

DAVID SMITH, U.S. Department of the Interior

David Smith served as deputy assistant secretary for Fish and Wildlife and Parks at the Department of Interior (“DOI”) from July 2002¹ until his resignation on July 21, 2006.² Prior to that he served as counselor to DOI Assistant Secretary Craig Mason.³ According to a report issued by DOI’s Office of the Inspector General (“OIG”) on May 16, 2006, Mr. Smith’s involvement in the designation of Houston as a port of entry for imported wildlife was inappropriate⁴ and Mr. Smith failed to comply with regulations regarding the acceptance of gifts.⁵

The OIG opened an investigation based on a complaint that Mr. Smith inappropriately designated Houston as a port of entry for imported fish and wildlife products into the United States⁶ in order to benefit Mike Simpson, his friend and personal taxidermist.⁷ Mr. Simpson was an executive of the Safari Club International (“SCI”), a worldwide safari hunting organization to which Mr. Smith also belonged.⁸ According to the complaint, Mr. Smith had been overheard by a supervisory Fish and Wildlife Service law enforcement official saying that if Houston was not designated as a port of entry, he would not designate Memphis or Louisville either.⁹ Subsequently, Fish and Wildlife Service law enforcement officials were instructed to meet with Mr. Simpson at his taxidermy shop in Houston, Texas, to allay his concerns about a recent

¹ U.S. Department of Interior Press Release, Secretary Norton Appoints David P. Smith Deputy Assistant Secretary for Fish and Wildlife and Park, July 5, 2005 [hereinafter “DOI Press Release”]. (Exhibit 1)

² John Heilprin, Buffalo-Killing Interior Official Resigns, *Associated Press*, July 19, 2006. (Exhibit 2)

³ DOI Press Release.

⁴ U.S. Department of the Interior, Office of Inspector General, Investigative Report on David Smith, Deputy Secretary, Fish and Wildlife and Parks, p. 2 (May 15, 2006) [hereinafter “DOI IG Report”]. (Exhibit 3)

⁵ Id.; Memorandum from Earl E. Devaney, Inspector General, U.S. Department of the Interior to Brian Waidmann, Chief of Staff (May 15, 2006) [hereinafter “Devaney Memo”]. (Exhibit 4)

⁶ DOI IG Report, p. 2.

⁷ Edward T. Pound, A Buffalo Not Roaming, *U.S. News and World Report*, July 16, 2006. (Exhibit 5)

⁸ DOI IG Report, pp. 2, 3, 9.

⁹ Id., p. 3.

agency decision affecting local port policy in Houston.¹⁰ According to a Fish and Wildlife law enforcement officer, the only reason Mr. Simpson received such personal attention from the agency was because of his close friendship with Mr. Smith.¹¹

Mr. Smith signed the rule designating Houston on November 29, 2004.¹² On January 5, 2005, Houston became a designated port along with Memphis and Louisville.¹³ The OIG found that given Mr. Smith's personal relationships with those who benefitted directly from the port's designation, including Mr. Simpson, his inappropriate involvement in the designation created the appearance of preferential treatment.¹⁴

The OIG also investigated an allegation that Mr. Smith accepted a bison as an illegal gratuity.¹⁵ During the weekend of December 3, 2004, Mr. Smith attended an SCI meeting at a ranch in Texas owned by SCI official Dan Duncan,¹⁶ where he shot and killed a bison.¹⁷ When questioned by investigators, Mr. Smith admitted that he took the bison's shoulder mount, skull, tanned hide and hooves from the hunt.¹⁸ After twice denying that he had been given any bison meat, Mr. Smith finally admitted he had taken 20 pounds of meat for which he did not pay.¹⁹ On February 8, 2005, one day after his interview with federal officials, Mr. Smith paid Mr. Duncan in full for the bison in response to an invoice also dated February 8, 2005.²⁰ The OIG concluded that Mr. Smith violated regulations regarding the acceptance and disposition of prohibited gifts set forth in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.²¹

¹⁰ Id.

¹¹ Id.

¹² Pound, *U.S. News and World Report*, July 16, 2006.

¹³ DOI IG Report, p. 2.

¹⁴ Devaney Memo.

¹⁵ DOI IG Report, p. 2.

¹⁶ Pound, *U.S. News and World Report*, July 16, 2006.

¹⁷ DOI IG Report, p. 10.

¹⁸ Id., pp. 2, 12.

¹⁹ Id.

²⁰ Id., p. 12.

²¹ Devaney Memo.