Chairman Manchin's Statement on
Tracy Stone-Manning Cloture Vote
Thursday, September 30, 2021

- Mr. President, I rise in support of the motion to invoke cloture on the nomination of Tracy Stone-Manning to be the Director of the Bureau of Land Management.
- I do so after giving very careful consideration to the serious allegations that many of our colleagues have leveled against her.
- If there were any truth or evidence to support these charges, I could not support her nomination.
- But I have found no such evidence.
- Now, every Senator is entitled to his or her own opinion about Tracy Stone-Manning, but none of us is entitled to make up our own facts to justify our vote on her nomination.
- The facts surrounding the spiking of trees in the Clearwater National Forest in March 1989 are known.
- They are known because the facts were tried by a jury in a federal district court in Spokane, Washington, in June 1993.

- Trial by jury is how we find facts and discover truth in this country. It is the keystone in our criminal justice system.

- A jury heard the evidence in the tree spiking case, weighed its credibility, and reached a unanimous verdict that 4 mean spiked the trees in the Clearwater National Forest.
- All 4 men admitted that they spiked trees and each identified the other 3 as their accomplices.
- Ms. Stone-Manning was not one of them. None of the 4 said she was.
- Opponents of her nomination are now seeking to impute the guilt of the confessed and convicted tree spikers to her.
- But Ms. Stone-Manning was never charged with tree spiking. She was never indicted or tried. There is no evidence in the trial record that she participated in the tree spiking.
- Her opponents claim that is because she was given immunity for her testimony.
- But while the federal prosecutor agreed not to use her testimony against her, she still could have been prosecuted if there was any other evidence against her. But there wasn't and no charges were ever brought against her.
- Finally, opponents of Ms. Stone-Manning's nomination accuse her of lying to the Committee on Energy and Natural Resources on her committee questionnaire.
- As the Chairman of that Committee, I take this allegation very seriously.

- Each nominee that comes before the Committee on Energy and Natural Resources is asked whether he or she has "ever been investigated, arrested, or charged" with a violation of law.
- Ms. Stone-Manning responded, "No, I have never been arrested or charged *and to my knowledge I have never been the* ***target*** *of such an investigation."*
- She then went on to disclose that she testified before a federal grand jury as part of the tree-spiking investigation in 1989, and later testified at the tree-spiking trial.
- The allegation seems to be that her response was false and misleading because she was subpoenaed to testify and had been required to give fingerprints and hair samples to the grand jury investigating the tree spiking in 1989.
- Being required to testify or give physical evidence to a grand jury does not make someone the "target" of the grand jury investigation.
- The Justice Department defines a "target" as someone the grand jury is considering indicting.
- The federal prosecutor in the case asked the Forest Service's criminal investigator whether the investigation in 1989 had identified "possibly anyone as a subject" in the investigation.
- The Forest Service investigator replied, under oath, "No."

- She could not have been a “target” of an investigation that had not identified her or anyone else as a subject.
- Her response is further corroborated by recent comments in the press made by the former Assistant United States Attorney who prosecuted the tree spiking case, who confirmed that Ms. Stone Manning was not a target of the investigation in 1993.
- In sum, I am unable to find any credible evidence in the exhaustive trial record of the tree spiking case that supports the allegations levied against Ms. Stone-Manning.
- What I find instead, in the Committee’s hearing record on her nomination, is compelling evidence that Ms. Stone-Manning has built a solid reputation over the past three decades as a dedicated public servant and as a problem solver and as a consensus builder.
- She faithfully served Senator Tester for 5 years in positions of trust and responsibility on his staff.
- She went on to serve Governor Bullock of Montana, for two years as the Director of Montana’s Department Environmental Quality and two more as Governor Bullock’s chief of staff.
- That is the evidence on which I will base my vote in support of Ms. Stone-Manning’s nomination.
- And that is what I urge my colleagues to base their votes

on: her strong record of public service.

- John Adams, the first person to preside over the Senate, said that "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence."
- Let us put our partisan passions aside and look to the facts.
- Let us vote to confirm Ms. Stone-Manning's nomination.