

August 5, 2003

Amy L. Comstock, Director
U.S. Office of Government Ethics
1201 New York Avenue, N.W. – Suite 500
Washington, D.C. 20005-3917

VIA FACSIMILE [(202) 482-9237] & FIRST CLASS MAIL

***Re: Request for Review of Alleged Federal Ethics Violation
i.c.o. William Gerry Myers III***

Dear Director Comstock:

Prior to his confirmation as Solicitor at the Department of the Interior (DOI), William Myers – formerly of the law firm Holland & Hart – disclosed a number of clients who routinely do business with the U.S. Government. As a condition of his appointment to the Solicitor post, Mr. Myers entered into a recusal agreement in which he promised to not deal with his former clients or employers.

Upon our best belief and information, Public Employees for Environmental Responsibility (“PEER”) and Friends of the Earth (“FoE”) have obtained the attached information, indicating that Mr. Myers may be in violation of his recusal agreement, and – as a result – of the federal statutory mandates codified at 18 USCS § 208 (2003) (“Acts affecting a personal financial interest”). Mr. Myers has also been advised that under Executive Order 12674 (as modified by E.O. 12731), he must refrain from taking actions that may create the appearance of impropriety.

FoE has engaged in extensive FOIA correspondence with the DOI regarding ethics documents for DOI political appointees. Though they have been given copies of ‘waivers’ executed by various Interior Department staff, no waivers appear to have been granted for Mr. Myers. See Letter, Sue Ellen Sloca, Office of the Secretary (DOI), FOIA Officer to Ms. Kristen Sykes, Friends of the Earth (March 3, 2003) [Attached as Exhibit A].

On May 1, 2001, Mr. Myers entered into an agreement with the United States Government in which he agreed to a one (1) year ban on participation “in any particular matter involving specific parties in which I know that Holland & Hart, LLP, is a party or represents a party.” See Recusal Letter, William Myers to Wendell K. Sutton (May 1, 2001)[Attached as Exhibit B]. This ban was to begin on the date Mr. Myers was confirmed by the U.S. Senate—July 12, 2001—and as such Mr. Myers was required not to participate in matters involving his former clients and his former law firm through to July 12, 2002. This time-delimited ban was in addition to a general, open-ended ban on

involvement in activity and/or cases that Mr. Myers handled specifically at Holland & Hart, LLP. Id.

In apparent violation of his recusal agreement, Mr. Myers met with cattle interests that may have been former clients of Holland & Hart, LLP at a minimum of seven (7) meetings in the fall of 2001 and summer of 2002. As an attorney at Holland Hart Mr. Myers was counsel to the Litigation Committee of the National Cattlemen's Beef Association that is made up of 33,000 individual members, 45 state cattle associations, and 40 national breed and industry organizations. See Friends of the Earth Fact Sheet, William G. Myers, Solicitor, Department of the Interior (undated)[Attached as Exhibit C].

Mr. Myers also appears to have had a number of meetings regarding changes in the DOI's current grazing regulations. This is of particular concern as Mr. Myers had previously challenged DOI's current grazing regulations in a lawsuit while he was the executive Director of the Public Land Council (1993-1997). Furthermore, many of the DOI's proposed changes to the existing grazing regulations include changes Mr. Myers tried to get through legal challenges. Additional concern lies in the appearance of impropriety Mr. Myers has shown in numerous meetings with cattle interests and his former law firm. See FoE List (undated)[Attached as Exhibit D].

Given Mr. Myers extensive and protracted record of continuing contacts with his former law firm and his former clients, PEER and FoE request that the Office of Government Ethics launch an immediate investigation into Mr. Myer's apparent ethical improprieties.

Very respectfully,

Dan Meyer
General Counsel
Public Employees for Environmental Responsibility

Kristen Sykes
Interior Department Watchdog
Friends of the Earth

Cc: Shayla Simmons, Director
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The Honorable Gale A. Norton, Secretary
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