

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 054 - FOLDER -007**

**[02/04/1996-02/27/1996]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Stephen R. Neuwirth to Elena Kagan; RE: Legal Intern (1 page)	02/05/1996	P6/b(6)
002. email	SSN (Partial) DOB (Partial) (4 pages)	02/27/1996	P6/b(6)

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**COLLECTION:**

Clinton Presidential Records  
 Automated Records Management System (Email)  
 WHO ([Kagan])  
 OA/Box Number: 500000

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**FOLDER TITLE:**

[02/04/1996 - 02/27/1996]

2009-1006-F  
ke715

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**RESTRICTION CODES**

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: JensenTC@aol.com@INET@EOPMRX

CREATION DATE/TIME: 4-FEB-1996 15:38:00.00

SUBJECT: Revised timber memo

TO: Foley\_M ( Foley\_M@A1@CD ) (WHO)  
READ: 5-FEB-1996 10:07:57.74

TO: OConnor\_J ( OConnor\_J@A1@CD ) (WHO)  
READ: 5-FEB-1996 08:18:54.45

TO: Kagan\_E ( Kagan\_E@A1@CD ) (WHO)  
READ: 5-FEB-1996 08:44:09.60

TO: Chow\_B ( Chow\_B@A1@CD ) (WHO)  
READ: 5-FEB-1996 11:31:32.01

TO: Glauthier\_T ( Glauthier\_T@A1@CD ) (OMB)  
READ: 4-FEB-1996 22:55:26.70

TO: Higgins\_K ( Higgins\_K@A1@CD ) (WHO)  
READ: 5-FEB-1996 10:20:14.38

CC: Fidler\_S ( Fidler\_S@A1@CD ) (CEQ)  
READ: 5-FEB-1996 10:42:56.25

CC: Balderston\_K ( Balderston\_K@A1@CD ) (WHO)  
READ: 5-FEB-1996 09:20:36.58

CC: Shuffield\_A ( Shuffield\_A@A1@CD ) (OMB)  
READ: 5-FEB-1996 12:54:16.44

CC: Saunders\_R ( Saunders\_R@A1@CD ) (OMB)  
READ: 5-FEB-1996 10:27:36.53

TEXT:

Attached is a WP 5.2 file with the latest revision of the timber policy memo. Shelley and I thank you for your previous comments and advice. We would be grateful if you would look this over once more and, if you have comments, send them to either one of us by COB Monday. Thank you.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 4-FEB-1996 15:39:00.00

ATT BODYPART TYPE:p

TEXT:

Unable to convert OA\$SHARA1513:ZWDQMDB8Y.FGN to ASCII,  
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 4-FEB-1996 15:39:00.00

ATT BODYPART TYPE:D



TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)  
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01I0TJSM0JHC0074NM@PMDf.EOP.GOV>; Sun,  
04 Feb 1996 15:38:23 -0400 (EDT)

Received: from emout04.mail.aol.com ("port 3389"@emout04.mail.aol.com)  
by STORM.EOP.GOV (PMDF V5.0-4 #6879) id <01I0TJJPQE1NE00007N@STORM.EOP.GOV>;  
Sun, 04 Feb 1996 15:36:02 -0700 (MST)

Received: by emout04.mail.aol.com (8.6.12/8.6.12) id PAA23568; Sun,  
04 Feb 1996 15:38:08 -0500

===== END ATTACHMENT 2 =====

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Stephen R. Neuwirth to Elena Kagan; RE: Legal Intern (1 page)	02/05/1996	P6/b(6)

## COLLECTION:

Clinton Presidential Records  
Automated Records Management System (Email)  
WHO ([Kagan])  
OA/Box Number: 500000

## FOLDER TITLE:

[02/04/1996 - 02/27/1996]

2009-1006-F

ke715

## RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: James A. Brown ( BROWN\_JA ) (OMB)

CREATION DATE/TIME: 5-FEB-1996 17:57:47.42

SUBJECT: Justice response to Child Porn changes

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-FEB-1996 18:46:23.88

TEXT:

Justice is willing to accept your edits to page two. They would, however, like to replace the former final sentence of the former second full paragraph, which you deleted, with the following: "We would be happy to work with you to craft a provision of this sort which would meet constitutional standards."

If you can live with this, we are ready to clear the letter.

Thanks.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME: 6-FEB-1996 09:27:54.84

SUBJECT: PAGER CONFIRMATION - NEMETZ, MIRIAM

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 6-FEB-1996 09:42:01.20

TEXT:

PAGE FOR NEMETZ, MIRIAM, WAS TRANSMITTED 6-FEB-1996 09:20:11.87

TEXT TRANSMITTED WAS:

CALL ME 67594 ELENA

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Edward H. Jurith ( JURITH\_E ) (DON)

CREATION DATE/TIME: 7-FEB-1996 16:01:27.68

SUBJECT: House Government Reform and Oversight Subpoena

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 7-FEB-1996 18:05:09.80

TO: Jane C. Sherburne ( SHERBURNE\_J ) (WHO)

READ:10-FEB-1996 11:02:43.98

TEXT:

In response to the February 1, 1996, memorandum from Jack Quinn and Jane Sherburne, please be advised that a review of ONDCP files by all units contained no White House records requested by the Committee in connection with the travel office matter.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME: 8-FEB-1996 16:16:56.33

SUBJECT: telecom statement

TO: Gregory C. Simon ( SIMON\_G ) Autoforward to: Remote Adresse  
 READ:NOT READ

TO: James C. Murr ( MURR\_J ) (OMB)  
 READ: 8-FEB-1996 16:20:21.07

TO: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)  
 READ: 8-FEB-1996 17:12:30.11

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
 READ: 8-FEB-1996 16:20:01.35

TEXT:

I have done some editing of the statement. It's getting quite late in the day, so please look this over ASAP to see if you're ok with it. todd

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 8-FEB-1996 16:15:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Todd Stern

TEXT:

PRINTER FONT 12\_POINT\_COURIER  
 STATEMENT BY THE PRESIDENT

Today I have signed into law S. 652, the "Telecommunications Act of 1996." This landmark legislation fulfills my Administration's promise to reform our telecommunications laws in a manner that leads to competition and private investment, promotes universal service and open access to information networks, and provides for flexible government regulation. The Act opens up competition between local telephone companies, long distance providers and cable companies; expands the reach of advanced telecommunications services to schools, libraries, and hospitals; and requires the use of new V

□

-chip technology to enable families to exercise greater control over the television programming that comes into their homes.

For nearly two decades, Vice President Gore has worked to spur the creation of a national information superhighway. This Act lays the foundation for the robust investment and development that will create such a superhighway to serve both the private sector and the public interest.

Over the past 3 years my Administration has worked vigorously to produce legislation that would provide consumers greater choices and better quality in their telephone, cable, and information services. This legislation puts us squarely on the road to a brighter, more productive future.

In the world of the mass media, this Act seeks to remove

unnecessary regulation and open the way for freer markets. I support that philosophy. At the same time, however, my Administration has opposed measures that would allow undue

concentration in the mass media. I am very pleased that this Act retains reasonable limits on the ability of one company or individual to own television, radio, and newspaper properties in local markets and retains national ownership limits on television stations. My Administration will continue its efforts to ensure that the American public has access to many different sources of news and information in their communities.

The Act increases from 25 to 35 percent the cap on the amount of the national audience that television stations owned by one person or entity can reach. This cap will prevent a single broadcast group owner from dominating the national media market.

While the Act removes the statutory ban on ownership of a cable system and a broadcast station in the same local market, it does not eliminate the Federal Communications Commission's (FCC) regulatory ban on such cross

-ownership. This ownership restriction continues to be very important in maintaining competition in local markets and should be maintained by the FCC. In addition, while certain regulatory cross

-ownership bans are no longer necessary and have been eliminated, others that are critical to maintaining the diversity of local news and information sources have been retained by S. 652. For example, the regulatory ban on common ownership of a newspaper and a broadcast television or radio station is maintained.

With regard to the ban on ownership of more than one television station in a local market, the Act directs the FCC to conduct a rulemaking to review its regulation and its waiver policy. Currently, while the FCC allows ownership of more than one television station in certain circumstances, such as when

a station would otherwise go dark, it does so only in narrow and compelling circumstances and where local diversity would not be reduced. Any changes in this policy should allow ownership of two stations only when doing so would clearly not reduce the diversity of independent outlets of news and information in a community. My Administration will continue to support a fair balance between economic viability and diversity.

Rates for cable programming services and equipment used solely to receive such services will, in general, be deregulated in about 3 years. Cable rates will be deregulated more quickly in communities where a phone company offers programming to a comparable number of households, providing effective competition to the cable operator. In such circumstances, consumers will be protected from price hikes because the cable system faces real competition.

This legislation also places a strong emphasis on competition in both local and long distance telephone markets, making it possible for the regional Bell companies to offer long

-distance service, provided that, in the judgment of the FCC, they have opened up their local networks to competitors such as

long

-distance companies, cable operators and others.

To protect the public, the FCC must evaluate any application for entry into the long distance business in light of its public interest test, giving the FCC discretion to consider a broad range of issues, such as the adequacy of interconnection arrangements to permit vigorous competition. Moreover, in deciding whether to grant the application of a regional Bell company to offer long

-distance service, the FCC must accord

"substantial weight" to the views of the Attorney General. This special legal standard, which I consider essential, ensures that the FCC and the courts will accord full weight to the special competition expertise of the Justice Department's Antitrust Division -- especially its expertise in making predictive judgments about the effect that entry by a Bell company into long distance may have on competition in local and long distance markets.

Further, when a regional Bell company establishes a long distance or manufacturing affiliate, the Act bars it from discriminating in favor of its own affiliates and against the interests of competing long distance providers or manufacturers, when such outside companies seek to do business with the regional Bell's local network.

The Act's emphasis on competition is also reflected in its antitrust savings clause. This clause ensures that even for activities allowed under or required by the legislation, or activities resulting from FCC rulemakings or orders, the antitrust laws continue to apply fully.

I am also pleased that the Act requires interstate telecommunications carriers to contribute to a fund to preserve and advance universal service. The fund would be spent to provide and upgrade facilities and services, as prescribed by the FCC. And carriers would receive credit toward their contribution by providing discount service to schools, libraries and health care providers in rural areas.

I am especially pleased that the Act requires new televisions to be outfitted with the V

-chip, which will empower

families to choose the kind of programming suitable for their children. The V

-chip provision relies on the broadcast networks to produce a rating system and to implement the system in a manner compatible with V

-chip technology. By relying on the television industry to establish and implement the ratings, the Act serves the interest of families without infringing on the First Amendment rights of the television programmers and producers.

I do object to one provision in the Act concerning the transmittal of abortion

-related speech and information. Current

law, 18 U.S.C 1462, prohibits such transmittal, and the Act would extend that law to cover transmittal by interactive computer services. The Department of Justice has advised me of its longstanding policy that this and related abortion provisions in current law are unconstitutional and will not be enforced because they violate the First Amendment. The Department has reviewed this provision of S. 652 and advises me that it provides no basis for altering that policy. Therefore, the Department will continue to decline to enforce that provision of current law, amended by this legislation, as applied to abortion

□

-related  
speech.

The Telecommunications Act of 1996 will strengthen our economy, our society, our families, and our democracy. It promotes competition as the key to opening new markets and new opportunities. It will help connect every classroom in America to the information superhighway by the end of the decade. It will protect consumers by regulating the remaining monopolies for a time and by providing a roadmap for deregulation in the

future. I am pleased to sign this historic legislation.

THE WHITE HOUSE,

February 8, 1996.

===== END ATTACHMENT , 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

CREATION DATE/TIME: 9-FEB-1996 09:21:08.44

SUBJECT: For you too

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 9-FEB-1996 09:53:28.68

TEXT:

see attached -- I think they don't think they need lawyers anymore  
-- but you should come 'cause they really do.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 9-FEB-1996 09:03:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Elisa M. Millsap

ATT SUBJECT: timber salvage mtg

ATT TO: Barbara C. Chow ( CHOW\_B )

ATT CC: Kathleen A. McGinty ( MCGINTY\_K )

ATT CC: Robert C. Vandermark ( VANDERMARK\_R )

ATT CC: Martha Foley ( FOLEY\_M )

ATT CC: Jennifer M. O'Connor ( OCONNOR\_J )

TEXT:

The timber salvage meeting will be in Katie McGinty's office at 10:45 AM on Friday, February 9, 1996. In attendance will be Barbara Chow, Katie McGinty, Martha Foley, Jennifer O'Connor, Joshua Sheinkman (Wyden), and Marla Marvin (Murray).

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen M. Whalen ( WHALEN\_K ) (WHO)

CREATION DATE/TIME: 9-FEB-1996 16:41:48.79

SUBJECT: Newest subpoena

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 9-FEB-1996 17:23:06.43

TEXT:

Any records that I have that may be responsive to Jack and Jane's 2/8/96 request for documents were provided in response to the 2/1/96 memorandum requesting documents.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Bradley M. Campbell ( CAMPBELL\_BM ) (CEQ)

CREATION DATE/TIME:11-FEB-1996 16:00:26.42

SUBJECT: Call follow-up

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:12-FEB-1996 08:52:59.37

TEXT:

I tried to reach you last week so that we might discuss the Rhode Island spill and its aftermath (I have been apprised that you are coordinating all WH contacts on this issue). Please call at your convenience, and in the meantime I'd appreciate being kept in the loop.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

CREATION DATE/TIME:12-FEB-1996 17:22:07.21

SUBJECT: RE: clerkship letter

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:12-FEB-1996 17:44:26.58

TEXT:

Yes! (Thanks)

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME:12-FEB-1996 14:08:14.50

SUBJECT: PAGER CONFIRMATION - O'CONNOR,JENNIFER M.

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:12-FEB-1996 14:27:36.06

TEXT:

PAGE FOR O'CONNOR,JENNIFER M., WAS TRANSMITTED 12-FEB-1996 14:07:10.12

TEXT TRANSMITTED WAS:

MUST TALK WITH YOU OR HAROLD TODAY RE TIMBER STAY. ELENA 67594.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: CN=Ron Klain/O=OVP@OVP@LNGATE@EOPMRX

CREATION DATE/TIME:13-FEB-1996 12:41:00.00

SUBJECT: Re: silence

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ:13-FEB-1996 12:56:55.82

TEXT:

Message Creation Date was at 13-FEB-1996 12:41:00

Not necessarily, but the situation is complicated. Jack has been repeatedly, and decidedly, non-committal in our conversations. I will continue to press him for a better sense of where he is headed. Let me know what you find out.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

CREATION DATE/TIME:13-FEB-1996 17:14:16.26

SUBJECT: campaihn finance reform

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:13-FEB-1996 17:36:56.72

TEXT:

Elena, can you please look at the attached and respond to Ms. Anderson. I'm available to discuss it if you want. Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME:14-FEB-1996 14:01:32.06

SUBJECT: securities

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:14-FEB-1996 15:38:35.06

TEXT:

Could I trouble you for a copy of your good memo, which I have misplaced? President is still fiddling with language on a letter to high-level supporters of the bill. Thanks. tds

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: James J. Jukes ( JUKES\_J ) (OMB)

CREATION DATE/TIME:14-FEB-1996 14:59:19.11

SUBJECT: Shorter Deadline on Rubin-to-Feinstein letter on Mexico

TO: John Melle ( jmelle@ustr.gov@INET )

READ:NOT READ

TO: John Carnevale ( CARNEVALE\_J ) (DON)

READ:15-FEB-1996 16:02:25.38

TO: Robert E. Litan ( LITAN\_R ) (OMB)

READ:14-FEB-1996 17:10:26.15

TO: Karin L. Kizer ( KIZER\_K ) (OMB)

READ:14-FEB-1996 15:26:32.61

TO: Gordon Adams ( ADAMS\_G ) (OMB)

READ:14-FEB-1996 15:06:18.12

TO: Janet L. Graves ( GRAVES\_J ) (OMB)

READ:14-FEB-1996 16:26:10.61

TO: Philip A. DuSault ( DUSAULT\_P ) (OMB)

READ:14-FEB-1996 15:00:27.09

TO: Bruce K. Sasser ( SASSER\_B ) (OMB)

READ:14-FEB-1996 14:59:45.88

TO: Rodney G. Bent ( BENT\_R ) (OMB)

READ:14-FEB-1996 15:05:41.93

TO: Nancy E. Schwartz ( SCHWARTZ\_N ) (OMB)

READ:14-FEB-1996 17:29:22.60

TO: Kenneth L. Schwartz ( SCHWARTZ\_K ) (OMB)

READ:14-FEB-1996 15:22:18.34

TO: David E. Tornquist ( TORNQUIST\_D ) (OMB)

READ:14-FEB-1996 16:17:00.76

TO: Daniel M. Tangherlini ( TANGHERLIN\_D ) (OMB)

READ:14-FEB-1996 15:12:15.52

TO: Martha M. Gagne ( GAGNE\_M ) (OMB)

READ:19-FEB-1996 16:45:13.84

TO: Robert G. Damus ( DAMUS\_R ) (OMB)

READ:14-FEB-1996 16:50:14.42

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:14-FEB-1996 15:39:26.33

TO: Charles S. Konigsberg ( KONIGSBERG\_C ) (OMB)

READ:14-FEB-1996 15:59:10.24

TO: Lydia Muniz ( MUNIZ\_L ) (OMB)

READ:14-FEB-1996 16:03:06.12

CC: James C. Murr

( MURR\_J ) (OMB)

READ:14-FEB-1996 15:04:25.12

CC: James A. Brown

( BROWN\_JA ) (OMB)

READ:14-FEB-1996 15:02:15.09

CC: Annette E. Rooney

( ROONEY\_A ) (OMB)

READ:14-FEB-1996 15:45:50.99

TEXT:

Earlier today, we circulated the subject letter under LRM #3519, with a deadline of 2:00 tomorrow. The letter reacts to Senator Feinstein's recently-introduced legislation to condition economic assistance and trucking permits for Mexico on that country's drug enforcement efforts.

Treasury just informed me that Secretary Rubin wishes to sign the letter before he leaves town today. Therefore, may I please ask that you give us any comments by 5:30 today? Please direct comments to Jim Brown (BROWN\_JA) or me. I apologize for the short notice. Thank you.

Note to OMB/LA -- WH/LA (Brophy) has signed off.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME:14-FEB-1996 15:42:58.78

SUBJECT: PAGER CONFIRMATION - O'CONNOR,JENNIFER M.

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:14-FEB-1996 15:43:31.91

TEXT:

PAGE FOR O'CONNOR,JENNIFER M., WAS TRANSMITTED 14-FEB-1996 15:40:13.95

TEXT TRANSMITTED WAS:

CALL ME WHEN YOU CAN. ELENA 67594.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME:15-FEB-1996 10:02:57.36

SUBJECT: RE: securities

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:15-FEB-1996 10:09:28.81

TEXT:

Thanks for the input.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME:15-FEB-1996 10:14:30.35

SUBJECT: RE: securities

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:15-FEB-1996 10:19:31.99

TEXT:

I'm NOT being sarcastic. How about "thanks for looking it over" if you don't want to construe your review as "input".

Hey, by the way, I need to talk to you about partial birthing, but am probably tied up until around 1:15 pm. If you don't have other plans we could get a sandwich in the mess. Or talk after lunch.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

CREATION DATE/TIME:16-FEB-1996 17:30:04.12

SUBJECT: Timber Legislative Language

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:16-FEB-1996 20:18:42.32

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:16-FEB-1996 17:31:00.56

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:20-FEB-1996 08:38:59.66

TO: Barbara C. Chow ( CHOW\_B ) (WHO)  
READ:20-FEB-1996 08:38:01.25

TO: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:20-FEB-1996 07:50:30.19

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:16-FEB-1996 19:50:30.06

TO: Ron Cogswell ( COGSWELL\_R ) (OMB)  
READ:16-FEB-1996 17:42:10.44

TO: Christine L. Nolin ( NOLIN\_CL ) (OMB)  
READ:16-FEB-1996 17:31:30.77

TEXT:

Marla Marvin called today from Seattle requesting that we immediately send her our timber legislative language for Senator Murray's use in drafting her own bill. Barbara, T.J., and Jensen concur with the request. Do you?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:20-FEB-1996 09:34:03.36

SUBJECT: Meeting Reminder

TO: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

READ:20-FEB-1996 13:25:48.01

TO: FAX (9-720-5437, Greg Frazier) ( TLXA1MAIL\_\F:9-720-5437\C: Greg Fraier\\

READ:NOT READ

TO: FAX (9-720-4732, Jim Lyons) ( TLXA1MAIL\_\F:9-720-4732\C: Jim Lyons\\ )

READ:NOT READ

TO: FAX (9-208-6956, Ann Shields) ( TLXA1MAIL\_\F:9-208-6956\C: Ann Shields\\

READ:NOT READ

TO: FAX (9-208-4684, George Frampton) ( TLXA1MAIL\_\F:9-208-4684\C: George Frampto

READ:NOT READ

TO: FAX (9-208-3144, Bob Armstrong) ( TLXA1MAIL\_\F:9-208-3144\C: Bob Armstrong\

READ:NOT READ

TO: FAX (9-514-0557, Lois Schiffer) ( TLXA1MAIL\_\F:9-514-0557\C: Lois Schiffer\

READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) ( TLXA1MAIL\_\F:9-482-6318\C: Doug Hall\\ )

READ:NOT READ

TO: FAX (9-260-0500, Steve Herman) ( TLXA1MAIL\_\F:9-260-0500\C: Steve Herman\\

READ:NOT READ

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

READ:20-FEB-1996 14:40:38.16

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)

READ:20-FEB-1996 14:06:51.93

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)

READ:20-FEB-1996 17:08:56.45

TO: Ron Cogswell ( COGSWELL\_R ) (OMB)

READ:20-FEB-1996 09:42:01.43

TO: Mark A. Weatherly ( WEATHERLY\_M ) (OMB)

READ:20-FEB-1996 09:49:03.95

TO: Christine L. Nolin ( NOLIN\_CL ) (OMB)

READ:21-FEB-1996 11:54:56.22

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:20-FEB-1996 09:50:12.71

TO: Martha Foley ( FOLEY\_M ) (WHO)

READ:20-FEB-1996 09:42:29.24

TO: Kris Balderston ( BALDERSTON\_K ) (WHO)

READ:20-FEB-1996 11:22:08.56

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:20-FEB-1996 18:10:03.83

TO: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:20-FEB-1996 09:34:39.96

TO: Remote Addressee ( TLXA1MAIL\_\F:97205437\C:Anne Kennedy\\ )  
READ:NOT READ

TO: FAX (92084684,Don Barry) ( TLXA1MAIL\_\F:92084684\C:Don Barry\\ )  
READ:NOT READ

TO: FAX (94821041,Bob Ziobro) ( TLXA1MAIL\_\F:94821041\C:Bob Ziobro\\ )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:97204732\C:Mark Gaede\\ )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:92085242\C:Nancy Hayes\\ )  
READ:NOT READ

TO: FAX (92191792,Kris Clark) ( TLXA1MAIL\_\F:92191792\C:Kris Clark\\ )  
READ:NOT READ

TO: FAX (96902730,Mike Gippert) ( TLXA1MAIL\_\F:96902730\C:Mike Gippert\\ )  
READ:NOT READ

TO: FAX (92085584,John Leshy) ( TLXA1MAIL\_\F:92085584\C:John Leshy\\ )  
READ:NOT READ

TO: FAX (95144240,Jim Kilbourne) ( TLXA1MAIL\_\F:95144240\C:Jim Kilbourne\\ )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:95140557\C:Peter Coppelman\\ )  
READ:NOT READ

TO: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:NOT READ

TO: Ruth D. Saunders ( SAUNDERS\_R ) (OMB)  
READ:20-FEB-1996 09:25:46.63

TO: Remote Addressee ( TLXA1MAIL\_\F:915033266254\C:Tom Tuchman\\ )  
READ:NOT READ

TO: FAX (92083877,Bob Baum) ( TLXA1MAIL\_\F:92083877\C:Bob Baum\\ )  
READ:NOT READ

TEXT:

The EOP/Agency timber working group will meet as regularly scheduled on Tuesday, February 20th, at 2:00 p.m. in the CEQ conference room, 722 Jackson Place.

The agenda will include:

1. Recent event update - Chair
2. Litigation update - Justice
3. Replacement timber - Chair
4. Other business - Chair

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

CREATION DATE/TIME:20-FEB-1996 17:42:28.11

SUBJECT: Timber meeting tomorrow

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:20-FEB-1996 18:06:08.61

CC: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:20-FEB-1996 18:57:39.35

TEXT:

Elena - Here is the plan for tomorrow's meeting. There will be a discussion of the Interior Appropriations at 11:00 with the following attendees:

Katie McGinty, Dinah Bear, Martha Foley, Barbara Chow, Jack Lew, Chuck Kieffer, Bonnie Cohen, Jim Lyons, & Greg Frazier

Then, the relevant people will stay for a timber discussion around 11:30 or shortly thereafter, so please do plan on coming by.

Thanks

Jennifer - I understand that you are out of town, but want to be sure you are aware of this meeting.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

CREATION DATE/TIME:21-FEB-1996 08:53:07.74

SUBJECT: meetings

TO: Jack M. Quinn ( QUINN\_J ) (WHO)

READ:NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:21-FEB-1996 09:33:20.10

TEXT:

Leon mentioned that he anticipated a meeting to discuss the partial birth abortion letter and a separate meeting to discuss the timber issue. He did not indicate when they would be scheduled.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:21-FEB-1996 13:45:15.53

SUBJECT: POTUS interview

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:21-FEB-1996 16:50:22.54

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:21-FEB-1996 16:09:56.37

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:21-FEB-1996 13:59:28.66

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ:21-FEB-1996 17:39:22.24

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:21-FEB-1996 14:04:35.65

TO: Barbara C. Chow ( CHOW\_B ) (WHO)  
READ:21-FEB-1996 13:47:27.18

CC: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:21-FEB-1996 13:53:39.82

CC: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ:21-FEB-1996 13:58:00.11

CC: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:21-FEB-1996 13:48:42.26

CC: Brian J. Johnson ( JOHNSON\_BJ ) (CEQ)  
READ:21-FEB-1996 14:02:47.88

TEXT:

Apparently the POTUS is doing live television interviews into Seattle (and California cities) tomorrow evening. This could be a great venue for announcing a timber policy. In fact, it might be a little odd if he gives the interviews, says little or nothing on timber, then we have Glickman and Babbitt say big things on timber less than 24 hours afterwards. Odd, not intolerable, but definately a bit out of sync. WH press wants talking points for the POTUS by 4:00 today. Any advice?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME:21-FEB-1996 14:35:34.42

SUBJECT: partial birth

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:21-FEB-1996 15:08:27.56

TEXT:

I'm getting the idea that you might not be here today. Please give me a call whenever you get this note because I (and George) want to make a one-word change to the partial birth letter. I'm sure the change is ok, but I want to run it by you. tds

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:21-FEB-1996 14:56:14.81

SUBJECT: Draft timber points

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:NOT READ

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ:21-FEB-1996 16:41:04.89

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:21-FEB-1996 16:54:12.49

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:21-FEB-1996 15:08:48.62

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:21-FEB-1996 16:35:05.63

TO: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:21-FEB-1996 15:02:24.44

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:22-FEB-1996 09:02:46.06

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ:21-FEB-1996 15:14:40.24

TO: Ron Cogswell ( COGSWELL\_R ) (OMB)  
READ:21-FEB-1996 15:17:37.67

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)  
READ:21-FEB-1996 15:04:47.91

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)  
READ:21-FEB-1996 15:04:08.64

CC: Christine L. Nolin ( NOLIN\_CL ) (OMB)  
READ:21-FEB-1996 14:57:40.82

TEXT:

Attached is a WP 5.2 file with a first draft of POTUS talking points on our timber policy, as we discussed it today. Please send comments as soon as you can. Thanks.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:21-FEB-1996 14:54:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Thomas C. Jensen

TEXT:

PRINTER FONT 12\_POINT\_ROMAN  
DRAFT 1 - ADMINISTRATION POLICY ON LOGGING RIDER

TALKING POINTS

? The "logging rider" on the rescissions act has to be changed.

? We are deeply concerned by the rider's environmental and social harm.

? Ancient forests are being clearcut. Critical habitat for fish and wildlife is being destroyed. Wild places that almost everyone in the Northwest and the country want to protect are being lost forever. This has to stop.

? Environmental damage isn't the only problem that has to be fixed. We are very concerned about the renewed conflict between people who disagree about forest policy. The logging rider has divided people and communities -- this has to stop.

? The Northwest deserves better. Forest policy should be predictable and fair. Environmental protections should be solid. Harvest levels should be sustainable. Agencies should be accountable for their actions. Most of all, the people who own the forests need to know that their values and their voices are being heard.

? We know and the region knows how to run forests right. That's what this Administration's Northwest Forest Plan was all about. The Forest Plan is the right way to run federal forests in the Northwest and we have to get back to that plan.

? The logging rider is a mess. The courts, egged on by some in Congress and in the industry, twisted it to do things that go way beyond what Congress intended or this Administration agreed to. We fought for the correct interpretations, but many of the key rulings went against our positions.

? We have to change the law. We have to get back to the Forest Plan. The Administration believes that we must:

1. Repeal the provisions of the logging rider that opened up the Northwest's ancient forests and closed the courts;
2. Repeal the provisions that undermine or are inconsistent with the Forest Plan
3. Suspend the salvage timber program in the Northwest for

enough time to allow a full, objective review of the program's implementation, and

4. Get agreement from Congress to give the Forest Service and BLM the funding and other authorities they need to buy

□

-back

or find substitute timber for old

□

-growth sales released under the rider that simply shouldn't be cut.

? We will work with the Northwest delegation to win passage of these changes. We know there will be opposition. But we are determined to get Northwest forest management back on track and to restore the balanced and reasonable approach that is achieved under the Northwest Forest Plan.

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Martha Foley ( FOLEY\_M ) (WHO)

CREATION DATE/TIME:21-FEB-1996 17:17:19.53

SUBJECT: RE: Draft timber points

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:21-FEB-1996 17:23:02.55

TEXT:

Good point re the legal issue. I was just unclear WHAT we were referring to specifically. Do you know?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME:21-FEB-1996 17:21:43.33

SUBJECT: RE: Draft timber points

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:21-FEB-1996 17:27:32.05

CC: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

READ:22-FEB-1996 08:08:45.12

CC: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

READ:21-FEB-1996 18:00:13.52

CC: T J Glauthier ( GLAUTHIER\_T ) (OMB)

READ:21-FEB-1996 18:02:26.03

CC: Martha Foley ( FOLEY\_M ) (WHO)

READ:21-FEB-1996 17:25:06.79

CC: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:21-FEB-1996 17:49:42.47

CC: Kathryn Higgins ( HIGGINS\_K ) (WHO)

READ:NOT READ

CC: Shelley N. Fidler ( FIDLER\_S ) (CEQ)

READ:21-FEB-1996 17:58:56.34

CC: Ron Cogswell ( COGSWELL\_R ) (OMB)

READ:21-FEB-1996 17:42:12.45

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

READ:NOT READ

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)

READ:21-FEB-1996 17:22:27.74

CC: Christine L. Nolin ( NOLIN\_CL ) (OMB)

READ:21-FEB-1996 17:34:11.27

TEXT:

[obviously] the "undermine or inconsistent" language is confusing, but I would suggest just going with "inconsistent" and leave it at that. The industry is NOT currently attacking the plan through these provisions; indeed, Rutzick has denied ever thinking about it (whether we believe him is not the point.) Actually, the subset of enviros who have always opposed the plan are more likely to be the successful plaintiffs in attacking the plan itself, if we're not allowed to supplement.

The other option 9 issue that has been in court is the issue of judicial review and Hogan's finding that the rider shields all sales within the area of option 9 from judicial review. That has lead both Rutzick and enviros to say (correctly, under Hogan's ruling) that implementation of the plan is now strictly a matter of policy. The Administration intended it to be a matter of law (or more accurately, judicially reviewable rulemaking).

In short, I would just leave it at "inconsistent". "Undermine" will provoke denials, speculation and unhealthy thinking.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME:21-FEB-1996 17:27:02.24

SUBJECT: RE: Draft timber points

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:21-FEB-1996 17:29:17.30

CC: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:22-FEB-1996 07:55:54.88

CC: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:21-FEB-1996 18:00:17.64

CC: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ:21-FEB-1996 18:02:29.01

CC: Martha Foley ( FOLEY\_M ) (WHO)  
READ:21-FEB-1996 17:57:07.49

CC: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:21-FEB-1996 17:50:07.92

CC: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:NOT READ

CC: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ:21-FEB-1996 17:59:04.74

CC: Ron Cogswell ( COGSWELL\_R ) (OMB)  
READ:21-FEB-1996 17:42:49.68

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)  
READ:NOT READ

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)  
READ:21-FEB-1996 17:27:36.10

CC: Christine L. Nolin ( NOLIN\_CL ) (OMB)  
READ:21-FEB-1996 17:34:46.77

TEXT:

DOJ is working on the analysis, but I just had a conversation with the attorney who's in charge of the research, and the early answer is we can suspend - and in fact, perhaps even suspend the contracts that have already been issued. (We probably won't get the later analysis until the am because of the need to review both BLM and FS contracts; we should get general analysis within the hour.)

As to the # of days, if there's an overall decision to be specific (I don't know that we need to be that specific in tlk. pts. as opposed to the actual mechanism of suspension), I would suggest at least exploring 45 instead of 30 days, just based on the logistics of getting anything done. I don't get the sense that 15 days would make a legal difference, but if the suspension is supposed to occur asap it will take a little time for both the Forest Service and BLM (or whoever) to develop the mechanism for doing

whatever is going to be done.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Martha Foley ( FOLEY\_M ) (WHO)

CREATION DATE/TIME:21-FEB-1996 17:58:10.07

SUBJECT: RE: Draft timber points

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:21-FEB-1996 18:45:22.48

CC: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:21-FEB-1996 17:59:54.85

CC: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:22-FEB-1996 07:57:32.08

CC: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:21-FEB-1996 18:00:34.09

CC: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ:21-FEB-1996 18:02:56.16

CC: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:21-FEB-1996 17:58:34.74

CC: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:NOT READ

CC: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ:21-FEB-1996 17:59:38.63

CC: Ron Cogswell ( COGSWELL\_R ) (OMB)  
READ:21-FEB-1996 18:15:34.59

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)  
READ:NOT READ

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)  
READ:21-FEB-1996 17:58:52.67

CC: Christine L. Nolin ( NOLIN\_CL ) (OMB)  
READ:21-FEB-1996 18:44:03.12

TEXT:

I like Elena's formulation.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:22-FEB-1996 08:30:47.96

SUBJECT: Draft 2 - Timber points

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

READ:22-FEB-1996 15:13:47.77

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)

READ:22-FEB-1996 08:37:54.89

TO: Martha Foley ( FOLEY\_M ) (WHO)

READ:22-FEB-1996 10:07:40.61

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:22-FEB-1996 09:47:04.12

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:22-FEB-1996 08:53:09.26

TO: Dinah Bear ( BEAR\_D ) (CEQ)

READ:22-FEB-1996 09:28:23.48

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)

READ:22-FEB-1996 09:08:19.52

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)

READ:22-FEB-1996 08:49:39.53

TO: Ron Cogswell ( COGSWELL\_R ) (OMB)

READ:22-FEB-1996 08:37:48.62

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)

READ:22-FEB-1996 08:30:58.97

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

READ:22-FEB-1996 09:33:26.34

TEXT:

Here's draft 2 of the timber talking points.

Comments?

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:22-FEB-1996 08:29:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Thomas C. Jensen

TEXT:

PRINTER FONT 12\_POINT\_ROMAN

DRAFT 2 - ADMINISTRATION POLICY ON LOGGING RIDER

TALKING POINTS

? The Administration is convinced that the "logging rider" on the rescissions act has to be changed.

? Ancient forests are being clearcut. Critical habitat for fish and wildlife is being destroyed. Wild places that

almost everyone in the Northwest and the country want to protect are being lost forever. This has to stop.

? The logging rider has reopened wounds that were just beginning to heal. It is dividing people and communities. This has to stop.

? In addition to the problems with the old growth provisions, a significant number of concerns have been raised regarding implementation of the salvage logging program.

? The Northwest deserves better. Forest policy should be predictable and fair. Environmental protections should be solid. Harvest levels should be sustainable. Agencies should be accountable for their actions. Most of all, the people who own the forests need to know that their values and their voices are being heard.

? This Administration's Northwest Forest Plan is the right way to run federal forests in the Northwest. We have to get back to that plan. We also have to make sure that the salvage program meets the President's directive to obey environmental law.

? We have to change the logging rider. The Administration believes that we must:

1. Repeal the provisions of the logging rider that opened up the Northwest's ancient forests and closed the courts to protecting old growth timber;

2. Repeal the provisions that some in the timber industry want to use to disrupt the Forest Plan.

3. Suspend the salvage timber program in Oregon, Washington, Idaho, and Montana for 45 days to allow a full, objective review of the program's implementation in those states, and

4. Get agreement from Congress to provide the Forest Service and BLM the funding and other authorities they need to buy

-back or find substitute timber for old

-growth sales

released under the rider that simply shouldn't be cut.

? We will work with Senator Murray, Senator Wyden, Congresswoman Furse, and others in the Northwest delegation to win passage of these changes. We know there will be opposition. But we are determined to get Northwest forest management back on track and to restore the balanced and reasonable approach that is achieved under the Northwest Forest Plan.

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:22-FEB-1996 13:22:32.89

SUBJECT: Draft 3 timber points

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:22-FEB-1996 19:47:42.21

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ:NOT READ

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:22-FEB-1996 15:07:45.88

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:22-FEB-1996 13:30:01.08

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:22-FEB-1996 14:33:50.07

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:22-FEB-1996 13:37:52.08

TO: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)  
READ:22-FEB-1996 13:23:25.01

TO: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)  
READ:22-FEB-1996 14:05:49.49

TO: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:22-FEB-1996 14:43:21.58

TEXT:

Attached is the third draft of the talking points.  
Please note the two new bullets regarding satisfaction of property rights.

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE:22-FEB-1996 13:21:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Thomas C. Jensen

TEXT:

PRINTER FONT 12\_POINT\_ROMAN  
DRAFT 3 - ADMINISTRATION POLICY ON LOGGING RIDER  
TALKING POINTS

? The Administration is convinced that the "logging rider" on the rescissions act has to be changed.

? Ancient forests are being clearcut. Critical habitat for fish and wildlife is being destroyed. Wild places that almost everyone in the Northwest and the country want to protect are being lost forever. This has to stop.

? The logging rider has reopened wounds that were just beginning to heal. It is dividing people and communities. This has to stop.

? In addition to the problems with the old growth provisions, a significant number of concerns have been raised regarding implementation of the salvage logging program.

? The Northwest deserves better. Forest policy should be predictable and fair. Environmental protections should be solid. Harvest levels should be sustainable. Agencies should be accountable for their actions. Most of all, the people who own the forests need to know that their values and their voices are being heard.

? This Administration's Northwest Forest Plan is the right way to run federal forests in the Northwest. We have to get back to that plan. We also have to make sure that the salvage program meets the President's directive to obey environmental law.

? We have to change the logging rider. The Administration believes that we must:

1. Repeal the provisions of the logging rider that opened up the Northwest's ancient forests to logging and closed the courts to claims that the logging violates environmental standards;

2. Repeal the provisions that some want to use to attack the Forest Plan;

3. Suspend the salvage timber program in Oregon, Washington, Idaho, and Montana for 45 days to allow a full, objective review of the program's implementation in those states; and

4. Get agreement from Congress to provide the Forest Service and BLM the funding and other authorities they need

to buy

-back or find substitute timber for old

-growth sales

released under the rider that simply shouldn't be cut.

? The Administration wants to work with the companies that hold contracts for old growth timber to make sure that their legitimate property rights are honored. But we want to find means to fulfill their rights without any more environmentally harmful logging.

? We call on companies with controversial sales to forbear from any further cutting until we have a full opportunity to explore together alternative means of fulfilling their rights, whether through replacement timber under the Forest Plan, financial compensation, or other mutually acceptable means.

? We will work with Senator Murray, Senator Wyden, Congresswoman Furse, and others in the Northwest delegation to win passage of these changes. We know there will be opposition. But we are determined to get Northwest forest management back on track and to restore the balanced and reasonable approach that is achieved under the Northwest Forest Plan.

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Martha Foley ( FOLEY\_M ) (WHO)

CREATION DATE/TIME:22-FEB-1996 15:13:47.74

SUBJECT: RE: timber -- chance of lawsuit

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:22-FEB-1996 15:16:12.38

TO: Dinah Bear ( BEAR\_D ) (CEQ)

READ:22-FEB-1996 15:14:28.85

TEXT:

I will try to catch him on this, but I'm never sure that I will do it in time. Can you or Elena make sure Katie, too, is fully aware of this so that she can mention if they discuss with POTUS? Also, what would the effect of the TRO be? Just to stop the suspension but not to mandamus us to do anything specific? In other words, could it be worse than making us do what we are now doing and seek to suspend?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME:22-FEB-1996 15:15:02.29

SUBJECT: your e-mail

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:22-FEB-1996 15:16:46.84

TEXT:

could you forward to me your first e-mail to Martha? I'll forward them and any subsequent ones to Katie.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Holly Carver ( CARVER\_H ) (WHO)

CREATION DATE/TIME:22-FEB-1996 16:33:26.99

SUBJECT: HR 1833 Meeting

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)

READ:22-FEB-1996 18:03:47.42

TO: Deborah L. Fine ( FINE\_D ) (OPD)

READ:22-FEB-1996 16:35:53.55

TO: John P. Hart ( HART\_J ) (WHO)

READ:22-FEB-1996 16:50:08.85

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:22-FEB-1996 18:17:28.14

TO: Lorraine McHugh ( MCHUGH\_L ) (WHO)

READ:22-FEB-1996 16:58:54.89

TO: Barbara D. Woolley ( WOOLLEY\_B ) (WHO)

READ:22-FEB-1996 19:13:43.02

TO: Floydetta McAfee ( MCAFEE\_F ) (WHO)

READ:22-FEB-1996 18:49:22.11

TO: Betsy Myers ( MYERS\_B ) (WHO)

READ:22-FEB-1996 16:40:27.54

TO: Lisa Ross ( ROSS\_LI ) (WHO)

READ:22-FEB-1996 16:53:32.77

TO: Mary Ellen Glynn ( GLYNN\_M ) (WHO)

READ:22-FEB-1996 16:48:01.05

TO: Marilyn Yager ( YAGER\_M ) (WHO)

READ:23-FEB-1996 09:19:59.47

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)

READ:22-FEB-1996 16:35:27.18

TO: Janet Murguia ( MURGUIA\_J ) Autoforward to: Annette E. Jo

READ:22-FEB-1996 16:52:21.96

TEXT:

The follow-up to today's meeting will be on Monday, Feb. 26 at 4:00 pm in Alexis' office. Please plan to attend. Thank you.

Janet-Peter from your office attended today's meeting-please let him know if you would like him to attend Monday. thanks

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME:22-FEB-1996 21:45:03.63

SUBJECT: SALVAGE-LOGGING LAW: Impacts spread across the country.

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

READ:22-FEB-1996 22:02:03.10

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)

READ:22-FEB-1996 22:57:52.37

TO: Martha Foley ( FOLEY\_M ) (WHO)

READ:23-FEB-1996 09:21:02.26

TO: Barbara C. Chow ( CHOW\_B ) (WHO)

READ:23-FEB-1996 08:57:05.45

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:23-FEB-1996 12:51:04.60

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:23-FEB-1996 08:53:11.20

TO: Thomas C. Jensen ( JENSEN\_T ) Autoforward to: Remote Address

READ:NOT READ

TEXT:

SALVAGE-LOGGING LAW: IMPACTS SPREAD ACROSS THE COUNTRY

Much of the debate over the salvage-logging law has centered on old-growth stands freed for logging in the Northwest, but the law has "created a patchwork of logging cuts, frustration and rage" stretching to Michigan, Alabama, Kentucky and North Carolina. Salvage logging is planned or underway in 35 of the 37 states where national forests exist; about one-fourth of the logging will occur east of the Rocky Mountains.

Enviro groups say the US Forest Service, under pressure from Congress to "get out the cut," has used the law as a pretext to sell off healthy trees. They have filed 16 lawsuits in six states, accusing USFS of reclassifying timber sales in pristine, sensitive areas as "salvage" solely to get around enviro laws. Federal judges have heard eight cases so far and have tossed out all eight, citing the salvage law's broad exemptions.

Congress defined salvageable timber as trees that were dead, dying, sick or tilting, threatened by disease or insects, or "associated" with other trees that met the definition. The Dept. of Justice's Peter Coppelman, whose office defends USFS in enviro lawsuits: "You could probably cut down every tree in the national forests under that definition. But is the Forest Service taking advantage? The answer, I believe, is no."

The timber industry, on the other hand, accuses the gov't of dragging its feet, making logging uneconomical. Sen. Slade Gorton (R-WA), "the law's main backer," believes it has failed to do what he intended: create more jobs and end enviro disputes.

GORTON IS FIRM: NO REPEAL

Gorton aide Heidi Kelly said a Senate bill to repeal the law, expected to be introduced soon (GREENWIRE 2/9), would not get past Gorton, who chairs the Senate Interior Cmte.: "There

will be no repeal of the salvage rider -- not in this Congress."  
But she added: "There probably will be some changes made.  
Otherwise, the rider is not going to do what Congress intended it  
to" (Knight-Ridder/Colorado Springs GAZETTE TELEGRAPH, 2/21).

(c) The American Political Network, Inc.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

CREATION DATE/TIME:23-FEB-1996 11:37:17.54

SUBJECT: PARTIAL BIRTH ABORTION

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:23-FEB-1996 11:49:27.54

TEXT:

I don't know what time the "tie down" meeting is on Monday; Alexis didn't say.  
But you'll invite yourself? Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: T J Glauthier ( GLAUTHIER\_T ) (OMB)

CREATION DATE/TIME:23-FEB-1996 11:49:43.74

SUBJECT: Draft timber options paper

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:NOT READ

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:23-FEB-1996 13:42:17.16

TO: Barbara C. Chow ( CHOW\_B ) (WHO)  
READ:23-FEB-1996 13:06:57.92

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:23-FEB-1996 14:35:37.33

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:23-FEB-1996 11:50:29.71

TO: Ron Klain ( KLAIN\_R ) Autoforward to: Remote Adresse  
READ:NOT READ

TO: Ray Martinez ( MARTINEZ\_R ) (WHO)  
READ:23-FEB-1996 11:50:11.03

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ:23-FEB-1996 12:01:16.01

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:23-FEB-1996 18:50:07.71

TO: Kris Balderston ( BALDERSTON\_K ) (WHO)  
READ:23-FEB-1996 11:54:29.21

CC: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:23-FEB-1996 13:40:18.89

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)  
READ:23-FEB-1996 12:33:20.21

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)  
READ:23-FEB-1996 11:50:05.06

CC: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:23-FEB-1996 13:17:53.32

TEXT:

Attached is a WP 5.2 file with the first draft of the timber options paper discussed at this morning's meeting with Harold Ickes.

Please e-mail edits back to Alice Shuffiel, cc'd to the entire distribution list. Thank you.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:23-FEB-1996 11:46:00.00

ATT BODYPART TYPE:p

ATT CREATOR: T J Glauthier

TEXT:

PRINTER FONT 12\_POINT\_ROMAN

DRAFT 2 - ADMINISTRATION POLICY ON LOGGING RIDER

TALKING POINTS

? The Administration is convinced that the "logging rider" on the rescissions act has to be changed.

? Ancient forests are being clearcut. Critical habitat for fish and wildlife is being destroyed. Wild places that almost everyone in the Northwest and the country want to protect are being lost forever. This has to stop.

? The logging rider has reopened wounds that were just beginning to heal. It is dividing people and communities. This has to stop.

? In addition to the problems with the old growth provisions, a significant number of concerns have been raised regarding implementation of the salvage logging program.

? The Northwest deserves better. Forest policy should be predictable and fair. Environmental protections should be solid. Harvest levels should be sustainable. Agencies should be accountable for their actions. Most of all, the people who own the forests need to know that their values and their voices are being heard.

? This Administration's Northwest Forest Plan is the right way to run federal forests in the Northwest. We have to get back to that plan. We also have to make sure that the salvage program meets the President's directive to obey environmental law.

? We have to change the logging rider. The Administration believes that we must:

1. Repeal the provisions of the logging rider that opened up the Northwest's ancient forests and closed the courts to protecting old growth timber;

2. Repeal the provisions that some in the timber industry want to use to disrupt the Forest Plan.

3. Suspend the salvage timber program in Oregon, Washington, Idaho, and Montana for 45 days to allow a full, objective review of the program's implementation in those states, and

4. Get agreement from Congress to provide the Forest Service and BLM the funding and other authorities they need to buy

-back or find substitute timber for old

-growth sales

released under the rider that simply shouldn't be cut.

? We will work with Senator Murray, Senator Wyden, Congresswoman Furse, and others in the Northwest delegation to win passage of these changes. We know there will be opposition. But we are determined to get Northwest forest management back on track and to restore the balanced and reasonable approach that is achieved under the Northwest Forest Plan.

===== END ATTACHMENT 1 =====



RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME:23-FEB-1996 11:52:24.50

SUBJECT: partial birth meeting

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:23-FEB-1996 11:54:48.73

TEXT:

I understand (from a very reliable source) that it turned out to be extremely useful for you to be at the Alexis meeting -- and also that you were very good (says my best source).

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: T J Glauthier ( GLAUTHIER\_T ) (OMB)

CREATION DATE/TIME:23-FEB-1996 11:56:01.72

SUBJECT: IGNORE PREVIOUS DRAFT

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:NOT READ

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:23-FEB-1996 13:42:23.42

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:23-FEB-1996 11:56:51.48

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:23-FEB-1996 14:37:18.71

TO: Ray Martinez ( MARTINEZ\_R ) (WHO)  
READ:23-FEB-1996 11:59:06.27

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)  
READ:23-FEB-1996 11:56:14.26

TO: Kris Balderston ( BALDERSTON\_K ) (WHO)  
READ:23-FEB-1996 11:59:09.33

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ:23-FEB-1996 12:34:35.04

TO: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:23-FEB-1996 13:40:25.65

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)  
READ:23-FEB-1996 11:58:02.24

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)  
READ:23-FEB-1996 12:34:29.35

CC: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:23-FEB-1996 13:18:04.63

TEXT:

Attached is a WP 5.2 version of the options paper discussed with Harold this morning.

Ignore the previously sent file. It was the wrong file, sent by mistake.

Please send your edits to Alice Shuffield, cc's to the rest of the distribution list.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:23-FEB-1996 11:53:00.00

ATT BODYPART TYPE:p

ATT CREATOR: T J Glauthier

TEXT:

WPC

2S□ZB  
 OXXN\ PXPXN\ PXP(hH  
 Z6Times New Roman RegularX23|x□TIMBER POLICY OPTIONS□  
 DRAFT February 23, 1996 11:45 a.m.

Option 1 Partial Repeal

Under this approach, the Administration would support repeal of those provisions of the logging

rider that pertain to oldgrowth sales and the Northwest Forest

Plan (these are the provisions the

courts have interpreted so broadly). The p

olicy would include buyback and replacement timber

provisions, giving the Admin

istration tools to address environmentally problematic sales already

released.

The salvage program would not be repealed, but we would announce significantly

intensified management oversight of the program and the establishment of special boards or

other mechanisms to handle citizen complaints about particular sales

during the remaining 10

months of the rider.

PROS

"White House and agency staff agree that this is the most logical and reasonable approach

as a matter of policy.

"Proenvironment approach, but not an uncritical embrace of their perspective and

allegations. May be seen by general public as balanced

"No patent flipflop from previous support for salvage program

"Previous, possibly outdated, indications of support from Governor Kitzhaber, Congress.

DeFazio, and then Congressman Wyden.

CONS

"No presently identified support from any Northwest or other political leader.

Option 2 Full Repeal

Under this approach, the Administration would support repeal of all provisions of the logging

rider (i.e., oldgrowth, Forest Plan, and salvage). As in Option

1, the policy would include buyback and replacement timber provisions. We would commit to propose some form of permanent

forest health legislation without

sufficiency language in lieu of the salvage provision.

PROS

"Patterned after expected legislation from Sen. Murray

"May be supported by Senator Wyden

"Similar to Cong. Furse legislation and probable Bradley/Boxer legislation

"Unequivocal proenvironment approach (except, depending on the details, for the forest

health legislation)

CONS

"Repeal of salvage provision will deeply anger labor and timber industry  
 "May go beyond what Gov. Kitzhaber will support  
Option 3 Heightened POTUS criticism and generalized call for reform

Under this approach, the President would sharply criticize the impacts of the logging rider. He would emphasize the environmental damage and social conflict, the risk of renewed gridlock, and the erosion of public confidence in the forest management process. He would emphasize problems in the oldgrowth arena, but also note concern over possible problems with the salvage program.

In order to go beyond what the President said in his October statement, he would cite unsuccessful efforts in court and the Congress to fix the logging rider.

The President would say that something must be done and would speculate that the appropriate response could include repeal of some or all of the provisions of the law. He would announce that he will work with Senator Murray, Senator Wyden, other members of the delegation, and the governors to define exactly the correct approach. He would also announce that he is directing the Secretaries of the Interior and Agriculture to investigate allegations of abuse in the salvage program.

The President would also refer to the example set by the Seventh American Forest Congress (now underway in Washington, DC) as representing the type of broad cooperation and consensus-seeking that should characterize forest policymaking.

PROS

"Allows us time to reach policy agreement with Sen. Murray and others

CONS

"May be seen as irresolute or redundant by all sides  
 "Environmentalists will be dissatisfied by lack of clear commitment to full repeal===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:23-FEB-1996 13:16:32.42

SUBJECT: Timber Options Paper - Comments?

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

READ:23-FEB-1996 15:08:58.51

TO: Martha Foley ( FOLEY\_M ) (WHO)

READ:23-FEB-1996 13:34:22.14

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:23-FEB-1996 14:46:24.98

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:23-FEB-1996 14:05:45.45

TO: Ron Klain ( KLAIN\_R ) Autoforward to: Remote Adresse

READ:NOT READ

TO: Barbara C. Chow ( CHOW\_B ) (WHO)

READ:23-FEB-1996 13:18:18.42

TO: Ray Martinez ( MARTINEZ\_R ) (WHO)

READ:23-FEB-1996 14:01:12.62

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)

READ:23-FEB-1996 13:19:52.35

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

READ:23-FEB-1996 13:23:17.34

CC: T J Glauthier ( GLAUTHIER\_T ) (OMB)

READ:23-FEB-1996 17:55:22.46

TEXT:

The attached WP 5.2 file is the same version of the timber options paper sent to you around noon from TJ Glauthier's machine. If you didn't have a chance to review at that time, we hope you will do so now.

I will collect any comments you submit, edit the paper, and recirculate by e-mail at 2:00 p.m. It would be very helpful to receive your edits by 1:45 or so.

Thanks.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE:23-FEB-1996 13:10:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Thomas C. Jensen

TEXT:

WPC

2S[ZB

0XXN\ PXPXN\ PXP(hH

Z6Times New Roman RegularX23|x[TIMBER POLICY OPTIONS]

DRAFT February 23, 1996 11:45 a.m.

Option 1 Partial Repeal

Under this approach, the Administration would support repeal of those provisions of the logging rider that pertain to oldgrowth sales and the Northwest Forest Plan (these are the provisions the courts have interpreted so broadly). The policy would include buyback and replacement timber provisions, giving the Administration tools to address environmentally problematic sales already released.

The salvage program would not be repealed, but we would announce significantly intensified management oversight of the program and the establishment of special boards or other mechanisms to handle citizen complaints about particular sales during the remaining 10 months of the rider.

PROS

"White House and agency staff agree that this is the most logical and reasonable approach as a matter of policy.

"Proenvironment approach, but not an uncritical embrace of their perspective and allegations. May be seen by general public as balanced

"No patent flipflop from previous support for salvage program

"Previous, possibly outdated, indications of support from Governor Kitzhaber, C

ong.  
DeFazio, and then Congressman Wyden.

CONS

"No presently identified support from any Northwest or other political leader.

Option 2 Full Repeal

Under this approach, the Administration would support repeal of all provisions of the logging rider (i.e., oldgrowth, Forest Plan, and salvage). As in Option 1, the policy would include buyback and replacement timber provisions. We would commit to propose some form of permanent forest health legislation without sufficiency language in lieu of the salvage provision.

PROS

"Patterned after expected legislative strategy from Sen. Murray

"May be supported by Senator Wyden

"Similar to Cong. Furse legislation and probable Bradley/Boxer legislation

"Unequivocal proenvironment approach (except, depending on the details, for the forest health legislation)

CONS

"Repeal of salvage provision will deeply anger labor and timber industry

"May go beyond what Gov. Kitzhaber will support

Option 3 Heightened POTUS criticism and generalized call for reform

Under this approach, the President would sharply criticize the impacts of the logging rider. He would emphasize the environmental damage and social conflict, the risk of renewed gridlock, and the erosion of public confidence in the forest management process. He would emphasize problems in the oldgrowth arena, but also note concern over possible problems with the salvage program.

In order to go beyond what the President said in his October statement, he would cite unsuccessful efforts in court and the Congress to fix the logging rider.

The President would say that something must be done and would speculate that the appropriate response could include repeal of some or all of the provisions of the law. He would announce that he will work with Senator Murray, Senator Wyden, other members of the delegation, and the governors to define exactly the correct approach. He would also announce that he is directing the Secretaries of the Interior and Agriculture to investigate allegations of abuse in the salvage program.

The President would also refer to the example set by the Seventh American Forest Congress (now underway in Washington, DC) as representing the type of broad cooperation and consensus-seeking that should characterize forest policymaking.

PROS

"Allows us time to reach policy agreement with Sen. Murray and others

CONS

"May be seen as irresolute or redundant by all sides  
"Environmentalists will be dissatisfied by lack of clear commitment to full repeal

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:23-FEB-1996 14:29:02.92

SUBJECT: Second Draft Timber Options

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

READ:23-FEB-1996 15:11:56.46

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)

READ:23-FEB-1996 17:54:35.55

TO: Martha Foley ( FOLEY\_M ) (WHO)

READ:23-FEB-1996 14:40:47.18

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:23-FEB-1996 14:49:28.80

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:23-FEB-1996 14:31:59.91

TO: Kathryn Higgins ( HIGGINS\_K ) (WHO)

READ:23-FEB-1996 16:27:52.44

TO: Ron Klain ( KLAIN\_R ) Autoforward to: Remote Adresse

READ:NOT READ

TO: Ray Martinez ( MARTINEZ\_R ) (WHO)

READ:23-FEB-1996 17:02:39.67

TO: Kris Balderston ( BALDERSTON\_K ) (WHO)

READ:23-FEB-1996 14:36:16.67

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)

READ:23-FEB-1996 15:21:34.52

TO: Barbara C. Chow ( CHOW\_B ) (WHO)

READ:23-FEB-1996 17:13:26.99

TO: Dinah Bear ( BEAR\_D ) (CEQ)

READ:23-FEB-1996 14:30:27.25

CC: Alice E. Shuffield ( SHUFFIELD\_A ) (OMB)

READ:23-FEB-1996 14:35:08.51

CC: Robert C. Vandermark ( VANDERMARK\_R ) (CEQ)

READ:23-FEB-1996 15:22:08.38

TEXT:

The WP 5.2 file attached is the second draft of the timber options paper.

You should be advised that Cong. Dicks and Sen. Murray and their staffs are actively discussing policy options at this time. Though matters are less than fully clear, it appears that they are headed toward agreement on a position supporting repeal of the green provisions, elimination of the sufficiency provisions on the salvage section, and establishment of a long-term forest health law.

You may send comments back to me via e-mail.

===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE:23-FEB-1996 14:23:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Thomas C. Jensen

TEXT:

PRINTER FONT 12\_POINT\_ROMAN

TIMBER POLICY OPTIONS

DRAFT # 2 - February 23, 1996 - 2:00 p.m.

Each of the three options outlined below should be announced or explained in the context of the attached talking points. In particular, regardless of the option selected, we need to emphasize those points that may help deter any additional cutting of old

-growth timber. In this regard, we should pledge to ensure that holders of old

-growth sales will be given access to replacement volume on mutually agreeable terms.

In exchange for our commitment to respect their property rights, we should call on the industry to "lay down its saws," leave the ancient forests standing, and work with the Administration to find solutions that avoid more damage and strife. We should insist that the leaders in the industry show leadership immediately on this matter.

Option 1 - Partial Repeal

Under this approach, the Administration would support repeal of those provisions of the logging rider that pertain to old

-growth

sales and the Northwest Forest Plan (these are the provisions the courts have interpreted so broadly). The policy would include buy

-back and replacement timber provisions, giving the Administration tools to address environmentally problematic sales already released. The salvage program would not be repealed, but we would announce significantly intensified management oversight of the program and the establishment of special boards or other mechanisms to handle citizen complaints about particular sales during the remaining 10 months of the rider.

PROS

? White House and agency staff agree that this is the most logical and reasonable approach as a matter of policy.

? May be seen by general public as ?balanced?

? No patent flip

-flop from previous support for salvage program

? Previous, possibly out

-dated, indications of support from Governor Kitzhaber, Cong. DeFazio, and then

-Congressman Wyden.

## CONS

? No presently identified firm support from any Northwest or other political leader, although it may be possible to build support.

? Will be criticized by environmental community because it falls short of full repeal of all provisions of the rider

Option 2 - Full Repeal

Under this approach, the Administration would support repeal of all provisions of the logging rider (i.e., old

-growth, Forest Plan, and salvage).

As in Option 1, the policy would include buy

-back and replacement timber provisions. We would commit to propose some form of permanent ?forest health? legislation without sufficiency language in lieu of the salvage provision.

## PROS

? Patterned after expected legislative strategy from Sen. Murray

? May be supported by Senator Wyden

? Less extreme than Cong. Furse? legislation and probable Bradley/Boxer legislation

? Closest of the options to the environmental community's position and they likely will applaud it. They will be skeptical toward any new forest health legislation, however.

## CONS

? Repeal of salvage provision may anger labor and timber industry, although Sen. Murray contends that they will be mollified by promise of long

-term forest health/salvage legislation.

? May go beyond what Gov. Kitzhaber will support

? Nationwide implications for forest management

Option 3 - Heightened POTUS criticism and generalized call for reform

[This option is the staff recommendation].

Under this approach, the President would sharply criticize the impacts of the logging rider. He would emphasize the environmental damage and social conflict, the renewed gridlock, and the erosion of public confidence in the forest management process. He would emphasize problems in the ?old

-growth? arena,

but also note concern over possible problems with the salvage program.

In order to go beyond what the President said in his October statement, he would cite unsuccessful efforts in court and the Congress to fix the logging rider. The President would say that ?something must be done? and would speculate that the appropriate response could include repeal of some or all of the provisions of the law. He would announce that he will work with Senator Murray and other members of the delegation, and the governors to define exactly the correct approach. He would also announce that he is directing the Secretaries of the Interior and Agriculture to investigate allegations of abuse in the salvage program.

The President would also refer to the example set by the Seventh

American Forest Congress (now underway in Washington, DC) as representing the type of broad cooperation and consensus

□

-seeking

that should characterize forest policymaking.

PROS

? Allows us time to reach policy agreement with Sen. Murray and others

? Reduces perception that we are being reactive to environmentalists' rally in Seattle

CONS

? May be seen as irresolute or redundant by all sides

? Environmentalists will be dissatisfied by lack of clear commitment to ?full repeal?

□

ADMINISTRATION POLICY ON LOGGING RIDER

TALKING POINTS

? The Administration is convinced that the "logging rider" has to be changed.

? Ancient forests are being clearcut. Critical habitat for fish and wildlife is being destroyed. Wild places that almost everyone in the Northwest and the country want to protect are being lost forever. This has to stop.

? The logging rider has reopened wounds that were just beginning to heal. It is dividing people and communities. This has to stop.

? In addition to the problems with the old growth provisions, a significant number of concerns have been raised regarding implementation of the salvage logging program.

? The Northwest deserves better. Forest policy should be predictable and fair. Environmental protections should be solid. Harvest levels should be sustainable. Agencies should be accountable for their actions. Most of all, the people who own the forests need to know that their values and their voices are being heard.

? This Administration's Northwest Forest Plan is the right way to run federal forests in the Northwest. We have to get back to that plan. We also have to make sure that the salvage program meets the President's directive to obey environmental law.

? We have to change the logging rider. The Administration believes that we must:

[Insert policy option when selected]

? The Administration wants to work with the companies that hold contracts for old growth timber to make sure that their property rights are honored. But we want to find means to fulfill their rights without any more environmentally harmful logging.

? We call on companies with controversial sales to forbear from any further cutting until we have a full opportunity to explore together alternative means of fulfilling their rights, whether through replacement timber under the Forest Plan, financial compensation, or other mutually acceptable means.

? We call on the leaders of the timber industry to take responsibility for ensuring that no more ancient forests are

cut under the logging rider.

? We will work with Senator Murray, Senator Wyden, Senator Bradley, Congressman Dicks, Congresswoman Furse, and others in the Northwest delegation to win passage of these changes. We know there will be opposition. But we are determined to get Northwest forest management back on track and to restore the balanced and reasonable approach that is achieved under the Northwest Forest Plan.

C:\WORK\WP\TMBRPTS.TCJ

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME:24-FEB-1996 12:56:16.48

SUBJECT: Pkg. that went to POTUS

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:24-FEB-1996 12:59:35.79

TEXT:

=====  
ATT CREATION TIME/DATE:24-FEB-1996 08:14:00.00

ATT BODYPART TYPE:B

ATT CREATOR: T J Glauthier

ATT SUBJECT: WP 5.2 Version of Timber Memo and Talking Points

ATT TO: Brian J. Johnson ( JOHNSON\_BJ )

ATT TO: Thomas C. Jensen ( JENSEN\_T )

ATT TO: Kathleen A. McGinty ( MCGINTY\_K )

ATT TO: Jennifer M. O'Connor ( OCONNOR\_J )

ATT TO: Martha Foley ( FOLEY\_M )

ATT TO: Dinah Bear ( BEAR\_D )

ATT CC: LAWRENCE J. HAAS ( HAAS\_L )

ATT CC: T J Glauthier ( GLAUTHIER\_T )

ATT CC: Alice E. Shuffield ( SHUFFIELD\_A )

TEXT:

This is the same file that I sent to some of you last night, but now it's in WP 5.2 format to be sure everyone can pick it up ok. It contains both the decision memo we sent out to Leon around 7:30 pm and the one and a half page draft statement (which in this file is labelled "talking points" because it also contains two bracked notes at the end).

Last night, the materials went into the briefing book for the President and were also faxed out directly to Leon Panetta and Mike McCurry.

Brian Johnson will work with the communications staff today to produce the final version of the statement that will be released to the press, if one is finally to be released. That decision on to whom and by whom the information would be released still had not been made late last night.

=====  
END ATTACHMENT 1

=====  
ATT CREATION TIME/DATE:24-FEB-1996 08:14:00.00

ATT BODYPART TYPE:p

ATT CREATOR: T J Glauthier

TEXT:

===== END ATTACHMENT 2 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Brian J. Johnson ( JOHNSON\_BJ ) (CEQ)

CREATION DATE/TIME:24-FEB-1996 16:31:40.72

SUBJECT: statement -- not to be used other than info

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:24-FEB-1996 16:38:36.95

TO: Dinah Bear ( BEAR\_D ) (CEQ)

READ:24-FEB-1996 17:47:52.03

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE:24-FEB-1996 15:17:00.00

ATT BODYPART TYPE:A

ATT CREATOR: Brian J. Johnson

TEXT:

PRINTER FONT 12\_POINT\_ROMAN

THE WHITE HOUSE

Office of the Press Secretary

-----  
For Immediate Release

February 24, 1996

STATEMENT BY THE PRESIDENT

I am calling on Congress to act now on the timber rider. First, the old growth provisions must be repealed. We are losing ancient forests. We are losing valuable fish runs. Wild places that people in the Northwest and across America want to protect are being lost forever. This has to stop.

The timber rider has reopened wounds that were just beginning to heal under my Northwest Forest Plan. It has shut the courtroom door to citizens. This has to stop.

Second, in addition to repeal, we need to be able to address a number of the old growth sales the courts have already forced us to release. Therefore, I am calling on Congress to give us broader flexibility in offering replacement timber, and for extreme cases, buyout authority.

Third, we need to take a hard look at the salvage program. The salvage program has to be based on sound science. It has to meet environmental laws. I have directed the agencies to meet these standards. Yet we have heard many concerns about the salvage program. We have to restore peoples' confidence and their ability to hold public officials accountable. To accomplish these goals, we

will work with the Congressional delegation, industry, labor and environmental groups to review our options, including repeal.

We're concerned that the prospect of new legislation might cause some companies that hold old growth sale contracts to mistakenly rush out and cut the trees. They don't need do this. We will honor their contract rights. I'm calling on those companies to hold off on any more cutting until we find another way to honor their contract rights. And I am asking the leaders of the timber industry to help us resolve this conflict.

Finally, I understand that Senator Murray is working on this kind of legislation. We will work with Senator Murray, Senator Wyden, Senator Bradley, Congressman Dicks, Congresswoman Furse, others in the Northwest delegation, the Governors and all the stakeholders to get forest management back on track and to restore the balanced and reasonable approach under my Northwest Forest Plan.

# # #

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME:24-FEB-1996 16:46:17.99

SUBJECT: PAGER CONFIRMATION - O'CONNOR,JENNIFER M.

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:24-FEB-1996 16:50:18.33

TEXT:

PAGE FOR O'CONNOR,JENNIFER M., WAS TRANSMITTED 24-FEB-1996 16:45:28.40

TEXT TRANSMITTED WAS:

CALL ME. ELENA 67594.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Holly Carver ( CARVER\_H ) (WHO)

CREATION DATE/TIME:26-FEB-1996 15:59:13.07

SUBJECT: HR 1833 Postponed

TO: Deborah L. Fine ( FINE\_D ) (OPD)  
READ:26-FEB-1996 15:59:23.78

TO: Betsy Myers ( MYERS\_B ) (WHO)  
READ:26-FEB-1996 15:59:44.50

TO: Lisa Ross ( ROSS\_LI ) (WHO)  
READ:26-FEB-1996 18:31:29.06

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:26-FEB-1996 16:15:11.37

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)  
READ:26-FEB-1996 16:13:06.54

TO: John P. Hart ( HART\_J ) (WHO)  
READ:26-FEB-1996 17:22:58.53

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:26-FEB-1996 16:11:00.08

TO: Janet Murguia ( MURGUIA\_J ) Autoforward to: Annette E. Jo  
READ:26-FEB-1996 15:59:35.95

TEXT:

I apologize for the late notice but due to the Cuba situation we will have to postpone today's meeting. I'll keep you posted. Please let anyone else know that I may have forgotten about.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dawn Chirwa ( CHIRWA\_D ) (WHO)

CREATION DATE/TIME:26-FEB-1996 17:28:04.91

SUBJECT: ACLU Pleadings

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:26-FEB-1996 17:29:34.15

TEXT:

I just received a copy of the pleadings in ACLU v. the Attorney General (Communications Decency Act challenge). Did DoJ send them to you as well? If they didn't, I can have someone make a copy for you, or (they are pretty hefty) you can have my copy to read. Dawn.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ruth D. Saunders ( SAUNDERS\_R ) (OMB)

CREATION DATE/TIME:26-FEB-1996 17:37:30.78

SUBJECT: revised timber language

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:26-FEB-1996 19:00:04.34

CC: Dinah Bear ( BEAR\_D ) (CEQ)

READ:26-FEB-1996 17:53:03.82

CC: Christine L. Nolin ( NOLIN\_CL ) (OMB)

READ:29-FEB-1996 11:56:20.17

TEXT:

As I understand it, the draft timber language has been revised to reflect the current policy of repealing the 318 and Option 9 provisions, while retaining the buy-back authority.

DOJ is providing us with the revised language on disk, which I will get to TJ this evening. I assume that you have seen this language and have no other changes to make. Ted Boling has recommended that we allow the agencies to review the language; however, no one has instructed us to send it out for inter-agency clearance.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Holly Carver ( CARVER\_H ) (WHO)

CREATION DATE/TIME:26-FEB-1996 18:26:46.51

SUBJECT: HR 1833 Meeing Tuesday Morning

TO: John P. Hart ( HART\_J ) (WHO)  
READ:26-FEB-1996 19:56:06.66

TO: Deborah L. Fine ( FINE\_D ) (OPD)  
READ:26-FEB-1996 18:26:52.45

TO: Betsy Myers ( MYERS\_B ) (WHO)  
READ:27-FEB-1996 09:58:00.62

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:26-FEB-1996 19:00:41.59

TO: David P. Jacobeen ( JACOBEEEN\_D ) (OA)  
READ:27-FEB-1996 09:02:33.95

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:26-FEB-1996 18:50:51.44

TO: Lisa Ross ( ROSS\_LI ) (WHO)  
READ:26-FEB-1996 18:33:24.25

TO: Lorraine McHugh ( MCHUGH\_L ) (WHO)  
READ:26-FEB-1996 18:27:16.62

TO: Barbara D. Woolley ( WOOLLEY\_B ) (WHO)  
READ:26-FEB-1996 18:32:12.88

TO: Floydetta McAfee ( MCAFEE\_F ) (WHO)  
READ:26-FEB-1996 18:44:54.09

TO: Marilyn Yager ( YAGER\_M ) (WHO)  
READ:26-FEB-1996 19:01:53.70

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)  
READ:26-FEB-1996 19:26:16.19

TO: Mary Ellen Glynn ( GLYNN\_M ) (WHO)  
READ:26-FEB-1996 18:44:59.27

TEXT:

Alexis would like to do the meeting tomorrow morning--EARLY! Having said that,  
I want to touch base with her once more on HOW early--please stay posted. thanks

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Holly Carver ( CARVER\_H ) (WHO)

CREATION DATE/TIME:26-FEB-1996 20:25:08.05

SUBJECT: HR 1833 9am Tuesday in Alexis' Office

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)

READ:27-FEB-1996 08:15:48.85

TO: Deborah L. Fine ( FINE\_D ) (OPD)

READ:26-FEB-1996 20:25:16.59

TO: Betsy Myers ( MYERS\_B ) (WHO)

READ:27-FEB-1996 10:03:51.77

TO: Lisa Ross ( ROSS\_LI ) (WHO)

READ:27-FEB-1996 11:24:53.88

TO: John P. Hart ( HART\_J ) (WHO)

READ:27-FEB-1996 09:43:07.80

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:27-FEB-1996 08:34:26.89

TO: Lorraine McHugh ( MCHUGH\_L ) (WHO)

READ:27-FEB-1996 07:44:23.97

TO: Barbara D. Woolley ( WOOLLEY\_B ) (WHO)

READ:27-FEB-1996 10:15:46.13

TO: Floydetta McAfee ( MCAFEE\_F ) (WHO)

READ:27-FEB-1996 09:20:07.56

TO: Marilyn Yager ( YAGER\_M ) (WHO)

READ:26-FEB-1996 20:36:00.80

TO: Mary Ellen Glynn ( GLYNN\_M ) (WHO)

READ:NOT READ

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)

READ:27-FEB-1996 09:59:26.90

TO: Peter Jacoby ( JACOBY\_P ) (WHO)

READ:26-FEB-1996 20:51:47.57

TEXT:

I just paged all of you on this meeting but here's a reminder.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen ( JENSEN\_T ) (CEQ)

CREATION DATE/TIME:27-FEB-1996 09:41:35.66

SUBJECT: DeFazio letter

TO: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)  
READ:27-FEB-1996 10:06:39.09

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ:27-FEB-1996 13:53:57.66

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:27-FEB-1996 13:58:40.45

TO: Barbara C. Chow ( CHOW\_B ) (WHO)  
READ:27-FEB-1996 09:49:59.90

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:27-FEB-1996 11:35:49.54

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:27-FEB-1996 09:53:42.20

TO: Dinah Bear ( BEAR\_D ) (CEQ)  
READ:27-FEB-1996 10:32:16.17

CC: Michelle Denton ( DENTON\_M ) (CEQ)  
READ:27-FEB-1996 10:03:13.75

TEXT:

Have you folks seen the [insert adjectives at will] letter from Cong. DeFazio to, I gather, his constituents, on the logging rider? The one in which he essentially blames the POTUS for all the problems and states that we'll never be able to fix it? If not, I'll send you a copy. It is really something.....

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ruth D. Saunders ( SAUNDERS\_R ) (OMB)

CREATION DATE/TIME: 27-FEB-1996 09:58:36.46

SUBJECT: try again

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 27-FEB-1996 10:09:26.68

TEXT:

PRINTER FONT 12\_POINT\_COURIER

Draft Amendments to ? 2001, Pub. L. 104

□

-19

Section \_\_\_\_ Amendments to the Rescissions Act

(a) FINDING. -- The Congress finds and declares that it is in the national interest to ensure that valuable natural resources in Oregon and Washington are protected to prevent environmental injury to forest resources, chinook salmon and other wildlife, and rivers and streams, and jeopardy to the livelihoods of those who depend on commercial and sport fisheries and other natural resources; and that the Secretaries of Agriculture and the Interior will use the authority provided in this section with discretion, and in conjunction with a continuation of agency efforts to reach mutually agreeable accommodations with timber purchasers to protect these resources.

(b) PURPOSES. -- The purposes of these amendments are to-

(i) clarify the intent of Congress with regard to certain provisions of Section 2001 of the Rescissions Act,

(ii) protect the Secretaries' authority to implement the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, and

(iii) provide the Secretaries concerned with additional authority to replace, modify, suspend or terminate certain timber contracts.

(c) DEFINITION.

□

-As used in this section, "Rescissions Act" means the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti

□

-terrorism initiatives, for Assistance in the Recovery from the Tragedy that occurred at Oklahoma City, and Rescissions Act, 1995 (Pub. Law No. 104

□

-19).

(d) OPTION 9 TIMBER SALES -- Section 2001 is amended-

(1) by striking subsection (d);

(2) by redesignating subsections (e) through (l) as (d) through (k), respectively;

(3) in subsection (d) (as so redesignated), by striking ", timber sales conducted under subsection (d),";

(4) in subsection (e) (as so redesignated),-

(A) in paragraph (1), by striking ", and a

timber sale to be conducted under subsection (d),";

(B) in paragraph (2), by striking "or a timber sale to be conducted under subsection (d),";

(C) in paragraph (3), by striking "or any decision to prepare, advertise, offer, award, or operate a timber sale pursuant to subsection (d),";

(5) in subsection (h) (as so redesignated), by striking "and any timber sale under subsection (d)";

(6) in subsection (i) (as so redesignated),-

(A) in the first sentence, by striking "subsections (b) and (d)" and inserting "subsection (b)";

(B) in the second sentence, by striking "and timber sale contracts offered under subsection (d)".

(e) AWARD AND RELEASE OF TIMBER SALE CONTRACTS SUBJECT TO SECTION 318 OF PUBLIC LAW 101

□

-121 -- Subsection 2001(j) (as redesignated by subsection (d) of this Section) is amended-

(1) by striking paragraphs (1) through (3) and inserting the following new paragraphs:

(1) REPLACEMENT, MODIFICATION, SUSPENSION OR TERMINATION OF TIMBER SALE CONTRACTS.

(A) Notwithstanding the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Federal Land Management Policy Act (43 U.S.C. 1701 et seq.), the Oregon & California Lands Act (43 U.S.C. 1181a et seq.) or other law applicable to the award, release, completion, replacement, modification suspension or termination of timber sale contracts, the Secretary concerned may replace, modify, suspend or terminate any timber sale contract, currently suspended, that was offered or awarded in fiscal year 1990 under the authority of, and in compliance with, section 318(b) or that was released pursuant to this subsection where the Secretary concerned, in his discretion, finds that such replacement, modification, suspension or termination is authorized pursuant to originally advertised terms of the contract or that release or completion of the contract may have an adverse effect on the environment or natural resources. Any replacement, modification, suspension or termination shall be effective immediately upon issuance of the Secretary's finding.

(B) The Secretary concerned may expend, without further appropriation action, from sums otherwise available in the Treasury, up to \$50 million in compensation to contract holders for changes made pursuant to the authority provided in subparagraph (A) of this paragraph.

(2) CONTRACT DISPUTES.- All claims by a contractor against the government relating to a contract replaced, modified, suspended or terminated

pursuant to subparagraph (A) shall be subject to the

Contract Disputes Act.

(f) EFFECT ON PLANS, POLICIES AND ACTIVITIES -- Section 2001 is further amended by striking subsection (k) (as redesignated by subsection (d) of this Section).

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen A. McGinty ( MCGINTY\_K ) (CEQ)

CREATION DATE/TIME: 27-FEB-1996 10:18:06.56

SUBJECT: timber stmt

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ: 27-FEB-1996 13:34:33.37

TO: T J Glauthier ( GLAUTHIER\_T ) (OMB)  
READ: 27-FEB-1996 11:57:40.75

TO: Barbara C. Chow ( CHOW\_B ) (WHO)  
READ: 27-FEB-1996 10:27:29.86

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ: 27-FEB-1996 11:38:06.89

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 27-FEB-1996 10:52:39.67

TO: Dinah Bear ( BEAR\_D ) (CEQ)  
READ: 27-FEB-1996 10:34:06.43

TO: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ: 27-FEB-1996 10:24:04.19

TO: Shelley N. Fidler ( FIDLER\_S ) (CEQ)  
READ: 27-FEB-1996 10:48:29.01

TO: Brian J. Johnson ( JOHNSON\_BJ ) (CEQ)  
READ: 27-FEB-1996 10:19:05.65

TEXT:

i would really like to move us along immediately in releasing the statement that we held back on saturday. press office held it back (understandably) cause they did not want to interfere with our main saturday event and message. BUT, we now need to move it --- we are getting innumerable calls from the press, the governors offices, the delegation, etc. all wanting clarification on exactly where we stand. moreover, there are important parts of our stmt that did not get into the oral things we said -- like that we will make good on our contracts and find replacement timber as a preference to buy outs, etc. all of these things are very important to rounding out our msg.

i mentioned this to leon at sr. staff this am. he was agreeable that we should get the stmt out -- tho he seemed to suggest that maybe we should consider a different form (e.g. a letter to the hill).

what say all of you??? thx.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ashley Oliver ( OLIVER\_A ) (WHO)

CREATION DATE/TIME:27-FEB-1996 11:36:13.15

SUBJECT: choice coalition meeting

TO: Jack M. Quinn ( QUINN\_J ) (WHO)  
READ:NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:27-FEB-1996 11:44:48.20

TO: Nancy-Ann E. Min ( MIN\_N ) (OMB)  
READ:27-FEB-1996 17:14:54.76

TO: James Castello ( CASTELLO\_J ) (WHO)  
READ:27-FEB-1996 12:31:10.18

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:27-FEB-1996 13:36:25.56

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:27-FEB-1996 13:18:56.20

TO: Deborah L. Fine ( FINE\_D ) (OPD)  
READ:27-FEB-1996 11:37:11.20

TO: Carol H. Rasco ( RASCO\_C ) (WHO)  
READ:27-FEB-1996 12:14:28.16

TO: Alexis M. Herman ( HERMAN\_A ) (WHO)  
READ:NOT READ

TO: Holly B. Nichols ( NICHOLS\_H ) (WHO)  
READ:27-FEB-1996 12:18:17.51

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)  
READ:27-FEB-1996 12:44:22.53

CC: Betsy Myers ( MYERS\_B ) (WHO)  
READ:27-FEB-1996 14:12:06.16

TEXT:

The 3:30 meeting today with the Choice coalition core group has been changed to room 472. We still want to meet in Melanne's office in OEOB for a quick meeting at 3:15. Attached is the list of participants for the meeting. The agenda is a follows:

Betsy Welcome and Intros

Nancy Ann Min Discussion of anti

□

-choice legislation contained in  
appropriations bills

Jack Quinn Presentation of the Administration's position on  
HR 1833

Open Q & A

PRINTER FONT 12\_POINT\_COURIER

Participants for Choice Coalition Meeting

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	SSN (Partial) DOB (Partial) (4 pages)	02/27/1996	P6/b(6)

## COLLECTION:

Clinton Presidential Records  
Automated Records Management System (Email)  
WHO ([Kagan])  
OA/Box Number: 500000

## FOLDER TITLE:

[02/04/1996 - 02/27/1996]

2009-1006-F  
ke715

## RESTRICTION CODES

### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

February 27, 3:30 pm

OEOB Room 472

White House:

Jack Quinn

Elaina Kagen

James Castello

Melanne Verveer

Alexis Herman

Nancy Ann Min

Betsy Myers

Jen Klein

Groups:

Julia Scott, National Black Women's Health Project

Jeanie Rosoff, Alan Gutmacher Institute

Nancy Zirken, American Association of University Women

Harriet Trudell, Feminist Majority

Kathryn Kolbert, Center for Reproductive Law  
and Policy

Vicki Saporta, National Abortion Federation

Patricia Reuss, NOW Legal Defense Fund

Marilyn Keefe, National Family Planning and Reproductive Health  
Association

Margaret Conway and Diana Zuckerman, Planned Parenthood

Liz Symonds, Reproductive Freedom Project/ACLU

Jo Blum and Kate Michelman, NARAL

Marcia Greenberger, National Womens Law Center

Judy Lichtman, Women's Legal Defense Fund

Frances Kissling, Catholics for a Free Choice

Patricia Ireland or Lisa Bennett

☐

-Haigney, NOW

Kate Michelman, Executive Director, NARAL

Jeff Kleuter, Political Director, Emily's List

☐

Participants for Choice/HR 1833 Meeting

3:30 pm, Room 472

February 27, 1996

1. VOTERS FOR CHOICE

Julie Burton, Executive Director

P6/(b)(6)

[002]

2. NATIONAL BLACK WOMEN'S HEALTH PROJECT

Julia Scott, Executive

P6/(b)(6)

P6/(b)(6)

3. NARAL  
Jo Blum, Political Director

P6/(b)(6)

4. NARAL  
Kate Michelman, Executive Director

P6/(b)(6)

5. THE CENTER FOR REPRODUCTIVE LAW AND POLICY  
Kathryn Kolbert, Vice President

P6/(b)(6)

6. NOW/LDF  
Patricia Reuss

P6/(b)(6)

7. CATHOLICS FOR A FREE CHOICE  
Frances Kissling, Executive Director

P6/(b)(6)

8. NOW  
Patricia Ireland

P6/(b)(6)

(may need special clearance)  
9. National Abortion Federation  
Vicki Saporta, Executive Director

P6/(b)(6)

P6/(b)(6)

- 10. The Feminist Majority  
Harriett Trudell

P6/(b)(6)

- 11. Women's Legal Defense Fund  
Judy Lichtman, President

P6/(b)(6)

- 12. National Women's Law Center  
Marcia Greenberger, Co

□

-President

P6/(b)(6)

- 13. Planned Parenthood  
Margaret Conway

P6/(b)(6)

- 14. Planned Parenthood  
Diana Zuckerman, Policy Director

P6/(b)(6)

- 15. Alan Gutmacher Institute  
Susan Cohen

P6/(b)(6)

- 16. Emily's List  
Jeff Kleuter, Research Director

P6/(b)(6)

P6/(b)(6)

17. National Family Planning and Reproductive Health  
Marilyn Keefe

P6/(b)(6)

18. ACLU  
Liz Symonds

P6/(b)(6)

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Holly Carver ( CARVER\_H ) (WHO)

CREATION DATE/TIME: 27-FEB-1996 14:24:00.58

SUBJECT: HR 1833 - Make the calls now

TO: John P. Hart ( HART\_J ) (WHO)

READ: 27-FEB-1996 14:45:00.49

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 27-FEB-1996 17:53:18.48

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)

READ: 27-FEB-1996 14:33:25.47

TO: Deborah L. Fine ( FINE\_D ) (OPD)

READ: 27-FEB-1996 15:05:37.92

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)

READ: 27-FEB-1996 15:08:57.78

TO: Floydetta McAfee ( MCAFEE\_F ) (WHO)

READ: 27-FEB-1996 14:31:02.86

TO: Marilyn Yager ( YAGER\_M ) (WHO)

READ: 27-FEB-1996 14:30:41.16

TO: Barbara D. Woolley ( WOOLLEY\_B ) (WHO)

READ: 27-FEB-1996 15:29:56.81

TO: Nicole R. Rabner ( RABNER\_N ) (WHO)

READ: 27-FEB-1996 15:38:04.55

TO: Adam R. Kreisel ( KREISEL\_A ) (WHO)

READ: 27-FEB-1996 14:25:33.38

TO: Lorraine McHugh ( MCHUGH\_L ) (WHO)

READ: 27-FEB-1996 14:25:28.86

TO: Mary Ellen Glynn ( GLYNN\_M ) (WHO)

READ: 27-FEB-1996 14:28:47.08

TO: Brenda Anders ( ANDERS\_B ) (WHO)

READ: 27-FEB-1996 14:25:37.17

TO: Peter Jacoby ( JACOBY\_P ) (WHO)

READ: 27-FEB-1996 16:01:56.98

TEXT:

It is a deliberate strategy to make the calls now--if any of you would like to discuss please call me at 6-7936. thanks