

BETRAYAL OF TRUST:

The U.S. Forest Service and the Bighorn National Forest

About the Government Accountability Project

The mission of the Government Accountability Project (GAP) is to protect the public interest through advancing government and corporate accountability, promoting occupational free speech and ethical action, defending whistleblowers, and empowering citizen activists. We are nationally known for our efforts to defend whistleblowers while also bringing national attention to their substantive information about activities and practices that endanger public health, threaten the environment, waste tax dollars, violate rights, institutionalize wrongdoing, and promote secrecy. In addition to providing legal services, GAP also assists whistleblowers by collaborating with the news media, grassroots citizen organizations, congress, and the broader public interest community to reveal, expose, and galvanize public response to whistleblower concerns.

A 501 (c) 3 non-governmental organization with offices in Seattle, WA and Washington, DC, GAP has over twenty five years of success in representing whistleblowers. Since 1977, GAP has helped thousands of public and private employees expose and rectify betrayals of the public trust.

About the Bighorn

The Bighorn National Forest spans 1,115,073 acres of public land in the Bighorn Mountains of north central Wyoming. The Forest encompasses the rugged peaks, lush grasslands, and spectacular canyons and deserts of Wyoming's most diverse region. A historically significant area, the National Forest includes sites sacred to the surrounding Native American tribes. Thus, the management mandate of the Forest Service at Bighorn includes timber; range; fish and wildlife; soil and water; recreation; and heritage responsibilities. As stated on the Forest Service's Bighorn web site, multiple use management means ensuring the best combination of uses to benefit the American people while conserving the productivity of the land and protecting the quality of the environment.

Executive Summary

From 1992-99 there was an extraordinary test of wills at the Bighorn National Forest near Sheridan, Wyoming, between 44 whistleblowers and a Forest Supervisor on a rampage of corruption, mismanagement and disregard of environmental and public land management laws. By 1997 the Forest Supervisor was forced to resign. But the agency pursued a relentless campaign of retaliation against the whistleblowers. Harassment was not limited to free speech repression. There was a parallel pattern of civil rights violations

ranging from sexual harassment and systematic contempt of handicap access rights, to building roads through Native American sacred sites.

The climax was a 1997 agency reorganization that purged nearly all remaining whistleblowers who hadn't already been forced out through harassment or intimidation. In the aftermath, out of 44 employees -- nearly half the workforce -- who had raised concerns about management practices on the Bighorn, no less than 30 were forced out of their jobs. In the process, most of the Bighorn's experienced environmental staff was removed from the forest and replaced primarily with office personnel. Although the new Forest Supervisor explained the reorganization was to cut costs and reduce personnel, the bureaucratic labor force at Bighorn increased from 74 to 108 between 1997 and 2003.

Since 1993, the whistleblowers repeatedly have been vindicated, through U.S. Office of Inspector General conclusions, findings of an outside consultant hand-picked by the Forest Supervisor, and the forced resignations of the supervisor and the district ranger who served as his partner. GAP represented eight of the employees in a Whistleblower Protection Act lawsuit. After a prolonged investigation, in April 2003, the U.S. Office of Special Counsel (OSC) announced that the Act had been violated, and that the agency agreed to corrective action including a \$200,000 payment for damages.

Unfortunately, effective correction action for environmental damages was never taken, nor has a commitment to wilderness preservation and proper land management at Bighorn restored. The likely cause is that the key decisionmaker behind the personnel reprisals appears to have been Deputy Regional Forester, "Tommy" Thompson, who remains in power and has since been promoted to Deputy Chief, National Forest System, number three in the bureaucratic chain of command. Additionally, the Forest Supervisor who carried out the organizational purge of whistleblowers, Gail Kimball, has also been rewarded with a key headquarters position in Washington, D.C. as Associate Deputy Chief, Programs, Legislation and Communications.

Significant environmental and fiscal consequences from the management breakdown are listed below, and detailed in this White Paper.

I. ENVIRONMENTAL MISCONDUCT

- * illegal timber sales that violate the Forest Management Plan and laws such as the National Environmental Policy Act, through overharvesting and cutting in locations that eliminate ground cover for protected species.

- * functionally dismantling the range conservation program intended to prevent overgrazing, through overruling field staff and failing to issue penalties against violators.

- * failure to implement the Forest wilderness preservation plan after some five years of agency research and negotiations with the public, through passive resistance, staff cuts and diversions of 30-35% of budgeted funds. The consequence has been to effectively cancel the Forest's "Leave No Trace" educational commitment for wilderness

protection and leave them vulnerable to heavy visitor use, including some illegal vehicle use.

- * conducting destructive road maintenance projects such as road surfacing already overused trailheads causing deterioration of the Cloud Peak Wilderness.

- * failure to take water samples checking for fecal coliform levels, sediment and other contamination.

- * failure to ensure that areas were satisfactorily reforested after timber cuts, as required by law.

- * limiting required environmental assessments by providing analyses on a piecemeal basis rather than on the whole forest ecosystem; by not conducting assessments for some issues such as soil erosion; and by reopening portions of the forest for motorized roads without an environmental assessment, in violation of a 1983 NEPA decision.

- * indirect environmental and severe occupational safety threats from assigning comparatively untrained, inexperienced staff to firefighting emergencies, the most hazardous duty in the Forest Service.

- * secret timber removal conducted without an environmental impact assessment and financed through off-record payments to provide the raw materials and pay for what was publicly advertised as a Hurricane Andrew homebuilding relief project, and credited by Forest management as a Good Samaritan deed from a local timber sawmill and the railroad.

II. FISCAL MISCONDUCT

- * collusion and price fixing to rig bids for timber sale contracts, effectively limiting competition to three favored firms and lowering Forest Service receipts.

- * failure to conduct training for staff to review receipts of travel and other management expenses, as well as to implement new computer systems for fiscal controls.

- * repeated junkets to finance sexual holidays, at the same time Forest management was cutting environmental staff and defunding civil rights compliance programs.

- * justifying whistleblower retaliation through reorganizations publicly presented as budget cutting measures, when in reality they incurred seven figure cost increases for the Forest within the first year and ultimately increased the staff by nearly 50%.

Introduction

On July 2, 1994 eleven employees of the Bighorn National Forest headquartered in Sheridan, Wyoming, wrote an extraordinary letter blowing the whistle and asking for a meeting with U.S. Forest Service Regional Forester Elizabeth Estill. They explained that “[w]e no longer feel pride in working for the Bighorn,” because the management there “is not conducive to honesty, integrity and hard work.” Seven additional employees not signing the letter actively supported the group.

Their immediate target was Forest Supervisor Larry Keown. When he arrived at Bighorn in 1991, Mr. Keown announced that his goal was to improve relationships with the timber industry and strengthen “resource management” – reflecting his focus on the commercial commodity uses of the national forest -- the other side of the agency’s schizophrenic mandate to simultaneously protect the wilderness. He warned that if timber sales and contractual requirements restricting the industry conflicted, those contractual barriers would have to be eliminated. Forest staff individually began to challenge his policies on a piece meal basis, but were consistently frustrated. Nearly six years after they dissented as a group, this modern battle of Bighorn continues. Out of 44 employees who raised concerns about management practices on the Bighorn, no less than 30 were forced out of their jobs. In the process, the experienced environmental staff largely has been purged from the forest and replaced with personnel either too inexperienced or too cozy with management to effectively challenge repetitive misconduct.

Eventually Mr. Keown was forced to resign. When the whistleblowers exhausted all avenues within the chain of command received reinforcements from a public interest organization, Forest Service Employees for Environmental Ethics (FSEEE). After reviewing a scathing report prepared by Patrick Lynch, an outside consultant handpicked by Mr. Keown to review conflicts over forest management, FSEEE Executive Director Andy Stahl issued a warning to the agency in January 1997. Mr. Stahl warned that his organization would publicly expose the indefensible mismanagement at Bighorn, unless Mr. Keown left and there was no further retribution against the whistleblowers. Shortly thereafter Mr. Keown departed for a temporary assignment and retired within a year.

Unfortunately, things only got worse after Keown’s departure. His successor Gail Kimball sent a loud and clear message to Bighorn National Forest employees: Never again. Ms. Kimball made the whistleblowers pay with their professional lives through a pattern of scorched earth reprisals. Curiously, none of the Bighorn whistleblowers were felled by straightforward terminations. The tactics were far more Machiavellian. Through reorganizations they were offered jobs the agency knew they could not accept, or their positions were abolished through pretexts that cannot withstand scrutiny. The agency withheld information that would have allowed them to compete for jobs that instead were given to fresh hires.

The Bighorn whistleblowing disclosures concentrated on four central themes: 1) a systematic disregard of environmental protection, highlighted by the dismantling of the organizational structure to protect the forest from improper management and degradation;

2) fiscal mismanagement that in part reflected cozy relationships with local timber firms, and that bordered on criminal collusion; 3) civil rights violations ranging from sexual harassment and systematic contempt of handicap access rights, to building roads through Native American sacred sites; and 4) a breakdown in the merit system, ranging from an unabashed buddy system to a pattern and practice of retaliation against those who questioned Mr. Keown's actions.

The whistleblowers repeatedly have been vindicated, through a U.S. Office of Inspector General investigation, findings of an outside consultant hand-picked by the Forest Supervisor, and forced resignations of Mr. Keown and Mary Randolph, a public affairs manager and later district ranger who served as partner to his various schemes. But the pattern of ingrained misconduct persists. After acting as the hatchetwoman, Ms. Kimball was placed in charge of another national forest, the Pike and San Isabel, as well as the Comanche and Cimarron National Grasslands. Most significant, the key decisionmaker in the whistleblower reprisals appears to have been Keown's and Kimball's mutual mentor, Deputy Regional Forester Tommy Thompson, who continues to serve as behind-the-scenes kingpin.

The whistleblowers did not passively acquiesce in any sense. In 1999, ten filed Whistleblower Protection Act legal complaints with the U.S. Office of Special Counsel (OSC), a government agency created to defend the merit system in general and whistleblowers in particular. In 1999 the whistleblowers approached GAP for assistance. The organization responded with investigative trips in August 1999 and again in March 2000, after agreeing to represent the group. For over two years the Office of Special Counsel actively investigated the cases and continued accumulating evidence during two more years of negotiations on corrective action. On April 22, 2003 the Special Counsel announced OSC's investigation had found violations of Whistleblower Protection Act rights for the eight employees with cases still pending. The agency agreed to pay \$200,000 for damages, reversal of disciplinary actions, and restoration of civil service rights necessary for pension eligibility.

This report presents GAP's investigative findings from working with 17 available whistleblowers, as well as still-needed corrective action recommendations for current Forest Supervisor Bill Bass. Mr. Bass has not renewed the personnel wars at Bighorn. Nevertheless, we urge him to take affirmative action to heal the forest and restore environmental responsibilities abandoned during the Keown years. Even more fundamental, despite the whistleblowers' renewed, definitive vindication, there has been no accountability for confirmed wrongdoers. Unlike the purged whistleblowers, Mr. Thompson and Ms. Kimball have gone from positions of regional and forest leadership, to national leadership roles setting and overseeing Forest Service policy.

FINDINGS

I. ENVIRONMENTAL MISCONDUCT

At first glance, the Bighorn disputes could merely reflect bureaucratic mismanagement by leaders personally intolerant of any challenge to their authority. Buried in the personal abuse, however, there is a clear basis for the repression – a struggle between staff committed to defending legal environmental requirements, versus a management goal to intensify exploitation of Bighorn as a commercial resource. The environmental casualties abound. Examples include -

* illegal timber sales violating the Forest Management Plan and laws such as the National Environmental Policy Act, through overharvesting and elimination of ground cover for protected species. Estimates of defective timber were manipulated so that the quantities of trees cut would not violate court-ordered limitations. USDA's Office of Inspector General reported that in the Gloom Salvage sale 961 thousand board feet were cut, pushing the forest over the court-ordered limit of 7 million for that fiscal year. High altitude forest areas were harvested, although restoration is unrealistic for several hundred years. Harvests are illegal if the forest cannot be reforested within five years.

* functionally dismantling the range conservation program to facilitate overgrazing, by overruling field staff and failing to issue penalties against violators. In one instance, Mr. Keown delayed implementation for over four years of a policy to cut the grazing amount almost in half by ordering still another study, after decades of exhaustive scientific research confirming its necessity.

When his staff pursued violations to the oral hearing stage, he held *ex parte* meetings with ranchers for up to some 1.5 hours per case before overruling his staff, or substantially reducing penalties. Enforcement staff who came to present evidence at the hearing had to wait outside.

* suppression of science demonstrating that Forest Plan standards were violated. Environmental assessments, riparian surveys and range assessments were left unfunded, stalled or ignored.

* failure to implement the forest wilderness management plan after some five years of agency research and negotiations with the public, through passive resistance, staff cuts and diversions of 30-35% of budgeted funds. The consequence has been to effectively cancel the Forest Service's "Leave No Trace" education commitment for wilderness areas and at times leave them vulnerable to heavy visitor and other destructive uses. The agency has chosen not to enforce the plan's commitments. Anchors and bolts remain embedded in mountains from rock climbing expeditions. Lakes have been stocked with exotic fish, forcing out natural species.

* failure to take water samples checking for fecal coliform levels, sediment and other contamination. The staffer qualified and available to handle those duties was a

whistleblower laid off as “surplus,” partially on grounds there was not sufficient work for him. Eventually after the staffer was forced out, the slot was refilled.

- * failure to conduct replanting necessary for reforestation of some 10,000 acres after timber cuts. In some areas reforestation did not begin for up to 30 years, compared to the five year limit for completion. Agency records falsely underreported the amount of land not reforested, understating the amounts by roughly ten times.

- * circumvention of environmental laws by limiting assessment of impacts to piecemeal consequences, instead of analyzing how activities would affect the whole forest ecosystem, as well as failure to conduct prior environmental assessments at all for some issues such as soil erosion. Another example includes reopening portions of the forest for motorized roads without an environmental assessment, in violation of a 1983 NEPA decision.

- * indirect environmental and severe occupational safety threats from assigning comparatively untrained, inexperienced staff to fire fighting emergencies, the most hazardous duty in the Service, and then attempting to downplay or cover up a near fatal episode.

- * secret timber removal conducted without an environmental impact assessment and financed through off-record payments to provide the raw materials and pay for what was publicly advertised as a Hurricane Andrew homebuilding relief project, and credited by Forest management as a Good Samaritan deed from a local timber sawmill and the railroad.

- * maintaining an attitude of “our” versus “their” side with respect to local citizen environmental organizations, creating an atmosphere branding Forest staff as disloyal to the agency by working cooperatively with “them.”

- * dismantling the seasoned, knowledgeable staff indispensable to maintain a credible compliance program for environmental laws, through reorganizations that removed over a third of field personnel for some portions of the Forest, while increasing the staff assigned to the Forest Supervisor’s office. Among the positions cut back or abolished were range conservationists to monitor against overgrazing, and an ecologist position that had funding from multiple sources -- belying the excuse that targeted budget cuts made layoffs unavoidable. One illustration of environmental consequences is the difference in height for willows where range staff had conducted field tests by isolating areas from grazing. Protected shrubs were seven feet taller, compared to those where grazing had been improperly managed.

II. FISCAL MISCONDUCT

Bighorn employees are particularly frustrated that lack of money has been used as the pretext for purges of environmental experts and whistleblowers. Agency management's budgetary oversight has ranged from gross waste and mismanagement reflecting pork barrel and neglect, to revenues lost because of sweetheart relationships with industry, and off-the-books assessments such as those used to help finance the timber industry's Good Samaritan "donations" to rebuild homes in Florida after Hurricane Andrew. Numerous whistleblowers alleged that Keown confidante and District Ranger Mary Randolph was forced to leave the agency after investigators learned of her role in destroying agency files to cover up the Hurricane Andrew scam. Other examples of misconduct include --

- * collusion and price fixing to rig bids for timber sale contracts, effectively limiting competition to three favored mills and lowering Forest Service receipts. **The agency continues to conceal a September 24, 1993 Office of Inspector General report documenting this misconduct. In the meantime, the statute of limitations has passed, shielding all concerned from criminal liability.**

- * failure to conduct staff training to review receipts of travel and other management expenses, as well as to implement new computer systems for fiscal controls.

- * repeated coed junkets by the upper management team that only required one person, at the same time Forest management was cutting environmental staff and defunding civil rights compliance programs.

- * justifying whistleblower retaliation through reorganizations publicly presented as budget cutting measures, when in reality they incurred five figure net cost increases. Budgetary experts who called attention to the fiscal bluffs themselves were laid off.

- * removal of fiscal controls meant to prevent earmarked funds from being spent on unauthorized purposes.

III. MERIT SYSTEM BREAKDOWN

Mr. Keown and Ms. Kimball's abuse of the environment was exceeded by their abuse of Bighorn staff. An outside expert on workplace environments described the approach as "predatory management." Every employee interviewed by GAP commented that morale was shot. The Lynch Report, commissioned at a cost of more than \$12,500 by Mr. Keown to seek an endorsement of his approach, instead reported that "[m]ost [staff] see this as the worst forest they've ever been on." Mr. Lynch explained, "People, relationships and feelings simply aren't valued or honored....[Some] are beginning to just

give up and just put in their time, effectively retiring on the job.” A summary of practices begun by Mr. Keown and in some cases intensified by Ms. Kimball illustrates why.

- * Basic personnel items such as position descriptions did not exist for up to three years for some jobs. Audits subsequently concluded positions were undergraded, although in other instances grievances challenging underclassification were ignored completely or delegated to outside contractors who demonstrated ignorance of relevant civil service rules.

- * Management constructed numerous, labor intensive organizational structures as window dressing and then disregarded the efforts of members. Examples included the Supervisor’s own Forest Leadership Team, a committee to nominate the Employee of the Month and a BEST Committee to improve agency services. Even the employee suggestion boxes were eliminated, because Mr. Keown refused to tolerate anonymous suggestions.

- * The buddy system was unabashed for distribution of awards and promotions.

- * Both Mr. Keown and Ms. Kimball regularly engaged in personal abuse of employees, publicly and privately screaming at them. Ms. Kimball was known for ordering them out of her office after pounding on the desk. Following the examples, subordinate managers used the same tactics against staff they supervised.

- * Both managers were openly intolerant of criticism, repeatedly accusing employees of disloyalty for talking outside the agency. Keown even gagged staff from contacting the regional office without advance permission.

- * Employees who voiced concerns were laid off, initially through “surplus” lists that branded their positions as unnecessary, and later through a program called WRAPS that, as implemented, stripped them of normal due process rights. Incumbents are entitled to new jobs, but in nearly all instances received offers the agency knew they could not accept because they were crafted to maximize family hardship.

- * Reorganizations were custom fit to eliminate positions of those criticizing Mr. Keown or the environmental impact of his management decisions. Although announced as budget necessities, the forest’s budget officers exposed the excuses as inaccurate, and then saw their own positions abolished through WRAPS. Although the excuse was lack of workload, the actions came during the peak period for budget duties.

- * After abolishing positions on financial grounds, forest management in some cases created more new slots than had been eliminated. The agency then filled the new slots without posting vacancy announcements at all or fleetingly, which effectively deprived incumbents the chance to compete for positions analogous to those they had filled.

* Reassignments were another reprisal tactic, on grounds so crudely pretextual that the obvious intent was to make an example. One illustrative case leaves little room for doubt. It involved a grazing staffer highly respected for his expertise and extra efforts in range management, taking the initiative to demonstrate and correct the effects of overgrazing. He challenged snapshot environmental impact statements and prepared holistic impact analyses demonstrating that proposed timber sales could not coexist with laws governing management of the ecosystem. When the agency refused to consider his concerns, he shared his expertise with citizen watchdog groups, who used it as the analytical foundation for legal challenges to sales. When based on responsible arguments and evidence, this type of activity is the point of the Whistleblower Protection Act.

Rather than challenging or even acknowledging the whistleblower's concerns, the agency proposed to transfer him to Arkansas as an air quality monitor, a job for which he had neither knowledge nor experience. In addition to forcing him from his newly-constructed home, the reassignment would have incurred a moving logistics price tag of \$150,000 for the agency when environmental staff were being laid off due to alleged lack of funds. He left the Forest Service to work for the Department of Interior.

* The ugliest tactic was retaliatory investigations, seeking termination or even criminal prosecution on grounds that make a caricature of concepts like accountability or responsibility. Perhaps the most surreal example of this tactic involved Craig Cope, who led the five year effort to modernize Bighorn's wilderness plan. Mr. Cope actively challenged passive resistance to his efforts, fought diversion of appropriated wilderness funds and disclosed misconduct to citizen groups, which sparked creation of a Wilderness Watch chapter as a public parallel to his internal efforts. Bighorn management was openly, conspicuously sensitive to Mr. Cope's environmental vigilance, and regularly accused him of more ambitious disclosures to the public and media than reflected reality. When he did not back off, he became a marked employee.

Forest management created an opportunity to get even when Mr. Cope and a Department of Interior employee from the Bureau of Land Management (BLM) moved a bat box some 30 feet that another employee had placed right outside the window of government offices. The obstruction blocked employees from the world, although the rest of the forest was available for bats. At the time he took this initiative, Mr. Cope was serving as the Acting District Ranger.

When the bat box builder protested, the BLM employee's supervisor refused to take the issue seriously. Forest Supervisor Kimball, however, saw an opportunity. She requested that Forest Service law enforcement open a criminal investigation for destruction of government property; she was rebuffed. Then she asked the Bureau of Land Management to investigate. BLM also saw no reason to pursue action. Undaunted, Ms. Kimball recruited a government consultant to investigate Mr. Cope. For some \$3,500, an organization called "U.S. Investigations" was willing to write the report she sought.

After FSEEE obtained a lawyer to assist, the agency reduced a three week proposed suspension to two weeks, removed his authority to serve as Acting District Ranger, and billed Mr. Cope for the roughly \$25.00 it cost to rebuild the bat box due to alleged damage when he moved it. In the aftermath, since he paid for the materials, he has sought -- unsuccessfully -- to obtain the scrap wood for which the agency charged him. It is beyond credible dispute that in a pretextual effort to retaliate the Forest Service made a caricature of accountability.

IV. CIVIL RIGHTS VIOLATIONS

The merit system breakdown extended to Americans covered by civil rights laws, sometimes including but often well beyond those relevant for conventional personnel actions. In numerous cases the practices could only be characterized as inhumane. Examples included the following.

* Individuals covered by the Americans for Disabilities Act received only false advertising, or nothing.. Handicapped accessible signs were a fiction. Bathrooms were inaccessible to wheelchairs. One disabled employee was trapped during a training session at the Sheridan Supervisor's Office. The agency responded to his plight by informing him he was no longer welcome at Sheridan, requiring some 20 miles of additional travel to conduct routine business. The employee, who had over two dozen years service, was severely traumatized and suffered a stroke that paralyzed and hospitalized him two days later.

Aggressive neglect was systematic. Over an eight year period, forest management diverted more than \$150,000 out of \$190,000 earmarked in 1989 for improving access, and refused to spend funds for training the Access Coordinator over a four year period. The deterioration of facilities was so severe that seasonal employees with access deficiencies who returned from fighting forest fires could not take showers or use the bathrooms at the Sheridan Work Center. Instead, they had to use dilapidated outhouses maintained so poorly that they were splashed with human waste when they used the facilities. Bighorn management did not buy new Portasans until one worker spiked the old outhouses shut.

The agency institutionalized the pattern by canceling funding for Special Emphasis Program Coordinators, the only forest in the region to abandon this civil rights obligation. Protected classes affected by abolishing their programs included Disabled Americans, Asian Americans, African Americans, and Native Americans.

* Employees injured in job-related accidents received treatment ranging from disrespect to contempt. After one seasonal employee suffered from a heat stroke, managers called a helicopter and then billed him \$10,000 for the cost. The next summer the agency refused to rehire him despite multiple clean bills of health from physicians. Another employee on workman's compensation was ordered back to the job 22 years after getting his back crushed on the Buffalo Ranger District. Although he lasted a year of

four hour days, it was a nightmare in which ambulances had to remove him twice after his back fused or went into spasms.

* Native Americans have been discriminated against within and outside agency ranks. They not only lost their Special Emphasis Coordinator but were gradually removed from forest staff. In terms of the forest itself, Native Americans became enraged by treaty violations. To illustrate, agency management allowed roads to be constructed within view of the sacred Medicine Wheel religious ceremony site. Native Americans were so upset that they entered Supervisor Kimball's office and dumped war paint on her desk.

* Too many women reported sexual harassment by Mr. Keown for it to be an aberration. Whistleblowers disclosed that four women reported spurning unwanted advances from Mr. Keown, and all four subsequently were removed or forced out. He had been the center of controversy with an equal number of women at his prior duty assignment.

V. THE MAN BEHIND THE GREEN DOOR

It takes more than a few bad field supervisors to maintain the Bighorn tradition of gross mismanagement summarized in this report. All evidence points to then Deputy Regional Forester Tommy Thompson as the director whose decisions both Keown and Kimball were implementing.

Although Thompson has maintained a position in the bureaucratic shadows, Regional Forester Estill delegated control of personnel decisions to him. He handpicked both Keown, Kimball and Bass for their positions. He was openly, mutually perceived as Mr. Keown's mentor. At a Bighorn staff meeting for all employees about Keown's departure, he was visually upset and could not stop pacing. In response to a Freedom of Information Act request, he denied the existence of the Lynch Report which exposed Mr. Keown's mismanagement. That report concluded, "**Nothing will change if you don't change or leave.**" (Emphasis in original, which put the warning in large type.)

Perhaps most significant was his covert leadership after Keown's departure. Thompson played a leading role in developing WRAPS, the vehicle to circumvent normal due process rights in laying off and placing employees. Although Kimball actually implemented the reorganization that has eliminated nearly all remaining Bighorn whistleblowers, closet management friends had been warning them of the upcoming purge before her arrival.

There is little question that it took regional management leadership to maintain a tradition of whistleblower reprisal and concealment of ingrained mismanagement at the Bighorn. As noted above, Mr. Thomspson and Ms. Kimball have been promoted to positions where they can employ the same tactics on a national level. Until Mr. Thompson is held accountable, it is unlikely that the pattern can be reversed more than temporarily.

VI. CONCLUSION AND RECOMMENDATIONS

The track record of Forest Service management at Bighorn throughout the 1990's has been a systematic betrayal of the public trust. The first sentence of the Lynch Report succinctly summarized the cause of the merit system breakdown: "There is an almost total lack of leadership on the forest." (underlined in original).

The following recommendations are offered as one approach for current Forest Supervisor Bill Bass to demonstrate the leadership needed for a fresh start:

1. Request action by the Secretary of Agriculture to establish whatever administrative accountability is still possible, and take corrective action to structurally prevent recurrence of Forest Service collusion with possible bid rigging confirmed by the 1993 Office of Inspector General report, including determination of why no action has occurred for nearly a decade.

2. Request an audit by the OIG on fiscal irregularities and the adequacy of financial controls initiated during the administrations of Supervisors Keown and Kimball.

3. Request the Secretary of Agriculture to prepare a merit system corrective action plan, for compliance not only with civil service but also civil rights laws for protection of Native Americans and the handicapped.

4. Restore respect for protection of the Forest, through restoration of funds for environmental responsibilities; a comprehensive, independent third party public assessment of compliance with legal environmental commitments ranging from the National Environmental Policy and Endangered Species Acts to the Forest Management Plan, followed by public comments and a Town Hall meeting before taking action to restore credibility for the Forest Service's stewardship of the Bighorn.