



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAY 18 1992



Honorable Gerry Sikorski
Chairman, Subcommittee on Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Herb Cables, Deputy Director, National Park Service; and
Edward L. Davis, Associate Director for Budget and
Administration, National Park Service, will testify at the
hearing on the reassignment of Ms. Lorraine Mintzmyer,
scheduled for May 21, 1992.

Each of the above witnesses has chosen to be represented by
an attorney from the Office of the Solicitor, Department of
the Interior.

We appreciate the opportunity to present our views to the
Subcommittee.

Sincerely,

Pamela E. Somers
for Pamela E. Somers
Legislative Counsel

cc: Honorable William (Bill) Clay, Chairman
Committee on Post Office and Civil Service
House of Representatives

Honorable Benjamin A. Gilman, Ranking Minority Member
Committee on Post Office and Civil Service
House of Representatives

Honorable Constance A. Morella,
Ranking Minority Member
Subcommittee on Civil Service,
Committee on Post Office and Civil Service
House of Representatives

.

ONE HUNDRED SECOND CONGRESS
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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE
 SUBCOMMITTEE ON THE CIVIL SERVICE
 122 CANNON HOUSE OFFICE BUILDING
 Washington, DC 20515-6244
 TELEPHONE (202) 225-6025

May 13, 1992

The Honorable Manuel Lujan, Jr.
 Secretary
 Department of Interior
 1849 C Street
 Washington, D.C. 20240

Dear Secretary Lujan:

As you know, the Subcommittee on the Civil Service, Committee on Post Office and Civil Service, is conducting an investigation into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer.

The Subcommittee is disturbed by reports from several credible sources regarding the imminent transfer of three Senior Executive Service (SES) employees in the U.S. Fish and Wildlife Service. The Subcommittee understands that originally at least four SES employees with more than ten years of service in the same region were under consideration for a transfer, but that at least one employee is not facing a reassignment due to personal family problems.

As a result of these reports, the Subcommittee requests the following items:

1. List all SES employees of the U.S. Fish and Wildlife Service who have been the subject of discussions and/or meetings involving directed reassignments, or any other type of reassignment, transfer, or change in responsibility since September 24, 1991 which will or would have gone into effect within six months of this request. The Subcommittee also requests the following information with respect to those SES employees:

- The approximate dates of any discussion or other planning regarding their transfers.
- The date any SES employees were first informed of a transfer, both informally and formally.
- The date the proposed action, if any, is to become effective.
- The pay level of each SES employee considered for a transfer.

Secretary Lujan
May 13, 1992
page 2

- The age and sex of each SES employee facing a transfer.
- The retirement eligibility of each SES employee facing a transfer.
- The length of time at the current pay level.
- The current position, location, and number of years in the present location of each SES employee facing a transfer.
- The proposed new location and position, if any, of each SES employee.
- The reason an employee is or is not being reassigned.
- Characterize the employee's informal and formal position as to the reassignment in the following manner: desires change; will accept change, but does not desire it; accepts change only under duress; or will not accept change.

2. List any employee of the U.S. Fish and Wildlife Service who has been in his or her position for more than ten years and has been the subject of discussions and/or meetings involving directed reassignments, or any other type of reassignment, transfer, or change in responsibility since September 24, 1991 which will or would have gone into effect within six months of this request. The Subcommittee also requests the following information with respect to those SES employees:

- The approximate dates of any discussion or other planning regarding their transfers.
- The date any SES employees were first informed of a transfer, both informally and formally.
- The date the proposed action, if any, is to become effective.
- The pay level of each SES employee considered for a transfer.
- The age and sex of each SES employee facing a transfer.
- The retirement eligibility of each SES employee facing a transfer.
- The length of time at the current pay level.
- The current position, location, and number of years in the present location of each SES employee facing a transfer.

Secretary Lujan
May 13, 1992
page 3

-- The proposed new location and position, if any, of each SES employee.

-- The reason an employee is or is not being reassigned.

-- Characterize the employee's informal and formal position as to the reassignment in the following manner: desires change; will accept change, but does not desire it; accepts change only under duress; or will not accept change.

3. List any other employees of the U.S. Fish and Wildlife Service above the GS-11 level (not described in 1 or 2 above) who have been the subject of discussions and/or meetings involving a directed reassignment, any other type of reassignment, or transfer since September 24, 1991 which will or would have gone into effect within six months of this request. The Subcommittee also requests the following information with respect to those employees above the GS-11 level:

-- The approximate dates of any discussion or other planning regarding their transfers.

-- The date any employees were first informed of a transfer, both informally and formally.

-- The date the proposed action, if any, is to become effective.

-- The pay level of each employee considered for a transfer.

-- The age and sex of each employee facing a transfer.

-- The retirement eligibility of each employee facing a transfer.

-- The length of time at the current pay level.

-- The current position, location, and number of years in the present location of each employee facing a transfer.

-- The proposed new location and position, if any, of each employee.

-- The reason an employee is or is not being reassigned.

-- Characterize the employee's informal and formal position as to the reassignment in the following manner: desires change; will accept change, but does not desire it; accepts change only under duress; or will not accept change.

Secretary Lujan
May 13, 1992
page 4

4. How many new SES positions has the U.S. Fish and Wildlife Service been allotted by the Department of Interior's Executive Review Board (ERB) since January 1992?

5. Has the ERB held up or refused to allow the Director of the U.S. Fish and Wildlife Service to fill 15 positions since January 1992 for any reason? If so, state the reason.

The Subcommittee also requests the following information and documents:

A. With respect to any meetings, conferences, telephone conversations or other non-written communications related to the subject matter in paragraphs 1 through 3 above:

-- State the name, position, and agency of each participant.

-- Provide any notes, minutes, preparatory documents or briefings, phone logs, phone messages, or electronic mail records or printouts, or other documents related to these meetings. Documents include, but are not limited to, draft, annotated and final copies of memos, staff reports, internal reports, and external reports; letters and their envelopes; facsimiles; electronic mail messages or information stored in any digital or other computer form; phone logs; and other logs or record systems.

B. Provide all documents not identified in paragraph A relating to the subject matter in paragraphs 1 through 3 above:

-- Documents include, but are not limited to, draft, annotated, and final copies of memos, staff reports, internal reports, and external reports; letters and their envelopes; facsimiles; electronic mail messages or information stored in any digital or other computer form; phone logs; and other logs or record systems.

-- For each document, identify the name of the person supplying the document (custodian), the unit, the region and the agency in whose possession the document was found.

Secretary Lujan
May 13, 1992
page 5

Due to the circumstances surrounding the transfer of personnel in the U.S. Fish and Wildlife Service, the Subcommittee requests a response by June 5, 1992.

Sincerely,


CONSTANCE NOELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj

cc: Chairman William Clay, House Committee on Post Office
and Civil Service

Chairman George Miller, House Committee on Interior
and Insular Affairs

ONE HUNDRED SECOND CONGRESS

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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

M E M O R A N D U M

DATE: May 8, 1992
TO: Members of the Subcommittee on the Civil Service
FROM: Chairman Gerry Sikorski
RE: May 21, 1992 hearing notice

The Subcommittee on the Civil Service, Post Office on the Civil Service, will hold a second hearing in its continuing investigation into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer, former Regional Director, Mid-Atlantic Region, National Park Service.

On Thursday, May 21, 1992, at 10:00 a.m. in room 304 of the Cannon House Office Building, the Subcommittee has invited Mr. Herb cables, Deputy Director, National Park Service and Mr. Edward L. Davis, Associate Director for Budget and Administration, National Park Service, to testify.

The hearing may be closed to the public.

The hearings regarding the Mintzmyer investigation scheduled for May 13, 1992 and tentatively scheduled for May 14, 1992 have both been cancelled.

If you have any questions, please contact Ms. Kim Japinga of the Subcommittee staff at 225-4025.

ONE HUNDRED SECOND CONGRESS
 GERRY SICORSKI, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA, VICE CHAIRMAN
 ELIZABETH HOLLAND, DISTRICT OF COLUMBIA
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 TELEPHONE (202) 225-4025

May 7, 1992

The Honorable Manuel Lujan, Jr.
 Secretary
 Department of the Interior
 1849 C Street
 Washington, D.C. 20240

Dear Secretary Lujan:

As you are aware, the Subcommittee is conducting a legislative investigation into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer. In early February, Subcommittee investigators attempted to interview employees of the Department of Interior and the National Park Service in connection with this investigation. These employees either refused to be interviewed by Subcommittee investigators or to cooperate with the reasonable provisos set forth by the Subcommittee to ensure complete truthfulness and objectivity during these interviews. As a result, the interview process could not continue and the Subcommittee was forced to convene an executive session.

At the Subcommittee's April 29, 1992 executive session hearing, the Subcommittee informed Mr. Tim Elliot, Deputy Associate Solicitor, Department of Interior, that unsworn, voluntary interviews with Subcommittee investigators could continue if the Department of Interior's attorneys represented the employees' interests and the same attorney did not represent multiple employees. On April 29, 1992, Subcommittee investigators interviewed Mr. Steve Goldstein and Mr. Ben Moffett with those prerequisites in effect.

This process was halted, however, when the Subcommittee was informed by Mr. Elliot that the witnesses scheduled to appear before the Subcommittee on April 30, 1992 and May 13, 1992 requested to be represented by the same attorneys the April 29 witnesses, Mr. Berklacy, Mr. Goldstein, and Mr. Moffett, had retained. Mr. Elliot confirmed that Mr. Herb Cables, Deputy Director, National Park Service, Mr. Edward Davis, Associate Director for Budget and Administration, National Park Service, Mr. Denis Galvin, Associate Director for Planning and Development, National Park Service, Mr. Jack Morehead, Regional Director for the Alaska Region, National Park Service, and Mr. James Parham,

Secretary Lujan
May 7, 1992
page 2

Executive Assistant to the Director, National Park Service, all requested legal representation from the same Department of Interior attorneys representing Mr. Berklacy, Mr. Goldstein and Mr. Moffett.

Mr. Elliot's office also informed the Subcommittee that Mr. Jack Morehead would not be able to appear at the previously scheduled May 13, 1992 hearing due to a doctor's appointment. Because of that conflict and the fact that Mr. Morehead is located in Alaska, the Subcommittee will accommodate Mr. Morehead's scheduling conflicts and logistical problems by submitting his questions in writing. As agreed by the Subcommittee and the Department, Mr. Morehead will respond in writing, under oath. The remaining May 13th witnesses, Mr. Parham and Mr. Galvin, will be scheduled at a later date.

The Subcommittee also understands that Mr. Edward Davis is unable to appear before the Subcommittee on May 14, 1992. Deputy Assistant Secretary Jennifer Salisbury indicated that Mr. Davis and Mr. Cables are available to appear before the Subcommittee on May 21, 1992. Accordingly, the Subcommittee requests the attendance of Mr. Davis and Mr. Herb Cables to testify under oath at a hearing on Thursday, May 21, 1992, at 10:00 a.m. in room 304 of the Cannon House Office Building.

Please confirm in writing the above mentioned employees' attendance for the May 21, 1992 hearing (facsimile (202) 225-1518) by 5:00 p.m. on May 15, 1992. If you have further questions, please contact Ms. Kim Japinga (202) 225-4025 of the Subcommittee staff.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj

cc: Chairman William Clay, House Committee on Post Office
and Civil Service

Chairman George Miller, House Committee on Interior
and Insular Affairs

Secretary Lujan
May 7, 1992
page 3

Mr. Herb Cables, Deputy Director, National Park Service

Mr. Edward Davis, Associate Director for Budget and
Administration, National Park Service

Mr. Denis Galvin, Associate Director for Planning and
Development, National Park Service

Mr. Jack Morehead, Regional Director for the Alaska Region,
National Park Service

Mr. James Parham, Executive Assistant to the Director,
National Park Service

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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

April 27, 1992

The Honorable Manuel Lujan, Jr.
 Secretary
 Department of the Interior
 1849 C Street
 Washington, D.C. 20240

Dear Secretary Lujan:

Pursuant to Rules X and XI of the House of Representatives and Rules 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting the welfare of civil servants, the civil service system, and the merit systems.

As our past correspondence has indicated, the Subcommittee is conducting a legislative investigation into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer. In early February, Subcommittee investigators attempted to interview employees of the Department of Interior and the National Park Service. These employees either refused to be interviewed by the Subcommittee investigators or to cooperate with the reasonable provisos set forth by the Subcommittee to ensure complete truthfulness and objectivity during these interviews. As a result, the interview process could not continue.

Accordingly, in connection with that investigation and because employees in the Department of Interior and the National Park Service have information necessary to the Subcommittee's investigation, the Subcommittee requests the attendance of Mr. James Parham, Executive Assistant to the Director, National Park Service, Mr. Jack Morehead, Regional Director for the Alaska Region, National Park Service, and Mr. Denis Galvin, Associate Director for Planning and Development, National Park Service, to testify at a hearing on Wednesday, May 13, 1992, at 9:30 a.m. in room 304 of the Cannon House Office Building. This will be the third executive session in which Department of Interior and National Park Service employees will be interviewed. The first two sessions in this series have been scheduled for Wednesday, April 29, 1992 and Thursday, April 30, 1992.

Secretary Lujan
April 3, 1992
page 2

Employees are granted the right to their own counsel during these hearings. Pursuant to House Rule XI(2)(k)(3), employees have the right to be accompanied by their own counsel "[f]or the purpose of advising them concerning their constitutional rights." The right to counsel is at the employee's option, not the agency's. Consequently, if employees choose to be represented by an attorney from the Department of Interior, their attorney must represent their interests, not the Department's. To ensure against a conflict of interest and to protect the integrity of the Subcommittee's investigation, employees should be represented by either government attorneys outside of their department or by private counsel -- either hired by the employee or on a pro bono basis.

If employees choose to be represented by counsel from the Department of Interior, the Subcommittee would view as inappropriate any effort to have their attorney represent other employees in this investigation or for employees to be represented by the attorney who coordinated the agency's response to the Subcommittee's document requests.

Please confirm in writing the above mentioned employees' attendance at these hearings (facsimile (202) 225-1518) by 5:00 p.m. on May 4, 1992. If you have further questions, please contact Ms. Kim Japinga (202) 225-4025 of the Subcommittee staff.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj

CC: Mr. James Parham, Executive Assistant to the Director,
National Park Service

Mr. Jack Morehead, Regional Director for the Alaska Region,
National Park Service

Mr. Denis Galvin, Associate Director for Planning and
Development, National Park Service



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 21 1992

Honorable Gerry Sikorski
Chairman, Subcommittee on Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Steve Goldstein, Director, Office of Public Affairs, Department of the Interior; George Berklacy, Chief, Office of Public Affairs, National Park Service; and Ben Moffett, Public Information Officer, Rocky Mountain Region, National Park Service, will testify at the hearing on the reassignment of Ms. Lorraine Mintzmyer, scheduled for April 29, 1992.

Herb Cables, Deputy Director, National Park Service; and Edward L. Davis, Associate Director for Budget and Administration, National Park Service, will testify on Thursday, April 30, 1992.

Each of the above witnesses has chosen to be represented by an attorney from the Office of the Solicitor, Department of the Interior.

We appreciate the opportunity to present our views to the Subcommittee.

Sincerely,

Pamela E. Somers
Pamela E. Somers
Legislative Counsel

cc: Honorable William (Bill) Clay, Chairman
Committee on Post Office and Civil Service
House of Representatives

Honorable Benjamin A. Gilman,
Ranking Minority Member
Committee on Post Office and Civil Service
House of Representatives

Honorable Constance A. Morella
Ranking Minority Member
Subcommittee on Civil Service,
Committee on Post Office and Civil Service
House of Representatives

ONE HUNDRED SECOND CONGRESS

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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 555-1088

April 3, 1992

The Honorable Manuel Lujan, Jr.
 Secretary
 Department of the Interior
 1849 C Street
 Washington, D.C. 20240

Dear Secretary Lujan:

Pursuant to Rules X and XI of the House of Representatives and Rules 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting the welfare of civil servants, the civil service system, and the merit systems.

As our past correspondence has indicated, the Subcommittee is conducting a legislative investigation into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer. In early February, Subcommittee investigators attempted to interview employees of the Department of Interior and the National Park Service. These employees either refused to be interviewed by the Subcommittee investigators or to cooperate with the reasonable provisos set forth by the Subcommittee to ensure complete truthfulness and objectivity during these interviews. As a result, the interview process could not continue.

Accordingly, in connection with that investigation and because employees in the Department of Interior and the National Park Service have information necessary to the Subcommittee's investigation, the Subcommittee requests the attendance of Mr. Steve Goldstein, Director, Office of Public Affairs, Department of Interior, Mr. George Berklacy, Chief, Office of Public Affairs, National Park Service, and Mr. Ben Moffett, Public Information Officer, Rocky Mountain Region, National Park Service, to testify at a hearing on Wednesday, April 29, 1992, at 9:30 a.m. in room 304 of the Cannon House Office Building.

On Thursday, April 30, 1992, the Subcommittee requests the presence of Mr. Herb Cables, Deputy Director, National Park Service, and Mr. Edward L. Davis, Associate Director for Budget and Administration, National Park Service, to testify at a 10:00 a.m. hearing in room 304 of the Cannon House Office Building. All testimony will be presented in executive session.

Secretary Lujan
 April 3, 1992
 page 2

Employees are granted the right to their own counsel during these hearings. Pursuant to House Rule XI(2)(k)(3), employees have the right to be accompanied by their own counsel "[f]or the purpose of advising them concerning their constitutional rights." The right to counsel is at the employee's option, not the agency's. Consequently, if employees choose to be represented by an attorney from the Department of Interior, their attorney must represent their interests, not the Department's. To ensure against a conflict of interest and to protect the integrity of the Subcommittee's investigation, employees should be represented by either government attorneys outside of their department or by private counsel -- either hired by the employee or on a pro bono basis.

If employees choose to be represented by counsel from the Department of Interior, the Subcommittee would view as inappropriate any effort to have their attorney represent other employees in this investigation or for employees to be represented by the attorney who coordinated the agency's response to the Subcommittee's document requests.

Please confirm in writing the above mentioned employees' attendance at these hearings (facsimile (202) 225-1518) by 5:00 p.m. on April 10, 1992. If you have further questions, please contact Ms. Kim Japinga (202) 225-4025 of the Subcommittee staff.

Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj

cc: Mr. Steve Goldstein, Director, Office of Public Affairs,
 Department of Interior

Mr. Herb Eables, Deputy Director, National Park Service

Mr. Edward L. Davis, Associate Director for Budget and
 Administration, National Park Service

Mr. George Berklacy, Chief, Office of Public Affairs,
 National Park Service

Mr. Ben Moffett, Public Information Officer, Rocky Mountain
 Region, National Park Service



IN REPLY REFER TO:

(SWR-D)
MAR 10 1992

United States Department of the Interior

NATIONAL PARK SERVICE
Southwest Region
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Honorable Gerry Sikorski
Chairman, Subcommittee on Civil Service
Committee on Post Office and Civil Service
House of Representatives
122 Cannon House Office Building
Washington, D.C. 20515-6244

Dear Mr. Chairman:

This confirms the telephone conversation of March 3, 1992, between my assistant, Mrs. Betty Keller, and Ms. Kim Japinga of your office concerning my previously scheduled interview with Subcommittee staff on March 11, 1992.

As Mrs. Keller informed Ms. Japinga, it had been my intention to participate in the scheduled interview on March 11, 1992. In fact, I had completely rearranged my travel schedule to accommodate your desires. I was, however, under the assumption that I could be accompanied by counsel of my choice.

Based on the contents the letter from you and Ranking Member Constance Morella to Governor Michael Hayden, Assistant Secretary of Fish and Wildlife and Parks, I must decline since I had personally elected Mr. Robert Moll and Mr. Robert Walter, Department of the Interior, Office of the Solicitor, to be my representative.

I regret being unable to fulfill the desires of the Subcommittee.

Sincerely yours,

John E. Cook
Director, Southwest Region





United States
Department of
Agriculture

Office of the
General
Counsel

Washington,
D.C.
20250-1400

March 5, 1992

Honorable Gerry Sikorski
Chairman
Subcommittee on the Civil Service
Committee on Post Office and Civil Service
U.S. House of Representatives
122 Cannon House Office Building
Washington, D.C. 20515-6244

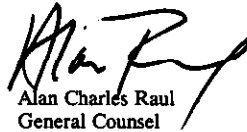
Dear Mr. Chairman:

Thank you for your February 21, 1992, letter to Associate General Counsel J. Michael Kelly. The Department appreciates the Subcommittee on Civil Service's cooperation with our Forest Service employees and attorneys for the Office of the General Counsel.

I must clarify that agency attorneys represent the Department's employees in their official capacities. As a general rule, we are not authorized to represent employees in a personal capacity and we make that clear to the agency employees. However, where employees are testifying or participating in proceedings in their official capacities as employees of the agency, the agency is of course entitled to legal representation.

Again, thank you for your understanding on this matter. The Department looks forward to continuing to work cooperatively with your Subcommittee regarding your investigation.

Sincerely,



Alan Charles Raul
General Counsel

IDENTICAL LETTER SENT TO REPRESENTATIVE MORELLA

Kim Japinga
122 Cannon House Office Bldg
Washington, D.C. 20515

March 5, 1992

Dear Ms. Japinga:

After careful consideration of your invitation to appear before the staff of the Civil Service Subcommittee for an informal interview on the allegations surrounding the transfer of Lorraine Mintzmyer, I must decline.

As you know, I was prepared to be interviewed with Department of the Interior lawyers present.

I don't feel good about the informal interview technique because what I have to say could be mis-interpreted to suit the bias of the people who are going to use the information.

I believe that it would be in my best interests to have an attorney present. Since the cost to hire a personal attorney is prohibitive, I have decided not to go forward with the interview.

Ben Moffett

Ben Moffett



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



March 2, 1992

Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Chairman:

This references your letter of February 21, 1992, to Michael Hayden, Assistant Secretary for Fish and Wildlife and Parks, on behalf of the Subcommittee's continued interest relating to alleged improprieties in the reassignment of Ms. Lorraine Mintzmeyer. Your letter expresses the Subcommittee's concerns regarding this Department's counsel to employees who requested agency assistance when they received the Subcommittee's request to participate in informal Subcommittee interviews which may pose questions relative to alleged criminal matters.

For your information, we are attaching a copy of the Solicitor's memorandum to employees which informs them of the views articulated in your Subcommittee's February 21 letter regarding employee representation. Our letter was provided to the 15 employees who have made it known to us that your Subcommittee will be communicating with them directly regarding its investigation. As we requested in our February 19 letter to the Subcommittee, we again reiterate a request for a list of all of the people you have contacted or plan to contact so we can make them aware of their full legal rights as well as your Subcommittee's concern with agency representation.

Sincerely,

James M. Hughes
Assistant to the Secretary and
Director of Congressional and
Legislative Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240



FEB 28 1992

Memorandum

To: Employees requested by Subcommittee on the Civil Service to participate in interviews regarding reassignment of Lorraine Mintzmyer

From: Associate Solicitor - Division of General Law

The staff of the House Committee on the Post Office and Civil Service, Subcommittee on the Civil Service, has requested informal interviews with numerous Department employees alleged to have been involved with the decision to transfer Lorraine Mintzmyer, and other related matters. (See attached letter to Gov. Michael Hayden). It is the Department's position, as we previously advised the Subcommittee, that Departmental witnesses should provide on-the-record testimony under oath on these issues, rather than informal interviews.

The purpose of this memorandum is to address the concerns that have been raised about whether employees who choose to participate in the informal conversations requested by the Subcommittee may be accompanied by agency counsel.

Should you choose to participate in these informal discussions, the Department is prepared to provide you counsel through the Solicitor's Office if you so request. We believe providing you counsel is entirely appropriate because your involvement in this matter is based on actions taken in your capacity as an employee of the Department of the Interior.

The Subcommittee staff apparently believes that the use of agency counsel results in a conflict of interest. This assertion is without merit. Only where the employee acts outside of the scope of his or her employment, i.e., commits an intentionally illegal act, would the interests of the Department and the employee diverge. The Department will not represent an employee who acted illegally. Clearly, where your conduct is within the scope of your employment activity, the Department will represent you at your request, because your interest and the agency's are the same. It is unfair on the part of Subcommittee staff to suggest that the Federal employee seek private counsel, because it implies illegal activity on the part of the federal employee. Furthermore we believe that if the Department were to comply with the Subcommittee, we would not be acting in the best interests of our employees. The Department's employees should be confident that the Department will provide them legal representation when required as the result of carrying out the duties of their positions. For the

Department not to provide counsel in this context could result in a chilling effect on the employees' willingness to perform their jobs fully.

If you wish to discuss these matters further, you may contact me at 208-4722 for consultation.


Lisa S. Farringer

Attachment

ONE HUNDRED SECOND CONGRESS

GERY BICORSKI, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA, VICE CHAIRMAN
 CONSTANCE A. MORELLA, MARYLAND
 THOMAS J. ROOE, PENNSYLVANIA
 ELEANOR HOLMES MORTON, DISTRICT OF COLUMBIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4629

February 21, 1992

Governor Michael Hayden
 Assistant Secretary
 of Fish and Wildlife and Parks
 Room 3156
 1849 C Street
 Department of Interior
 Washington, D.C. 20240

Dear Governor:

Pursuant to Rules X and XI of the House of Representatives and Rules 22(4) and 24 of the House Committee on the Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight into matters affecting civil servants, the welfare of the civil service system, merit systems principles, and assessing the need for corrective legislation in these areas.

In connection with these matters, the Subcommittee on the Civil Service is looking into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer. Accordingly, the Subcommittee wishes to interview employees of both the Department of Interior and the various departments within Interior who may have information crucial to the Subcommittee's inquiry.

Employees are granted the right to their own counsel during these interviews by extension of House Rule XI(2)(k)(3). The Rule provides for the following: "Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights."

The right to counsel is at the employee's option, not the agency's. Consequently, attorneys must represent the interests of the employee, not the interests of the agency. To ensure that a conflict does not occur between the interests of the employee and the agency, an employee should be represented by privately retained counsel or by attorneys outside of the individual's agency or department.

Governor Hayden
February 21, 1992
page 2

The Subcommittee would view as inappropriate any effort to assign the same attorney to represent multiple employees or to have employees represented by the attorney who coordinated the agency's response to the Subcommittee's document requests.

If you have any questions regarding these parameters, please contact Ms. Kim Japinga (202-225-4025) of the Subcommittee staff. Thank you for your attention to the above matter.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj

ONE HUNDRED SECOND CONGRESS

GERRY SPIROSKI, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA, VICE CHAIRMAN
 BLANCK HOLMES BORTON, DISTRICT OF COLUMBIA
 CONSTANCE A. MORELLA, MARYLAND
 THOMAS J. RIDGE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, D.C. 20515-6244

TELEPHONE (202) 522-1024

February 21, 1992

Mr. Michael Kelly
 Associate General Counsel
 Room 2043 South
 14th and Independence, SW
 Department of Agriculture
 Washington, D.C. 20250

Dear Mr. Kelly:

Pursuant to Rules X and XI of the House of Representatives and Rules 22(4) and 24 of the House Committee on the Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight into matters affecting civil servants, the welfare of the civil service system, merit systems principles, and assessing the need for corrective legislation in these areas.

In connection with these matters, the Subcommittee on the Civil Service is looking into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer. Accordingly, the Subcommittee wishes to interview employees of both the Department of Agriculture and the Forest Service who may have information crucial to the Subcommittee's inquiry.

Employees are granted the right to their own counsel during these interviews by extension of House Rule XI(2)(k)(3). The Rule provides for the following: "Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights."

The right to counsel is at the employee's option, not the agency's. Consequently, attorneys must represent the interests of the employee, not the interests of the agency. To ensure that a conflict does not occur between the interests of the employee and the agency, an employee should be represented by privately retained counsel or by attorneys outside of the individual's agency or department.

Mr. Kelly
February 21, 1992
page 2

The Subcommittee would view as inappropriate any effort to assign the same attorney to represent multiple employees or to have employees represented by the attorney who coordinated the agency's response to the Subcommittee's document requests.

If you have any questions regarding these parameters, please contact Ms. Kim Japinga (202-225-4025) of the Subcommittee staff. Thank you for your attention to the above matter.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj

1343 4th Ave #4
San Francisco CA
94122
February 19, 1992

Kimberly L. Japinga
Associate Counsel
Committee on Post Office
and Civil Service
U.S. House of Representatives
122 Cannon HOB
Washington, D.C. 20515

Dear Ms. Japinga:

I received the package you had forwarded to me on February 14, 1992 and am responding to your offer to conduct voluntary interviews for the Committee's ongoing investigation.

This letter is to inform you of my preference not to carry on such informal interviews but to respond to any official requests you may have. If you desire to call me for deposition or testimony, I would request the assistance of legal counsel from the Office of the Solicitor, as has been offered to me (as an option) by Sean Bersell, Assistant Director - Office of Legislative Affairs, National Park Service, Department of the Interior. He contacted me on February 13, 1992 to inform me that he is the Point of Contact at the Department for this exercise.

Thank you very much.

Sincerely,

David D. Behler
David D. Behler



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127

WASHINGTON, D.C. 20013-7127



FEB 19 1992

Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am in receipt of your letter of February 4, 1992, inviting me to appear for a half-day interview with the Subcommittee staff about the reassignment of Ms. Lorraine Mintzmyer. This letter is to inform you that I have chosen to respectfully decline this invitation.

I believe this matter can best be addressed through a discussion between me and the Subcommittee in an open forum and on the record. I was scheduled to have such a discussion last year, but the Subcommittee withdrew its invitation to me to testify. I remain willing and available to testify before the Subcommittee on this matter.

Sincerely,

James M. Ridenour
Director

cc: Sean Devlin Bersell, Assistant Director
Legislative and Congressional Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



February 19, 1992

Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Chairman:

In a February 10 conversation with subcommittee staff, the Department noted that individual employees were expressing concerns regarding the current direction of the subcommittee's formal investigation. During that conversation I reiterated the Department's intention that every action would be taken by the Department to cooperate with the investigation. We continue to honor that pledge.

Several employees who received the subcommittee's recent requests to participate in informal interviews with subcommittee staff have expressed concern about the nature of these interviews and questions that may be posed concerning alleged criminal matters. Furthermore, several individuals who were contacted directly by the subcommittee have said they will not take part in these informal interviews, but would testify before the subcommittee itself, if requested to do so. Nevertheless, we are puzzled by the subcommittee's decision to conduct informal interviews during the course of what the subcommittee has called a formal investigation.

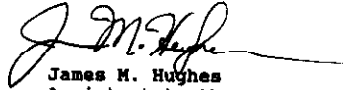
You may be assured that the Department will not preclude anyone from taking part in the informal interviews. Those individuals who decide against participating do so at their own volition and the Department supports their decision. Further, we have offered anyone who does participate in the interview process to have agency counsel present if they so choose.

The Solicitor's Office has advised each of the individuals who brought their letters to our attention of their legal rights regarding these interviews. We ask the subcommittee to provide us with a list of all of the people you have contacted or plan on contacting so we can assure that these individuals also have been advised of their legal rights.

We once again reiterate our request for a Departmental witness to provide on-the-record testimony under-oath on this issue. Such a hearing would expedite your investigation. Because close to six months have now elapsed since the prior hearing on this matter, the

time seems ripe for holding this hearing and allowing the "Department" equal time under oath. To continue to delay this hearing only fosters speculation regarding subcommittee intentions similar to the type you have written to us about in the past.

Sincerely,



James M. Hughes
Assistant to the Secretary and
Director of Congressional and
Legislative Affairs



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. Box 37127
Washington, D.C. 20013-7127



February 18, 1992

Ms. Kim Japinga
Committee on Post Office and Civil Service
Subcommittee on the Civil Service
House of Representatives
Washington, D.C. 20515

Dear Ms. Japinga:

This is a follow up to a telephone conversation between you and Mr. Robert Moll of the Office of the Solicitor. I am respectfully declining your invitation to a one-half day informal interview on the subject of the reassignment of a regional director within the National Park Service.

I would, however, be pleased to discuss this matter with either the Subcommittee or its staff in a formal, on-the-record fashion.

Sincerely,

James A. Loach
Associate Regional Director
Midwest Region, National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

cc: Mr. Sean D. Bersell
Assistant Director-Legislative
and Congressional Affairs
Mr. Robert Moll

OFFICE OF THE
ASSISTANT SECRETARY

United States Department of the Interior

Washington, D.C. 20240



February 14, 1992

Honorable Garry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
122 Cannon House Office Building
Washington, D.C. 20515-6244

Dear Mr. Chairman:

Thank you for your letter of February 4, 1992, regarding your inquiry into the directed reassignment of Ms. Lorraine Mintzmyer. I spoke yesterday with Ms. Kim Japinga of your staff concerning this matter.

As I told Ms. Japinga, it is doubtful I could offer you any useful information regarding the reassignment of Ms. Mintzmyer, since I was not involved in the reassignment process. Therefore, I respectfully request to be excused from your informal interview. However, it should not be necessary for you to subpoena me, as suggested by Ms. Japinga during our conversation, since I am willing to speak on the record regarding this matter if you believe it is absolutely necessary for me to appear.

Thank you for your consideration of my request.

Sincerely,

Mary Bradford
Staff Assistant



IN REPLY REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127
WASHINGTON, D.C. 20013-7127



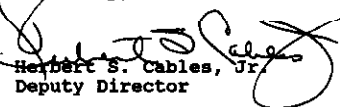
February 14, 1992

Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Sikorski:

This letter serves as a follow-up to the phone call made to Kim Japinga of your Committee on February 13, 1992, respectfully declining your invitation to appear on either March 4 or March 9, 1992, relative to the alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer. I would, however, be pleased to appear in a formal proceeding.

Sincerely,


Herbert S. Cables, Jr.
Deputy Director





United States Department of the Interior

MINERALS MANAGEMENT SERVICE
WASHINGTON, DC 20240

FEB 13 1992

Honorable Gerry Sikorski
Chairman, Committee on Post Office
and Civil Service
House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Sikorski:

In response to your letter of February 4, 1992, thank you for the offer to meet with your staff concerning your review of the Mintzmyer case.

I certainly look forward to the opportunity to set the record straight, but I feel that since charges were made in a formal hearing, the public interest would best be served by my appearing under similar conditions.

I'm sure that you are as anxious as I am for the public to learn the full truth on this issue.

I appreciate your consideration in this matter.

Sincerely,

S. Scott Sewell

S. Scott Sewell
Director

CC: T. WEIMER
L. FARRINGER



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127



FEB 13 1992

Ms. Kim Japinga
Committee on Post Office and Civil Service
U.S. House of Representatives
Subcommittee on the Civil Service
122 Cannon House Office Bldg.
Washington, D.C. 20515

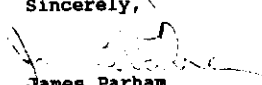
Dear Ms. Japinga:

This is a follow up to a telephone conversation between you and Claude Warren of my office. As previously stated, I must respectfully decline your invitation to a one-half day informal interview on the subject of reassignment of a regional director within the National Park Service.

I would, however, welcome the opportunity to discuss this matter with either the Subcommittee or its staff in a formal, on-the-record fashion.

Thank you.

Sincerely,


James Parham
Executive Assistant
to the Director
National Park Service

cc: Sean Bersell, Congressional
and Legislative Affairs Office

ONE HUNDRED SECOND CONGRESS

GERRY SIKORSKI, MINNESOTA, CHAIRMAN
 JAMES F. MORAN, JR., VIRGINIA, VICE CHAIRMAN
 ELEANOR HOLMES NORTON, DISTRICT OF COLUMBIA
 CONSTANCE A. MORELLA, MARYLAND
 THOMAS J. RIDGE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

February 4, 1992

Mr. Edward L. Davis
 Associate Director
 for Budget and Administration
 National Park Service
 1849 C Street
 Department of Interior
 Washington, D.C. 20240

Dear Mr. Davis:

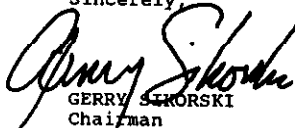
Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system, and merit systems principles.

Due to this oversight responsibility, the Subcommittee on the Civil Service is looking into the alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer.

To facilitate the Subcommittee's investigation, the Subcommittee would like to schedule a half day interview with you in Washington, D.C. on either of the following days: February 26th or 28th, 1992. Ms. Heea Vazirani-Fales, counsel for the minority, will also be present.

Please contact Kim Japinga (202-225-4025) by February 13, 1992 to confirm the date. Thank you for your consideration of the above matter.

Sincerely,



GERRY SIKORSKI
 Chairman

GES:kj

ONE HUNDRED SECOND CONGRESS

GERRY SIKORSKI, MINNESOTA, CHAIRMAN
JAMES P. MORAN, JR., VIRGINIA
VICE CHAIRMAN
BEANOR HOLMES HORTON,
DISTRICT OF COLUMBIA
CONSTANCE A. MORELLA, MARYLAND
THOMAS J. BOGE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

February 4, 1992

Mr. Herbert S. Cables
Deputy Director
National Park Service
1849 C Street
Department of Interior
Washington, D.C. 20240

Dear Mr. Cables:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system, and merit systems principles.

Due to this oversight responsibility, the Subcommittee on the Civil Service is looking into the alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer.

To facilitate the Subcommittee's investigation, the Subcommittee staff would like to schedule a half day interview with you in Washington, D.C. on either of the following days: March 4th or 9th, 1992. Ms. Heea Vazirani-Pales, counsel for the minority, will also be present.

Please contact Kim Japinga (202-225-4025) by February 13, 1992 to confirm the date. Thank you for your consideration of the above matter.

Sincerely,


GERRY SIKORSKI
Chairman

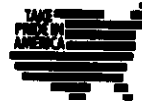


IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127
WASHINGTON, D.C. 20013-7127



14 JAN 1992

Ms. Kim Japinga
Associate Counsel
Subcommittee on Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Ms. Japinga:

I must respectfully decline your invitation to a half-day informal interview regarding the reassignment of a Regional Director within the National Park Service.

However, I would welcome the opportunity to discuss this matter in a formal, on-the-record, setting with either the subcommittee or its staff.

Sincerely,

Denis P. Galvin
Associate Director
Planning and Development





THE SECRETARY OF THE INTERIOR

WASHINGTON

January 7, 1992

Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your letter of November 26, 1991, concerning your Subcommittee's continuing investigation into charges levelled by Ms. Lorraine Mintzmeyer and Mr. John Mumma against the National Park Service and the U.S. Forest Service.

Following receipt of your letter, I asked James M. Hughes, Assistant to the Secretary and Director of Congressional and Legislative Affairs, to further look into your concerns and report his findings to me. His memorandum to me is enclosed. I have assigned further activities related to your Subcommittee's investigation to Governor Michael Hayden, Assistant Secretary for Fish and Wildlife and Parks. I have asked Assistant Secretary Hayden to take all actions necessary to ensure that the National Park Service and other offices of the Department continue to respond in an appropriate and timely manner to any further Subcommittee requests. In addition, I wish to reiterate the Department's request to have a sworn witness provide public testimony answering unfounded allegations presented to the Subcommittee at its first hearing.

A similar letter is being sent to the Honorable Constance Morella, Ranking Republican Member, who cosigned your November 26 letter.

Sincerely,

Michael Hayden

Enclosure

cc: Congressman William L. Clay, Chairman, Committee
on Post Office and Civil Service
Congressman George Miller, Chairman, Committee on
Interior and Insular Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



January 3, 1992

Memorandum

To: Secretary
From: *James M. Hughes*
James M. Hughes
Assistant to the Secretary and Director of
Congressional and Legislative Affairs

Subject: Civil Service Subcommittee Investigation

As you requested, I am providing you with an update on the issues raised in the November 26, 1991, letter from Congressman Sikorski and Congresswoman Morella regarding the Mintzmeier/Mumma investigation. There seems to be an underlying feeling on the part of the Subcommittee that the Department has not cooperated and in fact may not have been fully responsive to the Subcommittee request for documents relating to the investigation. I will attempt to outline what we have done, our concerns and what we plan to do in the future.

Issues

1. Department of the Interior representatives have been telling employees that the Subcommittee is not seriously pursuing its investigation. (October 25th letter from Subcommittee)
 - A. Department did not comment on this in its November 15, 1991, Departmental Response. (See November 26th letter from Subcommittee)
 - B. That George Berkclacy, Chief, Office of Public Affairs for the National Park Service was the alleged source of this and also the source of a statement Subcommittee would not hold a second hearing. (See November 26th Subcommittee letter)

Response

It is extremely difficult to respond to "reports" or "rumors" (the Committee's words) coming from a major NPS meeting in Vail. In our November 15th response to the Subcommittee, we included copies of what we sent to individual Assistant Secretaries and Bureaus regarding the congressional investigation. Further, we offered to come before the Subcommittee immediately and testify to clear up any misunderstandings or rumors. We felt the information we

provided as well as our stated desire to testify would certainly outweigh claims of unnamed individuals that the Department wasn't taking this investigation seriously. (October 25th Subcommittee letter)

The Department was unaware of the alleged George Berkclacy comments. If in fact those were his comments they certainly did not reflect an official Department of the Interior position. He is not a Department of the Interior representative, but rather a career National Park Service employee.

Finally, Mr. Berkclacy's personal views do not reflect the Department's position, which continues to be that the Subcommittee's investigation be treated very seriously. We, in fact, changed work schedules and put in an all-out effort to comply with the Subcommittee's request for documents in the timeframe demanded. We remain unaware of what further we can do or of any recognized standard to prove we are taking this matter seriously.

Issue

2. Department has told employees "they do not have to be fully responsive to the Subcommittee's September 24, 1991, document request. (October 25th and November 26th Subcommittee letters)

Response

Again, in the words of the Subcommittee, "reports" or "rumors" are difficult for the Department to respond to directly. I am unaware of any Department official who has told employees they do not have to be fully responsive to the Subcommittee's document request. In our November 15, 1991, response to the Subcommittee, we pointed out problems associated with a massive document search. We also asked for the Committee's help in locating overlooked material. In its November 26 letter the Subcommittee mentions the records of the NPS Office of Planning and Development. We have subsequently sent a memo to the NPS Director asking him to search again for documents (memo attached). We continue to believe our employees have fulfilled the Subcommittee request to the best of their abilities; and if some document were accidentally overlooked, it was due not to a conscious act, but rather because of the voluminous Subcommittee request and the expedited deadline. We have provided the Subcommittee with copies of memoranda sent to offices in response to its request.

Issue

3. The Subcommittee asked what steps were taken to ensure that all responsive documents were collected and all collected documents were produced to the Subcommittee.

Response

We believe our November 15 letter responded to this issue. Each Assistant Secretary, Bureau Director, and other Department officials received a memo requesting all documents. They also received a copy of the Subcommittee letter requesting all information pertaining to issues raised in the September hearing. Files were searched, papers gathered, logs were reviewed and any materials dealing with the issues outlined by the Subcommittee were forwarded to the Office of Congressional and Legislative Affairs. All documents collected were reviewed by the Office of the Solicitor of the Department of the Interior. All of these documents were transmitted to the Subcommittee. None were pulled out or held back.

Issue

4. The Subcommittee asks us to list the names of each person who actually gathered the documents pursuant to the Subcommittee's request.

Response

If the Subcommittee insists on the names, I believe it would be appropriate to formally notify these employees of the Subcommittee's feelings that some employees may have violated Federal law. This would allow our employees to fully protect their legal rights if they felt they had to. For your records I have included a list of those responsible for the search.

Issue

5. The Subcommittee wants an explanation on methods for conducting the search for documents.

Response

We verbally informed those receiving the message the Subcommittee letter was very explicit as to what the Committee was asking; and with a few exceptions (worked out with Subcommittee staff), the request was for everything related to the "Vision" document and the Mintzmeier transfer. Employees here in D.C. and in Denver and other Western locations searched files, desks, facsimiles, telephone messages and telephone log and provided the same to this office. We are unaware of prescribed methods for searching file cabinets or reviewing telephone logs.

Summary

From September 24, 1991, the Department has fully cooperated with Subcommittee. Since that first and only hearing, we have continued to ask for a Departmental representative be allowed to testify under oath to the facts of the Mintsmeier reassignment. One can argue the Subcommittee's own extended delay at calling a second hearing has resulted in much speculation that may have led to "reports" and "rumors" that evidently have caused the Subcommittee so much consternation.

The Department does not encourage such speculation nor should the Department be expected to police the thoughts of our 60,000 plus employees or go out and muzzle them in expressing their personal views. Further, we do not feel that this speculation even comes close to being criminal in nature as Mr. Sikorski and Mrs. Morella seem to indicate. From the initial hearing on September 24, 1991, we have taken steps to insure that the Department fully cooperates with the Subcommittee. Countless hours have been spent searching for and then transmitting documents to the staff of the Subcommittee.

Finally, the Subcommittee continues to refuse to give us a copy of the transcript of the hearing, which we find unusual. I think we should ask for a copy of the original unedited transcript also to insure we know exactly what was said at the September hearing. You will recall a problem a few years ago regarding transcript editing by House Committee staff of a Committee on which you were then serving.

Attachment

DEPARTMENT OF THE INTERIOR OFFICIALS INVOLVED IN
DOCUMENT SEARCH LISTED BY LOCATION AND ORGANIZATION.

Fish and Wildlife Service

Dale Harms, Montana State Supervisor, FWS, Helena, Mt.
Ron Starkey, Wyoming, State Supervisor, FWS, Cheyenne, Wyo.
Galen Buterbaugh, Regional Director, FWS, Denver, Colo.
Dick Smith, Deputy Director, Washington, D.C.

National Park Service, (Washington, D.C.)

James M. Ridenour, Director
James Parham, Special Assistant to the Director
Denis P. Galvin, Associate Director, Planning and Development
James W. Stewart, Assistant Director, Planning

National Park Service, Regional Office

Homer L. Rouse, Associate Regional Director, Rocky Mountain
Region

National Park Service, Field Offices

Sandra Key, Co-Team Leader, Greater Yellowstone Coordinating
Committee.
Marshall A. Gingery, Assistant Superintendent, Grand Teton
National Park.
Marge Hoffman, Administrative Assistant, Yellowstone
National Park.
Mary Ann Grasser, Land Resources Division, Mining and
Minerals, Denver Office.

Office of Assistant Secretary, Fish, Wildlife and Parks

Joseph E. Doddridge, Assistant to the Assistant Sec.

Bureau of Land Management, (Washington, D.C.)

Eleanor Schwartz, Chief, Division of Legislation and
Regulatory Management.

Minerals Management Service

Scott Sewell, Director

Office of Assistant Secretary, Land and Minerals Management

Rick Roldan, Deputy Assistant Secretary

Bureau of Mines, (Washington, D.C.)

Cletus R. Uhlenhopp, Chief, Office of Congressional
Liaison.

U.S.G.S., (Reston, Virginia)

Talmadge W. Reed, Congressional Liaison Officer

Office of Assistant Secretary, Water and Science

Earlan Watson, Deputy Assistant Secretary

Office of the Secretary, Department of Interior

James M. Hughes, Director of Congressional and Legislative
Affairs.

Morris A. Sims, Director of Personnel, Office of Personnel.



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

December 19, 1991

Memorandum

To: Assistant to the Secretary and Director of Congressional and Legislative Affairs

From: Associate Director, Planning and Development
National Park Service

Subject: Request for file search, Yellowstone Vision

In accordance with Jim Parham's note to you on December 3, this division has reviewed again the files pertaining to the Subcommittee on the Civil Service request of November 26. No additional materials were found. All the documents related to the Subcommittee's request were forwarded in response to their earlier request.

Denis P. Galvin

cc: James M. Ridenour, Director
Herbert S. Cables, Deputy Director
Sean Bersell, Asst. Dir., Cong. Office
Jim Parham, Asst. to the Director





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



November 29, 1991

Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Department has received your November 26 letter to Secretary Lujan. He will be on travel until December 12, 1991. We will respond to your inquiry as soon as possible following the Secretary's return.

Sincerely,

A handwritten signature in dark ink, appearing to read "J M Hughes", written in a cursive style.

James M. Hughes
Assistant to the Secretary and Director of
Congressional and Legislative Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SCORSE, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA
 VICE CHAIRMAN
 BLANCH HOLMES HORTON,
 DISTRICT OF COLUMBIA

CONSTANCE A. MORELLA, MARYLAND
 THOMAS J. RIDGE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE
 SUBCOMMITTEE ON THE CIVIL SERVICE
 122 CANNON HOUSE OFFICE BUILDING
 Washington, DC 20515-6244
 TELEPHONE (202) 225-4026

November 26, 1991

Secretary Manuel Lujan, Jr.
 Department of Interior
 Office of the Secretary
 Washington, D.C. 20240

Dear Secretary Lujan:

We are in receipt of the Department's November 15, 1991 response signed by James Hughes, Assistant to the Secretary and Director of Congressional and Legislative Affairs. This matter deserves attention at the highest level. Accordingly, and with due respect to Mr. Hughes, in the future we request a personal response from you.

We are troubled by the nonresponsive reply to our October 25th inquiry. First, no explanation was forthcoming regarding reports that a Department of Interior representative was telling employees at an October meeting in Vail, Colorado that the Subcommittee was not seriously pursuing its investigation and would not hold a second hearing. The Subcommittee has confirmation from two different sources that George Berkley, Chief, Office of Public Affairs for the National Park Service, was the source of this rumor.

We would reiterate that, if true, this allegation may indicate violations of 18 USC 1505 and 1001. 18 USC 1505 states in the relevant part: "Whoever corruptly . . . endeavors to influence, obstruct or impede . . . the due and proper exercise of the inquiry under which any inquiry or investigation [of] any committee of either House. . . -- Shall be fined not more than \$5,000 or imprisoned not more than five years, or both." This report also indicates a potential violation of 18 USC 1001. 18 USC 1001 states, "Whoever . . . knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

We also request an immediate reply to the following questions listed in our October 25, 1991 letter pertaining to reports that employees have been told they do not have to be fully responsive to the Subcommittee's September 24, 1991 document request:

Secretary Manuel Lujan
November 26, 1991
page 2

1. State what steps were taken to ensure that all responsive documents were collected and all collected documents were produced to the Subcommittee.
2. List the names of each person who actually gathered the documents pursuant to the Subcommittee's request.
3. Explain the method(s) for conducting the search and the places searched (e.g. files).

In addition to the above questions, the Subcommittee asks that the Office of Planning and Development in the National Park Service check its files to ensure that all documents requested by the Subcommittee were provided.

Due to the seriousness of the charges levelled by Ms. Mintzmyer and Mr. Mumma, the Subcommittee is devoting its full energy and resources to this investigation. Accordingly, if the Subcommittee does not receive a prompt response to the above questions, we will pursue all remedies available to the Subcommittee, including issuance of a subpoena requiring you to appear before the Subcommittee to respond to these questions.

As we stated in the hearing on September 24, 1991, this investigation will be conducted in a thorough, fair and non-partisan way. We have received literally hundreds of documents and the Subcommittee is currently reviewing those documents. In addition, the Subcommittee is conducting a series of interviews. Rest assured, once all of the documents have been reviewed and all of the interviews have been concluded, the Subcommittee will hold hearings and provide all parties ample opportunity to present any pertinent information.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
and Civil Service
Chairman George Miller, House Committee on Interior
and Insular Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 15 1991



Honorable Gerry Sikorski
Chairman, Subcommittee on the Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Chairman:

This is in response to your letter of October 25, 1991, concerning the Subcommittee's continued interest in obtaining file materials consistent with your September 24, 1991, letter to Secretary Lujan and our subsequent clarifying conversations with Subcommittee staff regarding it.

To our knowledge we have obtained and provided the Subcommittee, in accordance with understandings we reached with the Subcommittee's staff on Monday, October 7, 1991, all requested materials. We too are distressed by any reports you may have received that indicate documents have not been provided to us pursuant to our request to bureaus and offices as specified in my memorandum of September 30 to the Department's Assistant Secretaries and bureau heads (enclosed). We had not heard previously of any such reports.

Your request for documents was extensive and you established a rapid timetable for submission. In order to meet the short turnaround required, we requested and received voluminous materials from Washington, D.C., and the field, which we understood fulfilled all reporting requirements; and we have no reason to believe that our employees would not respond to my memorandum in an honest and thorough manner. On the question of responsiveness, no individual in the Department of the Interior could say unequivocally that there is not a single overlooked document in the corner of a file cabinet somewhere. However, in our view such an occurrence would be the result of inadvertence, not animus. If you have any knowledge of a missing piece of paper or location of such, please let us know, and we will attempt to locate it.

In order to clear up the issues giving rise to your letter of September 24 we reiterate our request to come before your Subcommittee and answer the meritless political charges raised by some of the witnesses in your Subcommittee's hearing. We certainly hope that in the interest of fairness the Subcommittee

will allow the Department to present its side of the story this year before the Congress adjourns. Furthermore, in order that the Department may become fully aware of the issues brought to the attention of the Subcommittee at the hearing on September 24 and may provide you its views on these matters, we request that you provide us a copy of the transcript of those hearings.

I am the person responsible for collecting the records requested in your September 24 letter and providing them to you. Thus it is not necessary to provide you a list of the individuals who gathered the responsive documents. We did not create a master index, nor did we receive an index, nor understand that master indexes were compiled by our bureaus. The only reference indexes are those provided to you which were created in a general way to assist your Subcommittee in its review. Further, we do not believe indexes are necessary to effect compliance with your request. The enclosed copy of my memorandum of September 30 indicates the offices of the Department that received a copy of your September 24 request and should assist you in understanding the process we used in responding to your September 24 letter. Please note that I attached a copy of your September 24 letter to my memorandum.

We understand the responding bureaus and offices maintained one copy of what was provided through us to the Subcommittee. This office did not retain copies because of the volume of materials submitted.

Sincerely,



James M. Hughes
Assistant to the Secretary and
Director of Congressional and
Legislative Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

September 30, 1991



Memorandum

To: Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary for Land and Minerals
Management
Assistant Secretary, Policy, Management and Budget
Assistant Secretary for Water and Science
Assistant Secretary for Indian Affairs
Director, National Park Service
Director, Bureau of Land Management
Director, Bureau of Mines
Director, U.S. Geological Survey
Director, Fish and Wildlife Service *we added office of Surface Mining by phone*

From: *[Signature]*
James M. Hughes, Assistant to the Secretary and by phone
Director of Congressional and Legislative Affairs

Subject: Committee Request for Documents

The House Committee on Post Office and Civil, Subcommittee on the Civil Service, has written the Department requesting all documents regarding the Yellowstone "Vision" document and various personnel documents. We have attached a copy of that request.

The Office of Congressional and Legislative Affairs has been selected to coordinate the collection and transmission to Congress of all relevant information. I am, therefore, requesting that you review your files and records to ascertain the applicability of the request to the operations of your respective Offices and Bureaus.

If you identify material either in Washington, D.C., or in the Rocky Mountain area please inform Don Harris, Office of Legislative Counsel (202-208-6706) immediately. Please let us know if you consider any of the information to be sensitive because it may constitute deliberative process materials or Privacy Act concerns. Since the Committee has imposed such a short deadline upon the Department, we would appreciate your immediate attention to this request.

Attachment

SEP 25 1991
ONE HUNDRED SECOND CONGRESS
DEPT. OF INTERIOR
JAMES E. WILSON, JR., CHAIRMAN
AND CHAIRMAN
ALAN R. WILSON, CHAIRMAN
OFFICE OF INTERIOR

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE
SUBCOMMITTEE ON THE CIVIL SERVICE
122 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4244

TELEPHONE (202) 225-4425
September 24, 1991

Secretary Manuel Lujan, Jr.
Department of the Interior
Room 6151
Washington, DC 20240

Dear Secretary Lujan:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(3) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

Committee Rule 22(4) gives the Subcommittee on the Civil Service jurisdiction over "[f]ederal civil service matters, generally . . . the Senior Executive Service, productivity of Federal employees and employee political activities."

The Subcommittee derives its authority to conduct investigations into matters affecting civil servants from Rule 24. It provides for the following: "Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. . . ."

Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, former Regional Forester, Region I, of the Forest Service, and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

1. All personnel files of Ms. Lorraine Mintzmyer, including performance evaluations, awards, commendations, notices of merit pay increases, and disciplinary or other actions.

Secretary Lujan
September 24, 1991
page 2

10/7 2. All documents -- including, but not limited to -- any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; computer electronic mail; and any documents sufficient to reflect all meetings relating to all informal and formal stages of Ms. Mintzmyer's equal employment opportunity complaint.

12/1 3. All documents -- including, but not limited to -- any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; computer electronic mail; and any documents sufficient to reflect all meetings of any Executive branch personnel, Department of Interior personnel, and other governmental personnel outside of the Department of Interior -- including, but not limited to -- Mr. S. Scott Sewell, Director James M. Ridenour, Forest Service and White House personnel, relating to or in any way mentioning potential or actual personnel actions concerning Ms. Mintzmyer since January 1989.

4. Any and all draft and final versions, including all copies on which annotations appear, of the Yellowstone "Vision" document reviewed by Executive branch personnel -- including, but not limited to -- Forest Service, Park Service, and White House personnel.

5. Any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; minutes of meetings; phone conversations; phone messages and phone logs; and any documents sufficient to reflect all meetings related in any way to the "Vision" document, Ms. Mintzmyer and/or Mr. Mumma which were reviewed by Executive branch personnel -- including, but not limited to -- the Park Service, the Forest Service, Department of Agriculture, and White House personnel.

6. List the dates, times, locations, and attendees and provide any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and documents sufficient to reflect all meetings related in any way to the "Vision" document or the issues contained therein which were reviewed by Executive branch personnel, including but not limited

Secretary Lujan
September 24, 1991
page 3

to, the Department of Interior, the Park Service, the Department of Agriculture, the Forest Service, and the White House.

7. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Interior personnel, other governmental personnel outside of the Department of Interior, and any representative of private sector interests in which Ms. Mintzmyer's activities, as Regional Director for the past three years, were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

8. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Interior personnel, other governmental personnel outside of the Department of Interior, and any representative of private sector interests in which Ms. Sandra Key, National Park Service team leader of the Greater Yellowstone Coordinating Committee (GYCC), and the "Vision" document were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

9. Any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect meetings regarding the preparation and control, or changes in control, or changes in content, of the "Vision" document.

10. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings between any Executive branch personnel, Department of Interior personnel and other governmental personnel outside the Department of Interior related to the effect of the "Vision" document on private sector interests.

Secretary Lujan
September 24, 1991
page 4

11. Any communication -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings between any Executive branch personnel, Department of Interior personnel, and other governmental personnel outside of the Department of Interior regarding Ms. Mintzmyer's briefings for Congress from 1990 to the present.

12. Every written document, policy, memo, law, regulation, directive, internal policy, and Office of Personnel Management directive regarding the directed reassignment of Senior Executive Service (SES) personnel in the Department of Interior, Park Service and Forest Service since January of 1990. Include any portions of the SES handbook which relate to the transfer of SESers.

13. The names and positions of all other Department of Interior Senior Executive Service personnel who have received voluntary directed reassignments in the last five years; and provide copies of any notification of such reassignment between agencies and/or to the affected employee.

14. The names and positions of all other Department of Interior Senior Executive Service personnel who have received involuntary directed reassignments in the last five years; and provide copies of any notification of such reassignment between agencies and/or to the affected employee.

15. All documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings regarding all past, present or stated rationale behind the directed reassignments of SES personnel identified in questions 13 and 14.

16. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; and facsimile transmissions suggesting or requesting any personnel action against a civil servant in the Department of Interior for any reason over the last two years.

17. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes;

Secretary Lujan
September 24, 1991
page 5

staff reports; notes; hard copy print outs from computer disks and hard drives; and facsimile transmissions relating to any oral or other offers to provide or create SES positions for potential consideration by Ms. Mintzner or Mr. Munna.

Please forward these items as they are collected and not later than October 7, 1991. To facilitate the resolution of any questions of adequacy of the search of these items, I would ask you to name all the persons responsible for these documents.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIZORSKI
Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
and Civil Service
Chairman E de la Garza, House Committee on Agriculture
Chairman George Miller, House Committee on Interior and
Insular Affairs

ONE HUNDRED SECOND CONGRESS

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 RASHON HOLMES BENTON, DISTRICT OF COLUMBIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4020

October 30, 1991

Mr. Bill Parsons
 Regional Director
 Plum Creek Timber
 PO Box 160
 Columbia Falls, MT 59912

Dear Mr. Parsons:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(5) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

Committee Rule 22(4) gives the Subcommittee on the Civil Service jurisdiction over "[f]ederal civil service matters, generally . . . the Senior Executive Service, productivity of Federal employees and employee political activities."

The Subcommittee derives its authority to conduct investigations into matters affecting civil servants from Rule 24. It provides for the following: "Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. . . ."

Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, Former Regional Forester of the Forest Service and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

1. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents reflecting all meetings that relate or reflect activities leading up to, involving, and pertaining to potential personnel actions regarding Mr. Mumma. *either taking the action or being acted upon*

2. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages; and phone logs pertaining to the performance of Mr. Mumma as Region 1 Forester.

3. Any draft, annotated and final copies of memos, staff reports; letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; and phone conversations your company had with Executive branch personnel, the Department of Agriculture personnel, representatives of private sector interests, and other government personnel outside the Department of Agriculture regarding Region I's performance in meeting timber cut targets and any other commodity targets from 1989 to the present.

4. Any and all draft and *documents that go to decision making* final versions, including all annotations, of the Yellowstone "Vision" document reviewed by your company.

5. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside of the Department of Agriculture, representatives of private sector interests, and your company regarding the Yellowstone "Vision" document, Ms. Mintzmyer, and/or Mr. Mumma. Please provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents reflecting those meetings.

6. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents reflecting all meetings between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside the Department of Agriculture, representatives of private sector interests, and your company related to the effect the "Vision" document had on your company.

7. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Agriculture personnel,

other government personnel outside of the Department of Agriculture, representatives of private sector interests, and your company in which Mr. Mumma's activities, while he was Regional Director, were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents reflecting those meetings.

Please forward these items as they are collected and not later than November 20, 1991. To facilitate the resolution of any questions of adequacy of the search of these items, I would ask you to name all the persons responsible for these documents.

Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

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 CONSTANCE A. MORELLA, MARYLAND
 THOMAS J. WOOD, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE
 SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4026

October 30, 1991

Mr. Don Allen
 Executive Director
 Montana Wood Products Association
 208 North Montana Avenue
 Helena, MT 59601

Dear Mr. Allen:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(5) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

Committee Rule 22(4) gives the Subcommittee on the Civil Service jurisdiction over "[f]ederal civil service matters, generally . . . the Senior Executive Service, productivity of Federal employees and employee political activities."

The Subcommittee derives its authority to conduct investigations into matters affecting civil servants from Rule 24. It provides for the following: "Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. . . ."

Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, Former Regional Forester of the Forest Service and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

1. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents reflecting all meetings that relate or reflect activities leading up to, involving, or pertaining to potential personnel actions regarding Mr. Mumma.

2. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages; and phone logs pertaining to the performance of Mr. Mumma as Region 1 Forester.

3. Any draft, annotated and final copies of memos, staff reports; letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; and phone conversations your organization had with Executive branch personnel, the Department of Agriculture personnel, representatives of private sector interests, and other government personnel outside the Department of Agriculture regarding Region I's performance in meeting timber cut targets and any other commodity targets from 1989 to the present.

4. Any and all draft and final versions, including all annotations, of the Yellowstone "Vision" document reviewed by your organization.

5. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside of the Department of Agriculture, representatives of private sector interests, and your organization regarding the Yellowstone "Vision" document, Ms. Mintzmyer, and/or Mr. Mumma. Please provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents reflecting those meetings.

6. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents reflecting all meetings between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside the Department of Agriculture, representatives of private sector interests, and your organization related to the effect of the "Vision" document on your organization.

7. The dates, times and attendees of any meeting between any

Executive branch personnel, Department of Agriculture personnel, other government personnel outside of the Department of Agriculture, representatives of private sector interests, and your organization in which Mr. Mumma's activities, while he was Regional Director, were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents reflecting those meetings.

Please forward these items as they are collected and not later than November 20, 1991. To facilitate the resolution of any questions of adequacy of the search of these items, I would ask you to name all the persons responsible for these documents.

Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SICORSKI, MINNESOTA, CHAIRMAN
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 CONSTANCE A. NOBLE, MARYLAND
 THOMAS J. RICE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

October 30, 1991

Mr. Cary Langley
 Executive Director
 Montana Mining Association
 2301 Colonial Drive
 Helena, MT 59601

Dear Mr. Langley:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, Former Regional Forester of the Forest Service and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

*

1. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents reflecting all meetings that relate or reflect activities leading up to, involving, or pertaining to potential personnel actions regarding Mr. Mumma.

2. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages; and phone logs pertaining to the performance of Mr. Mumma as Region 1 Forester.

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4. Any and all draft and final versions, including all annotations, of the Yellowstone "Vision" document reviewed by your organization.

5. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside of the Department of Agriculture, representatives of private sector interests, and your organization regarding the Yellowstone "Vision" document, Ms. Mintzmyer, and/or Mr. Mumma. Please provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents reflecting those meetings.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SINORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SEKORSKI, MINNESOTA, CHAIRMAN
JAMES P. MORAN, JR., VIRGINIA, VICE CHAIRMAN
ELEANOR HOLMES NORTON, DISTRICT OF COLUMBIA
CONSTANCE A. MORELLA, MARYLAND
THOMAS J. ROGE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-6625

October 30, 1991

Ms. Peggy Trenk
Executive Director
Western Environmental Trade Association
208 North Montana Avenue
Helena, MT 59601

Dear Ms. Trenk:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(5) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY STORKSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SPOHRER, MINNESOTA, CHAIRMAN

JAMES P. MORAN, JR., VIRGINIA
VICE CHAIRMAN
BLANCO HOLMES, DISTRICT OF COLUMBIACONSTANCE A. MORELLA, MARYLAND
THOMAS J. ROSE, PENNSYLVANIA**U.S. House of Representatives**

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 555-6000

October 30, 1991

Mr. Jim Peterson
Executive President
Montana Stock Growers Association
PO Box 1679
Helena, MT 59624

Dear Mr. Peterson:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

DEPUTY SECRETARIES, MINNESOTA, CHAIRMAN
 JAMES P. BEVAN, JR., VIRENDA, CONSTANCE A. MORELLA, MARYLAND
 VICE CHAIRMAN THOMAS J. RICE, PENNSYLVANIA
 ELANDER HOLMES HORTON, DISTRICT OF COLUMBIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

October 30, 1991

Ms. Bonnie Tolton
 State Co-ordinator
 People for the West
 PO Box 146
 Alder, MT 59710

Dear Ms. Tolton:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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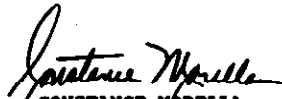
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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERY SZORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

SEN. GEORGE A. BROWN, MINNESOTA, CHAIRMAN
 JAMES P. MORROW, JR., VIRGINIA, VICE CHAIRMAN
 ROBERT HOLMES ROBERTS, DISTRICT OF COLUMBIA
 CONSTANCE A. BOWEN, MARYLAND
 THOMAS J. ROBEY, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-4244

TELEPHONE (202) 225-4000

October 30, 1991

Mr. Bruce Vincent
 Executive Director
 Communities for the Great Northwest
 PO Box 1320
 Libby, MT 59923

Dear Mr. Vincent:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERBERT SZORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

CARRY SICKORSKI, MINNESOTA, CHAIRMAN
JAMES P. MORAN, JR., VIRGINIA
VICKI CHANDLER
ELIZABETH HOLMES HORTON
DISTRICT OF COLUMBIA
CONSTANCE A. NOVELLA, MARYLAND
THOMAS J. RICE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4600

October 30, 1991

Mr. Merle Lloyd
Executive Director
Grass Roots Multiple Use
PO Box 383
Darby, MT 59829

Dear Mr. Lloyd:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SPENCER, MINNESOTA, CHAIRMAN
 JAMES F. MORAN, JR., VIRGINIA, VICE CHAIRMAN
 CLAYTON HOLMES, MONTANA, DISTRICT OF COLUMBIA
 CONSTANCE A. MARELLA, MARYLAND
 THOMAS J. ROSE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE DCM 226-6000

October 30, 1991

Mr. Roger Johnson
 President
 Pyramid Mountain Lumber
 PO Box 549
 Seeley Lake, MT 59868

Dear Mr. Johnson:

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Please forward these items as they are collected and not later than November 20, 1991. To facilitate the resolution of any questions of adequacy of the search of these items, I would ask you to name all the persons responsible for these documents.

Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

GEORGE BROWN, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA
 VICKI BLUMENFELD
 ELEANOR HOLMES NORTON,
 DISTRICT OF COLUMBIA

CONSTANCE A. MORELLA, MARYLAND
 THOMAS A. ROSEN, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4000

October 30, 1991

Mr. David Leland
 President
 First Interstate Center
 999 3rd Avenue
 Suite 2300
 Seattle, WA 98104

Dear Mr. Leland:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(5) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

Committee Rule 22(4) gives the Subcommittee on the Civil Service jurisdiction over "[f]ederal civil service matters, generally . . . the Senior Executive Service, productivity of Federal employees and employee political activities."

The Subcommittee derives its authority to conduct investigations into matters affecting civil servants from Rule 24. It provides for the following: "Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. . . ."

Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, Former Regional Forester of the Forest Service and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

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 THOMAS J. BARR, PENNSYLVANIA
 BLAISE WOLFEK, IOWA, DISTRICT OF COLUMBIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

October 30, 1991

Mr. Tony Colter
 President
 Louisiana Pacific Corporation
 PO Box 389
 Deer Lodge, MT 59722

Dear Mr. Colter:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 JERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

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JAMES P. MORAN, JR., VIRGINIA, VICE CHAIRMAN
LEONARD HOLMES HARRISON, DISTRICT OF COLUMBIA
CONSTANCE A. MORELLA, MARYLAND
THOMAS J. ROSE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, D.C. 20515-6244

TELEPHONE (202) 225-4885

October 30, 1991

Mr. Doug Crandall
Vice President
Brand S Corporation
PO Box 1119
Livingston, MT 59047

Dear Mr. Crandall:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 GERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

OSWY SEIGER, MINNESOTA, CHAIRMAN

JAMES P. MORAN, JR., VIRGINIA,
VICE CHAIRMAN
ELANOR HOLMES BORTON,
DISTRICT OF COLUMBIA

CONSTANCE A. MORELLA, MARYLAND
THOMAS A. ROSE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

October 30, 1991

Mr. David Rovig
President
Crown Butte Mines
510 Petroleum Building
Billings, MT 59101

Dear Mr. Rovig:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

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Sincerely,


 CONSTANCE MORELLA
 Ranking Member


 PERRY SIKORSKI
 Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
 and Civil Service
 Chairman E de la Garza, House Committee on Agriculture
 Chairman George Miller, House Committee on Interior and
 Insular Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SPIROSKI, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA, VICE CHAIRMAN
 BLANCKE WILSON, DISTRICT OF COLUMBIA
 CONSTANCE A. MORRIS, MARYLAND
 THOMAS J. ROSE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4622

October 25, 1991

Secretary Manuel Lujan, Jr.
 Department of Interior
 Office of the Secretary
 Washington, D.C. 20240

Dear Secretary Lujan:

The Subcommittee is distressed by reports from credible sources in Vail, Colorado that Department of Interior representatives have been telling employees the Subcommittee is not seriously pursuing its investigation. In addition, we have received reports that employees have been told they do not have to be fully responsive to the Subcommittee's September 24, 1991 document request.

If true, these allegations may indicate violations of 18 USC 1505, Obstruction of proceedings before departments, agencies, and committees. 18 USC 1505 states in relevant part, "Whoever . . . impedes or endeavors to influence, obstruct, or impede . . . the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress -- Shall be fined not more than \$5,000 or imprisoned not more than five years or both." These reports also indicate the possibility that employees are being encouraged to violate 18 USC 1001, Statements or entries generally. 18 USC 1001 states, "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both." Accordingly, the Subcommittee wishes to call these troubling reports to your attention and requests the Department to ensure that no further communications of this nature occur.

Due to those reports, the Subcommittee is concerned some requested documents may be missing. To guarantee that the Subcommittee's document request has been complied with fully, the Subcommittee requests the following items:

1. Name the person(s) responsible for certifying that the Department has fully complied with the Subcommittee's request.

Secretary Manuel Lujan
October 25, 1991
Page 2

2. State whether a master index was compiled of all documents provided to the Subcommittee. If so, provide the Subcommittee with a copy. If not, state what steps were taken to ensure that all responsive documents were collected and all collected documents were produced to the Subcommittee.

3. List all of the offices/departments within Interior that received a copy of the Subcommittee's request. If a copy of the request was not sent, provide a copy to each responding office/department.

4. List the names of each person who actually gathered the documents pursuant to the Subcommittee's request.

5. Explain the method(s) for conducting the search and the places searched (e.g. files).

In order to clear up any misunderstandings, the Subcommittee requests your Department to inform each employee that he/she should turn over any files which are responsive to the Subcommittee's document request. Furthermore, employees should be advised that willfully withholding documents constitutes an obstruction of a committee proceeding, a criminal violation under 18 USC 1505. This request may be accomplished by posting this letter in the appropriate departments/offices.

Please respond to the Subcommittee's request by November 12, 1991. Rest assured, the Subcommittee is committed to continuing this investigation in a thorough, fair and non-partisan way.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SACORSKI
Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
and Civil Service
Chairman George Miller, House Committee on Interior
and Insular Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 11 1991

Honorable Gerry Sikorski
Chairman, Subcommittee on Civil Service
Committee on Post Office and Civil Service
U.S. House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Chairman:

This is a further transmittal of documents responsive to your letter to Secretary Lujan dated September 24, 1991. The files we are providing contain a considerable amount of information that the Department ordinarily does not make available to the public. Such information enclosed in this transmission to you includes documents of a predecisional and deliberative nature such as briefing materials prepared for Departmental officials, draft documents (including numerous drafts of the Yellowstone "Vision" document), and internal comments, recommendations and personal notes of employees of the Department of the Interior and other Federal agencies concerning the drafts of the "Vision" document and the process of the development of the "Vision" document. In many instances the deliberative process materials are interspersed with factual information that normally is not exempt from disclosure. Some of the documents such as press releases, maps, and comments from the public clearly are not protected from disclosure to the public.

Also included in this transmission are sensitive documents pertaining to adverse actions taken against National Park Service employees, many of whom have no connection to your investigations surrounding the reassignment of Ms. Mintzmyer. There is clearly a privacy interest in protecting the confidentiality of the identities of those individuals. The following discussion provides our reasons for requesting you to protect the confidentiality of some of the information we are releasing to you.

Exemption (5)

The confidentiality of deliberative documents is fully recognized by the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(5), which would protect these documents from disclosure pursuant to a FOIA request. FOIA exemption (5) allows an agency to withhold from public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). The exemption applies to memoranda that would not be disclosed routinely through the discovery process to private parties in litigation with the agency. NLRB v. Sears, Roebuck & Co., 421

U.S. 132 (1975). The exemption incorporates several of the Government's common law privileges from discovery in litigation, including the privilege for deliberative material.

The privilege for deliberative material applies to agency documents that reflect advisory opinions, recommendations and deliberations that are part of an internal decisionmaking process. NLRB v. Sears, Roebuck & Co., *supra*; EPA v. Mink, 410 U.S. 73 (1973). To be protected, a document must be predecisional or generated before the adoption of an agency policy, and must reflect the give-and-take of the consultative process. Generally, recommendations, drafts, proposals, suggestions and other subjective documents reflecting the personal opinions of the authors rather than agency policy are protected. Coastal States Gas Corp. v. Department of Energy, 617 F.2d 854 (D.C. Cir. 1980); Vaughn v. Rosen, 523 F.2d 1136 (D.C. Cir. 1975).

A draft document is generally considered to be a deliberative document because a draft is essentially a recommendation from the author as to the content of the final document that the agency should issue, and is only one increment in the internal process of developing the final document. The decision to be made or actually taken by the agency is the final document itself. Because disclosure of a draft document would lead agency employees to be less candid in preparing drafts in the future, could confuse the public as to the official position of the agency, and would violate the integrity of the decisionmaking process, a draft document may be withheld from public disclosure on the basis of exemption (5). Russell v. Department of the Air Force, 682 F.2d 1045 (D.C. Cir. 1982).

In view of the lively debate attending the development of the "vision" document, we believe it would be inappropriate to publicly disclose drafts, employee comments and other documents that were clearly intended to be used only for deliberative purposes. We believe disclosure of these deliberative materials could inhibit future candid participation in the agency decisionmaking process because by publicly disclosing their preliminary opinions and conclusions, these officials will become much more cautious in their assessments in the future and this could have a chilling effect not only on the process of developing a document as complex as the "vision" document, but on the entire agency decisionmaking process as well.

Exemption (6)

FOIA exemption (6) allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). The threshold requirement of exemption (6) that the information be contained in a personnel, medical or similar file has been construed by the Supreme Court to extend the

coverage of the exemption to any agency records containing information about a particular individual that can be identified as applying to that individual. U.S. Department of State v. Washington Post Co., 456 U.S. 595 (1982).

When disclosure of information about particular individuals is requested, it is necessary to determine whether release of the information would constitute a clearly unwarranted invasion of the individual's privacy. U.S. Department of State v. Washington Post Co., *supra*. The determination requires a balancing of the privacy interest at stake against the public interest to be served by disclosure. Department of the Air Force v. Rose, 425 U.S. 352 (1976); Public Citizen Health Research Group v. U.S. Department of Labor, 591 F.2d 808 (D.C. Cir. 1978).

The nature of the balancing process was considered by the Supreme Court in Department of Justice v. Reporters Committee for Freedom of the Press, 109 S. Ct. (1989). Although Reporters Committee involved the balancing process under exemption (7)(C), it is equally applicable to exemption (6).

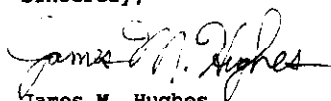
There is no question that documents reflecting adverse actions taken against National Park Service employees are "personnel or similar" files. We would find no public interest which would outweigh the privacy interest of the employees. Release of this information would not contribute to the public's understanding of the operations of the National Park Service. On the other hand, the employees have an interest in not being subject to harassment or embarrassment that could result from the release of this information. Thus, we believe that the personnel action information is encompassed within exemption (6) and that the privacy interests of those individuals to whom the information applies should be protected.

Conclusion

While we are aware the provisions of the FOIA do not exempt the release of this information to the Subcommittee, nevertheless we urge the Subcommittee to recognize that there are underlying interests of fairness to governmental decisionmaking and privacy interests of individuals, which weigh strongly against public

disclosure of the documents in issue. Accordingly the Subcommittee and staff should take steps to assure the security of this information is maintained. We would appreciate the return of the materials upon the completion of the Subcommittee's oversight inquiry.

Sincerely,



James M. Hughes
Assistant to the Secretary
and Director of Congressional
and Legislative Affairs

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

October 3, 1991

Honorable Gerry Sikorski
Chairman, Subcommittee on Civil Service
Committee on Post Office and Civil Service
U.S. House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Chairman:

Your letter to the Secretary dated September 24, 1991, requests a wide range of documents and materials in many areas in connection with the Subcommittee's oversight activities. A number of specific documents also are requested pertaining to the proposed reassignment of Ms. Lorraine Mintzmeyer, Regional Director, Rocky Mountain Region of the National Park Service. You have requested a response by October 7, 1991. The purpose of this letter is to provide an interim response to your requests.

Many of the requests in your letter are overly broad and will be extremely difficult and burdensome to fulfill. An example is request No. 16, which asks for all suggestions or requests for any personnel action against any civil servant in the Department for any reason for the last two years. This encompasses a wide range of activities for over 70,000 employees including disciplinary actions such as removals for cause, and suspensions; other actions such as reductions-in-force and retirements, and even positive actions such as incentive awards.

To comply with this one request alone would require contacting every personnel office in the Department as well as every supervisor. The Department has numerous personnel offices because of the Department's decentralized and diverse activities. Besides the extreme logistical problems in attempting to gather this information, this request raises significant Privacy Act concerns for this Department as many of the documents encompassed by the request contain information that is particularly sensitive and personal to individuals unconnected in any way to Ms. Mintzmeyer's complaint.

We are concerned that if we proceed with this request as well as a number of others that are drafted in similar general terms, it may result in generating considerable information that is not of any particular interest to your Subcommittee. In addition to Privacy Act considerations, some of the requests concern internal decisionmaking documents that are privileged and are not subject to public disclosure.

In view of the extremely broad nature of portions of your inquiry, and concerns about public disclosure of sensitive information, we believe it is essential that we work together to narrow the requests and identify those documents that the Subcommittee feels it needs to complete their investigation. To accomplish this objective we would appreciate your identifying a staff member we can work with so that we may provide the information you need as quickly and efficiently as possible.

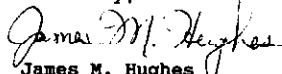
For reasons set forth in this letter, the October 7, 1991, date for responding may not be met with respect to much of the information being requested. We will initially focus on providing you with documents from Ms. Mintzmeyer's personnel files, personnel actions pertaining to her, the equal opportunity complaint filed by her and other similar documents. Every effort will be made to provide you with all requested documents as soon as possible.

Please be advised that I am the individual in this Department who is responsible for assisting in coordination of the Subcommittee's requests. It would be most helpful if the appropriate staff member designated by the Subcommittee would contact me at 202-208-7693.

The Director of the National Park Service has confirmed again his willingness to appear before your Subcommittee to discuss the allegations that have been made. Let me assure you that the Department stands ready to fully cooperate with the Subcommittee in resolving issues associated with the Yellowstone Vision document and the reassignment of Ms. Mintzmeyer.

An identical letter is being sent to Congresswoman Morella.

Sincerely,

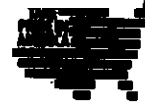


James M. Hughes
Assistant to the Secretary
and Director of Congressional
and Legislative Affairs



United States Department of the Interior
NATIONAL PARK SERVICE

ROCKY MOUNTAIN REGIONAL OFFICE
12795 W. Alameda Parkway
P.O. Box 23287
Denver, Colorado 80225-0287



IN REPLY REFER TO:

Memorandum

OCT 1 1991

To: Director, National Park Service, WASO (001)
Attention: Associate Director, Budget and
Administration, WASO (199) and Associate Director,
Planning and Development, WASO (760)

From: ~~John~~ Regional Director, Rocky Mountain Region

Subject: Document Request Response to the Committee on
Post Office and Civil Service, Subcommittee on
the Civil Service

In response to Chairman Gerry Sikorski's September 24 letter to
Secretary Manuel Lujan, Jr., enclosed are the requested
documents, memorandums, letters, reports, and miscellaneous
material related to the Committee's oversight hearings on
September 24, 1991.

We have duplicated and maintained a separate file copy of all the
documents enclosed that were identified in the various regional
office files as meeting the terms and conditions set forth in the
Chairman's letter. These files came from the various offices in
the regional office and they are listed as follows:

Regional Director Lorraine Mintzmyer
Chief, Branch of Compliance, Ms. Chris Turk
Chief, Division of Planning and Compliance, Mike Snyder
Chief, Division of Budget, Deryl Sabin
Public Affairs Officer Ben Moffett

Realizing the limited time for collection and the volume of
material involved, we are ready to provide what additional
material might be deemed necessary.

Harold J. Rouse

Harold J. Rouse

Enclosures



Subcommittee on the Civil Service
September 24, 1991 request

Summary

1. All personnel files of Mintzmyer
 - a) performance evaluations WASO-P
 - b) awards RMRO-DP, WASO-P
 - c) merit pay inc. notices WASO-P
 - d) disciplinary actions WASO-P
2. All documents regarding all formal and informal stages of Mintzmyer's EEO complaint. WASO-P
3. All documents relating to personnel actions concerning Mintzmyer since 1/89. WASO-P
4. All draft and final versions of Vision, with notations.

YELL
GRTE
RMRO
WASO
White House
5. All memos, letters, staff reports, notes, envelopes, minutes relating in any way to Vision, Mintzmyer and/or Mumma (drafts, notes, clippings).

WASO
YELL
GRTE
RMRO-DP, P, A
GYCC
6. All meeting dates, times, locations and attendees and documents relating in any way to the Vision or the issues contained therein.

WASO
RMRO-DP, P
White House
7. All information and documents on any meeting between any executive branch personnel and any representative of private sector interests in which Mintzmyer's activities as an RD for the past 3 years were discussed.

WASO
RMRO
YELL
GRTE
8. All information and documents on any meeting between executive branch personnel and any representative of private sector interests in which Sandra Key and Vision were discussed.

WASO
RMRO

YELL
GRTE

9. All documents regarding the preparation and control, or changes in control, or changes in content, of Vision.
RMRO
WASO
YELL
GRTE
GYCC
White House
10. All documents related to the effect of Vision on private sector interests.
WASO
RMRO
YELL
GRTE
GYCC
11. Any communication/document regarding Mintzmyer's briefings for Congress from 1990 to the present.
RMRO-DP,A,P
WASO
YELL
GRTE
all RMR parks?
12. SES -- WASO
13. SES -- WASO
14. SES -- WASO
15. SES -- WASO
16. Any document suggesting or requesting any personnel action against a civil servant in the DOI for any reason over the last two years.
all DOI employees?
17. All documents relating to any oral or other offers to provide or create SES positions for potential consideration by Mintzmyer or Munna.
WASO
RMRO

Names of people's files that have been copied.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

September 27, 1991

Honorable Gerry Sikorski
Chairman
Subcommittee on the Civil Service
Committee on Post Office
and Civil Service
House of Representatives
Washington, D.C. 20515-6244

Dear Mr. Chairman:

Secretary Lujan has received your letter of September 24, 1991, regarding the reassignment of Ms. Lorraine Mintzmyer. Please be assured that the Department will review and respond to this issue as quickly as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lydia Hofer".

Lydia Hofer
Deputy Director for Congressional and
Legislative Affairs and House Liaison

ONE HUNDRED SECOND CONGRESS

GERRY BIKORSKI, MINNESOTA, CHAIRMAN
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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025
 September 24, 1991

Secretary Manuel Lujan, Jr.
 Department of the Interior
 Room 6151
 Washington, DC 20240

Dear Secretary Lujan:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(5) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

Committee Rule 22(4) gives the Subcommittee on the Civil Service jurisdiction over "[f]ederal civil service matters, generally . . . the Senior Executive Service, productivity of Federal employees and employee political activities."

The Subcommittee derives its authority to conduct investigations into matters affecting civil servants from Rule 24. It provides for the following: "Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. . . ."

Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, former Regional Forester, Region I, of the Forest Service, and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

1. All personnel files of Ms. Lorraine Mintzmyer, including performance evaluations, awards, commendations, notices of merit pay increases, and disciplinary or other actions.

Secretary Lujan
September 24, 1991
page 2

2. All documents -- including, but not limited to -- any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; computer electronic mail; and any documents sufficient to reflect all meetings relating to all informal and formal stages of Ms. Mintzmyer's equal employment opportunity complaint.

3. All documents -- including, but not limited to -- any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; computer electronic mail; and any documents sufficient to reflect all meetings of any Executive branch personnel, Department of Interior personnel, and other governmental personnel outside of the Department of Interior -- including, but not limited to -- Mr. S. Scott Sewell, Director James M. Ridenour, Forest Service and White House personnel, relating to or in any way mentioning potential or actual personnel actions concerning Ms. Mintzmyer since January 1989.

4. Any and all draft and final versions, including all copies on which annotations appear, of the Yellowstone "Vision" document reviewed by Executive branch personnel -- including, but not limited to -- Forest Service, Park Service, and White House personnel.

5. Any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; minutes of meetings; phone conversations; phone messages and phone logs; and any documents sufficient to reflect all meetings related in any way to the "Vision" document, Ms. Mintzmyer and/or Mr. Mumma which were reviewed by Executive branch personnel -- including, but not limited to -- the Park Service, the Forest Service, Department of Agriculture, and White House personnel.

6. List the dates, times, locations, and attendees and provide any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and documents sufficient to reflect all meetings related in any way to the "Vision" document or the issues contained therein which were reviewed by Executive branch personnel, including but not limited

Secretary Lujan
September 24, 1991
page 3

to, the Department of Interior, the Park Service, the Department of Agriculture, the Forest Service, and the White House.

7. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Interior personnel, other governmental personnel outside of the Department of Interior, and any representative of private sector interests in which Ms. Mintzmyer's activities, as Regional Director for the past three years, were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

8. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Interior personnel, other governmental personnel outside of the Department of Interior, and any representative of private sector interests in which Ms. Sandra Key, National Park Service team leader of the Greater Yellowstone Coordinating Committee (GYCC), and the "Vision" document were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

9. Any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect meetings regarding the preparation and control, or changes in control, or changes in content, of the "Vision" document.

10. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings between any Executive branch personnel, Department of Interior personnel and other governmental personnel outside the Department of Interior related to the effect of the "Vision" document on private sector interests.

Secretary Lujan
September 24, 1991
page 4

11. Any communication -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings between any Executive branch personnel, Department of Interior personnel, and other governmental personnel outside of the Department of Interior regarding Ms. Mintzmyer's briefings for Congress from 1990 to the present.

12. Every written document, policy, memo, law, regulation, directive, internal policy, and Office of Personnel Management directive regarding the directed reassignment of Senior Executive Service (SES) personnel in the Department of Interior, Park Service and Forest Service since January of 1990. Include any portions of the SES handbook which relate to the transfer of SESers.

13. The names and positions of all other Department of Interior Senior Executive Service personnel who have received voluntary directed reassignments in the last five years; and provide copies of any notification of such reassignment between agencies and/or to the affected employee.

14. The names and positions of all other Department of Interior Senior Executive Service personnel who have received involuntary directed reassignments in the last five years; and provide copies of any notification of such reassignment between agencies and/or to the affected employee.

15. All documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings regarding all past, present or stated rationale behind the directed reassignments of SES personnel identified in questions 13 and 14.

16. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; and facsimile transmissions suggesting or requesting any personnel action against a civil servant in the Department of Interior for any reason over the last two years.

17. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes;

Secretary Lujan
September 24, 1991
page 5

staff reports; notes; hard copy print outs from computer disks and hard drives; and facsimile transmissions relating to any oral or other offers to provide or create SES positions for potential consideration by Ms. Mintzmyer or Mr. Mumma.

Please forward these items as they are collected and not later than October 7, 1991. To facilitate the resolution of any questions of adequacy of the search of these items, I would ask you to name all the persons responsible for these documents.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
and Civil Service
Chairman E de la Garza, House Committee on Agriculture
Chairman George Miller, House Committee on Interior and
Insular Affairs

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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, D.C. 20515-6244

TELEPHONE (202) 225-4028

September 24, 1991

Secretary Edward R. Madigan
 Department of Agriculture
 Room 200-A
 Washington, DC 20250

Dear Secretary Madigan:

Pursuant to Rule X and XI of the House of Representatives and Rule 22(4) and 24 of the House Committee on Post Office and Civil Service, the Subcommittee on the Civil Service, House Committee on Post Office and Civil Service, has the responsibility for conducting oversight activities into matters affecting civil servants, the welfare of the civil service system and merit systems principles.

House Rule X(o)(2) provides the Committee with the authority to examine "[a]ll Federal Civil Service, including intergovernmental personnel." In addition, House Rule X(o)(5) provides the Committee with the authority to examine the "[s]tatus of officers and employees of the United States . . ."

Committee Rule 22(4) gives the Subcommittee on the Civil Service jurisdiction over "[f]ederal civil service matters, generally . . . the Senior Executive Service, productivity of Federal employees and employee political activities."

The Subcommittee derives its authority to conduct investigations into matters affecting civil servants from Rule 24. It provides for the following: "Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. . . ."

Pursuant to this legislative responsibility and to determine the need for additional legislation for the protection of Federal employees, the Subcommittee on the Civil Service will be looking into alleged improprieties in the directed reassignments of Mr. John Mumma, Former Regional Forester of the Forest Service and Ms. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region of the National Park Service. To facilitate this inquiry, the Subcommittee requests the following items:

1. The entire personnel file of Mr. John Mumma, including performance evaluations, awards, commendations, notices of merit pay increases, and disciplinary actions.

Secretary Madigan
September 24, 1991
page 2

2. Any letters (including draft, annotated and final copies and their envelopes) which suggest, require, request or advocate personnel actions against Mr. Mumma since 1989.

3. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings that relate or reflect activities leading up to, involving, and pertaining to the recent directed reassignment of Mr. Mumma.

4. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages; and phone logs pertaining to any unsatisfactory performance ratings received by Mr. Mumma.

5. Any draft, annotated and final copies of memos, staff reports; letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; and phone conversations to and from Executive branch personnel, the Department of Agriculture personnel, and other government personnel outside the Department of Agriculture regarding Region I's performance in meeting timber cut targets from 1989 to the present.

6. Any draft, annotated and final copies of memos, letters and their envelopes; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages; and phone logs to and from Chief Dale Robertson on or about November 16, 1990, regarding an anonymous letter in the public arena concerning Mr. Mumma.

7. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; and documents sufficient to reflect all meetings concerning the recent Inspector General investigation of Mr. Mumma.

8. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; and facsimile transmissions documenting the reasons the Inspector General decided to investigate Mr. Mumma.

9. The dates, times and names of all individuals -- both within and outside of the Department of Agriculture -- the

Secretary Madigan
September 24, 1991
page 3

Inspector General has contacted and reported to regarding the recent investigation of Mr. Mumma.

10. The number of investigations, the reasons for conducting the investigations, and the results of the investigations the Inspector General has conducted since 1989 into the affairs of Forest Service personnel, GS/GM 12 and above.

11. All copies or access to all investigative case files concerning Mr. Mumma or any other regional director -- including, but not limited to -- the following:

-- case initiating documents reflecting the basis for initiating the investigation;

-- reports or memos of interviews and interim and final reports of investigations; and

-- referrals to the Department of Justice or Department of Agriculture management.

12. Any and all draft and final versions, including all annotations, of the Yellowstone "Vision" document reviewed by Executive branch employees -- including, but not limited to -- Forest Service, Park Service and White House personnel.

13. Any draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and documents sufficient to reflect all meetings related in any way to the "Vision" document reviewed by Executive branch personnel, including but not limited to, the Forest Service, the Park Service and the White House.

14. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside of the Department of Agriculture and any representatives of private sector interests regarding the Yellowstone "vision" document, Ms. Mintzmyer, and/or Mr. Mumma. Please provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

Secretary Madigan
September 24, 1991
page 4

15. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings between any Executive branch personnel, Department of Agriculture personnel and other government personnel outside the Department of Agriculture related to the effect of the "Vision" document on private sector interests.

16. The dates, times and attendees of any meeting between any Executive branch personnel, Department of Agriculture personnel, other government personnel outside of the Department of Agriculture, and any representative of private sector interests in which Mr. Mumma's activities, while he was Regional Director, were discussed. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

17. The dates, times, locations and attendees of all "RF&D" (Regional Forester and Station Director) meetings -- from the date Mr. Mumma became Region I Forest Director -- relating to the following: performance evaluations of Regional Foresters; timber sale levels; ability to meet standards and guidelines; and interest in timber sale levels of governmental personnel outside of the Department of Agriculture. Provide any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; minutes of phone conversations; phone messages and phone logs; computer electronic mail messages; and any other documents sufficient to reflect those meetings.

18. Every written document, policy, memo, law, regulation, directive, internal policy, and Office of Personnel Management directive regarding the directed reassignment of Senior Executive Service (SES) personnel in the Department of Agriculture since 1989. Include any portions of the SES handbook which relate to the transfer of SESers.

19. The names and positions of all other Department of Agriculture Senior Executive Service personnel who have received voluntary directed reassignments in the last five years; and

Secretary Madigan
September 24, 1991
page 5

provide copies of any such reassignments between agencies and/or to the affected employee.


20. The names and positions of all other Department of Agriculture Senior Executive Service personnel who have received involuntary directed reassignments in the last five years; and provide copies of any such reassignments between agencies and/or to the affected employee.

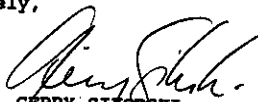
21. All documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; facsimile transmissions; minutes of meetings; phone conversations; phone messages and phone logs; and any other documents sufficient to reflect all meetings regarding the rationale behind the directed reassignments of SES personnel identified in questions 19 and 20.

22. Any documents -- including, but not limited to -- draft, annotated and final copies of memos, letters and their envelopes; staff reports; notes; hard copy print outs from computer disks and hard drives; and facsimile transmissions suggesting or requesting any personnel action against a civil servant in the Department of Agriculture for any reason over the last two years.

Please forward these items as they are collected and not later than October 7, 1991. To facilitate the resolution of any questions of adequacy of the search of these items, I would ask you to name all the persons responsible for these documents.

Sincerely,


CONSTANCE MORELLA
Ranking Member


GERRY SIKORSKI
Chairman

GES:kj/dv

cc: Chairman William Clay, House Committee on Post Office
and Civil Service
Chairman E de la Garza, House Committee on Agriculture
Chairman George Miller, House Committee on Interior and
Insular Affairs

ONE HUNDRED SECOND CONGRESS

GERRY SIKORSKI, MINNESOTA, CHAIRMAN
 JAMES P. MORAN, JR., VIRGINIA
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 BLANCH HOLLAND HORTON,
 DISTRICT OF COLUMBIA
 CONSTANCE A. MORELLA, MARYLAND
 THOMAS J. RODE, PENNSYLVANIA

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4029

September 23, 1991

The Honorable Don Young
 Representative
 2331 RHOB
 Washington, DC 20515

Dear Representative Young:

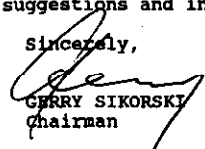
Thank you for your letter of September 23, 1991, regarding the Subcommittee on the Civil Service's hearing on the personnel actions taken against Mr. John Mumma, Former Regional Forester, Region I and Ms. L. Lorraine Mintzmyer, Regional Director, Rocky Mountain Region.

Your suggestions involving the Inspector General (IG) investigation and report make a lot of sense. Currently, the Subcommittee is requesting all documents and IG reports and should a subpoena or subpoenas be necessary, I anticipate the Subcommittee will issue them. The Subcommittee has already initiated a General Accounting Office (GAO) investigation of the IG investigation, and once we have received the documentation, and held interviews, the Subcommittee will hold any hearings appropriate, open or -- if necessary -- closed.

The Subcommittee appreciates your concern for a productive and expeditious investigation. Because the Subcommittee has not yet received any of the Forest Service's documents concerning this matter, for the Forest Service to testify at this time would not only be unproductive but would also be wasteful. After the Subcommittee has conducted the proper interviews, and received appropriate documents, the Forest Service will be invited to testify. Likewise, the National Park Service will be invited to testify in regard to Ms. Mintzmyer's case.

Thank you for your suggestions and interest.

Sincerely,


 GERRY SIKORSKI
 Chairman

GES:bcs/dv
 cc: Rep. Constance Morella
 Ranking Minority Member

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September 23, 1991

Honorable Gerry Sikorski
Subcommittee on the Civil
Service
122 CHOB
Washington, D.C. 20515-6244

Dear Mr. Chairman:

This is in reference to the scheduled oversight hearing on September 24, 1991, regarding the directed reassignment of John W. Mumma, a Senior Executive Service member currently employed at Forest Service Region One.

In order to properly investigate the facts surrounding the case of Mr. Mumma, this is to request that the Subcommittee subpoena the Inspector General's report involving the potential criminal activities of Forest Service Region One, and/or hold a closed hearing with a representative of the Inspector General's staff to address this matter.

Moreover, this is to request that the withdrawn invitation to the Forest Service be extended for tomorrow's hearing. As a matter of balance, I firmly believe delaying the testimony of the Administration to a future date would be unproductive and needlessly slow the investigative process.

Thank you for your consideration.

Sincerely,


DON YOUNG
Congressman for All Alaska

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