

Government-Transparency Group Files Second Federal FOIA Suit for Records Pertaining to Top Interior Counsel Continue to Raise Ethics Concerns over Top Interior Counsel

As Elizabeth Klein prepares to testify at subcommittee hearing, DoI continues to withhold documents pertaining to ongoing questions regarding potential conflicts of interest

Today, Energy Policy Advocates filed its [second](#) Freedom of Information Act (“FOIA”) [lawsuit](#) against the Department of the Interior seeking records that will help the public assess the serious questions regarding senior political appointee Elizabeth Klein’s [potential conflicts of interest](#). This morning, Klein will testify before the House Natural Resources Subcommittee on Water, Oceans and Wildlife. Given her position, Klein should answer questions about the obvious and publicly unresolved potential conflicts of interest she brings in light of her work for several state attorneys general offices on litigation against the Department, on matters for which she now provides advice.

Klein, through her former employer the Bloomberg-funded State Energy & Environmental Impact Center (“SEEIC”), provided representation to state AGs on numerous multi-state lawsuits and challenges to regulations. Public records show that during the course of this representation, Klein’s clients and even her own employees placed in the AG offices entered legal agreements claiming privilege over these matters (i.e., confirming legal representation, which then must have been disclosed to DoI Ethics). This should have drastically reduced any conceivable role Klein could play at Interior, yet the Department continues to withhold all information regarding what disclosures Klein made about her representation of AGs, or her recusals and guidance from the Department’s ethics office.

Executive Director Rob Schilling of Energy Policy Advocates, which today filed its [second](#) federal FOIA [lawsuit](#) for records pertaining to Klein’s work, adds:

“Public records leave no doubt that Elizabeth Klein entered agreements to serve as an attorney for numerous state offices of the attorney general, and that this representation included ‘particular matters’ in which those offices are adverse to DOI, on which Ms. Klein would ordinarily be expected to work given her position. Energy Policy Advocates laid this out in a letter to DOI’s Ethics Office, providing links to contracts and even a recent state court of appeals opinion affirming this, requesting the Ethics Office release what are well-understood to be public records. Yet, in reversing longstanding practice, the Department has clamped down on

release of the documents that would show what Ms. Klein disclosed to her Ethics officer and when she disclosed it.”

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BACKGROUND INFORMATION

Will today’s hearing allow the American public to learn:

1. Whether the DOI Ethics office is aware of the role Ms. Klein played in representing many state AGs in particular matters now under her purview at the Department? Did Ms. Klein in fact disclose that she was these AGs’ attorney on particular matters?
 - a. If not, how does she explain a recent court ruling denying the public access to records pertaining to the representation in question on the grounds of her representation of the AGs?
 - b. If so, what particular matters has the Ethics Office advised Ms. Klein to recuse herself from?
2. Has Ms. Klein received proper ethics guidance and a recusal letter outlining her ethical obligations from the DOI Ethics Office?
3. Has Ms. Klein been recused from all of the many “particular matters” in which state AGs are presently in litigation or undertaking regulatory challenges?