 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



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such Senate-confirmed positions. A written questionnaire and confirmation hearing 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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