

**C O N T E N T S**

# Slade Gorton & Co. The Politics of Hate & Death

**Chapter 1      Lessons of Extinction ..... page 3**

**Chapter 2      Slade Gorton & Co.  
                         Politics of Hate & Death ..... page 10**

***TRANSITIONS***  
Journal of the IEPLC

*The Inland Empire Public Lands Council is a non-profit organization dedicated to the transition of the greater Columbia River ecosystem from resource extraction to long term community and biological sustainability.*

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# From Passenger Pigeons to Sockeye Salmon

One hundred and ninety years ago on the upper Clearwater River in what is now Idaho, the Lewis and Clark expedition faced starvation and sickness. William Clark wrote, "Capt. Lewis scarcely able to ride on a gentle horse which was furnished by the Chief. . . ." The expedition was saved by Nez Perce Indians who supplied salmon. Lewis and Clark lived. Their voyage cemented the United States' territorial claims to the Pacific Northwest in the race for empire against Russia and England. Lewis and Clark are now legends.

But what became of the salmon and Nez Perce nation? Treaties conditionally ceded most of the Nez Perce land to the expanding United States. Columbia River salmon — the world's mightiest runs — were devastated by an industrial culture of dams, logging, mining, and overfishing. Today salmon and other species are barely holding on at the edge of extinction's abyss.

The conservation law intended to prevent their extinction, the Endangered Species Act, is threatened by the frontier politics of hate and death that pervades the 104th Congress.

However glorified the "winning of the West" may have been, it is a matter of historic record that the federal government pursued policies that killed and displaced millions of Indians and plundered the natural resources of a continent. In 1831 French statesman Alexis de Tocqueville wrote of his travels in Michigan that Americans "are insensible to the wonders of inanimate nature and they may be said not to perceive the mighty forests that surround them till they fall beneath the hatchet." Forests were massively cut down and burned out. On the plains, the American bison were slaughtered by the millions. Passenger pigeons, which once darkened the skies for days, were exterminated: the last passenger pigeon died at the Cincinnati Zoo in 1914.

The fate of the passenger pigeon and the American bison helped give rise to the first major federal law to protect wildlife: the Lacey Act of 1900. Other laws followed. Beginning in 1964 the Bureau of Sports Fish-

eries and Wildlife (now the Fish and Wildlife Service) identified species at risk of extinction and placed them on a list. Congress went further in 1966 and 1969 and authorized that these listed species and their habitat be protected. These efforts coalesced in 1973 when Congress passed the Endangered Species Act (ESA). A Republican president, Richard Nixon, signed the law that elevates wildlife conservation to a national priority. The ESA requires agencies to take "such action necessary to ensure that [their activities] . . . do not jeopardize existence of an endangered species."

Not a preventive measure, the ESA is a law of last resort that permits intervention when species and their ecosystems are in extremis. Other conservation laws should protect ecosystems and obviate the need to rely on the ESA. Too often this doesn't happen, because our nation's conservation laws are routinely thwarted and violated. The ESA has often been the only law to stop corporations and government agencies from destroying ecosystems in the Pacific Northwest.

Citizen enforcement clauses in our public laws have curbed some of the worst abuses in the Pacific Northwest. Indeed, strong conservation laws with citizen enforcement provisions are essential to sustaining life in the face of human greed institutionalized in many corporations. The response from the Northern Pacific-based timber corporations — Weyerhaeuser, Boise Cascade, Plum Creek, Potlatch — is to destroy our laws and citizen enforcement. These corporations and others control Congress.

"Thanksgiving" in 1995 here in the Pacific Northwest is pungent with the politics of hate and death as members of Congress wage a new frontier war on the Indians and the land. Voters (and those whose failed to vote) brought this calamity to our region and our democracy. Voters can either fix these problems — or watch the Pacific Northwest's already frayed ecosystems unravel and watch species plummet into the abyss one by one.

— John Osborn

# Chapter 1: Lessons of Extinction

## Last Passenger Pigeon: 1914

The days of the last passenger pigeon in the world are now numbered. It has lived for almost 30 years at the Cincinnati Zoological Garden under the tenderest care of General Manager Sol A. Stephan, but he has abandoned hope of keeping it alive more than a few weeks longer at the very most. That it has been failing rapidly has been noted for some time, but it was not considered more than the feebleness of extreme old age until yesterday morning, when Superintendent Stephan discovered it early in the morning lying on its back apparently dead. A few small grains of sand tossed upon it shocked it into activity again, and last night it was acting strong and fed heartily when the evening feed was offered.

This bird has attracted the attention of naturalists and bird lovers for the last 20 years. Forty years ago passenger or wild pigeons, as they were called, were so numerous that many can still remember how their flocks darkened the sky as millions of them migrated over Cincinnati from South America to Michigan. They were mercilessly slaughtered with guns, traps and nets.

Suddenly the flocks became much reduced in size, and within three seasons had almost entirely disappeared. Their wholesale destruction by man does not wholly account for the suddenness of this catastrophe, and numerous theories have been advanced as the real cause. Plague among the birds contracted, perhaps, from some bird imported from the Eastern Hemisphere, has been suggested, but the more generally accepted theory is that founded on the report of several Gulf of Mexico sea Captains, who reported in the spring of the year in which the great decrease was noticed having passed through a terrible typhoon of three days' duration, after which they had sailed for several days through the bodies of drowned passenger pigeons.

For 15 years \$1,000 has stood as the offer for a nesting pair of pigeons or a mate for the female at the Cincinnati Zoological Garden, and every mail has brought offers of specimens, but until that time no passenger pigeon has been discovered, the offers all proving to be the common mourning dove or the band-tailed pigeon of California, a larger bird and a distant relative of the passenger. The bird at the Zoo is the offspring and only remaining member of a flock of six which were purchased by Sol. A. Stephen in Chicago at a time when the birds were so numerous that they were used by the Chicago shotgun enthusiasts instead of clay pigeons.

The specimen now living was born at the Zoo 29 years ago last spring. It is to be seen in the open air cage opposite the entrance to the lion house. There will be no mistaking the bird, as its drooping wings, atremble with the palsy of extreme old age, and the white feathers in the tail make it a conspicuous object. When the bird dies, as it soon must, it will immediately be packed in ice and shipped to the Smithsonian Institution in Washington, where it will be mounted and displayed as one more of that rapidly growing class of exhibits of extinct animals of North America, driven into extinction by the thoughtlessness and greed of the American public. The passenger pigeons were beautiful birds, about the size of a cuckoo, with gray plumage speckled with black feathers, with iridescent colors on the neck and with pink feet, unusually swift of wing and of great value to agriculture through their fondness for harmful insects. Their passing is one of the saddest and most tragic of all events in American natural history, not excepting even the tragedy of the American bison.

[*Cincinnati Enquirer* Cincinnati, Ohio August 18, 1814. Ed. note: the last passenger pigeon, named "Martha" died on September 1, 1914.]

Laws of 93rd Congress

# Endangered Species Act

1973

*An act to provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes.*

## FINDINGS, PURPOSES, AND POLICY

**Sec. 2 (a) Findings.** - The Congress finds and declares that —

(1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;

(2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;

(3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;

(4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to —

(A) migratory bird treaties with Canada and Mexico;

(B) the Migratory and Endangered Bird Treaty with Japan;

(C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(D) the International Convention for the Northwest Atlantic Fisheries;

(E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;

(F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(G) other international agreements.

(5) Encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish and wildlife.

**(b) Purposes.** — The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

**(c) Policy.** — It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

# Trout, salmon aren't the only threatened fish

By Don Schwennesen  
of the Missoulian

KALISPELL—Virtually all native fish species in the northern Rockies are in serious trouble, not just the popular trout and salmon species, a regional river conservation group concludes in a new study.

Calling for a regional "aquatic conservation strategy" to rescue and restore habitat, the Oregon based Pacific Rivers Council blames long-term damage to watersheds and introductions of foreign species for the declines of 16 fish species.

"While many think of the northern Rockies as 'the last best place,' growing scientific evidence shows that stream ecosystem degradation is severe and is continuing almost unabated throughout the region," the report states, adding that "native fish are severely compromised throughout Idaho, Montana and northwest Wyoming."

In addition to bull and cutthroat trout, chinook salmon and steelhead strains, the council lists Kootenai River redband rainbow trout and white sturgeon, the Montana Arctic grayling in the Missouri headwaters and three different varieties of sculpin.

"These unique fish populations were healthy for thousands of years. Today each is in serious trouble. Any or all

of these fish could become extinct by the end of the century unless quick and decisive action is taken," the council warns.

It also cites dangers to other aquatic natives, including three frog species, three salamanders, the painted turtle, aquatic snails, the western pearlshell mussel, and aquatic plants.

Though many believe large wilderness areas and national parks provide adequate protection, research "indicates quite the opposite," the council reports.

Protected areas are typically high-elevation and include only steep, rocky streams that are low in productivity.

The most productive low-elevation streams are in managed areas that are "severely degraded" and often occupied by introduced species.

The group advocates an aquatic conservation strategy on all public lands that would protect undisturbed watersheds and local "hot spots" such as springs and marshes.

The strategy also should restore damaged watersheds, focusing particularly on reducing silt from roads; halting grazing along sensitive streams and lakes until they recover; reviewing fire-related salvage and thinning; and stopping introductions of exotic species.

*Missoulian*  
March 1, 1995

## Idaho's caribou herd struggling for survival

Associated Press

SANDPOINT—The endangered woodland caribou is losing ground in Idaho's Selkirk Mountains and new mammals might have to be added to the herd, a state wildlife biologist said.

Sixty caribou were transplanted from Canada to 1,000 acres of protected habitat in the mountains near Bonners Ferry and Priest Lake in 1987.

A new survey shows that only 13 caribou remain in the area, said Wayne Wakkinen, a biologist for the State Department of Fish and Game.

"The bottom line is the herd in the United States is not doing very well," Wakkinen said.

Initially, biologists thought the caribou were migrating back to British Columbia, which has a fairly strong herd of 39.

But it turns out the animals in Idaho haven't moved, they're being attacked by mountain lions. The caribou habitat supports a lot of whitetail deer which have drawn mountain lions to the area.

Three weeks ago, Wakkinen found a dead female caribou and her calves

"The mountain lions are starting to ding away at the caribou, and the mortality rate is exceeding the birth rate," he said last week.

The caribou-recovery team is considering bringing another 60 to 75 animals from British Columbia to boost the herd. This time, the animals would be moved to the northeastern Washington side of the Selkirks.

"It's too early to say the Idaho project didn't work, and why bother with saving the caribou?" said Suzanne Audet, a U.S. Fish and Wildlife Service biologist.

*Continued on next page*

# Latest Endangered Species: Natural Habitats of America

By William K. Stevens

In the first full review of the health of the American landscape, a new Federal study has concluded that vast stretches of formerly vibrant natural habitat, once amounting to at least half the area of the 48 contiguous states, have declined to the point of endangerment.

Although the plight of individual species has been the focus of public interest, the health of the larger interconnected community of plants, animals and microbes of which they are a part—the ecosystem, nature's functional unit—is perhaps more important as a gauge of vitality. The new report finds that scores of ecosystems, of widely varying types and sizes, have declined on a grand but largely unappreciated scale. If the remnants should vanish, say the study's authors, species adapted to them would probably vanish as well.

Thirty of the imperiled ecosystems, including some that dominated and characterized whole regions before Europeans first landed in America, have declined over more than 98 percent of their area and are considered "critically endangered," the study found. Decline was defined as destruction of a natural area, conversion of the area to other land uses—agriculture, for example—or "significant degradation" of ecological character or function.

"We're not just losing single species here and there, we're losing entire assemblages of species and their habitats," said Dr. Reed F. Noss, one of three biologists who conducted the study for the National Biological Service, a research organization created within the Interior Department by Secretary Bruce Babbitt in 1993. The new study is to be issued by the agency as a technical report within a month.

"Our results indicate that more biodiversity at the ecosystem level has been lost than is generally recognized in environmental policy debates," the authors wrote

The findings have important implications for Federal policy

at a time when laws dealing with conservation, particularly the Endangered Species Act, are under challenge by property-rights advocates and their conservative allies who now control Congress

The concept of protecting whole ecosystems, rather than single endangered species, which is being increasingly emphasized by conservationists, is embodied in a number of laws governing Federal lands and in several public-private conservation efforts. It has also been promoted by Mr. Babbitt as the Clinton Administration's central strategy for keeping species off the endangered list while accommodating private economic interests

But the concept is under sharp attack by conservatives who see it not only as a threat to private property but also fear that the mere act of identifying habitats to be protected may reduce property values.

"We can bury our heads in the sand and say we don't want to be well informed on these issues, or we can say we want to be well informed and have a database that gives us a logical rationale for making decisions," said Dr. J. Michael Scott, an author of the study who is a research biologist with the National Biological Survey. The third researcher was Dr. Edward T. LaRoe 3d, also of the National Biological Survey, who died recently.

Among the largest imperiled ecosystems, the study found, are the tall grass prairies and oak savannas that characterized most of the Midwest before Europeans came to America, along with the original deciduous forests of the Eastern United States and more than 60 million acres of longleaf pine forests that formerly blanketed much of the Southeastern coastal plain. All of these, according to the study, are among the 30 such communities considered critically endangered.

Fifty-eight such areas have declined by 85 percent to 98 percent and are classed as "endangered" the study says, while

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It will take a long time to build up caribou herds in the area, just like it took a long time for them to become endangered, Audet said.

"There is not a quick fix. It's going to take a long-term commitment, and one of my real concerns is (whether) that commitment is there," she said.

Caribou need older-forest habitat to thrive.

"Unless we can move the forest to an older-age structure, the future of the caribou doesn't look good," Audet said.

*Post Register*  
September 4, 1995

*Continued from page 7*

38 others have declined by 70 percent to 84 percent and are listed as “threatened.” The 126 imperiled areas are concentrated most heavily in the eastern half of the country.

As is commonly done by ecologists, the report’s authors conceived of ecosystems as relating to each other in hierarchical fashion, with smaller systems existing as elements of larger ones. In this formulation, the global biosphere is at the top of the hierarchy.

Two of the larger types of critically endangered American systems, the Midwestern prairie-savanna and the Eastern forest, together probably covered about 40 percent of the country before Europeans arrived, according to Dr. Scott.

Critically endangered systems toward the smaller end of the scale include localized ecological communities, usually named after their dominant feature as, for example: the Hempstead Plains grasslands on Long Island, the wet coastal prairies in Louisiana, sedge meadows in Wisconsin, lake sand beaches in Vermont, native grasslands in California and streams in the Mississippi alluvial plain.

Some ecosystems, like the Midwestern grasslands, have nearly been destroyed, in this case by conversion to agriculture. Others, like the oak savannas, have suffered what the report defines as degradation. This includes, for example, the suppression of fire which many ecosystems historically depended on for their biological character and variety. Without periodic clearing by fire, a few invasive foreign species often take over an ecosystem and choke out the original and more numerous array of native plant species.

Still other areas, like the longleaf pine ecosystem, have suffered both types of decline: great swatches have been cut down, and most of the rest has been transformed by fire suppression from pine forests into hardwood stands, erasing the region’s original character.

The report’s conclusions were based on an extensive, year long survey of the scientific literature, of conservation agencies and professionals and of databases maintained by the states. The survey sought to determine first what percentage of a given ecosystem had survived relatively intact; the remainder was judged to be either destroyed, degraded or both. The authors acknowledge that the data are incomplete and of “highly variable quality,” that much more research lies ahead, that some of their findings should be treated as hypotheses for further investigation and that their report is not the final answer.

Still, the study, which was reviewed for scientific validity by scientists whose identity was unknown to the authors, represents the first known effort to pull together existing data and provide a continent-wide profile of the health of the natural landscape. And despite “uncertainties and unevenness in the data,” the authors wrote in their report, the information “portrays a striking picture of endangerment.” The documented unraveling and shrinkage of natural systems, said Dr. Scott, offers a preliminary answer to people who have questioned whether the country’s natural assets are really in jeopardy.

Although much of the American landscape may look lush and green today, the authors say, this is in many cases deceiving. While it is encouraging that forest cover is increasing in many parts of the Eastern United States, they say, second growth forests may take centuries to regain their biological richness. The tree plantations that are common in many parts of the country are “structurally and biologically less diverse than natural forests of any age and contain impoverished faunas” the study report says. Replacing an old-growth forest with a tree plantation, it says, causes changes so severe that it qualifies as an absolute loss of habitat.

As ecosystems shrink and unravel, the authors say, the species adapted to them become increasingly imperiled as well. The longleaf pine ecosystem of the southern coastal plain, for instance, is now home to 27 species on the federally endangered list and another 99 proposed for listing.

Protection need not be restricted to pristine areas, the authors say. Indeed, they say, degraded but restorable areas may warrant more attention than those that have suffered less severe losses and are not faced with an immediate threat.

In determining which deserve priority, the authors argue, the extent of decline and the seriousness of the threat ought to take precedence over rarity as such. Instead the conservation agencies “often focus on the curiosities”—small, peripheral types of ecological communities, like bogs left behind by the ice age, that have never been numerous and are not facing any special threat.

Many conservation biologists advocate preserving substantial examples of remaining ecosystems as the most efficient strategy for saving as many plant, animal and microbial species as possible. They argue that this will protect many relatively common species that might otherwise become endangered, including many tiny organisms that are now unknown. At the same time, many conservationists see focusing on a relatively large area as the best way to arrange legitimate trade-offs between conservation and development.

“You need not declare an ecosystem totally off limits,” Dr. Noss said. But in light of the findings about endangerment, he said, the burden of proof ought to be on developers to demonstrate that their activities will not be harmful.

Early in his tenure, Secretary Babbitt endorsed the holistic strategy based on an ecosystem approach. It quickly fell afoul of the property-rights movement, however, which had many allies on both sides of the aisle even before the Republicans won control of Congress last November. The property-rights movement has attacked the National Biological Survey as well, and Mr. Babbitt was forced to create the organization administratively when Congressional approval could not be obtained.

Those issues have not gone away, and indeed promise to resurface strongly as Congress confronts reorganization of the Endangered Species Act later this year.

*New York Times*

February 14, 1995

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# Scientists call for tougher species act

## Panel concludes law ‘critically important’ for biological diversity

By Tom Kenworthy

Washington Post

WASHINGTON — An expert scientific panel has concluded that the much-criticized Endangered Species Act is a “critically important” and successfully used tool for preserving biological diversity and has recommended that the 1973 law’s protections for wildlife habitat be strengthened.

Requested by congressional leaders almost four years ago, the report and its findings cut across the grain of current thinking on Capitol Hill, where Republican leaders in both the House and Senate are pushing for what could be a dramatic weakening of the landmark, but controversial, environmental legislation.

“In general, our committee finds that there has been a good match between science and the ESA,” wrote University of California geneticist Michael T. Clegg in introducing the report prepared for the National Research Council.

“To sustain a viable future for our descendants, we must find ways to preserve both species and ecosystems.”

Supporters of the law hailed the scientific report as a bulwark against upcoming congressional efforts to weaken the statute in a debate set to begin next month. “This shows the act needs some fine-tuning to make it stronger, and not a meat ax,” said Jim Jontz, a former Democratic member of the House who now heads up the Endangered Species Coalition, an umbrella group of conservation organizations.

Whether the scientists’ report will have much impact on the congressional debate on the ESA is questionable, however. Earlier this month, the House turned a deaf ear to the findings of another National Research Council report that strongly endorsed tough protections for wetlands because of their vital role in providing wildlife habitat.

Perhaps the most far-reaching proposal by the 16-member committee that conducted the study is to permit federal officials to designate what it called “survival habitat” for species immediately upon their designation as threatened or endangered, as a protection against further losses. Under the current law, the protection of habitat thought critical to the survival of an endangered species frequently comes years after the decision to list the animal or plant.

“Habitat protection is a prerequisite for conservation of biological diversity,” concludes the report. “Habitat protection is essential not only to protect those relatively few species whose endangerment is established, it is also in essence a preemptive approach to species conservation that can help to avoid triggering the provisions of the Endangered Species Act.”

The issue of protecting habitat is central to the escalating legislative and judicial debate over the ESA. Legislation introduced by Sen. Slade Gorton, R-Wash., that will likely serve as the vehicle for the Senate’s debate on the act’s future would shield endangered species only from actions that would directly harm them, but would allow habitat alteration or destruction.

The scientific panel that studied the ESA was not wholly uncritical of the law, which opponents have frequently portrayed in recent years as a blunt instrument that ignores human economic needs in favor of absolute protection for often obscure creatures and plants.

For example, the scientists faulted the U.S. Fish and Wildlife Service for being too slow in designing recovery plans for imperiled species and for not having more explicit guidelines requiring the use of scientific data in developing such plans.

The report endorsed as “soundly based on science” another feature of the ESA that is likely to receive tough scrutiny in Congress this year: its protections for so-called “distinct populations” of species. Currently, if a geographic grouping of a species is believed to be endangered even though the species as a whole is not, that sub-population can receive the full protection of the law. Examples are the grizzly bear and gray wolf, which have robust populations in Alaska but are at risk of extinction elsewhere in the U.S.

Under Gorton’s bill, protections for sub-populations would be substantially reduced unless the secretary of the Interior finds that stricter measures are “in the national interest.”

*Spokesman Review*

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## Chapter 2: Slade Gorton & Co. - Politics of Hate & Death

### Gorton takes aim at Endangered Species Act In drafting a bill to water down the federal law, the senator gets help from the industries affected by it

By Jeanie Senior

STEVENSON, Wash.—Sen. Slade Gorton told timber industry executives exactly what they wanted to hear: He will go back to Congress after spring break and take aim at the Endangered Species Act.

Gorton, R-Wash., unveiled a bill that would do away with most of the act's strict requirements to save plants and animals deemed headed for extinction. Instead, it would allow a political appointee—typically, the secretary of interior—to decide when, how and whether to save a species.

The bill, likely to be the main effort in the Senate for Republicans who want to change the act, was written largely by the industries that will be most affected by its outcomes.

Gorton, who is heavily supported by the timber industry—including a \$34,000 campaign contribution from the National Endangered Species Reform Coalition—spoke Wednesday at the annual meeting of the Northwest Forestry Association, the region's most powerful timber trade organization. Delegates enthusiastically applauded his remarks.

What the senator referred to as reform of the 1973 environmental law would rewrite the act to establish a range of options for dealing with a species identified as threatened or endangered.

At their most stringent, the options would include a plan for full recovery of a species, such as the one in place for the northern spotted owl. But simpler provisions would apply to conserving an existing

population and for prohibiting “direct injury or killing of the species.”

The senator called the current Endangered Species Act “a marvelous endeavor ... but written without an eye to the consequences.”

His proposed changes, he said, “will bring the people who are affected by these decisions back into the process.”

Economic impacts, including job losses, would have to be part of the equation when species protection is considered, he said.

He expects to be criticized for “eviscerating the Endangered Species Act itself,” Gorton said.

Environmental groups weren't surprised by Gorton's announcement.

“Slade Gorton has certainly been a strong, outspoken gut-the-ESA guy out there,” said Diane Valentine, salmon and rivers program leader for the Oregon Natural Resources Council.

“The people of the Northwest, who are right now looking at salmon as an endangered species . . . are not going to stand by and let the Endangered Species Act, which protects jobs and the economy, be gutted,” Valentine said. “It's a false choice of species versus jobs. These ecosystems are what we all depend on.”

Economic and social protection are built into the existing Endangered Species Act, said Monica Bond of the National Wildlife Federation. “It should be the

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overall, overarching goal to figure out a way to use resources without compromising the integrity of ecosystems that we all need for survival," she said.

Forestry association members, however, agree wholeheartedly with Gorton's proposal.

The bill was written by a group of Washington, D.C., lawyers who represent timber, mining, ranching and utility interests.

Chris West, the forestry organization's vice president, said Gorton has been a "champion" of the industry. "Our members are committed to protect species from extinction. But under the current law and the regulations, it's unworkable."

Gorton's proposal would drop Endangered Species Act decision-making squarely into the political

arena. Final decisions on wildlife protection would be made by the secretary of the interior while the secretary of commerce would watch over fish. Both posts are held by presidential appointees.

Gorton and his co-sponsor, Sen. J. Bennett Johnson, D-La., don't expect approval of their bill to be easy.

If put into law, the new version of the act "doesn't undo everything that has been done automatically," Gorton said. "But it gives the secretary authority to make a different decision." Each successive secretary will be required to review decisions every five years, he said, and "another secretary could change the decision of his predecessor."

*Oregonian*  
April 14, 1995

# Ethics complaint filed against Gorton

## Senator had industry lawyers help with bill to weaken Endangered Species Act

Associated Press

WASHINGTON — A consumer advocacy group filed a complaint Thursday with the Senate Ethics Committee over a senator's reliance on industry lobbyists in writing legislation to overhaul the Endangered Species Act.

The complaint against Sen. Slade Gorton, R-Wash., is the latest of several instances where Republican lawmakers have been found to rely heavily on industry lawyers in crafting legislation that would affect those same industries.

"The law is clear that the public's business must be done by people on the public payroll," said Joan Claybrook, president of Public Citizen, the private advocacy group that filed the complaint.

The complaint singles out the involvement of the National Endangered Species Act Reform Coalition in developing legislation Gorton is proposing to rewrite the federal law that protects endangered plants and animals.

Gorton is working with other senators on the proposal, expected to become the key bill the Senate will use later this year to soften the impact of the Endangered Species Act, which over the years has come under strong attack from timber, mining and farming interests.

The industry role in crafting the bill was outlined earlier this month in articles in the Seattle Post-Intelligencer and The New York Times. Gorton told the Times that he was "perfectly willing to get the free services of good lawyers" in drafting the bill.

Gorton could not be reached Thursday evening to comment on the Public Citizen complaint. Phone calls to his office went unanswered.

Public Citizen cited a memo from a Gorton staffer to the senator in which the industry coalition is praised for having done "a tremendous job" in taking Gorton's general ideas about endangered species law reform "and putting them in the bill."

"The coalition should have a section-by-section general summary of the draft bill together later today," the staffer advised Gorton in the Feb. 28 memo.

The National Endangered Species Act Reform Coalition represents more than 180 groups and companies interested in rewriting the 22-year-old law, which is responsible for protecting plant and animal species in danger of extinction. Coalition members include timber, mining and petroleum companies often directly affected by the law.

Recently the Clinton administration criticized the practice of some Republican lawmakers of relying on industry lobbyists to help write legislation that directly affects them. EPA Administrator Carol Browner singled out the involvement of various industry lobbyists in developing revisions to the Clean Water Act by a House committee. She said in some cases the lobbyists wrote specific exemptions into the law that directly affect their industries.

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## How A Bill Becomes A Law: The New Approach

*From a memo sent in February to Senator Slade Gorton (R., Wash.) by Julie Kays, Gorton's legislative assistant for environmental issues. Along with the memo, Kays sent Gorton a draft of the Endangered Species Act [ESA] Reform Amendments of 1995, a bill that Gorton introduced in Congress three months later. The bill, which would drastically reduce federal protection for endangered species, was drafted not by Gorton's staff but by the National ESA Reform Coalition and the Endangered Species Coordinating Council, lobbies whose mem-*

*bers include Chevron, Kaiser Aluminum, the Idaho Power Co., and other companies that object to environmental restrictions on logging, mining, and other industrial activity. (The lobbies are referred to in the memo as "the coalitions".) The government watchdog group Public Citizen has asked the Senate ethics committee to investigate Gorton, saying it is improper for senators "to use corporate lobbyists as extensions of their staff." The bill is expected to reach the Senate floor for a vote by the end of the year.*

*Continued on next page*

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TO: Slade  
FROM: Julie

The coalitions delivered a draft of your Endangered Species Act bill to me on Friday. Interspersed throughout the attached memo are specific questions for you on the draft bill. I know that you are anxious to get the bill introduced. It is important, however, that we have a better understanding of the bill prior to introduction.

The coalitions should have a section-by-section summary of the draft bill later today. I have provided for you a summary of the major provisions of the draft bill, as each would amend current law, in order for you to see the flow of the bill from a larger perspective.

The bill takes some getting used to. However, I think that the coalitions did a tremendous job of adopting your ideas and putting them into the bill. Please let me know your general thoughts on the bill.

What don't you like? What is missing? Where can we improve? Is this what you had in mind?

I hope that you will have time to get through most of this before your meeting with Senator Johnston [Democrat J. Bennett Johnston of Louisiana] at 3:30 today.

Senator Johnston may bring up the private property rights compensation provision. As you know, the coalitions believe very strongly that the property rights provision must remain in the bill. I have shared with Johnston's staff that you ran past the coalitions the idea that you thought there was a possibility that we could get away with taking out the property rights provision, in light of other bills moving separately through the House and Senate, but that you were convinced by the coalitions to keep it in.

The coalitions will be happy to delete the provision if we get a separate private property rights provision passed and signed into law.

*Harper's Magazine*  
July 1995

## Editorial

# Endangered Integrity

Republicans bent on weakening the nation's environmental laws are trashing the principles of decent government in the process.

This double insult was underscored this week when Senator Slade Gorton of Washington unveiled a bill that would scrap major provisions of the Endangered Species Act. Making light work for himself, Mr. Gorton farmed out the chore of drafting his revision to a group of Washington lawyers representing timber, mining, ranching and utility interests that have a huge economic stake in disabling the current law. Those industries have also contributed sizably to Mr. Gorton's re-election campaign. Mr. Gorton says he did not bother to consult with environmentalists because he already knew what their views were.

This is the same one-sided methodology employed by Representative Bud Shuster of Pennsylvania, chairman of the House Transportation and Infrastructure Committee, who essentially let lawyers and lobbyists for special interests draft his bill to gut the Clean Water Act of 1972.

The issue of how best to protect the environment while avoiding possible cases of overzealous regulation is a matter that needs mature national debate. Legislators are supposed to foster that process, not just give campaign contributors what they paid for.

*New York Times*

April 14, 1995

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## Senators OK freeze on guarding rare species

•Washington's Sen. Slade Gorton helps clinch the hold until September on funds under the Endangered Species Act

By Scott Sonner

The Associated Press

WASHINGTON—Sen. Slade Gorton, R-Wash., helped push through the Senate on Thursday an amendment that would block any fish or wildlife species from winning new protection under the Endangered Species Act, at least until fall.

The amendment cuts \$1.5 million that was to be used by the U.S. Fish and Wildlife Service in connection with the listing of species as threatened or endangered.

"It doesn't make sense to wreak havoc in communities around the country in the name of a failing statute that Congress will revise in a few short months," Gorton said.

"Hundreds of people have been treated unfairly by their government in the misguided interpretation of this law," he said.

"Hard-working, honest people in communities across the state are out of work because this act is broken and needs to be fixed," he said.

Gorton sponsored the amendment, along with Republican Sens. Kay Bailey Hutchison of Texas and Pete Domenici of New Mexico. It was attached to a supplemental defense spending bill on a voice vote after an attempt to scuttle it failed 60-38.

Hutchison said the freeze on listings through September 1995 was needed until the Endangered Species Act was reviewed later in the year to "prevent further erosion of private

property rights."

Assistant Interior Secretary George Frampton Jr. warned during a congressional hearing last month that Republican efforts to cut spending on endangered species listings could ultimately lead to more listings of threatened and endangered species.

"We know the Endangered Species Act has problems.... It would be counterproductive in trying to solve those problems to simply cut off funding," he said. "The net result . . . might be to list more."

Frampton said much of the cost of the program is for research and studies to find ways to protect fish and wildlife without resorting to protection under the Endangered Species Act.

In addition, the money is used to move toward removal of species from the protected list, he said.

"One natural reaction from the Fish and Wildlife Service is to say, 'We're not going to delist some species we were going to delist,'" Frampton said.

The administration is expected to try to alter the legislation next week when the measure goes to a joint House-Senate conference committee, which is scheduled to hammer out a compromise version of the bill.

*The Oregonian*

March 18, 1995

# Panel clears Gorton

## Senator consulted timber lobbyists about legislation

Associated Press

WASHINGTON—Sen. Slade Gorton did nothing wrong when he consulted industry lobbyists about his legislation to overhaul the Endangered Species Act, the Senate Ethics Committee said Tuesday.

“No Senate rule prohibits a senator from seeking advice on legislative issues from individuals or organizations outside the Senate,” Victor Baird, the committee’s chief lawyer, said in a letter Tuesday.

No further action is planned, Baird told Public Citizen, a consumer advocacy group that had filed a complaint about the matter in April.

The 20-year-old law has come under fire from industry groups who contend it does not allow sufficient consideration of economic factors. Overhaul legislation is in the works in both houses, with congressional hearings in the field gathering public sentiment.

Public Citizen accused Gorton, R-Wash., of violating Senate rules by working too closely with timber industry lobbyists on the bill.

“The law is clear that the public’s business must be done by people on the public payroll,” Joan Claybrook, president of Public Citizen, said at the time.

The complaint included copies of memos Gorton’s staff had written to the senator recommending changes in the bill urged by industry lobbyists.

In the letter Tuesday to Public Citizen, Baird said private entities are not barred from offering input.

“Such exchanges are common and acceptable Senate practices,” he said.

“From the information accompanying your complaint, the committee has concluded that the activities complained of are consistent with the commonly understood and acceptable Senate practices associated with the legislative process....

“Thus, based upon the information which you provided, no further action is intended with respect to this matter,” Baird said.

*Spokesman Review*

June 14, 1995

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# Descendants of lonely sockeye head for ocean

Associated Press

Grandchildren of the only female sockeye salmon to return to central Idaho's Redfish Lake four years ago have started their 900-mile journey to the Pacific Ocean, state biologists report.

The female, named Eve, was netted as she entered the lake near Stanley, along with four males that also made it to Idaho in 1991—the year Snake River sockeye was declared an endangered species.

Idaho Department of Fish and Game biologists spawned Eve and the four males, then raised their young and spawned them with the 10 sockeye that returned over the following three years.

Altogether, about 18,000 young smolt were produced. This is the first year that juvenile salmon from the experimental breeding program have left Redfish Lake for the ocean.

“It's the beginning of a very important period of time that will make it or break it for this particular group of fish,” said Paul Kline, a Fish and Game fisheries research biologist.

Environmentalists on Wednesday criticized the U.S. Army Corps of Engineers for not doing enough to help the fish past the eight federal dams on the lower Snake and Columbia rivers.

Charles Ray of Idaho Rivers United said the Corps is relying too much on a barging program and not enough on using spillways to get fish past the dams without sending them through turbines.

“The success of these fish depends almost entirely on what happens in the rivers,” Ray said. “The Corps is going to kill most of them.”

He said 3 to 5 percent of young fish survived the journey before the dams were built. Now, he said, fewer than 1 percent will likely make it.

State biologists say extra spill ordered by the Corps this year because of high river flows will help this year's group of migrating sockeye smolts. But they agree with environmentalists that the Redfish Lake sockeye will not be saved unless significant steps are taken.

To do that, the Corps has to improve its transportation program or change the river flow so young fish are carried more swiftly to the ocean, said Ed Bowles, director for Fish and Game. About 3,000 smolts have been tagged with tiny transmitters that allow biologists to monitor their passage through the dams.

Their progress also is being monitored by 27 classes of schoolchildren taking part in the “Adopt-a-sockeye” program set up by Idaho Rivers United.

*Spokesman Review*  
June 9, 1995

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*Oregonian*  
July 23, 1995

# Gorton's bill would force Idaho to kiss salmon, steelhead goodbye

By Mitch Sanchotena

Idaho's steelhead fishing and years of hard work to restore Idaho's salmon fishing will go down the drain if Washington Sen. Slade Gorton has his way. Idaho's senators must defend Idaho fishermen by standing up to Gorton.



**Mitch Sanchotena**

Sen. Gorton now is asking other Northwest senators to support his "Kiss Idaho Steelhead Goodbye Bill" and he wants to get it through Congress in July. The concept paper for the bill was written by aluminum company and utility lobbyists. Gorton proposes:

- A region-wide limit on all spending by electric utilities— public, private and federal—to mitigate for the destruction of steelhead and salmon by their dams. The limit would be much less than the amount spent now.

- Northwest state fishery agencies and Indian tribes would decide how and where to spend the limited money — which rivers will have steelhead and salmon and which will not. Idaho would have one vote out of 10 or more.

- All national laws now requiring the restoration of Idaho salmon and steelhead would be waived. All national promises to restore Idaho's Snake River broken.

Together, these three elements inevitably doom Idaho's fish. The fish agencies and tribes would be forced to fight each other for limited funds; Idaho

would lose every vote on where to spend the money, and Idaho fish and fishermen would have no legal protection whatsoever.

Sen. Gorton is not hiding the ultimate goal of his plan. He calls Idaho's steelhead and salmon "relics" and "remnants." He says it's time to give up on relics and focus limited dollars on producing fish in Puget Sound and other coastal areas. It's a "meat plan" at the expense of wild fish in inland areas.

But the real question is, what will Idaho Sens. Larry Craig and Dirk Kempthorne do? If they oppose Gorton's bill, it can't pass. If they support it, they'll be kissing Idaho steelhead and salmon goodbye.

So far, Sen. Kempthorne is staying neutral. But Sen. Craig has said that Idaho fishermen don't know what we are talking about and has complimented Gorton for his approach.

Sen. Craig, Idaho fishermen know full well what we are talking about. We've watched our salmon disappear. We are watching our steelhead disappear. We've watched downstream politicians like Sen. Gorton try to kill off Idaho fish for years. We know exactly what his bill will do. If you support it or anything like it, you too will be kissing Idaho steelhead and salmon goodbye.

On behalf of Idaho fishermen and women, I entreat our own senators: Don't let the nation break its promise to us. Listen to us, not the big utilities. Fight for us — not the aluminum companies. Tell Slade Gorton no. Tell Idaho fishermen yes.

*Mitch Sanchotena is executive coordinator for Idaho Steelhead and Salmon Unlimited in Boise.*

*The Idaho Statesman  
June 29, 1995*

# A new cut at logging legislation GOP wants more timber

•Congressional Republicans and the industry want to increase Northwest timber harvests, but environmentalists are outraged

By Rob Eure  
of the Oregonian staff

A group of Republican senators and representatives and the timber industry are working a behind-the-scenes timber grab using an obscure provision of the salvage logging bill signed by President Clinton last month.

The salvage bill's main intent was to allow for the harvesting of dead and dying trees in national forests.

By arguing for a broad interpretation of a minor provision in the logging measure, however, the industry is aiming to place as much as four times as much live timber in Oregon and Washington on a fast track for harvest.

The move would result in the heaviest logging of mature forests in the two states since the late 1980s.

But the meaning of the new law is far from clear, even in the words of its drafter.

Sen. Slade Gorton, R-Wash., who sponsored the salvage logging bill, gave conflicting interpretations on the floor of the Senate and in a subsequent letter he and other Republicans wrote to federal land management agencies after the bill passed.

In the speech on the salvage logging amendment, Gorton said the controversial provision "releases sales that were authorized under Section 318 of the fiscal year 1990 Interior appropriations bill. Roughly 300 million board feet of timber sales have been held up due to agency gridlock over the marbled murrelet."

Now, Gorton argues that the same provision "applies within the geographic area . . . that were subject to Section 318 . . . and within that geographic area requires the release of all previously offered or awarded timber sales, including Section 318 sales as well as all sales offered or awarded in other years."

Gorton offered the new interpretation in a July 27 letter to the secretaries of Interior and Agriculture. It was also signed by fellow senators Larry Craig R-Idaho, and Frank Murkowski, R-Alaska, and three congressmen, Don Young, R-Alaska, Pat Roberts, R-Kansas, and Charles Taylor, R-N.C.

The provision forces federal land managers to release the sales in 45 days with the sales selling at their original 1989-90 bidding prices.

The move has environmentalists steaming.

"Senator Gorton is not satisfied with having raped the national forests," said Andy Kerr, head of the Oregon Natural Resources Council. "He is now trying to mug the victim."

Gorton was in Washington Monday, and his office did not return phone calls.

Most of the Section 318 timber sales already have been harvested. The remaining 5 percent of the sales involve mostly old-growth coastal forests and have been stalled because of concerns for habitat of the threatened marbled murrelet.

The difference in interpretations would mean an extra 600 million to 1 billion board feet of healthy timber cut from forests in Oregon and Washington, according to the federal land agencies and administration officials.

"That's something we're trying to get a handle on," said Tom Tuchmann, the point man for Clinton's Northwest forest plan. "It appears that there's inconsistent interpretations by some of the drafters of the legislation as to what sales should move forward."

A board foot is one inch thick by one

## What it means

\* **What:** The timber industry and its congressional backers are pressuring Forest Service and BLM bosses for a broader interpretation of the salvage logging measure recently signed by President Clinton. If successful, it would allow logging up to four times as much live timber from Oregon and Washington as originally thought.

\* **Where:** 13 Western national forests and six BLM districts.

\* **Next:** The Clinton administration will weigh in with its plan to implement the salvage logging provision, possibly late this week.

*Continued on next page*

*Tacoma News Tribune*  
June 17, 1990

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*Continued from previous page*

foot square. It takes about 16,000 board feet of lumber to build a 2,000 square-foot frame house.

Federal land managers, meanwhile, are awaiting clarification from the White House before deciding how much timber the provision covers. John Lowe, the Forest Service's regional forester in Portland, said he hoped to have some direction from Washington by the end of this week.

The timber industry, meanwhile, is backing the broader interpretation.

A briefing paper on the salvage rider prepared by the Northwest Forestry Association concludes that the controversial provision should apply "to all sales that were offered or awarded before July 27 (the date Clinton signed the measure) on any of the 13 national forests and six BLM districts that were subject to Section 318."

"We certainly agree with the interpretation of the members of the House and Senate," said Chuck Burley of the Northwest Forestry Association.

Burley could not estimate how much extra timber would be involved, but he called the difference "substantial."

The language of the salvage logging bill does not help much in clarifying the issue: "... Within 45 days after the date of the enactment of this act, the secretary concerned shall act to award, release and permit to be completed ... all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318."

That gives the two agencies until Sept. 10 to determine how much timber is involved.

The push to cut more green trees comes as environmental groups are training volunteers in civil disobedience training. Activists are promising they will try to stop the logging allowed under the salvage logging bill because the measure bypasses most citizen review and legal challenge to the logging.

*Oregonian*  
August 8, 1995

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# Timber lawyers ask judge to jail assistant ag secretary

## • ‘The Clinton administration is refusing to obey the law’

By Scott Sonner

Associated Press

WASHINGTON—Timber industry lawyers are asking a judge to throw an assistant U.S. agriculture secretary in jail if he continues to refuse to allow logging in some old-growth forests in the Pacific Northwest.

“The Clinton administration is refusing to obey the law,” said Chris West, vice president of the Northwest Forestry Association in Portland, Ore.

“Our goal isn’t to put anybody in jail. All we want is for these timber sales to be released.”

The case involves parts of national forests in Oregon and Washington, some of them centuries old, that were sold for harvest but never turned over to the bidding logging companies.

The Forest Service held up the timber sales after environmental concerns were raised with the listing of the northern spotted owl as a threatened species in 1990.

Two weeks ago, a federal judge in Eugene, Ore., ruled much of the logging should go forward under legislation President Clinton signed in July at the urging of Western Republicans and over the objections of conservationists.

That legislation waives laws protecting fish and wildlife so logging can be expedited in Northwest forests with spotted owls, and in forests nationwide where dead and dying trees pose a fire threat.

Clinton signed the legislation, but with a pledge to allow the logging only within the confines of existing laws.

The administration has not formally responded to U.S. District Judge Michael Hogan’s ruling that the timber be released. Environmental lawyers say the ruling gave no deadline for releasing the timber sales.

A Justice Department lawyer, Ellen Athas, told the timber industry in a letter earlier this month the government was taking steps to release the timber for logging.

But last week, the industry’s Northwest Forest Resource Council asked the judge to find Clinton administration officials in contempt and fine them \$50,000 a day for a week, with the fines doubling each day after that until the logging begins.

“Judge Hogan issued an order compelling them to award and release the sales two weeks ago. They have done nothing,” West said.

“This administration doesn’t want trees to be cut. Despite all their promises about implementing the president’s plan and getting the cut out, they are doing everything they can to restrict logs from going to mills.”

The group singled out James Lyons, assistant secretary in charge of the Forest Service, and Tom Tuchmann, who oversees Clinton’s Northwest forest policy from the Office of Forestry and Economic Development in Portland.

“NFRC recognizes that imprisonment is an extreme sanction,” the industry group said in court papers filed in Eugene last week.

But the administration’s refusal “is an extreme example of the executive branch of government refusing to comply with the valid and serious requirements imposed by the other two branches of government,” the papers said.

Neither Lyons nor Tuchmann were immediately available for comment on Tuesday.

Lyons long has been a target of criticism from the timber industry. Last week, several Western Republicans succeeded in amending a spending bill before Congress to delete money for his job.

The forests at issue have been in limbo under a variety of court orders over the past five years.

At one point, U.S. District Judge William Dwyer of Seattle issued an injunction banning the logging, finding the Bush administration deliberately was breaking a series of environmental laws.

Kevin Kirchner, an attorney for the Sierra Club Legal Defense Fund, said the timber industry’s new request for jail time is “outrageous and irresponsible.”

“Even when Bush administration officials admitted in court that they had ‘deliberately’ disobeyed an act of Congress, and then were continuing to disobey a subsequent court order, the environmental community never asked the court to put anyone in jail,” Kirchner said.

*Lewiston Tribune*  
September 27, 1995

## Editorial

# Slade Gorton - industry's pipeline to a silent spring

Time was when constituencies with a particular problem would go to their senators or representatives to ask them to write legislation solving it. Today, Washington Sen. Slade Gorton has reversed the process, getting special interests to write a bill themselves and give it to him.

It makes you wonder what taxpayers are providing Gorton with a six-figure salary for.

Gorton isn't the first elected legislator to let a special interest use him as a direct conduit to lawbooks. But his shameless admission that lawyers working for the timber, mining, ranching and utility industries wrote his bill gutting the Endangered Species Act makes him Congress' most conspicuous rubber stamp of this year. He's not a cheap one, however: Those industries contributed \$34,000 to his re-election campaign last year.

The bill would not only prevent most future listings of endangered species under the act, but would apply retroactively to decisions already made.

"It doesn't undo everything that's been done. But I suspect it would end up having that effect," Gorton says.

So long, Northwest salmon. Sayonara, Snake River steelhead. Adios, all other plants and critters that get in the way of humankind's hypermagical ultraomnipotence.

Gorton says if "his" bill becomes law, the Secretary of Interior will ask, "Is this species so important that a single person should lose their job over it?" And if the answer is no, he says, little or nothing will

be done to save the species.

Imagine what would happen if such a standard—the potential loss of one job—were applied to block other moves by government or industry. The automation that has put thousands of timber workers out of a job while keeping the timber industry competitive would never be permitted. Tobacco farmers would be guaranteed lifetime jobs, whether their products continued to kill millions of people or not. And production of the pesticide DDT would continue apace, while the flight of America's national bird and symbol, the bald eagle, likely would not.

Today, the bald eagle symbolizes more than this nation's independent spirit. Its comeback from near extinction in the early 1970s to last year's population of nearly 8,000 adult birds in the lower 48 states is a soaring reminder of the sacrifices Americans made to keep it, under the terms of the Endangered Species Act. And its return from the brink was also recorded under the act when it was "downlisted" last year from "endangered" to "threatened."

Gorton's bill tells Americans the spirit of sacrifice is as unneeded as the preservation of natural variety. The only species that matters is us. And if you doubt that, just ask people in boardrooms of the resource extraction industries.

That's what Slade Gorton did. And their answer was good enough for him. —J.F.

*Lewiston Morning Tribune*  
April 16, 1995

# Gorton leads today's 'war' against Indians

By Rocky Barker

Those who think the battle between Western Anglos and American Indians ended in the last century don't know Sen. Slade Gorton.

The Washington Republican has made a career out of fighting Indian treaty rights and attacking the programs that represent promises made in those treaties. For most of his career, he was about as successful as Custer at the Little Big Horn.

As Attorney General in Washington he lost court battle after court battle challenging the right of Northwest tribes to catch the salmon at the heart of their culture. He was on the losing end of the Boldt decision, in which U.S. District Court Judge George Boldt in 1974 recognized tribal rights to 50 percent of the fish caught in the land turned over by treaty.

Now, with Republicans firmly in control of Congress, Gorton sits as chairman of the powerful appropriations subcommittee with power over the purse-strings of the Bureau of Indian Affairs. His time has come to avenge those defeats.

He has led the charge to slash the bureau's \$1.7 billion budget by a third—far deeper than most federal programs. Some of the funds cut require the BIA to lay off 4,000 of its 12,000 employees. Much this is long overdue since the BIA has historically been one of the most inefficient bureaucracies in government.

But Congress didn't stop there. It chopped millions of dollars that went directly to tribes for fighting crime, providing sanitation, repairing roads, housing and many other basic services tribes are unable to provide for themselves. Gorton actually targeted these programs developed to bypass the BIA and provide aid and autonomy to Indians.

"It will have a tremendous effect on the Fort Hall Reservation," said Mary Washakie, Shoshone Bannock tribal secretary.

These are the funds the United States is required to provide under the terms of treaties often signed to end bitter wars. Ancestors of the nation's 555 recognized tribes gave up millions of square miles of land in exchange for guarantees that their well-being and the well-being of future generations would be ensured. These programs are the definition of entitlement.

That doesn't always sit well with other Americans who believe everyone should have equal rights. Gorton has been a leading voice of the militant elements of this group.

"I do not believe there is a permanent duty, lasting not only a century and a half, but forever, to fund activities that every other American funds through local taxes and local effort," he said.

Treaty rights, like property rights, are guaranteed under provisions of the Constitution. Congress has the power to change treaties and within limits, the power to define property rights. If Indian treaties can continue to be unilaterally broken then property rights are no more safe.

For Indians, treaties are the only defense for their rights. There are only 2 million Indians spread out all over the country, so they have little political clout.

Economically, a few have benefited from limited opportunities for gambling revenue. But more than a third still live below the poverty line, including half of all the Indian children below six. One out of every five Indian homes lacks both a telephone and an inside toilet.

Contrary to popular belief, Indians don't fare well in federal aid per capita. For instance, the average American gets \$2,600 a year from the government for health care. Indians average only \$1,300.

The shifting of programs from BIA administration to tribal governments was leading Indians down a necessary road to self-determination and ultimately self-sufficiency. Tribes who had capital from gambling were investing in job-creating businesses. However, many of the same people who want to cut Indian programs like Gorton have hypocritically stymied attempts by tribes to expand gambling and other money-making efforts. They talk about shifting power and funding back to the states. But they are unwilling to do the same for Indian tribes.

Gorton's enmity toward Indian programs is only matched by his apathy for the Pacific Northwest's salmon. Ironically, nothing could do more for the economy of the region's Indian tribes than the restoration of healthy salmon runs. But Gorton appears to be more concerned about protecting the subsidies for Washington's aluminum companies than saving salmon or feeding Indian children.

Make no mistake, Gorton has a lot of company this year. Liberal Democrats like Sens. Thomas Daschle of South Dakota, Barbara Boxer, D-Calif. and even Ted Kennedy of Massachusetts voted for the cuts when faced with losing Interior programs in their home states. I guess it's no longer fashionable to care about the United States' poorest ethnic group.

Unless Americans are unwilling to invest more than the price of a ticket to Disney's Pocahontas to help Indians help themselves, 1995 will be just another stop on the trail of tears that links the apathetic politics of the present with the brutal policies of the past.

*Post Register*  
September 17, 1995

# Critic: Chenoweth fans racism

• Coeur d'Alene Democrat blasts congresswoman over her 'white person' reference, remarks concerning Nez Perce Tribe

By Michael R. Wickline

of the Tribune

U.S. Rep. Helen Chenoweth is damaging human rights laws enacted to show the rest of the world that Idaho isn't a home for "whites-only bigots" with her remarks about the Nez Perce Tribe, an Idaho Democratic leader charged Friday.

Assistant Senate Democratic Leader Mary Lou Reed of Coeur d'Alene said Chenoweth is pitting Idahoans against each other with her anti-Indian sentiments.

But a spokeswoman for Idaho's Republican congresswoman said Chenoweth is simply questioning the confusing relationship with the Indian tribes under their treaties.

Khris Bershers said Chenoweth made a "poor choice of words" when she referred to "the white person" earlier this week.

But "Helen isn't a 'whites-only bigot,'" said Bershers. "She believes in equal opportunity for everyone, including Indians."

Three days ago, Nez Perce Tribal Executive Committee Chairman Samuel Penney contended Chenoweth doesn't have a clue about the treaties between the federal government and the tribe because she mixed up the tribe's bid for water rights through the Snake River Basin Adjudication with a deal to compensate the tribe for wildlife losses caused by the construction of Dworshak Dam.

Chenoweth denied his charges and countered that the federal government needs to clarify its policies about dealing with tribes because they are creating confusion. After all, she said, the federal government hasn't treated all Americans equally because it has limited the rights of "the white person" to hunt and fish.

"The Congressman is playing to those who harbor anti-Indian sentiment through her public statements opposing the Bonneville Power Administration plan to compensate the Nez Perce Tribe for lost wildlife habitat," Reed said Friday in a prepared statement.

The pact, signed by Republican Gov. Phil Batt, gives \$3 million to the state Department of Fish and Game for a trust fund and sets up a \$7.1 million trust fund for the tribe. Chenoweth opposes it based on concerns about the impact on the local economy and private property rights.

"Helen Chenoweth's after-the-fact comments only serve to trouble the waters for no apparent positive reason," Reed said.

"Idaho has enacted strong human rights legislation to show the rest of the world Idaho is not a haven for whites-only bigots. Chenoweth's divisive words do damage to that hard-fought state policy.

"Although an apology to Idahoans for her rhetoric is clearly in order, I ask only that she try to understand both the issue and the harm her words inflict."

Chenoweth apparently would exclude the state's tribes, the original owners of Idaho's public and private lands, from "her own private Idaho," Reed said.

Reed helped develop state human rights laws drawn up in 1987 and 1988 after the Aryan Nations bombing of Bill Wassmuth's home and two buildings in downtown Coeur d'Alene.

The laws provide for civil remedies for malicious harassment, require reporting of hate crimes and oppose terrorist activities by paramilitary groups.

Chenoweth Wednesday insisted it was unfair to ask her whether she believes the Nez Perce Tribe is a separate nation or not, even after she raised the question herself.

She said she is simply raising questions that need to be answered to ensure a peaceful and tranquil co-existence on the issues of rights and private property.

Bershers said Chenoweth wasn't alluding to any type of racism when she referred to "the white person."

"She meant non-Indians."

Bershers said Chenoweth doesn't want to exclude Indian tribes from Idaho.

"Her position is the water belongs to the states, not the tribes," she said.

Reed said she decided to speak out now because "she (Chenoweth) is getting away with something she shouldn't get away with."

"I think she has some racist feelings and that isn't the Idaho way. That is something we have been trying hard to get rid of."

Reed noted that Chenoweth also talked about white males being the only endangered species during the congressional campaign.

But Bershers denied that Chenoweth is a racist.

The Clinton administration and the U.S. Supreme Court also are talking about the problem of affirmative action programs creating a bias against the white male, she said.

"Mary Lou Reed is trying to make political hay out of this," Bershers said. "I have never thought Mary Lou Reed has her eyes set on Congress, but I guess you never know."

Reed said she is speaking out as one of the Democratic leaders in the state.

"I'm not considering running against her."

*Lewiston Tribune*

July 8, 1995

# Sen. Gorton joining panel that controls purse strings

WASHINGTON—Washington has become the only state with two members on the U.S. Senate Appropriations Committee, as Republican Sen. Slade Gorton gained a seat Tuesday on the panel which controls the federal purse strings.

Gorton joins Brock Adams, a Democrat appointed to the committee two years ago.

The committee is considered one of the most powerful in Congress. It has authority for appropri-

ating funds for every federal department, agency, program and project.

The assignment will give Gorton an increased role in shaping the policies of agencies that are vital to the Northwest ranging from the Bonneville Power Administration to the U.S. Forest Service to the Department of Energy.

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## Gorton gains re-election cash from timber execs

**By Scott Sonner**

Associated Press Writer

WASHINGTON—Executives for more than a dozen timber companies and for The Boeing Co., Microsoft Corp. and Nintendo Corp. are helping Sen. Slade Gorton off to a good start in his bid for a multimillion-dollar re-election campaign.

Gorton, R-Wash., collected \$475,950 in campaign contributions the first six months of this year, including \$123,465 from political action committees, according to the report he filed with the Federal Election Commission.

The two-term senator reported \$443,070 cash on hand June 30.

It will be Gorton's fourth Senate campaign.

Gorton's biggest PAC contributions so far include \$5,000 from Hudson Valley PAC, a pro-Israel PAC based in New York, \$5,000 from SMAC PAC, a sheet-metal and air-conditioning contractors' group in Seattle; and \$4,515 from Weyerhaeuser PAC, representing the Tacoma-based wood-products giant.

More impressive is the list of timber-company executives who have penned personal contributions to Gorton's re-election campaign for a total of more than \$20,000 from timber PACs and related individuals.

Those contributions include individual checks for \$250 or more from representatives of ITT Rayonier, Quinalt Logging Corp. of Aberdeen, Welco Lumber Co. of Lake Stevens, Delson Lumber Co. of Olympia, Hoh River Timber of Forks, Simpson Timber Co., Pacific Lumber/Shipping, Willapa Logging Co., Manke Lumber of Tacoma and Weyerhaeuser.

Four Weyerhaeuser executives each contributed \$250 and the company's retired chairman, Norton Clapp, gave \$1,000. Three Plum Creek officials contributed \$250 each.

The Lumber Dealers PAC also contributed \$1,000. Gus Kuehne of Tacoma, head of the Northwest Independent Forest Manufacturers Association, gave \$500.

Seven Microsoft executives, including company chairman and co-founder Bill Gates, have given Gorton at least \$250 each. Christopher Larson of Seattle contributed the most - \$1,750.

Three executives for Nintendo Corp. and Nintendo of America have contributed a total of \$1,750, while four executives at Boeing have provided a total of \$3,000, \$1,000 of it from Frank Shrontz, the company chairman.

*Bellevue Journal American*

August 11, 1993

# Gorton rides on wave of GOP cash

By Joel Connelly

P-I National Correspondent

Sen. Slade Gorton, who used a visit by President Reagan to raise money for his 1986 re-election campaign, is finding that a Democrat in the White House makes Republican donors even more generous.

Gorton has received large donations from political action committees associated with such groups as the National Rifle Association, National Cattlemen's Association and American Bankers Association. The Republican senator has also used a series of direct mailings to nearly triple his contributor base.

"It's the political climate," said John Giese, Gorton's fund-raiser. Giese found slim pickings for Republicans two years ago, when Democrats had lost three presidential elections and seemed headed for a fourth defeat.

But the election of Bill Clinton has energized Republicans and produced a wellspring of cash for Gorton. The senator has raised \$1,735,698, with \$815,297 of it coming in the second half of 1993.

Gorton is expected to spend \$5 million on his campaign. He is outpacing fund raising for his 1986 campaign, which at \$3.2 million is a state record.

Gorton's mailings warn that Democrats will spend "huge sums of money," but his opponents show no signs of it yet.

The lone Democratic officeholder to formally announce against Gorton, state Rep. Jesse Winery, showed contributions of \$29,133 as of Jan. 1.

Seattle businessman Scott Hardman, who will formally announce his Senate candidacy in mid-February, said he is "just starting to raise money."

King County Councilman Ron Sims, courting organized labor, has spent 90 minutes on fundraising calls so far. "The only huge sums of money I can see are Slade's," Sims said. "He's trying to panic people into supporting him."

More than 14,300 people have sent money to Gorton, compared with 5,270 in the 1986 campaign

which saw his only defeat in six runs for statewide office. He also has received a record \$443,126 from political action committees, nearly double the \$243,867 at the same stage of his 1986 race.

Gorton is getting lots of money from business leaders, including \$1,500 from Boeing Chairman Frank Shrontz, \$2,000 from Plum Creek Timber Co. executive Dave Leland, and \$2,000 from U.S. West executive Andrew Smith.

But Gorton has also received \$5 from a man in Hoquiam, \$10 from a housewife in Bellingham, and a host of \$25 donations.

The latest Gorton filings show more than \$26,000 in new contributions from lumber executives, log exporters and timber industry PACs.

The PAC run by McCaw Communications gave \$7,500 to Gorton. Bruce McCaw donated \$1,250; Keith McCaw gave \$650. Gorton received contributions from several other McCaw executives as well as a company director.

Last summer, Gorton helped engineer a Senate budget provision that exempted the cellular telephone industry from paying state taxes on their federal operating licenses. The provision was later deleted.

Other big donors to Gorton include the American Bankers Association (\$4,000), the Associated General Contractors (\$6,000), the GTE PAC (\$4,500) and the National Federation of Independent Business (\$5,000).

The National Cattlemen's Association gave \$2,000 to Gorton, who backed a Senate filibuster against higher grazing fees. The senator received \$3,950 from the National Rifle Association; Gorton voted against a Senate amendment to ban sales of assault rifles.

*Seattle Post-Intelligencer*  
February 1, 1994

# Kempthorne wildlife plan denounced

## Endangered Species Act working, agency concludes

By David A. Lieb

Staff writer

Washington—The nation's top wildlife official said the latest proposed changes to the Endangered Species Act would reverse successes in saving animals and plants from extinction.

George Frampton, the Interior Department assistant secretary for fish, wildlife and parks, Monday denounced a planned rewrite of the controversial act by Sen. Dirk Kempthorne, R-Idaho.

Frampton's comments came as the department released its biennial report on endangered plants and animals.

The report indicates the law is working because species listed the longest are recovering at the greatest rates, he said.

Kempthorne's bill would reverse that trend, Frampton warned, forcing some species off the federal list before they are ready.

Kempthorne introduced his version of endangered species reform Thursday after months of hearings aimed at forging a compromise in the politically sticky issue.

Frampton called the final product a "very, very disappointing bill."

The Clinton administration's criticism — the first of Kempthorne's bill — mirrors its harsh critiques of other Republican endangered species plans, including ones by Sen. Slade Gorton of Washington, and Reps. Don Young of Alaska and Richard Pombo of California.

All of the bills grant state and local officials more say in dealing with endangered species. They give private property owners incentives to cooperate with recovery plans and pay them when environmental rules restrict land uses.

The various proposals also reduce protections for endangered species habitat and make it more difficult for plants and animals to be considered "endangered."

Frampton called Kempthorne's plan the most "promising" of the three, but said it still "takes the bald eagle, gray wolf, grizzly bear, and listed stocks of salmon off the endangered species list."

Kempthorne spokesman Mark Snider called that "absolutely wrong," but later said some species — perhaps the gray wolf, which was reintroduced into Idaho from Canada — might, indeed, be excluded from the list.

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## McClure pushes Endangered Species Act bill

Associated Press

LEWISTON—Former U.S. Sen. James McClure, R-Idaho, has taken up the cause of lobbying for Washington Sen. Slade Gorton's bill to overhaul the Endangered Species Act.

As chairman of the National Endangered Species Act Reform Coalition, McClure represents Boise Cascade Corp., Coeur d'Alene Mines Corp., Idaho County Light and Power, Idaho Mining Association, Idaho Power Co. and the Wilder Irrigation District in Idaho.

"The basic things in the Gorton bill are the things we had in our agenda," McClure said Thursday in Washington, D.C.

The Washington Republican's bill would require the Interior secretary to set a conservation goal that could range from full recovery of the species to protection of just the current population.

The measure also would place limits on the act's application to private property, increase states' roles for consultation and allow for more public participation.

Gorton's measure has 15 co-sponsors, including Sens. Larry Craig, Bob Packwood of Oregon, Craig Thomas of Wyoming, Conrad Burns of Montana and Orrin Hatch of Utah.

McClure said environmentalists are off-base in charging Gorton's bill would gut the act.

"It preserves the protection of the species," he said, adding it would no longer allow the act to be used for other objectives.

McClure said the priority placed on rewriting the act by U.S. Sens. John Chafee of Rhode Island, Dirk Kempthorne of Idaho and House Resources Committee Chairman Don Young of Alaska tells him that it is likely to happen in this year's Congress.

That does not mean the Gorton bill will be passed as introduced, he said.

"I'm sure Dirk Kempthorne will have something to say about that," McClure said.

Kempthorne heads a Senate subcommittee in charge of rewriting the Endangered Species Act.

The Idaho Republican plans to write his own bill after the subcommittee finishes its round of public hearings.

"When all that is done, it will be my expectation that most of our concerns will be addressed," McClure said.

McClure is also a lobbyist for Potlatch Corp., Idaho Power Co., FMC Corp., Pegasus Gold Corp., and Asarco mining companies.

He said he believes President Clinton will sign the resulting bill because he will be faced with either letting the act expire or accepting legislation with some things that he dislikes.

*Post Register*

July 14, 1995

# When cheering stops, Senate must confront science

It is well and good that a subcommittee of the U.S. Senate convenes in Lewiston today to take comments on the worth of the nation's Endangered Species Act. But it is hard to imagine the panel receiving any testimony here approaching the significance of a report issued May 24.

That was the day a National Academy of Sciences panel released findings on the 1973 law that were requested by congressional leaders of both parties nearly four years ago. And the panel's 16 prominent scientists strongly endorsed both the purpose and the mechanisms of the act that Washington Sen. Slade Gorton and other members of Congress now seek to weaken or destroy.

"To sustain a viable future for our descendants," the scientists said, "we must find ways to preserve both species and ecosystems. The Endangered Species Act is a critically important part of our efforts."

The report supported the widely accepted scientific view that recent human activity has caused a "major episode of biological extinction" not unlike the period 65 million years ago during which the dinosaurs and most other reptiles were extinguished. And it endorsed the Endangered Species Act's emphasis on protection of the habitat in which threatened species are found as crucial to protecting biodiversity.

"Habitat protection is a prerequisite for conservation of biological diversity," the report said. "Habitat protection is essential not only to protect those relatively few species whose endangerment is established. It is also in essence a preemptive approach to species conservation that can help to avoid triggering the provisions of the Endangered Species Act."

What's more, the panel led by University of California at Riverside geneticist Michael T. Clegg concluded there is "no scientific reason" to exclude any particular plants or animals from the act's provisions because they are deemed unimportant by the general public. And it said even geographic groups—of which the dwindling Snake River salmon runs are examples—evolve with different characteristics and protecting them is "soundly justified by current scientific knowledge and should be retained."

Almost in direct response to the assertion from Gorton and others that the act goes overboard in protecting species at the expense of human welfare, the report said the law is so flexible it is "more likely for an endangered species to be denied needed protection than for a non-endangered species to be protected unnecessarily."

As the scientists' report demonstrates, the Endangered Species Act might be an example of human humility, but it is hardly an instance of self-destruction by the species that now imagines itself the be-all and end-all of earthly life. Protecting the habitat that nurtures plants and other creatures also protects the habitat that nurtures us.

That is the proposition to which subcommittee members must return after listening to the orchestrated cheering sections of at least two factions descending on Lewiston today. And it should serve as a reminder that there is a more important question they must answer as they consider tinkering with the act than "Is this good politics?" That question is "Is this good science?" — J.F.

*Lewiston Tribune*  
June 3, 1995