To the Members of the Senate Energy and Natural Resources Committee:

On behalf of the undersigned organizations and our millions of members and supporters nationwide, we urge you to reject the nomination of William Pendley for Director of the Bureau of Land Management (BLM). Mr. Pendley’s public record over decades both in and outside of government have made abundantly clear that he is abjectly unfit to lead any government agency and particularly the BLM. His inflammatory rhetoric and actions opposing virtually all issues of social justice and diversity including targeting native communities, immigrants, the LGBTQ community and people of color should alone be disqualifying for anyone seeking the responsibility of managing a taxpayer-funded agency with a diverse workforce. Yet, Mr. Pendley adds to these disqualifications with radical anti-conservation positions, a deeply held belief antithetical to the agency’s mission that public lands should be privatized, virtually unprecedented conflicts of interest and ethical issues, a history of supporting anti-government extremists, and a track record of dismantling the very agency he is tasked with managing.

While Mr. Pendley’s list of disqualifying views, statements and actions is too exhaustive to list comprehensively, we offer the following as a sample illustrating our concerns:

**Radical anti-science and anti-conservation positions:** Put simply, Mr. Pendley is diametrically opposed to the agency’s mission to sustain public lands. Rather, he does not believe they should exist. The BLM is the nation’s largest public land agency, charged with managing over a third of America’s public lands and executing myriad environmental laws based on sound science and public input. Mr. Pendley’s radical view that public lands are unconstitutional, his consistent denial of scientific facts, and his disdain for the very existence of bedrock conservation laws make clear he is unqualified to objectively meet these obligations. He has tried to erase his deeply held personal beliefs by claiming his past statements and actions are “irrelevant”[[1]](#footnote-1), conjuring his training in taking orders as a Marine. This is nonsensical at best and cynical at worst. His record on public lands must inform his nomination, not be conveniently erased. His troubling views and actions include:

* ***Repeatedly denying basic science.*** His climate denial includes referring to climate science as “junk science”, likening the existence of climate change to unicorns, and denigrating those who advocate for addressing climate change as members of a cult[[2]](#footnote-2) and “kooks”. In the 1990s he similarly denied the existence of ozone holes and acid rain.[[3]](#footnote-3)
* ***Repeatedly calling for selling off public lands.*** He authored a January 2016 article in the National Review in which argued that “The Founding fathers intended all lands owned by the federal government to be sold”[[4]](#footnote-4). His notes from his time in the Reagan Administration include writing “Sell all BLM lands E. of Miss.” and “all Dpt agencies id 5%” of lands for sale[[5]](#footnote-5). His hatred of federal lands extends to the broadly popular Land and Water Conservation Fund, where opposition to the program’s reauthorization with a message urging people to be aware of “their govt’s. insatiable hunger for land.”[[6]](#footnote-6)
* ***Frequently denigrating and attacking bedrock environmental laws,*** calling into question his willingness to faithfully meet legal obligations under these laws. He’s referred to the Endangered Species Act as a “joke” and said that western landowners “shoot, shovel and shut up” when discovering endangered species on their property[[7]](#footnote-7). He’s claimed that the National Environmental Policy Act never worked and was always a weapon to kill jobs[[8]](#footnote-8) and called for the repeal of the Antiquities Act while arguing that Sec. Zinke’s unprecedented national monument recommendations were woefully inadequate.[[9]](#footnote-9)

**Unprecedented conflicts of interest and a documented history of ethical lapses:** Mr. Pendley has built a career dedicated to undermining public lands. For nearly 30 years Mr. Pendley was president of the Mountain States Legal Foundation (MSLF), where he frequently sued federal agencies on behalf of extractive industry interests to challenge conservation policies and regulations. As a result, Mr. Pendley has a nearly unprecedented number of conflicts of interest, which make his ability to lead this agency in an unbiased way impossible. Further, his previous stint in government is marred by a documented history of ethical lapses. These concerns include:

* ***A 17-page recusal list*** that touches on nearly every aspect of the agency’s mission with a particular focus on clients engaged in extractive activities on federal lands[[10]](#footnote-10).
* ***Conflicts of interest*** covering many of the most high-profile issues of national interest the agency manages including representing clients in lawsuits to open lands surrounding the Grand Canyon to new uranium mining[[11]](#footnote-11), drill in the sacred Badger-Two Medicine area of Montana[[12]](#footnote-12), and remove protections for Bears Ears and Grand Staircase-Escalante National Monuments among many others. Regardless of any commitments to recuse himself, his presence at the top of the agency deciding these nationally contentious issues undermines any public confidence in the legitimacy of these decisions.
* ***Blatantly unethical behavior during his previous stint in public service*** that compound current concerns with Mr. Pendley’s unprecedented conflicts of interest. As the former DOI Deputy Assistant Secretary for Energy and Minerals, Mr. Pendley was criticized by an independent commission for mismanaging the agency’s coal-leasing program to benefit industry and costing taxpayers approximately $100 million in a lease sale far below fair market value. An Inspector General report even found that on the same day the Department changed the bidding procedures in question to benefit industry, Mr. Pendley, a colleague, and their wives accepted a dinner that is valued today at $1,343 from two industry attorneys that benefited from this change[[13]](#footnote-13).

**Supporting anti-public lands extremists and dismantling the BLM:** Mr. Pendley’s career at MSLF and his performance to date at BLM has been antithetical to the mission of the agency he is charged with overseeing. His history of sympathizing with anti-government and anti-public lands extremists undermines the safety of the employees he is responsible for managing and his tenure with the agency has been marked with a historic dismantling of its staff. Specifically, our concerns include:

* ***Support for anti-government extremists*** that threaten the safety of the workforce he leads. He has expressed public sympathy with those engaged in armed standoffs with federal employees and the illegal takeover of public lands and instead placed blame on President Obama’s environmental policies[[14]](#footnote-14), complimented an attempt to sue federal land management employees under anti-racketeering laws[[15]](#footnote-15) and claimed that the “Deep State” was in charge of U.S. Fish and Wildlife Service and Department of Justice[[16]](#footnote-16).
* ***A disastrous reorganization,*** that under Mr. Pendley’s direction, has resulted in only 35% of employees accepting their reassignments and numerous resulting vacancies that threaten the agency’s ability to complete its mission.[[17]](#footnote-17) His anti-federal employee rhetoric raises the question of whether this move was intended to dismantle the agency from the inside.

**Anti-diversity positions, inflammatory rhetoric and derogatory views of marginalized communities:** At a time when the nation is grappling with deep-seated issues of institutional discrimination, Mr. Pendley’s long history of inflammatory statements and opposition to diversity efforts make him uniquely unsuited to manage a federal workforce or impartially decide issues of public interest. Especially troubling is Mr. Pendley’s:

* ***Lengthy history of mocking and scapegoating marginalized communities*** includes authoring and promoting an op-ed entitled “Black Lives Matter began with a lie”[[18]](#footnote-18), comparing undocumented immigrants to cancer and accusing immigrants of spreading disease[[19]](#footnote-19), repeatedly trafficking in islamophobia[[20]](#footnote-20), and opposing LGBTQ inclusion initiatives[[21]](#footnote-21);
* ***Long history opposing Tribes*** seeking to protect sacred sites and exercise tribal sovereignty and mocking tribal religious beliefs. He has referred to indigenous religious beliefs as “paganism” and “cultural myths”[[22]](#footnote-22) while consistently litigating and advocating against the protection of sacred sites and cultural resources on public lands;
* ***Obsession with and history of working against[[23]](#footnote-23) diversity-based recruitment initiatives and standards of regulatory impact***, including affirmative action, hiring and contracting efforts and in reviewing disparate impacts[[24]](#footnote-24) of federal decision-making. Beyond his legal opposition, he’s engaged in extreme rhetoric and fear mongering around these efforts, going as far as asking “How many have died and how many more will die because of diversity and race-based decision making?”[[25]](#footnote-25) and referring to environmental justice as “(a)nother imaginary issue pushed by progressives”[[26]](#footnote-26).

When a nominee is clearly unfit for a position, it is the Senate's constitutional and moral duty to reject the nomination. Mr. Pendley is profoundly unfit to lead the BLM in any capacity and the Senate must swiftly and unequivocally reject his nomination.

Sincerely,

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2. Twitter thread by The Wilderness Society on 10/10/19: <https://twitter.com/Wilderness/status/1182301442872352773> [↑](#footnote-ref-2)
3. Kaczynski, A, et. al. “Senior Interior official denied there was an ozone hole and compared undocumented immigrants to cancer”; *CNN,* October 8, 2019. <https://www.cnn.com/2019/10/08/politics/william-perry-pendley-blm-kfile/index.html> [↑](#footnote-ref-3)
4. Pendley, W.P. “The Federal Government Should Follow the Constitution and Sell Its Western Lands.” *National Review,* January 19, 2016. <https://www.nationalreview.com/2016/01/federal-government-should-sell-western-land-follow-constitution/> [↑](#footnote-ref-4)
5. Yachnin, J., Cama, T. “Pendley Papers: ‘Sell all BLM lands E. of Miss.’” *E&E News,* August, 30, 2019 <https://www.eenews.net/greenwire/stories/1061110671/> [↑](#footnote-ref-5)
6. Twitter post by William Perry Pendley on 1/4/19: <https://twitter.com/Sagebrush_Rebel/status/1081219296116695040?s=20> [↑](#footnote-ref-6)
7. Tobias, J. “He opposed public lands and wildlife protections. Trump gave him a top environment job”. *The Guardian,* May 20, 2020. <https://www.theguardian.com/environment/2020/may/20/william-perry-pendley-trump-pick-top-environmental-post-endangered-species> [↑](#footnote-ref-7)
8. Twitter post by William Perry Pendley on 2/7/19:<https://twitter.com/Sagebrush_Rebel/status/1093552133826215936?s=20> [↑](#footnote-ref-8)
9. Pendley, W.P. “Trump Wants to Free Up Federal Lands, His Interior Secretary Fails Him.” *National Review*, September 25, 2017. <https://www.nationalreview.com/2017/09/secretary-interior-ryan-zinke-monuments-review-trump-executive-order-antiquities-act-environmentalists/> [↑](#footnote-ref-9)
10. Doyle, M. “BLM honcho reveals long recusal list.” *E&E News*, September 25, 2019. <https://www.eenews.net/greenwire/stories/1061169147/> [↑](#footnote-ref-10)
11. Pendley, W.P. “Court rebuffs miners: withdrawal law constitutional.” [Press Release]. March 25, 2013, retrieved from *LexisNexis:* <https://www.lexisnexis.com/legalnewsroom/energy/b/oil-gas-energy/posts/court-rebuffs-miners-withdrawal-law-constitutional> [↑](#footnote-ref-11)
12. Puckett, K. “Groups take issue with BLM director's stance on public lands, gas lease.” *Great Falls Tribune,* July 30, 2019.<https://www.greatfallstribune.com/story/news/2019/07/30/new-blm-director-defended-oil-gas-lease-montana-supports-land-sale-badger-two-medicine-pendley/1862544001/> [↑](#footnote-ref-12)
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16. Twitter post by William Perry Pendley on 11/27/18: <https://twitter.com/Sagebrush_Rebel/status/1067520617539297280?s=20> [↑](#footnote-ref-16)
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19. See #2 above [↑](#footnote-ref-19)
20. See #2 above [↑](#footnote-ref-20)
21. Pendley, W.P. “Is gender instruction part of sex education?” *Washington Examiner,* November 1, 2017. <https://www.washingtonexaminer.com/opinion/is-gender-instruction-part-of-sex-education> [↑](#footnote-ref-21)
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25. Twitter post by William Perry Pendley on 4/26/19: <https://twitter.com/Sagebrush_Rebel/status/1121838652307406849?s=20> [↑](#footnote-ref-25)
26. Twitter post by William Perry Pendley on 4/23/19: <https://twitter.com/Sagebrush_Rebel/status/1120891353804632064?s=20> [↑](#footnote-ref-26)