



EARTHJUSTICE

May 12, 2017

Donald F. McGahn II
White House Counsel
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. McGahn:

On behalf of our members and supporters across the country, and in the nonpartisan interest of ethics and transparency, we write to express our grave concerns over the Trump administration's continued flouting of its own ethics guidelines regarding the appointment of lobbyists to serve as political appointees. In particular, we are deeply troubled by the nomination of former lobbyist David Bernhardt, whose recent pledge to recuse himself for one year from matters related to his previous lobbying work if confirmed as Deputy Secretary of the U.S. Department of the Interior fails to meaningfully alleviate the vast web of potential conflicts of interests his confirmation would present. It also appears to violate the Trump administration's own stated ethics guidelines.

On January 28, President Trump signed Executive Order 13770 titled "Ethics Commitments by Executive Branch Appointees." Among other things, the executive order sets a two-year period during which appointees must avoid working on issues involving former employers or clients. Mr. Bernhardt's pledge to recuse himself for one year fails to meet that standard and raises a number of serious questions about how he would plan to avoid potential conflicts of interest.

Given the Trump Administration's record of selectively and secretly enforcing its own ethics guidelines – as well as the vast authorities granted to the Deputy Secretary – we request answers to the following questions:

- 1) How is Mr. Bernhardt's commitment to recuse himself from matters on which he previously lobbied for one year consistent with the administration's own two-year lobbying ban?
- 2) Will Mr. Bernhardt receive a waiver allowing him to circumvent the administration's two-year lobbying ban?
- 3) If so, will you commit to publicly disclose the issuance of such a waiver – for Mr. Bernhardt and all past and future political appointees – so that the American people have greater

transparency into potential conflicts of interest that could impact policymaking at the highest levels of government? If not, why not?

If confirmed, Mr. Bernhardt would be charged with overseeing a vast array of public lands, wildlife, and waterways-related policy areas. A one year recusal would not sufficiently address these conflicts and would call into serious question the administration's commitment to transparent, accountable, and ethical government.

We request a response to this request by June 18, 2017.

Sincerely,



Drew Caputo