



PROTECT the PUBLIC'S TRUST

August 17, 2023

VIA ELECTRONIC MAIL

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

Re: Secretary Haaland's Apparent Ethical Breaches in the Greater Chaco Area Oil and Gas Leases Decision

Dear Inspector General Greenblatt,

We write to request an investigation into apparent ethics violations by Secretary of the Department of the Interior Deb Haaland related to oil and gas leasing near Chaco Canyon National Historic Park, the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco*, and her own public statements.

Protect the Public's Trust (PPT) is a nonpartisan, nonprofit organization dedicated to promoting ethics in government and restoring the public's trust in government officials.

On June 2, 2023, Secretary Haaland withdrew public lands from future fuel leases within the Greater Chaco area. Somah Haaland, Secretary Haaland's child, is a prominent member of an activist organization that lobbied federal officials seeking to restrict oil and gas leasing in the area. Somah Haaland narrated a film opposing oil and gas development in the region, a film in which Deb Haaland participated prior to her nomination to be Interior Secretary. During the film, and elsewhere, Ms. Haaland made public statements opposing oil and gas development in this area.

Given her past statements, participation in this film, and her child's active role in lobbying against oil and gas development in the region, reasonable observers could question Secretary Haaland's impartiality in the matter. In fact, not only could reasonable observers question Secretary Haaland's impartiality in the matter, we submit that observers knowledgeable about the issue from nearly every angle have already questioned her impartiality.

This behavior evinces a failure to fully consider and live up to Secretary Haaland's ethical obligations as a senior government official in a position of public trust. Accordingly, these actions should be investigated as soon as possible.



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I. Factual Background

Deb Haaland is the United States Secretary of the Interior. As Secretary, she oversees the Bureau of Land Management, which in turn manages land around the Chaco Canyon National Historic Park.

Secretary Haaland's child, Somah Haaland, works for an organization called the Pueblo Action Alliance ("PAA") as a leader, media organizer, and lobbyist.¹ The PAA is a self-described revolutionary organization that seeks to use "Indigenous solutions as means to dismantle and eradicate white supremacy, capitalism, imperialism, hetero-patriarchy and extractive colonialism," and desires the "[r]ematriation of everything stolen."² It is also reportedly on the steering committee for a coalition associated with the 2021 attempted storming of the Department of the Interior headquarters.³

PAA is part of an effort referred to as the "Greater Chaco Coalition." As part of PAA's activism with the Greater Chaco Coalition, it advocates for limits on oil and gas development near Chaco Canyon National Historical Park in New Mexico.⁴ In December 2022, the Greater Chaco Coalition traveled to Washington, D.C. to lobby federal officials to limit oil and gas development near Chaco Canyon.⁵ As part of this lobbying effort, activists screened the film *Our Story: the Indigenous Led Fight to Protect Greater Chaco* ("Our Story").⁶ *Our Story* is narrated by Somah Haaland.⁷ As acknowledged on multiple occasions⁷ by ethics officials at Interior, in conversations revealed in documents obtained by PPT via a Freedom of Information Act request⁸, "the Secretary participated in the film," though these officials indicate that participation occurred while she was

¹ *Meet Our Team*, Pueblo Action Alliance (Archived webpage from Nov. 2, 2022), <https://web.archive.org/web/20211119120528/https://www.puebloactionalliance.org/meet-our-team>. This citation is to a previous version of this webpage prior to the Pueblo Action Alliance scrubbing its website of content following controversies surrounding its planning of protests, at least one of which resulted in violent confrontations with federal officials, including at the Department of the Interior. See also Tim Pearce, *Interior Secretary Deb Haaland's Relationship With Activist Daughter Under Spotlight In New Lawsuits*, The DailyWire (Apr. 18, 2023), <https://www.dailywire.com/news/interior-secretary-deb-haaland-relationship-with-activist-daughter-under-spotlight-in-new-lawsuits>.

² *Purpose*, Pueblo Action Alliance (accessed Jun. 8, 2023), <https://www.puebloactionalliance.org/purpose>.

³ Thomas Catenacci, *Interior Secretary Daughter's Group Tied to Protest at Interior Headquarters that Turned Violent*, Fox News (Feb. 3, 2023), <https://www.foxnews.com/politics/interior-secretarys-daughter-member-group-participated-violent-protest-interior-headquarters>.

⁴ See *Greater Chaco Protection Must Go Beyond the 10-Mile Buffer*, PAA, <https://www.puebloactionalliance.org/protectgreaterchaco>.

⁵ *Greater Chaco Advocates Travel from New Mexico to Call on Congress for Environmental Justice for Greater Chaco*, WildEarth Guardians, <https://wildearthguardians.org/press-releases/greater-chaco-advocates-travel-dc/>.

⁶ *Id.* See also generally *Our Story – The Indigenous Led Fight to Protect Greater Chaco*, Video Project, <https://www.videoproject.org/our-story.html>.

⁷ *Id.*; see also *Our Story - The Indigenous Led Fight to Protect Greater Chaco*, IMDb, <https://www.imdb.com/title/tt17720126/>.

⁸ Records in response to FOIA 23-001625, https://protectpublictrust.org/wp-content/uploads/2023/08/23-001625-Records_Redacted.pdf



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a member of Congress prior to joining the Department.⁹ ¹⁰ However, the film includes footage of the Secretary after she was confirmed. The movie contains a clip of the Secretary's swearing-in ceremony as it plays audio of PAA Executive Director Julia Bernal declaring,

Getting Secretary Haaland confirmed as the first indigenous woman the, the first indigenous person, to hold the position of the Secretary of the Interior is important particularly because she carries those values as an indigenous matriarch. Our leaders, our movement leaders, and our other matriarchs, and our traditional knowledge holders can hold her accountable to that and remind her who she is and where her mandate comes from.¹¹

Ms. Bernal also bragged about having met personally with Secretary Haaland, whom she referred to as "Auntie Deb," regarding the group's broad opposition to oil and gas leasing in an interview after the filming of *Our Story*.¹²

In the movie, then-Congresswoman Haaland is shown making a speech on the floor of the House of Representatives, stating, "We owe it to tribal communities to the people of New Mexico and to people the world over to permanently protect the Chaco region."¹³

While most of the movie's scenes featuring then-Congresswoman Haaland appear to have been clipped from public appearances, one scene contains what seems to be a one-on-one interview after an April 2019 event at the Chaco Canyon site. During this interview, Ms. Haaland says,

I'm so pleased that I feel like this fight to keep fracking out of Chaco Canyon has brought the Pueblos together. It's brought the Pueblos and the Navajo Nation together. All of the communities who share this beautiful land of New Mexico have all come together to work toward protecting this area and that makes me very happy. We're going to collaborate and we're going to make sure that we're working hard to protect this beautiful landscape, this living landscape.¹⁴

All of these incidents could lead one to question the Secretary's impartiality. So certain, in fact, were those associated with *Our Story* that the Secretary endorsed the film and their position that they included her name and official title in promoting the December 2022 screening. According to the PPT's FOIA docs, Interior ethics officials were forced to contact the Sierra Club and the Center for Biological Diversity (CBD), two organizations with deep and long-standing experience in Washington, DC along with a plethora of current and former executive branch

⁹ Communications from DOI ethics to outside orgs (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Comms-with-Our-Story-orgs-from-23-001625-Records_Redacted.pdf.

¹⁰ Ethics review (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Ethics-Review-Navajo-Nation-Meeting-4-25-from-23-001625-Records_Redacted.pdf.

¹¹ *Our Story - The Indigenous Led Fight to Protect Greater Chaco*, IMDb, <https://www.imdb.com/title/tt17720126/>.

¹² *Water Back & the Pueblo Action Alliance*, Hot & Dry podcast, <https://hotdry.org/episodes/water-back>.

¹³ *Our Story - The Indigenous Led Fight to Protect Greater Chaco*, IMDb, <https://www.imdb.com/title/tt17720126/>.

¹⁴ *Id.*



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officials among their present staff and alumni, requesting these organizations promptly remove references to the Secretary's official title and her photo from promotional materials for *Our Story*. In reporting to DOI that CBD had removed these references in response to its request, a CBD staffer proclaimed, "We are grateful for the Secretary's participation in the Our Story [sic]."¹⁵

As of August 10, 2023, the Video Project website marketing licenses for the film for up to \$425 declared that *Our Story* features "Deb Haaland, US Secretary of the Interior (Laguna Pueblo)."¹⁶

Questions about her impartiality have not been limited to opponents of future oil and gas leases in the Chaco Canyon area. Media reports have highlighted objections raised by organizations such as the Western Energy Alliance to Secretary Haaland's participation in the Chaco Canyon issue due to allegations she has "conflicts of interest" based upon advocacy by herself and Somah.¹⁷

On November 15, 2021, DOI issued a press release announcing that the Department would be "taking steps to protect the Chaco Canyon and the greater connected landscape with a rich Tribal and cultural legacy in northwest New Mexico."¹⁸ Six days later, the Department of the Interior's Designated Ethics Official (DEO), Heather Gottry, provided ethics guidance to the Secretary for a visit to Chaco Canyon National Historic Park in which she and State and Tribal leaders gave remarks, scheduled for the following day.¹⁹

On June 2, 2023, Secretary Haaland issued an order withdrawing federal lands within a 10-mile radius of Chaco Canyon in the Greater Chaco area from new oil and natural gas leasing for the next 20 years.²⁰ Secretary Haaland also issued a statement in her name stating,

Efforts to protect the Chaco landscape have been ongoing for decades, as Tribal communities have raised concerns about the impacts that new development would have on areas of deep cultural connection... Today marks an important step in fulfilling President Biden's commitments to Indian Country, by protecting Chaco

¹⁵ Communications from DOI ethics to outside orgs (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Comms-with-Our-Story-orgs-from-23-001625-Records_Redacted.pdf.

¹⁶ *Our Story – The Indigenous Led Fight to Protect Greater Chaco*, Video Project, <https://www.videoproject.org/our-story.html>

¹⁷ Thomas Catenacci, *Biden Cabinet member's daughter lobbying Congress on issue her mom has final say on: 'Conflict of interest'*, Fox News (Dec. 20, 2022), <https://www.foxnews.com/politics/biden-cabinet-members-daughter-lobbying-congress-issue-her-mom-final-say-conflict-interest>.

¹⁸ The Department of the Interior, Secretary Haaland Announces Steps to Establish Protections for Culturally Significant Chaco Canyon Landscape (Nov. 15, 2021), <https://www.doi.gov/pressreleases/secretary-haaland-announces-steps-establish-protections-culturally-significant-chaco>

¹⁹ Ethics review (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Ethics-Review-Navajo-Nation-Meeting-4-25-from-23-001625-Records_Redacted.pdf

²⁰ Dan Boyd, *Haaland order extends Chaco Canyon drilling protections for next 20 years*, Albuquerque Journal (Jun. 2, 2023), <https://www.abqjournal.com/2603508/haaland-order-extends-chaco-canyon-drilling-protections-for-next-20-years.html>.



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Canyon, a sacred place that holds deep meaning for the Indigenous peoples whose ancestors have called this place home since time immemorial.”²¹

II. Legal Background

All officials within the Department, including Secretary Haaland, are bound by a stringent set of ethics policies that prevent conflicts of interest. These policies stem from executive orders, statutes, and federal regulations.

Executive Order 12674 Prohibits Conflict of Interests

Executive Order 12674 established a set of “Principles of Ethical Conduct for Government Officers and Employees.”²² Among the order’s principles regulating conduct by federal employees, are the following:²³

- Employees shall not use public office for private gain.
- Employees shall act impartially and not give preferential treatment to any private organization or individual.
- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

Statutory and Regulatory Restrictions on Conflicts of Interest

Government officials are forbidden from exercising their powers on matters for which they have a conflict of interest. Under 18 U.S.C. § 208(a), an officer of the executive branch is prohibited from participating “personally and substantially as a Government officer . . . through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a . . . proceeding application, request for a ruling or other determination, contract, claim, controversy . . . or other particular matter in which, to his knowledge, he, his spouse, [or] minor child . . . has any a financial interest.”

Furthermore, under 18 U.S.C. § 201(b)(2), public officials are prohibited from directly or indirectly soliciting or accepting gifts in return for influence on their official acts.

These statutory restrictions are supplemented by federal regulations that clarify the extent of the conduct they prohibit. Government officials are required to act impartially in their duties and to maintain the appearance of impartiality in all their conduct. Under 5 C.F.R. § 2635.502(a),

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship

²¹ Heather Richards, *Haaland Orders 20-Year Oil Leasing Ban Around Chaco Canyon*, E&E News (June 2, 2023), <https://www.eenews.net/articles/haaland-orders-20-year-oil-leasing-ban-around-chaco-canyon/>.

²² Exec. Order No. 12674, 5 C.F.R. § 2635.101(b).

²³ *Id.*



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is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

§ 2635.502(b) defines “covered relationship” to include a “member of the employee’s household” or “a relative with whom the employee has a close personal relationship.”

The Department’s Ethics Review

In response to an April 2023 request from leaders of the Navajo Nation for a meeting with the Secretary regarding the Chaco Canyon decision, the Department’s Designated Ethics Official (DEO), Heather Gottry, provided a lengthy ethics review of Secretary Haaland’s involvement in the Chaco Canyon issue and the ethical issues involved. Though intended for this particular meeting, the principles and discussion appear to be applicable to the Chaco Canyon issue more broadly.

[W]e recommend that the Secretary consider the “catch all provision” in 5 C.F.R. § 2635.502 prior to exercising her discretion under section 204 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA) to withdraw 336,404.42 acres of public lands located within a radius of approximately 10 miles surrounding all units of Chaco Culture National Historical Park, for 20 years, subject to valid existing rights, and document her review and determination. The DEO stands ready to assist with the review and determination as necessary and appropriate.

If the Secretary personally determines that a reasonable person with knowledge of the relevant facts would not question her impartiality in performing her official duties when exercising her discretion under section 204 of FLPMA, then she is not prohibited by the impartiality regulations from participating in the withdrawal decision as part of her official duties. While we do not believe that the Secretary is required to complete this determination prior to the meeting with Navajo Nation, we recommend it be completed as soon as practicable.²⁴

One question certainly to be addressed by any inquiry into this issue is if the Secretary completed this determination and how she justified her continued participation in this matter. The DEO continues,

²⁴ Ethics review (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Ethics-Review-Navajo-Nation-Meeting-4-25-from-23-001625-Records_Redacted.pdf.



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[T]hen-Congresswoman Haaland participated in the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco* and not in her official capacity as the Secretary for the U.S. Department of the Interior. This film is narrated by the Secretary's child and presented by the Greater Chaco Coalition.

[...]

The DEO also understands that the Secretary's child is an employee of the Pueblo Action Alliance. The Pueblo Action Alliance is a "community driven grassroots organization that protects Pueblo cultural sustainability and community defense by addressing environmental and social impacts in indigenous communities."...As noted above, the Pueblo Action Alliance is a member of the Greater Chaco Coalition and has a stated advocacy position focused on protecting the Chaco area.

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Later in the ethics review, Ms. Gottry gets to the heart of the analysis,

[A]s required by 5 C.F.R. § 2635.502(a) and reflected in her Ethics Recusals & Screening Arrangement, dated May 18, 2022, if the Secretary knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of her household, or knows that a person with whom she has a "covered relationship" is or represents a party to such matter, and where she determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question her impartiality in the matter, she may not participate in the matter unless she has informed the DEO of the appearance problem and received a written authorization from the DEO to participate in the matter.

[...]

While the Secretary's prior support for greater protections for the Chaco Area and her child's employment with the Pueblo Action Alliance and involvement with the Greater Chaco Coalition do not trigger the recusal requirements in 18 U.S.C. § 208 or 5 C.F.R. § 2635.502(a), the DEO recommends [redacted under b5].

Under the "catch all provision," if the Secretary determines that the circumstances, including her prior support for protect the Chaco area and child's employment, could raise a question regarding her impartiality in performing her official duties in making a decision regarding the withdrawal, she should consider the relevant facts

²⁵ Ethics review (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Ethics-Review-Navajo-Nation-Meeting-4-25-from-23-001625-Records_Redacted.pdf.



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about the particular matter in question in performing her official duties in the particular matter. As noted above, we recommend [redacted under b5].²⁶

While the redactions in the documents provided by the Department via FOIA shield the DEO's recommendations, it is clear from the context in which they are provided that the Secretary was not given a green light to participate in this matter without conditions, restrictions, or considerations.

III. Analysis

Secretary Haaland appears to have violated her ethical obligations by improperly participating in decisions concerning Chaco Canyon, a matter in which a reasonable person could have cause to question her impartiality. Not only could a reasonable person question her impartiality, but nearly everyone with knowledge of the issue, from nearly every side, already has questioned her impartiality.

Certainly, the activist groups that support blocking future oil and gas leasing in areas to the Greater Chaco area have questioned her impartiality. The Sierra Club and Center for Biological Diversity are experienced and savvy players in Washington, DC. These organizations made the assumption that the Secretary supported the position *Our Story* advocated in their promotion of the film. As the statement of the Pueblo Action Alliance's Julie Bernal reveals, not only do some activists question her impartiality, they expect, nay, *demand*, that she not be impartial, pledging to "hold her accountable" if she strays from the policy position they advocate, not coincidentally the position that Deb Haaland has consistently expressed support for.

There is also little doubt that opponents of withdrawing these lands from federal oil and gas leases have and continue to question the Secretary's impartiality.

Secretary Haaland's apparent personal and substantial participation in decisions concerning oil and gas development in the Greater Chaco raises questions about her compliance with her ethics obligations, most notably the requirement to maintain impartiality.

In her analysis, the DEO recommended that if the Secretary personally determines "that a reasonable person with knowledge of the relevant facts would not question her impartiality in performing her official duties when exercising her discretion under section 204 of FLPMA," Secretary Haaland should complete a determination stating so.

Did Secretary Haaland complete this determination? For her to have participated in the decision to withdraw the relevant lands from future oil and gas development this would have to have been performed between the DEO's April 24, 2023 ethics review and the June 2, 2023 announcement.

²⁶ Ethics review (extracted from records in response to FOIA 23-001625), http://protectpublictrust.org/wp-content/uploads/2023/08/Ethics-Review-Navajo-Nation-Meeting-4-25-from-23-001625-Records_Redacted.pdf.



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If she did, how did she justify her determination that “a reasonable person with knowledge of the relevant facts would not question her impartiality” when already so many have?

Secretary Haaland’s relationship with her daughter, in and of itself, is not enough to raise ethics issues. As the DEO explains in her ethics review, Somah Halaand is no longer a dependent child and is not currently a member of the Secretary’s household. Thus, the Secretary does not have a covered relationship with Somah’s employer, the Pueblo Action Alliance.

Neither does the Secretary’s “prior support for greater protections for the Chaco Area,” in and of themselves, trigger recusal requirements.

Nor does the Secretary’s participation in the film *Our Story*, occurring outside of her official capacity as Secretary, in and of itself, violate ethics restrictions.

However, taken together, as we have laid out, not only could a reasonable person have cause to question her impartiality, many, looking at the issue from all angles, *already have*. Frankly, it is more likely that an observer would believe that she took the job as Secretary in order to implement her pre-existing preferred policy position on Chaco Canyon than to believe she was impartial in this matter.

IV. Conclusion

Secretary Haaland appears to have violated her ethical obligations by participating personally and substantially in decisions concerning oil and gas leasing near Chaco Canyon National History Park and misused her official position by using her status as Secretary of the Interior to participate in decisions in which a reasonable person with knowledge of the relevant facts would have cause to question her impartiality.

Accordingly, Protect the Public’s Trust requests an investigation into whether Secretary of the Interior Deb Haaland violated federal ethics laws and regulations by participating in decisions concerning Chaco Canyon.

Sincerely,

Michael Chamberlain
Director
Protect the Public’s Trust