

12/18/79 [2]

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December 18, 1979

To Jay Hidden and Thomas Baldwin

Thank you for your letter of November 23. I appreciate your support and the reasons you gave for it. Please express my thanks to all who joined with you.

With best wishes--and holiday greetings--to each of you,

Sincerely,

PRINT CENTER

Mr. Jay Hidden
Mr. Thomas Baldwin
Battle Grove Democratic Club
of Baltimore County
4095 Saint Augustine Lane
Baltimore, Maryland 21222

✓ cc: The Honorable Clarence D. Long

✓ cc: Congressional Liaison

JC/JMC/ses

33 - OFFERS ASSISTANCE

77-175 75 1943

BATTLE GROVE DEMOCRATIC CLUB
OF BALTIMORE COUNTY

4095 ST. AUGUSTINE LANE
BALTIMORE, MARYLAND 21222

NOV 23 1979
November 23, 1979

President of the United States
James Earl Carter
White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear President Carter,

We are writing on behalf of the officers and members of the Battle Grove Democratic Club.

Our club is one of the oldest clubs in the Southeast section of Baltimore County. In addition to our political and party activities, our club is recognized in the forefront of community services. Being community oriented has provided us with many non-political contacts, such as; scouting, recreation and civic organizations that allows us additional political influences with in our area.

In 1976 our support of your candidacy, we feel, allowed you and your delegates to carry our area. We were soledly committed in 1976 and with the unanimous vote of the Board of Govenors and membership we are again pledging our support in the 1980 elections.

Being strong and loyal Democrats from a Blue Collar Area, we feel that your unquestionable moral background, ability to with stand pressure of popular opion in order to achieve the long range goal rather than the short range objective and notoriety places you far above any candidate.

We feel at this time our country needs neither the Radical Left, nor the Reactionary Right of the political spectrum, and further that your proven moderation is the best course for our great nation.

We must not and will not allow the American people ever again be subjected to an administration ruled by special interests and big business as it was prior to 1976.

We are so proud and enthusiastic of our total endorsement that as you read this letter we will have notified our party and elected officials of our decision.

The club eagerly awaits your response as to how we can best serve.

Yours Very Truly,

Jay W. Hidden
Jay W. Hidden
President

Thomas A. Baldwin
Thomas A. Baldwin
P.P- Secretary

*Send a letter
to the President
with a copy of
this letter
to the members*

BATTLE GROVE DEMOCRATIC CLUB
OF BALTIMORE COUNTY

4095 ST. AUGUSTINE LANE
BALTIMORE, MARYLAND 21222

Congressman Clarence Long
Post Office Building
Towson, Maryland 21204

Dear Congressman,

Enclosed is a copy of our letter to President Carter, affirming our belief in his leadership.

It is with a strong feeling of pride that we are informing all of our elected officials, party officials, and Democratic Clubs of our choice in the 1980 elections.

We feel that we must have a united Democratic Party in order to keep our country strong,

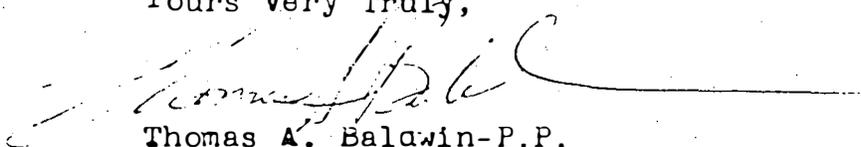
We must not let ourselves be taken into what happened in 1972. We must not give the opposition party the ammunition to blow us out of the water. President Carter can only be attacked on the issues and not on his moral background or his clandestine ways as the other candidates will be.

We pray that you will not let our party and nation go down to the disgrace that we had during the Nixon, Ford years. Our country at these critical times needs the Democratic Party to supply the needed and valuable leadership that we can and must supply.

We urge you to support the re-election of President Carter and also your support for his delegates. The time for playing games or trying to make personal gains is over. We must now think of our children, our country and the American way of life.

It is our hope that we will all be united for these causes.

Yours very Truly,



Thomas A. Balawin-P.P.
Secretary

CLARENCE D. LONG
2D DISTRICT, MARYLAND

COMMITTEE ON
APPROPRIATIONS

CHAIRMAN:
SUBCOMMITTEE ON
FOREIGN OPERATIONS

MEMBER:
SUBCOMMITTEES ON
INTERIOR

MILITARY CONSTRUCTION

Congress of the United States
House of Representatives
Washington, D.C. 20515

2407 RAYBURN BUILDING
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DISTRICT OFFICE:
200 POST OFFICE BUILDING
CHESAPEAKE AND
WASHINGTON AVENUES
TOWSON, MARYLAND 21204
(301) 828-6616

"OFFICE ON WHEELS"

December 4, 1979

*Susan -
"Th" to club
LMS
cc Long*

The Honorable Jimmy Carter
The White House
Washington, D.C. 20500

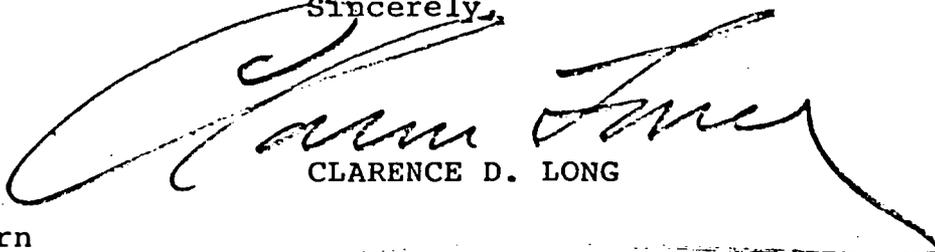
Dear Mr. President:

Enclosed is a letter I received from the Battle Grove Democratic Club of Baltimore County endorsing your candidacy for re-election.

This letter is most encouraging! Never during my 17 years in Congress have I received a letter from a political club in my district supporting a candidate for President in these terms.

Good luck!

Sincerely,



CLARENCE D. LONG

CDL/AJZ/srn

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THE PRESIDENT'S SCHEDULE

NOT ISSUED

Tuesday - December 18, 1979

-
- 7:15 Dr. Zbigniew Brzezinski - The Oval Office.
- 7:45 Mr. Frank Moore - The Oval Office.
- ✓ 8:00 Breakfast with Democratic Congressional
(60 min.) Leaders. (Mr. Frank Moore) - The State
Dining Room.
- ✓ # 9:30 Meeting with Senator David Pryor. (Mr. Frank
(20 min.) Moore) - The Oval Office.
- 10:00 Mr. Hamilton Jordan and Mr. Frank Moore.
The Oval Office.
- ✓ 10:30 Meeting with Group of Democratic State
(15 min.) Chairmen. (Ms. Sarah Weddington).
The Roosevelt Room.
- ✓ 11:55 Mayor George Athanson. (Mr. Jack Watson).
(5 min.) The Oval Office.
- + # 12:00 PRIVATE LUNCHEON - Second Floor Private
Dining Room.
- ✓ 1:40 Photograph with Mr. Bill Sidell, Outgoing
(5 min.) President, and Mr. William Konyha, Newly
Elected President, United Brotherhood of
Carpenters and Joiners. (Mr. Landon Butler).
The Oval Office.
- ✓ 1:45 Taping/Focus on Youth Radio Network.
(5 min.) (Mr. Ray Jenkins) - The Roosevelt Room.
- ✓ # 2:00 Meeting with Energy/Economic Counselors.
(90 min.) (Mr. Al McDonald) - The Cabinet Room.
- ✓ # 2:15 Reception for Members of the U.S.S.S. and
(15 min.) E.P.S. - The State Floor.

talking
pts w/ p. Boers

THE WHITE HOUSE
WASHINGTON

12/18/79

Jack Watson
Arnie Miller

The attached was returned in
the President's outbox today
and is forwarded to you for
appropriate handling.

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

December 17, 1979

*Jack - ok -
for Do Ed, let's don't get
too many
professional
educators - NEA
& AFT will be
running the
dept -
J*

MEMORANDUM FOR THE PRESIDENT

FROM:

JACK WATSON

ARNIE MILLER

*Jack
AM*

SUBJECT:

National Advisory Council on Women's Educational Programs (PAS)

The National Advisory Council on Women's Educational Programs was established by the Women's Educational Equity Act of 1974. The seventeen member Council is responsible for providing advice to you, the Secretary of Education and Congress regarding policies and priorities in the administration of the Act.

We join Secretary Hufstedler and Secretary Harris in recommending the appointment of Barbara M. Carey (resume attached). Dr. Carey is Assistant Principal of Miami Edison Senior High School. Her professional career has been devoted to improving educational opportunities for women and blacks. Her appointment will bring to the Council a strong background in teaching and administration at the elementary, secondary and college levels. In addition, Dr. Carey has been active in civic and political activities. She served as Co-Chairperson of the Dade County Bob Graham for Governor Campaign. Governor Graham enthusiastically endorses her appointment to the Council.

Stu, Sarah Weddington, Frank Moore and Phil Wise concur in the following recommendation.

RECOMMENDATION

Nominate Barbara M. Carey, of Miami, Florida, to be a Member of the National Advisory Council on Women's Educational Programs, for a term of three years.

approve disapprove

J

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BARBARA M. CAREY
Miami, Florida

EXPERIENCE

- 1979 - Present Assistant Principal, Miami Edison Senior High School
- 1977 - 1979 On professional leave of absence
- 1974 - 1977 Assistant to the Principal, Miami Springs Junior High School
- 1968 - 1974 Work Experience Coordinator, Brownsville Junior High and Miami Springs Junior High
- 1964 - 1968 Speech and English teacher, Thomas Jefferson Junior High School
- 1962 - 1964 Speech and English Teacher, Southern University and South Carolina State College

EDUCATION

- 1978 Doctorate Degree, University of Florida
- 1976 Specialist Degree, University of Florida
- 1969 Masters in Guidance, University of Miami
- 1962 Masters in Speech and Communications, Ohio State University
- 1961 Bachelors in Speech, Florida A&M University

ACTIVITIES AND AWARDS

President, South Florida Club of National Association of Business and Professional Women's Club, Inc., Recipient of Community Service Awards, 1969, 1978

National Alliance of Black Educators

American Association of University Women

Vice President, Florida State Voters League

Metropolitan Dade County Energy Committee

Model Cities Community Development Advisory Committee

PERSONAL

Black Female
Age 39
Democrat

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THE WHITE HOUSE

WASHINGTON

14 December 1979

①

MEMORANDUM FOR THE PRESIDENT

FROM:

RICK HUTCHESON *R.H.*

SUBJECT:

Status of Presidential Requests

SECRETARY MILLER:

1. (12/3) Concerning the article in THE WASHINGTON POST entitled, "Biggest Banks Lag in Paying \$14 Million Owed to Treasury," the President would like to know if this is true -- Done. *done*

EIZENSTAT:

1. (12/6) Prepare for the President a brief memo on the Chrysler negotiations -- Done. *done*
2. (12/6) Please inform the President of the status of the ITC recommendation on anhydrous amonia -- Done. *done*
3. (12/10) (and Frank Moore) Please comment on Gus Speth's proposal to reaffirm our long-held opposition to substantive waivers and the EMB -- Done. *done*

RAFSHOON:

1. (12/10) The President would like to know the status on a campaign photograph -- Done. *done*

MCDONALD:

1. (12/8) Prepare for the President a directive on telegrams or other messages being sent out over the President's name -- Done. *done*

JORDAN:

1. (11/26) The President would like you to call Jesse Unruh on 11/28. He needs a White House contact -- Done. *done*

all done

2. (12/13) Please advise the President on the status of the federal judgeship in Kansas -- Done.

WEXLER:

1. (12/10) Concerning energy conservation, the President wants you to get Ray Jenkins to help with the PR or have Secretary Duncan do a one minute TV spot -- Done, (see report in Secretary Duncan's weekly report).

SECRETARY DUNCAN:

1. (12/11) There is almost universal criticism about the weak demand for gasoline conservation. The President wants you to advise him on what we can do about this -- Done.

WATSON:

1. (11/26) The President wants you to call Terry Sanford to see whether he is interested in a full or part-time appointment -- In Progress.
2. (11/30) Please call Congressman Wylie concerning an appointment to the National Consumer Cooperative Bank. The Congressman is interested in Frank Sollars -- Done.

BRZEZINSKI:

1. (10/18) (and McIntyre) The President wants better contingency planning - just a couple of pages, well-prepared, on a fairly broad range of subjects -- In Progress, (expected 12/20).
2. (12/12) Concerning the lifting of Rhodesia sanctions, the President wants you to consult with Congressional leaders and advise him on the results -- Done.
3. (12/13) Without delay, the President wants you to set down in writing - in outline form - a proposal including all comments on the people-to-people strategy on Central American and the Caribbean -- Done.

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THE WHITE HOUSE
WASHINGTON

December 14, 1979

MEMORANDUM FOR THE PRESIDENT

FROM: STUART E. EIZENSTAT *Stu*
NELSON H. CRUIKSHANK *NH*

SUBJECT: FY 81 Budget Issues Affecting the Elderly

The funding level of aging programs is being considered in the budget process currently underway and we do not seek in this memo to circumvent that process. We do however feel that it is politically important to highlight for you those budget issues of greatest importance to the aging community and to point out the compelling case for launching a Presidential initiative for older people reflected in the FY 81 budget -- a move that would demonstrate Administration concern for the elderly. While there had been a number of contentious issues between HHS and OMB, most of them have been compromised out satisfactorily. This memo, therefore, with one exception (congregate housing) does not debate budget issues, but rather lays out for you how these various budget pieces fit into a package for the elderly.

An aging initiative is not merely a matter of special interest politics. There are dramatic changes in the population structure of the U.S., and the demand for aging services has increased significantly (the over 65 population expands at a rate of 500,000 persons annually). There has been little increased funding for elderly programs during this Administration and a signal of your commitment to the elderly reflected in this year's budget would be welcomed and applauded.

1. Community Aging Centers

HHS has requested and OMB has agreed to a \$33 million increase for Aging Social Services and Centers which will increase the number of community multi-purpose centers and expand important services to the elderly. This increase will also permit significant expansion of home services, reduce dependence on nursing homes, develop long term care ombudsmen programs, etc. This increase is needed to maintain service delivery

given inflation and the additional service responsibilities which have been placed upon the centers.

2. Nutrition Program

HHS has requested and OMB has agreed to increase the Aging Nutrition program by \$30 million. This increase is justified because it will reduce the impact of inflation and permit an increase of 56,000 average daily meals up from present 608,000 served. Continuing only the present budget would be devastating to thousands of older Americans since inflation without any adjustment would dictate a cut in actual food purchases for this program.

3. 1981 White House Conference on Aging

Congress has mandated certain activities re the Conference which require a supplemental appropriation of \$3 million. Even with this additional amount, the total would represent only about 60% of the amount appropriated for the 1971 Conference.

4. Federal Council on the Aging

The Council has requested an additional \$150,000 -- the very minimum for continuing its operations and enabling it to meet its Congressionally-mandated studies and oversight responsibilities. This would go for mandatory wage increases, travel costs and other expenses impacted by inflation. With this additional amount the Council would still need to draw on budget resources of other agencies.

5. Home Health

More liberal Medicaid-Medicare home health benefits can fill a basic need which will enable older citizens to stay out of institutions. Currently, not all persons eligible for nursing home benefits under Medicaid are also eligible for home health services. States are permitted to make an exception to standard income eligibility requirements for Medicaid nursing home care, but this exception does not cover home health. HHS and OMB have agreed to a \$15 million demonstration to deal with this problem.

6. Congregate Housing

Through a HUD program, services are provided to elderly living in certain congregate housing facilities. This program has been very popular with the aged and on the Hill,

but OMB has not funded it this year. OMB believes that services should be provided only by HHS. However, HHS does not support housing programs per se, but only nursing home and intermediate care programs. HUD argues persuasively that HHS services are medical in nature and in institutional settings far more costly than services to persons at home. Also HUD believes this program can be far more effective if housing and services management is integrated rather than divided between two different departments. We would recommend funding at \$25 million which would demonstrate Administration commitment to providing supportive living in a non-nursing home environment, and will likely save millions of Medicaid dollars.

Again, we stress we do not ask you for budget decisions in this memorandum (you will make these in the budget appeal process), but rather ask you to consider these individual items as part of a potential package for the elderly. With only a very small total increase in the HHS budget we could have a significant initiative for the elderly.

cc: Jim McIntyre

ID 795717

T H E W H I T E H O U S E

WASHINGTON

DATE: 14 DEC 79

FOR ACTION:

INFO ONLY: THE VICE PRESIDENT JIM MCINTYRE

SUBJECT: EIZENSTAT CRUIKSHANK MEMO RE FY 81 BUDGET ISSUES AFFECTIN
THE ELDERLY

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: +

+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

THE WHITE HOUSE

WASHINGTON

18 Dec 79

Stu Eizenstat

The attached was returned
in the President's outbox
today and is forwarded
to you for appropriate
handling.

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

December 18, 1979

MEMORANDUM FOR THE PRESIDENT

FROM:

STU EIZENSTAT *Stu*

SUBJECT:

Attached Letter from Secretary Andrus on
Endangered Plant Species

When you met last November 9 with the environmental leaders, you asked Secretary Andrus to look into an issue raised by one of the attendees that Interior had not adequately moved to protect some 1800 endangered plant species. The Secretary's letter responding to your request is attached.

The Secretary's major justification for the lengthy procedure required to add these plant species to the "endangered list" is a shortage of qualified staff to administer a rather complex program. While there may be room for improvement in other areas, I agree with the Secretary that some additional staff is necessary here and I have requested Jim McIntyre to give this consideration.

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for Preservation Purposes

ok
J



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

059178

NOV 20 1979

The President
The White House
Washington, D.C. 20500

**Electrostatic Copy Made
for Preservation Purposes**

Dear Mr. President:

You may recall that on November 9 at a meeting with environmentalist organization spokesmen, you directed me to look into a complaint that the Department of the Interior allegedly had failed to provide protection for approximately 1800 endangered and threatened species of plants and animals. Some of the same allegations had been made in a news article appearing in the New York Times of November 7. I have checked thoroughly into the matter and have found that the facts are not as they were represented to you or as published in the article.

In order to fully appreciate and understand this situation, it is necessary to review the factual setting in which the species were originally proposed for addition to the lists of endangered and threatened species.

With the passage of the Endangered Species Act of 1973, Congress charged the Smithsonian Institution with the monumental task of reviewing the status of plants which may be threatened with or in danger of extinction. Because of the short one-year deadline which Congress imposed upon the Smithsonian Institution for this gigantic undertaking, the Smithsonian conducted a summary review and concluded that 3187 species of U.S. plants should be considered for protection under the Act. However, it was understood by the Congress, and nearly everyone else who knew anything about the Act, that before protection could be afforded to these species, the complex and time-consuming procedures of the Endangered Species Act must be complied with to include these plants on the lists of protected species. It took 1½ years to develop the original proposal, and on July 16, 1976, this Department started the formal listing process by proposing 1784 of these plant species for listing in the Federal Register. On September 26, 1975, the Department of the Interior had already proposed 45 foreign plants for listing as endangered.

At the time that the 1829 domestic and foreign plants were proposed for listing, it was clearly understood that the task of undertaking the comprehensive and time-consuming administrative review for each of these species could be accomplished only if significant increases in staffing were provided to the Office of Endangered Species in the U.S. Fish and

Wildlife Service. Even though these increases were requested on numerous occasions, they have not been forthcoming. At present, the Office of Endangered Species has only nine biologists assigned to listing species worldwide. Of these, only three are botanists who are qualified to deal with the 1773 plant species which still remain proposed for listing.

Another intervening factor which precluded any possibility of completing this overwhelming listing task came in November 1978 in the form of comprehensive Congressional amendments modifying the listing procedures of the act. These amendments imposed numerous procedural tasks on the agency which were required to be followed before a listing could be completed. In addition to the extensive biological review and other requirements which were previously imposed by the original Act, the amendments now also require the designation of "critical habitat," public meetings, public hearings, notice to local governmental agencies, publication in local newspapers, and economic analyses.

As a result of the 1978 amendments, the Fish and Wildlife Service was required to develop new regulations and procedures to carry out the new statutory provisions. These included separate sets of regulations for listing, cooperative agreements with the States, consultation with other Federal agencies, and on raptors. In addition, because of the amendments it was necessary to establish a special study group to determine how to proceed with the economic analyses which are now required in the critical habitat determination process and which must be accomplished simultaneously with the listing of new species. All of these steps, which were necessary before we could proceed in a comprehensive manner and which were extremely time-consuming, have essentially been accomplished during the past year.

We presently estimate that the listing of a species cannot be completed in less than approximately 300 days. Thus it is no wonder that the three listing botanists were able to complete the listing procedures for only 36 plant species during this one-year period. I cannot believe that Congress and the environmental groups seriously anticipate the completion of the exhaustive procedures for listing all of the "Smithsonian" plants during that one-year period.

As you can see from this factual summary, the listing of endangered species under the present procedures is a difficult and complicated task at best. That is not to say that these listings should be undertaken without opportunities for public involvement and full consideration of the consequences. However, no one should be led to believe, with the limited resources presently available for this task, that large numbers of species are going to be quickly listed under the present procedures.

I share your interest in the dilemma of the pending extinction of numerous plant and animal species in this country and throughout the world. The issue is serious and important to me personally and to this Administration. However, unfortunately, the issue is one which all too often is the subject of misinformation and over-simplified assertions.

To judge the Department's actions in carrying out the Act and the amendments by one single aspect--the listing process--is to reduce the scope and importance of the Act to a numbers game.

While listing endangered species is an important element and is the necessary first step in reducing the threat of extinction, it is but the first step. As soon as a species is listed, several other sections of the Act automatically come into play, requiring additional personnel and expertise, such as research, recovery efforts, law enforcement, close coordination and cooperation with the State or foreign government, and the requirements for Section 7 consultations and Federal permits.

In addition to listing 36 native plant species and 31 foreign animals during the past year, and developing several sets of implementing regulations, the following accomplishments should also be noted:

Endangered Species Accomplishments Since the 1978 Amendments

Listings (Section 4)

- 4 critical habitat repropoals
- 4 notices of status review
- 2 species proposals for listing
- 1 reclassification, 1 special rule
- Procedures for manatee protection areas
- Captive-bred species deregulation

Recovery (Section 4)

- 11 plans approved
- 8 new plans being developed
- 4 recovery team leaders appointed, who are drafting recovery plans
- 30 draft plans being reviewed
- 29 approved plans being administered

Several recovery efforts are showing promise, including the Aleutian Canada goose, Kirtland's warbler, most of the Southwestern trout species (2 more may be reclassified this year), the peregrine falcon restoration efforts, and of course, the alligator and the whooping crane.

Research

- Significant work is being done with several endangered species, such as the Andean condor (for the California condor recovery plan), whooping crane, bald eagles, and others.

Status Surveys

- Contracted for more surveys than any previous year: 600 candidate species. Biological data being gathered is necessary for the listing process.

Consultations

- Over 1,000 formal; 1,500 informal.

Law Enforcement

- Opened 5,126 investigations
- Assessed and collected 460 penalties

State Cooperative Agreements

- 10 new State agreements (a significant increase, bringing total to 33 and expanding the impact of endangered species preservation throughout the Nation; 8 other agreements nearing completion.

Permits

- Number of applications and permits issued tripled but despite this, issuance time was reduced from 150 days to 85 days.

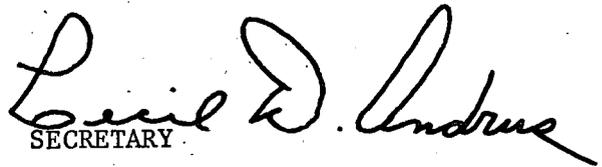
International Activities

- Continued successful implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

- Several cooperative efforts now in progress with various foreign conservation agencies.

To summarize, I believe the Endangered Species Act is being administered effectively under quite difficult conditions. We will of course, continue to try even harder.

Respectfully,


SECRETARY

THE WHITE HOUSE
WASHINGTON

28 No v79

Stu Eizenstat

Guidance is requested on how to handle the attached memo from Secretary Andrus. Should the President see the whole thing or do you want to prepare a summary of it?

Rick Hutcheson

*Stu has for
signature - 12/14*

ID 795280

T H E W H I T E H O U S E

WASHINGTON

DATE: 28 NOV 79

FOR ACTION:

INFO ONLY: STU EIZENSTAT

GUS SPETH

JIM MCINTYRE

AL MCDONALD

SUBJECT: ANDRUS MEMO RE ENDANGERED SPECIES

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: +
+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

ID # 059178

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 79/11/121

Name of Correspondent: Cecil D. Andrus

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Submits his report regarding protection for endangered and threatened species of plants and animals.

ROUTE TO:	ACTION	Tracking Date	Type of Response	Disposition Code	Completion Date
Originating Office, Your Last Name	Refer Action Type Code	YY/MM/DD		Code	YY/MM/DD
<u>✓ E.C. Lind</u>	ORIGINATOR	<u>79/11/123</u>		<u>C</u>	<u>79/12/179</u>
<u>SS Hutcherson</u>	<u>R S A</u>	<u>79/11/127</u>			<u>1 1</u>
	Referral Note:				
	R	<u>1 1</u>			<u>1 1</u>
	Referral Note:				
	R	<u>1 1</u>			<u>1 1</u>
	Referral Note:				
	R	<u>1 1</u>			<u>1 1</u>
	Referral Note:				

REFER TYPE: A - Agency, S - Staff ACTION CODES: A - Appropriate Action, C - Comments, D - Draft Response, F - Fact Sheet, I - Info Copy, R - Direct Reply w/Copy, S - For Signature, X - Interim Response DISPOSITION CODES: A - Acknowledged, B - Non-Special Referral, C - Completed, S - Suspended

Comments: _____

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: L 120

Prime Subject Code: NR 002 Secondary Subject Codes: FG 018

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P-
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn** - Presidential Correspondence
 - n - 1 - James Earl Carter
 - n - 2 - Jimmy Carter
 - n - 3 - Jimmy
 - n - 4 - JC
 - n - 5 - J
- CLn** - First Lady's Correspondence
 - n - 1 - Rosalynn Carter
 - n - 2 - Rosalynn
 - n - 3 - R
- CBn** - Presidential & First Lady's Correspondence
 - n - 1 - Jimmy Carter - Rosalynn Carter
 - n - 2 - Jimmy - Rosalynn

MEDIA CODES:

- B** - Box/package
- C** - Copy
- D** - Official document
- G** - Message
- H** - Handcarried
- L** - Letter
- M** - Mailgram
- O** - Memo
- P** - Photo
- R** - Report
- S** - Sealed
- T** - Telegram
- V** - Telephone
- X** - Miscellaneous
- Y** - Study

THE WHITE HOUSE
WASHINGTON

Mr. President:

Hamilton would like a 20 minute meeting tomorrow for Strauss, Kraft and himself before Kraft leaves for Iowa. The only time available is 11:00 am. This meeting would replace the weekly campaign meeting. Shall I schedule?

yes no

Phil

THE WHITE HOUSE
WASHINGTON
18 Dec 79

Stu Eizenstat

The attached was returned in
the President's outbox today
and is forwarded to you for
appropriate handling.

Rick Hutcheson

Esther Peterson
Gus Speth

FOR STAFFING
FOR INFORMATION
✓ FROM PRESIDENT'S OUTBOX
LOG IN/TO PRESIDENT TODAY
IMMEDIATE TURNAROUND
NO DEADLINE
FOR APPROPRIATE HANDLING
LAST DAY FOR ACTION

ADMIN CONFID
CONFIDENTIAL
SECRET
EYES ONLY

ACTION
FYI

VICE PRESIDENT
JORDAN
CUTLER
DONOVAN
✓ EIZENSTAT
MCDONALD
MOORE
POWELL
WATSON
WEDDINGTON
WEXLER
BRZEZINSKI
MCINTYRE
SCHULTZE
ANDRUS
ASKEW
BERGLAND
BROWN
CIVILETTI
DUNCAN
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SANDERS
✓ SPETH
STRAUSS
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VOORDE
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*Their
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only*

THE WHITE HOUSE
WASHINGTON

12/18/79

Mr. President:

CEA, OMB and CL generally concur with Stu Eizenstat's comments on the Speth-Peterson memo. CEA objects to points two and four in the Speth-Peterson memo.

Rick

THE WHITE HOUSE

WASHINGTON

December 17, 1979

MEMORANDUM FOR: THE PRESIDENT

FROM: STU EIZENSTAT *Stu*
SI LAZARUS

SUBJECT: Speth-Peterson Memo, Eizenstat Letter
to Public Interest Groups on Regulatory
Reform

Attached is a copy of a letter sent by Stu to Ralph Nader's associate Mark Green this morning, in response to a letter from Green and other public interest and labor representatives on the issue of regulatory reform legislation. The incoming letter is also attached. As Stu's letter indicates, the public interest groups' letter underscores their support for most of the main features of the Administration's regulatory reform bill; the letter urges you to reject anti-regulatory amendments which congressional conservatives are likely to try to attach to the legislation, such as legislative veto and the Bumpers Amendment. Stu's letter strongly affirms your opposition to such measures.

Gus and Esther's memo underscores the concern of the signatories of the Green letter that the Administration work to prevent regulatory reform legislation from becoming a vehicle for amendments designed to subvert the regulatory process.

Along with Frank's staff, OMB, CEA, the Regulatory Council, and EPA, we have been working intensely on the regulatory reform legislation, as well as on individual regulatory legislative issues, such as the FTC authorization fight to which Esther and Gus refer. As Frank's weekly reports have indicated, Senator Culver appears to have persuaded Senator Laxalt to join him on a responsible and generally acceptable regulatory reform bill, closely resembling the original Administration submission. The Administration has contributed significantly to this effort with extensive technical advice and missionary work with business interest groups. We have worked particularly with IMB's Frank Cary, under whose leadership the Business Roundtable has taken the lead in persuading other business groups to oppose attempts to add legislative veto and other crippling amendments to the bill. At this moment, we are cautiously optimistic that moderate counsels will prevail among the business groups, sufficient to move the legislation forward with bipartisan sponsorship.

While we strongly agree with both Esther and Gus, and with the Green letter, that we must ceaselessly uphold the distinction between regulatory reform and regulatory "paralysis," we consider it unwise and counterproductive to adopt the somewhat harsh anti-business tone reflected in portions of both communications. We can enact our approach, and defeat competing approaches, only if we hold support from substantial elements within the business community, and therefore, from conservative and moderate legislators. So far, we have made considerable progress, though the fight is far from over.

Gus and Esther make four specific recommendations, on which we will briefly comment:

First, they recommend that you inject yourself visibly into the battle over reauthorization of the Federal Trade Commission. As you know, Stu sent a strong letter to Senator Ford opposing certain features of his reauthorization bill, prior to the Commerce Committee's mark-up, on the ground that these provisions would cripple the agency's power to protect consumers. John Shenefield subsequently sent a letter to Commerce Committee Chairman Cannon opposing certain proposed assaults on the Commission's antitrust powers. The Administration's efforts succeeded in modifying or eliminating some of the most objectionable provisions of the bill, though the bill reported by the Committee retains major problems. Working with Esther, we intend to continue this fight, as Stu's letter to Mark Green states. The question whether you should become more visibly involved in this issue depends mainly on whether and when such involvement would significantly aid in improving the legislation. It will also necessarily depend on how seriously we should consider the possibility of vetoing an unacceptable bill, and how much of an investment we should make in the probably quite demanding task of enacting a sensible compromise solution. This is a judgment which should be made early next year, before the House and Senate conference on the authorization legislation. We have furnished Rick Hertzberg with material on the regulatory issue for use in appropriate speeches. We will work with him to see if there is an upcoming occasion or occasions for you to touch on the issue.

Second, Gus and Esther recommend that you frequently stress your support for "aggressive health, environmental, and consumer protection regulation" We doubt that your commitment is seriously questioned in many quarters; the frequency with which you stress it right now is a matter of the Administration's priorities at this particular juncture. When you do touch on the issue, we think you should keep the balanced tone which Administration spokespersons emphasize: strong support for effective administration of needed regulatory problems, and equally strong determination to eliminate bad programs, red tape and unnecessary regulatory costs.

Third, Gus and Esther recommend that you should continue to voice opposition to the substantive waiver provisions of the House EMB bill. Your position on this issue is clear, and Administration representatives have personally informed House and Senate conferees of your support for the Senate program. We do not believe that further public comment by you would be productive.

Fourth, they recommend that you "direct appropriate agency heads and the Regulatory Council" to speak out on these regulatory issues. While a specific director is unnecessary, there is every reason for your appointees to feel free to continue to publicly restate the Administration's positions on these issues.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

①

November 30, 1979

**Electrostatic Copy Made
for Preservation Purposes**

MEMORANDUM FOR THE PRESIDENT

FROM:

ESTHER PETERS *E. Peters*
GUS SPETH *Gus Speth*

SUBJECT:

Environmental, Health, and Consumer Protection Regulation

We are very concerned about the increasing momentum behind efforts to weaken Federal consumer and environmental regulations. The worthy cause of regulatory reform is being used by some to seek the repeal of measures designed to protect the public. They seek not to reform regulations but to deform them.

You have thoughtfully supported regulatory reform while also standing behind consumer and environmental protection measures. It is critical that we reinforce this distinction and meet head-on the attacks of those who would use regulatory reform as a cover for an assault on needed regulations.

Earlier this month a coalition of 25 consumer, environmental, labor and other groups wrote you pointing out that as a result of well financed campaigns by business, "there is a risk that four decades of regulatory evolution will be swept aside by a tidal wave of corporate lobbying." They urged you to "stand firm for better regulation rather than merely less regulation." Stu's staff is preparing a strong response to that letter for your signature.

The validity of these fears was partially confirmed on November 20 when the Senate Commerce Committee voted overwhelmingly to curtail the FTC's consumer protection and antitrust activities. We also will face a difficult fight on the EMB bill to remove the objectionable substantive waiver features of the House bill.

Our general recommendation is that we escalate efforts throughout the Administration to defend the vital role of consumer, environmental and other regulations in protecting the public. Accordingly, we urge that you:

- (1) make a strong, visible statement against the Commerce Committee action on the FTC and take that occasion to stress the distinction between sound reform and anti-regulatory overkill;

- (2) make your views on the importance of aggressive health, environmental, and consumer protection regulation a part of your discussions with Congressional leadership, newsmen, citizen groups and others;
- (3) continue your strong statements against the substantive law waiver provisions of the House version of the EMB;
- (4) direct appropriate agency heads and the Regulatory Council to speak out following your lead on this subject.

If you agree, we will work closely with Stu to provide you with any talking points or other information you may need.

GREEN LETTER

Public Citizen

November 2, 1979

President Jimmy Carter
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Carter:

As the Senate begins to mark-up various "regulatory reform" measures (S. 262, S. 755, S. 1291), our organizations would like to convey our views on the difference between sound reform and anti-regulatory overkill.

Like yourself, we are deeply concerned that Federal health/safety agencies perform effectively and fairly. But many corporate lobbies are now striving not for regulatory analysis but regulatory paralysis, not for reform but abolition. Unable previously to persuade Congress or the courts to ignore market, workplace and environmental abuse, these special interests are engaged in a propoganda war on health/safety regulation.

Their anti-consumer campaign suffers from at least three serious defects. First, it produces "studies" that exaggerate the "costs" of regulation in an ideological effort to overturn such regulation. Second, at the same time, it ignores the obvious benefits of consumer, environmental and workplace regulation -- such as the 125,000 lives saved a year with the fulfillment of Clean Air Act goals, the 100,000 citizens alive today because of Federal highway and auto safety regulation since 1966, the reduction by half of crib strangulations. A recent report by Public Citizen calculated that measurable benefits from EPA, FDA, NHTSA, OSHA and CPSC will total over \$80 billion in 1985. And third, certain business interests assume a national mood against such regulation that polls contradict. When asked specifically about health and safety standards, the public overwhelmingly supports such government activity. According to a comprehensive review of poll data published in Public Opinion, a magazine put out by the American Enterprise Institute, "It remains true today that government regulation of many aspects of business activity is widely accepted and ever popular... There is no basis for arguing that a great anti-regulation tide is sweeping across the country."

Despite these facts, however, business interests are making some inroads in Congress -- in part because of the kind of massive campaign treasuries and resources that these interests control. That is why we are writing to you. To counter this propoganda campaign and to protect life-saving and dollar-saving regulatory law enforcement requires forceful leadership. Unless you stand firm for better regulation rather than merely less regulation, unless you balance the needs of the victims of market abuse against the concerns of business, there is the risk that four decades of regulatory evolution will be swept aside by a tidal wave of corporate lobbying.

In our view, there are several approaches that any regulatory reform proposal should embrace. They include the following:

-Regulatory Analysis: It is appropriate and valuable for agency decision-makers to articulate publicly (a) the possible alternatives to a proposed major rule and (b) the anticipated economic and non-economic benefits and adverse consequences. Senator Ribicoff's bill, S. 262, for example, requires an agency to explain the "projected economic and projected health, safety and other non-economic effects which the agency by law is permitted to take into account." To articulate these impacts is far different than a mathematically precise and binding "cost-benefit analysis," as we later discuss.

-Public Participation: Public participation funding must be a cornerstone of any regulatory reform effort -- as many of your statements on this subject have indicated, Mr. President. To ensure an effective regulatory process and intelligent regulatory results, it is essential that all interests and viewpoints be represented before agency decision-makers. Yet, as the Governmental Affairs Committee documented in Volume III of its Study on Federal Regulation, in at least half of the proceedings investigated there were no consumer participants but numerous business advocates. If a small business firm or consumer group or senior citizens organization has something to contribute to a regulatory proceeding, they should be encouraged to do so -- even if they lack the resources to appear. Public participation funding is a modest investment in the First Amendment principle that people should be able to redress their grievances by petitioning their government. It is a way to help return the bureaucracy to the people.

-Compliance Report: The problem of regulation is not merely that there may be some unnecessary regulations, but that valuable regulations are often widely violated. For example, cars are sold without meeting EPA emissions requirements, trucks travel over weight limits, plants don't meet OSHA standards. Yet because of limited agency resources, only a small percentage of the universe of violators are ever prosecuted. A "Compliance Report" by an agency could utilize statistical and survey methods to determine the prevalence of non-compliance with its major rules, the estimated costs to consumers of non-compliance, the remedies that exist for such violations, the number of compliance actions filed versus the universe of estimated violations, and any additional enforcement remedies or resources necessary to deter violations. This requirement would compel agencies to compile a data base that would educate the Congress, public and press about the costs of not regulating.

-Revision of the Rule-Making Process: After almost 40 years of experience with the Administrative Procedure Act, it is appropriate to undertake a fresh look at the details of the process which agencies follow in making their rules. We support a careful re-examination of the APA procedures to isolate sources of significant delay and undue complexity, and to improve the quality of regulation. Consideration should be given, for example, to increasing the authority of Administrative Law Judges to control proceedings and eliminate duplication:

In addition, Mr. President, there are several pending proposals which are to regulatory reform what so-called "killer amendments" are to SALT II -- the "improvement" that sabotages the goal. These include:

-Legislative Veto: Allowing one or both Houses to "veto" agency decisions would be to convert legislators into administrators and to make Congress a court-of-last-resort for business lobbyists who had lost in previous forums. It would add such questions as whether peanut butter should be 87% or 90% peanuts (an FDA proceeding with a 24,000 page hearing record) to the already crushing congressional workload. This approach would grossly politicize agency decision-making -- as regulators who are supposed to make reasoned judgments based on a public record would privately check with key chairmen and their staff to do what was necessary to avoid a veto. Finally and most significantly, by effectively making law without the involvement of the chief executive, the legislative veto violates Article I of the Constitution.

-Sunset: Federal agencies should be eliminated in the same manner as they are created -- by a deliberative congressional process and a vote to abolish. But by requiring the approval of both Houses and the President for an agency to continue in existence -- i.e. the "action-forcing" mechanism -- sunset proposals risk elimination by inaction. A successful filibuster by an ideological opponent of OSHA or a successful veto by a future anti-OSHA president, for example, could instantly cripple or destroy a health/safety program that took years to develop. As you have long argued, special interests can dominate the legislative process. With the added leverage of a sunset law they could finally succeed in their long-standing efforts to abolish "bothersome" consumer and environmental agencies. This year, the target is the FTC. With sunset, there will be FTCs every year.

-Formal Cost-Benefit Analysis: Cost-benefit analysis seems like an innocent, neutral tool. But as the House Oversight and Investigations Committee recognized in 1976, "the most significant factor in evaluating a benefit-cost study is the name of the sponsor." Even proponents of this approach have to concede that business regulatees with a vested interest in exaggerating the costs of regulation do most of the cost studies. And because benefits studies often cannot mathematically calculate health, safety and environmental gains -- how many workers' sons won't get asbestosis in 20 years because of an OSHA rule; what is the value of a baby not dying from flammable pajamas; what's the measurable recreational benefit of fishing in a clear stream? -- cost-benefit analysis today implicitly discriminates against health/safety regulation. Any legislated requirement for a mathematical cost-benefit test prior to the issuance of a rule or regulation makes as much sense as requiring that principles of free speech and jury trials be monetized and pass a cost-benefit test before they continue to be constitutional law.

-Least Burdensome Alternative: Your Executive Order 12044 required agencies to implement rules that adopted the "least burdensome alternative" that would accomplish the announced regulatory goal. The Administration's regulatory reform bill, S. 755, creates a strong presumption in favor of this approach by requiring agencies to explain why a cheaper method of

regulation was rejected. But an alternative could be more expensive to the corporation (requiring machines that produce less cotton dust rather than requiring workers to wear respirators) yet save more lives and reduce health care costs far more. True, S. 755 would allow the agency to offer such an explanation. But the tone and purpose of this provision sends loud signals to agencies and courts that regulations usually should inflict as little cost on business as possible, regardless of the possible saving of lives -- with the burden of proof on the agency if it acts otherwise. This provision exalts cost-benefit analysis beyond its predictive capacity; regulatees now will have an even greater incentive to understate the costs of their favored alternative and exaggerate the costs of all others, putting agencies on the spot.

-Judicial Review of 'Regulatory Analysis': To allow the judicial review of a regulatory analysis would be to turn an economic and managerial tool into a nightmare of excessive litigation. If permitted, Washington lawyers and their clients would make extensive submissions and appearances in a "regulatory analysis proceeding" -- and agencies, anticipating future appeals, would feel pressure to convert administrative proceedings into full blown legal trials. Suddenly a managerial reform would become another dilatory tactic, and another ground on which disappointed industry groups could seek to overturn agency decisions. The benefits of speed and efficiency which the administrative process was supposed to provide would be lost. As one agency general counsel, a former Washington corporate lawyer, told us, "I guarantee my former law firm could paralyze an agency with the power of judicial review of regulatory analyses."

-Presidential Intervention: Though some critics of regulation recommend that the President selectively intervene in and decide some regulatory matters, we forget at our peril how the Nixon Administration tried to control some agencies to serve its electoral interest (e.g. the infamous Gunther Memorandum paralyzing OSHA in 1972). Presidents should not be given, nor indeed should they desire, to be the final arbiter of an emissions standard, whether the upper decibel level in workplaces should be 85 or 90, or whether cars should have 5 mph or 10 mph resistant bumpers. Since the President's day is already very crowded, to accept this responsibility would be to convert the White House staff into a super-bureaucracy reviewing hundreds of thousands of pages of technical docketts and listening to the pleas of exhorting lobbyists. If executive aides want to influence an agency proceeding, they are free to do so -- on the record and publicly, like all other citizens. To allow them more would be to sacrifice deliberative and due process proceedings to the influence of ex parte lobbying.

-The Bumpers Amendment: On September 7th of this year the Senate adopted the Bumpers Amendment to deny any judicial presumption in favor of an agency rule or regulation. If challenged, an agency would have the burden of affirmatively proving the need for a rule or regulation by a preponderance of the evidence. As Senator Robert Dole (R.Ks.) stated, this is a "deceptively simple way of saying that a judge must duplicate the efforts of the agency in judging whether a particular rule is both wise and lawful." In our view, this is regulatory reform run amok. Anxiety over "unaccountable and unelected" bureaucrats has resulted in a solution that gives unusual power to "unaccountable

and unelected" judges in what will become regulatory courts all around the country. Although two Senate Committees have held dozens of hearings on regulatory reform this session, there has not been a hearing or a witness that has discussed this novel and extreme approach. Nevertheless, the Senate after a brief debate casually set aside two generations of regulatory review and adopted an approach that, in the words of Senator Edmund Muskie (D.Me.) "could stop the Federal Government in its tracks... i/t says that Federal regulations are not worth the paper they are written on."

Mr. President, from time to time many of the signatories have disagreed with you on various consumer and environmental matters. But whatever our previous differences, the issue of regulatory reform is too important for us to work at cross-purposes. We look forward to working with the Administration to promote those proposals which can improve regulation and to oppose those which, by design or in operation, would wreck it. Further, we urge you to consider now the possibility of vetoing something mislabeled "regulatory reform" if a bill with anti-consumer, anti-environment and anti-worker provisions should ever reach your desk. For your legacy should be legislation that helps those who can't help themselves in the marketplace -- and not one that institutionalizes a current corporate campaign against government into the law of the land.

We look forward to receiving your reaction to our list of suggestions. Thank you for your time and consideration.

Sincerely,

Mark Green

Mark Green, Director
Public Citizen, Congress Watch

William Hutton

William Hutton, Executive Director
National Council of Senior Citizens

Thomas L. Kimball

Thomas L. Kimball
National Wildlife Federation

Douglas L. Parker

Douglas L. Parker
Institute for Public Representation

Kathleen O'Reilly

Kathleen O'Reilly, Executive Director
Consumer Federation of America

Bill Dodds

Bill Dodds, Executive Director
Progressive Alliance

Ellen Haas

Ellen Haas, Director
Community Nutrition Institute

Sandra Willett

Sandra Willett, Executive Vice President
National Consumers League

Anthony Mazzocchi
 Anthony Mazzocchi, Director
 Health and Safety, Oil, Chemical,
 and Atomic Workers

Paul R. Friedman
 Paul R. Friedman, Director
 Mental Health Law Project*

John J. Sheehan
 John J. Sheehan, Legislative Director
 United Steelworkers of America

Victoria Leonard
 Victoria Leonard, Coordinator
 Environmental Action

Dan Yohalem
 Dan Yohalem, Legal Coordinator
 Children's Defense Fund

Sue Kellock
 Sue Kellock, Executive Director
 Equal Justice Foundation

Dave Masselli
 Dave Masselli, Energy Policy Director
 Friends of the Earth

cc: Chairman Abraham Ribicoff
 Senate Governmental Affairs

Chairman Edward Kennedy
 Senate Judiciary Committee

Chairman John Culver
 Senate Administrative Practices &
 Procedures Subcommittee

*for identification purposes only.

Stephen I. Schlossberg
 Stephen I. Schlossberg, Director
 Government & Public Affairs, International Union
 UAW

Michael Jacobson
 Michael Jacobson, Executive Director
 Center for Science in the Public Interest

Janet Brown
 Janet Brown, Executive Director
 Environmental Defense Fund

Jonathan Lash
 Jonathan Lash, Staff Attorney
 Natural Resources Defense Council

Dave Zwick
 Dave Zwick, Director
 Clean Water Action Project

Ron Pollack
 Ron Pollack, Director
 Food Research and Action Committee

Ed Grandis
 Ed Grandis, Director of Citizens Coal Project
 Environmental Policy Institute

Nan Aron
 Nan Aron, Director
 Director, Council for Public Interest Law

Gar Alperovitz
 Gar Alperovitz, Co-Director
 National Center for Economic Alternatives

Michael McCloskey
 Michael McCloskey, Executive Director
 Sierra Club

Mark Silbergeld
 Mark Silbergeld, Director Washington Office
 Consumers Union

EIZENSTADT
RESPONSE

THE WHITE HOUSE

WASHINGTON

December 17, 1979

Electrostatic Copy Made
for Preservation Purposes

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Dear Mr. Green:

The President has carefully reviewed your letter of November 2, 1979, concerning regulatory reform. He asked me to thank you for your offer of cooperation in passing sound regulatory reform measures that do not cripple programs to promote health, consumer, environmental, and worker safety protection. The President has also asked me to express his pleasure that the views expressed in the letter coincide so closely with those of the Administration on the fundamental issues and on many of the technical details as well.

Throughout his public career, President Carter has been committed to the health, safety, and environmental advances of the past decade. As President he has named highly qualified men and women who share that commitment to run the Federal regulatory effort. He has established an unprecedented, government-wide program to assure that regulatory agencies meet the high expectations which the people have for them. The Administration strongly believes that inefficient regulations are serious threats to the effectiveness -- even the continued existence -- of the programs that so many worked so hard to place into law. Our regulatory reform program embraces the major goals endorsed in your letter:

- o Regulatory analysis, to assure that alternative approaches are articulated, consequences compared, and the rationale for decisions elaborated;
- o Public participation, through early warning regulatory agendas, expanded opportunities for public input, and direct assistance for needy citizen and small business groups;
- o Streamlining of the process to cut out unnecessary red tape and delay.

We share your conviction that these approaches are superior to illusory cure-alls such as the legislative veto, rigid and mechanical cost-benefit analysis requirements, excessive judicial review of regulatory analyses, legislated pro-

cedural requirements for "Presidential intervention" in Executive Branch regulatory policy-setting and changes in the Administrative Procedure Act to convert the Federal courts into super-regulatory agencies.

As you know, the Administration has, through numerous representatives, taken the case for sound reform to the public and directly to the Congress, with the Regulation Reform Act of 1979. In addition, we have continually stressed the unacceptability of proposals which would undermine the regulatory process, rather than improve it. The President will use every means at his disposal to assure enactment of responsible measures.

When the President took office, he inherited, not only a welter of uncoordinated regulatory programs generated by the landmark laws of the past decade, but a legacy of political polarization concerning this issue of regulatory reform. Our premise has been that, by taking the initiative we could help generate a consensus in support of common sense regulatory reform. Your letter confirms the soundness of this premise.

Our goal must be to demonstrate that government can help assure protection of public health, safety, and welfare, without wasting public and private resources. If we fail in this effort, ill-advised solutions will inevitably occupy the field.

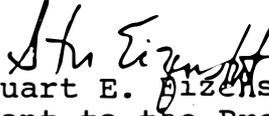
I am pleased to see that you concur and look forward to working with you and your colleagues.

I regret that we appear not to be in complete agreement about sunset legislation, which, if properly drafted, we consider an important support for good government. We do not believe that destructive outcomes are inherent in the concept of periodic reauthorization; environmental programs, for example, have been improved through the reauthorization process. As you know, we are working hard to dissuade Congress from writing special interest loopholes into the Federal Trade Commission Act. We intend to keep up the fight to preserve effective consumer

protection and anti-monopoly capability at the FTC, and we expect to prevail.

Thank you for bringing these mutual concerns to our attention.

Sincerely,



Stuart E. Eizenstat
Assistant to the President
for Domestic Affairs and Policy

Mr. Mark Green
Congress Watch
133 C Street, S.E.
Washington, D.C. 20003

cc: Signatories

ID 795364

THE WHITE HOUSE

WASHINGTON

DATE: 03 DEC 79

FOR ACTION: STU EIZENSTAT

FRANK MOORE

JODY POWELL

JIM MCINTYRE

CHARLES SCHULTZE

HOLD

*- hold till
from OPS*
DO NOT SIGN IN

- attached
- attached

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INFO ONLY: THE VICE PRESIDENT

SUBJECT: PETERSON SPETH MEMO RE ENVIRONMENTAL, HEALTH, AND
CONSUMER PROTECTION REGULATION

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1200 PM WEDNESDAY 05 DEC 79 +

+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

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<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND
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ACTION
FYI

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D 795364

THE WHITE HOUSE

WASHINGTON

DATE: 03 DEC 79

FOR ACTION: STU EIZENSTAT

FRANK MOORE

JODY POWELL

JIM MCINTYRE

CHARLES SCHULTZE

INFO ONLY: THE VICE PRESIDENT

SUBJECT: PETERSON SPETH MEMO RE ENVIRONMENTAL, HEALTH, AND
CONSUMER PROTECTION REGULATION

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1200 PM WEDNESDAY 05 DEC 79 +
+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

*This is exactly the sort of
thing that should not go
directly to the Pres. - particularly in
the present situation. JWP*

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

November 30, 1979

MEMORANDUM FOR THE PRESIDENT

FROM:

ESTHER PETERSON *Esther P.*

GUS SPETH *Gus Speth*

SUBJECT: Environmental, Health, and Consumer Protection Regulation

We are very concerned about the increasing momentum behind efforts to weaken Federal consumer and environmental regulations. The worthy cause of regulatory reform is being used by some to seek the repeal of measures designed to protect the public. They seek not to reform regulations but to deform them.

You have thoughtfully supported regulatory reform while also standing behind consumer and environmental protection measures. It is critical that we reinforce this distinction and meet head-on the attacks of those who would use regulatory reform as a cover for an assault on needed regulations.

Earlier this month a coalition of 25 consumer, environmental, labor and other groups wrote you pointing out that as a result of well financed campaigns by business, "there is a risk that four decades of regulatory evolution will be swept aside by a tidal wave of corporate lobbying." They urged you to "stand firm for better regulation rather than merely less regulation." Stu's staff is preparing a strong response to that letter for your signature.

The validity of these fears was partially confirmed on November 20 when the Senate Commerce Committee voted overwhelmingly to curtail the FTC's consumer protection and antitrust activities. We also will face a difficult fight on the EMB bill to remove the objectionable substantive waiver features of the House bill.

Our general recommendation is that we escalate efforts throughout the Administration to defend the vital role of consumer, environmental and other regulations in protecting the public. Accordingly, we urge that you:

- (1) make a strong, visible statement against the Commerce Committee action on the FTC and take that occasion to stress the distinction between sound reform and anti-regulatory overkill;

- (2) make your views on the importance of aggressive health, environmental, and consumer protection regulation a part of your discussions with Congressional leadership, newsmen, citizen groups and others;
- (3) continue your strong statements against the substantive law waiver provisions of the House version of the EMB;
- (4) privately direct those responsible for success of our Regulatory Reform bill in Congress (CL, DPS, OMB) to ensure that this bill does not become a vehicle for provisions which could undermine regulatory efforts; and
- (5) direct appropriate agency heads and the Regulatory Council to speak out following your lead on this subject.

If you agree, we will work closely with Stu to provide you with any talking points or other information you may need.

- (2) make your views on the importance of aggressive health, environmental, and consumer protection regulation a part of your discussions with Congressional leadership, newsmen, citizen groups and others;
- (3) continue your strong statements against the substantive law waiver provisions of the House version of the EMB;
- (4) privately direct those responsible for success of our Regulatory Reform bill in Congress (CL, DPS; OMB) to ensure that this bill does not become a vehicle for provisions which could undermine regulatory efforts; and
- (5) direct appropriate agency heads and the Regulatory Council to speak out following your lead on this subject.

If you agree, we will work closely with Stu to provide you with any talking points or other information you may need.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS
WASHINGTON

December 12, 1979

Subject: Peterson-Speth Memo re Environmental,
Health, and Consumer Protection
Regulation (revised page 2)

From: Charlie Schultze *CS*

I support ongoing efforts to reverse some of the recent actions concerning the FTC and am following Stu and Fred Kahn's efforts toward a better legislative outcome. Since the Senate Commerce Committee action, in itself, is probably not as harmful as some contemplated Senate floor amendments or the House revision, however, Fred and I would recommend against a blanket criticism of the Commerce Committee. We are developing a more targeted approach and would like to continue proceeding along those lines.

Points (2) and (4) in the memo are unnecessary (and the statements suggested could be misinterpreted). You and all White House and OMB staff working on regulatory reform have always stressed that your regulation reform initiatives are not designed to emasculate social regulation, but rather to insure that health, environmental, and consumer protection regulations achieve their goals in the most cost-effective manner.

ID 795364

THE WHITE HOUSE

WASHINGTON

DATE: 03 DEC 79

FOR ACTION: STU EIZENSTAT

FRANK MOORE

JODY POWELL

JIM MCINTYRE

CHARLES SCHULTZE

FM
SL
HZ
BT
Jim
Gw

INFO ONLY: THE VICE PRESIDENT

SUBJECT: PETERSON SPETH MEMO RE ENVIRONMENTAL, HEALTH, AND
CONSUMER PROTECTION REGULATION

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+ RESPONSE DUE TO RICK HUTCHESON, STAFF SECRETARY (456-7052) +

+ BY: 1200 PM WEDNESDAY 05 DEC 79 +

+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I, CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

*from the Insurance
Community*

SL: Inve, the FTC is under attack & however,
The Consumer Subcommittee Chairman, Wendell
Ford, has tempered his bill considerably. It is
still objectionable BUT it does not contain a legislative
 veto and is not as tough on the FTC as the
House bill. We should try to work with Ford not
attack him.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS
WASHINGTON

December 5, 1979

Subject: Comments on Peterson Speth Memo re Environmental,
Health, and Consumer Protection Regulation

From: Charlie Schultze *CS*

I support ongoing efforts to reverse some of the recent actions concerning the FTC and am following Stu and Fred Kahn's efforts toward a better legislative outcome. Since the Senate Commerce Committee action, in itself, is probably not as harmful as some contemplated Senate floor amendments or the House revision, however, Fred and I would recommend against a blanket criticism of the Commerce Committee. We are developing a more targeted approach and would like to continue proceeding along those lines.

Points (2)(4) and (5) in the memo are unnecessary (and the statements suggested could be misinterpreted). You and all White House and OMB staff working on regulatory reform have always stressed that your regulation reform initiatives are not designed to emasculate social regulation but rather to insure that health, environmental and consumer protection regulations achieve their goals in the most cost-effective manner. Specifically, those working on the Regulatory Reform bill are well aware of the danger that the bill could become a "Christmas tree" and are working hard to avoid this.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 5 1979

MEMORANDUM FOR THE PRESIDENT

FROM: James T. McIntyre, Jr. 

SUBJECT: Memo from Esther Peterson and Gus Speth on
Regulatory Reform

I certainly agree that our position on regulatory reform in the health, environmental and consumer fields should continue to be one that stresses better management of the regulatory process and the need for more efficient and cost-effective regulations.

I also agree that the benefits of regulation should continue to be stressed in all of your statements on regulatory reform and in the statements of those involved in the regulatory reform program in the Administration. As you know, OMB clears all legislative testimony by Administration witnesses and I can assure you that your Administration's position before the Congress on regulatory reform has been a balanced one.

Those of us responsible for the effort to enact the Regulatory Reform bill are very much aware of the dangers of "Christmas Tree" legislation and are taking every step to keep the bill within the Administration's limits.

You have agreed to send a Regulatory Message to the Congress early next session. I believe that would offer the best opportunity for a strong statement from you stressing the distinction between reforming and deforming regulations.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

December 11, 1979

MEMORANDUM FOR RICK HUTCHESON

FROM: GUS SPETH

Sur

Esther Peterson and I request that this page be substituted for page 2 of our November 30 memorandum to the President and that the memo be forwarded to him.

Rick - The amended page deletes what was item #4 on the old page 2. A number of the WH staff comments were addressed to this now-deleted item. Please revise comments to the President accordingly.

Thanks -

↳ memo revised + restaffed ^G 12/12

THE WHITE HOUSE

WASHINGTON

December 17, 1979

MEMORANDUM FOR THE PRESIDENT

FROM: LOUIS MARTIN
SUBJECT: JOB OPPORTUNITIES

The announced layoffs and cutbacks in the steel, auto and other basic industries are generating new fears among Blacks who are already hurting and unhappy over economic conditions. Traditionally bread-and-butter issues outweigh all others.

Because of this situation, I urge that the job potentials of all new initiatives of the Administration be staffed out as soon as possible. For instance, new jobs will be developed in the energy field in projects for synthetic fuels, weatherization, etc., and new jobs will be created as the Defense Department, with its increased budget, builds up its hardware.

The Urban Policy and other guidelines of the Administration should ensure that the new jobs are within reach of inner city residents.

The jobs that will be created by the Administration's new initiatives may offer some hope to many who now despair of the future. It goes without saying that rises in unemployment increase the threat of disturbances, crimes and violence. They play also into the hands of extremists on the right and left.

Finally, I think some reference to job prospects in the future should be included in the State of the Union address.

**Electrostatic Copy Made
for Preservation Purposes**

DATE: 17 DEC 79

FOR ACTION:

INFO ONLY: THE VICE PRESIDENT

STU EIZENSTAT

JIM MCINTYRE

ED TORRES

SUBJECT: MARTIN MEMO RE JOB OPPORTUNITIES

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: +

+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

THE WHITE HOUSE
WASHINGTON

12/18/79

Phil Wise

The attached was returned in the President's outbox today and is forwarded to you for appropriate handling.

The original has been given to Bob Linder for action.

Rick Hutcheson

cc: Zbig Brzezinski
Fran Voorde
Bob Linder

THE WHITE HOUSE
WASHINGTON
December 17, 1979

*cc Phil-
Lucy wants
to see me 10
MIN - ok*

MEMORANDUM FOR: THE PRESIDENT
FROM: ARNIE MILLER *[Signature]*
SUBJECT: Resignation to the President

Attached for your signature is the letter accepting the resignation of the following-named person:

Lucy Wilson Benson as Under Secretary of State for Coordinating Security Assistance Programs, effective January 5, 1980.

**Electrostatic Copy Made
for Preservation Purposes**

THE WHITE HOUSE

WASHINGTON

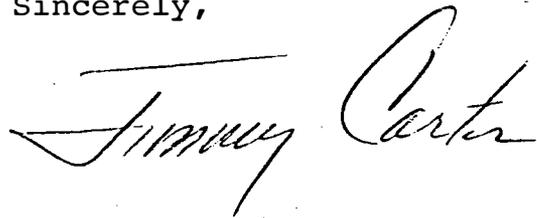
To Lucy Wilson Benson

Thank you for your letter, and I accept with regret your resignation as Under Secretary of State for Coordinating Security Assistance Programs, effective January 5, 1980.

Your care and attention to two of our most important foreign policy initiatives is greatly appreciated. The tighter restraints and more careful consideration for arms exports, and the new awareness of the dangers of nuclear proliferation we have brought to the world have placed the United States and other concerned nations in a better position to develop reasonable and sensible policies and programs for the peaceful use of nuclear power. I am indeed grateful for your efforts in this vital area.

As you leave government service, I hope you will take with you a feeling of satisfaction for a job extremely well done.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Honorable Lucy Wilson Benson
Under Secretary of State for
Coordinating Security Assistance Programs
Department of State
Washington, D. C. 20520

Vol. 37, No. 49

• Pages 2757-2812

• Dec. 8, 1979

Dole Profile

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Anti-Recession Aid

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Military Pay

(2785)

