

JOHN PODESTA - STAFF SECRETARY

Dr. Henry W. Foster, Jr.

Box 1

- Newspaper Clips regarding Henry Foster
- Cases in which Henry Foster, Meharry Medical College or Hubbard Hospital were parties
- Memorandum regarding Kwanzaa Celebration
- Prep Questions
- Two speeches by Henry Foster with a one page summary on each
- Additional Writings by Henry Foster
- Testimony Submitted to the Senate Labor and Human Resources Committee
- Testimony Submitted by the Family Research Council to the Senate Labor and Human Resources Committee
- Edited Transcript of Dr. Henry Foster's hearing for Surgeon General [May 2 and May 3, 1995]
- Distributed Information
- Research

w/ 4 boxes of binders and folders on Dr. Foster

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ENCLOSURES FILED OVERSIZE ATTACHMENTS

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DEBORAH MATHIS

Profile in courage: Sen. Frist, on Foster

WASHINGTON—Evidently, Sen. Bill Frist of Tennessee does not possess presidential fiber. Or, if he does, he doesn't want it known.

I say this because Frist had the audacity to make sense when he explained and defended his vote for confirmation of Dr. Henry Foster as U.S. Surgeon General.

Although a Republican and, by definition, a conservative, Frist called for the laying aside of partisanship and procedural revenge. Foster, he said, "is qualified to carry out the duties of surgeon general." And that, according to Frist, should be the ultimate factor in deciding to vote yes or nay.

While some of his GOP cohorts squirmed and bit their tongues—most notably, Indiana Sen. Dan Coats—Frist disclosed the anguish he had suffered in coming to his laudable conclusion. Foster's involvement in the infamous Tuskegee syphilis study had nagged Frist, a fellow physician. So had Foster's participation in the sterilization of mentally-impaired women. So had Foster's awkward expositories about the number of abortions he had performed as a practicing obstetrician-gynecologist. So had the Clinton administration's clumsy handling of the nomination in general.

But in the final analysis, after wrestling with his conscience, Frist determined that the confirmation of Henry Foster was no more tantamount to the endorsement of abortion rights than the confirmation of C. Everett Koop was to the prohibition of abortion. Furthermore, he argued, there

is no justice to be found in eye-for-an-eye propositions. If the Democrats were wrong and disgraceful for having blocked previous nominations by Republican presidents based on purely political stances, the GOP should not honor and affirm those misdeeds, nor flatter the transgressors, by repeating the sin.

Touché.

But again, Frist has revealed himself as unfit for higher office because, as we have seen, it takes a shameless panderer to do that bidding.

Take Senate Majority Leader Bob Dole, for example. He has threatened to reject Foster's nomination ipso facto by not allowing the nomination to come to a full Senate vote. That way, he can have his cake and eat it too; satisfy the anti-abortion crowd by refusing Foster, yet without having to vote against Foster, which could rife the substantial number of pro-life constituents.

Now, there's a Washington operator for you.

Then, there's fellow presidential contender Phil Gramm of Texas, who has said he will filibuster the Foster nomination in the event Dole capitulates and the vote comes due. What a guy.

Neither Dole nor Gramm qualify for any pretenses in courage nor badge of principle. But then, that's not the goal. Their brass ring is the presidency of the United States, whose path these days is paved in cunning. Folks like Bill Frist have no business installing reason. Why, that's just one more stumbling block. 

FRIST DETERMINED THE CONFIRMATION OF FOSTER WASN'T TANTAMOUNT TO AN ENDORSEMENT OF ABORTION.

Army alters Fort Chaffee proposal

Wants to keep 62,000-acre training area for reserves

Democrat-Gazette Fort Smith Bureau

FORT SMITH — The Army has amended its Base Closure and Realignment Commission recommendation for Fort Chaffee, retaining the base's 62,000-acre maneuver training area for the region's National Guard and Army Reserve soldiers.

The report from a meeting of top Army officials Thursday said the words "training area" were inadvertently omitted from the recommendation to the closure and realignment commission that Fort Chaffee be closed. After the closure, Fort Chaffee would be left with an

"enclave" run by a small active Army unit to support training operations at the fort by National Guard and Reserve units.

According to Sen. David Pryor's office, that enclave would have operated some of the fort's small arms firing ranges. The expansive and varied maneuver area that has been popular with Army commanders was to be dropped by the Army.

"Senator Bumpers and I have been trying to keep the strongest possible military presence at Fort Chaffee," Pryor's office quoted him as saying Friday. "The Army's decision to contin-

ue training soldiers at Chaffee is welcome news indeed."

The loss of Fort Chaffee, located in Sebastian County just southeast of Fort Smith, would mean Arkansas National Guard troops and those from other states would have to travel to Fort Riley, Kan., Fort Sill, Okla., or Fort Polk, La., for their annual and weekend training. Pryor and Sen. Dale Bumpers, both D-Ark., had argued the change would cost the Arkansas National Guard a needless increase in time and money to travel to the distant bases for training.

Shame on Foster filibuster

*Senate has tied itself up to the point
where 60 votes are required to pass almost anything*

The U.S. Senate may still be, as the phrase goes, "the world's greatest deliberative body," but deliberate is about all it might soon be able to do. Senators who actually want to pass anything these days now have to count on coming up with the 60 votes needed to invoke cloture, or cut off real or threatened filibusters.

That became clear in Wednesday's vote on Dr. Henry Foster's nomination to be surgeon general. Oh, the Senate wasn't voting on Foster's nomination. The Tennessee doctor had the 51 senators to win that vote. The Senate was voting, instead, on whether to vote on Foster's nomination. Facing a threatened filibuster by Texas Republican Phil Gramm, Foster's supporters had to come up with 60 votes before they could vote on the nomination. That ain't beanbag in the Senate, and they came up three short.

What a travesty. GOP presidential politics and anti-abortion politics have conspired to keep the Senate from voting on a president's nominee for an office like the surgeon general's. That's not exactly a lifetime appointment to the Supreme Court.

Whether senators approve or disapprove of Foster, he deserves a majority-rules vote. Even two Republican opponents, Washington's Slade Gorton and Kansas' Nancy Kasse-

baum, were willing to grant him that much. President Clinton deserved as much, as well. Any president would. It's a shame that Oregon Republican Mark Hatfield didn't take such a statesmanlike course Wednesday. Let's hope he takes the long view and reverses himself Thursday when a second cloture vote is set.

Defeating rather minor presidential nominations is not what the filibuster is for. It's to protect the rights of unpopular minorities or to make stands of conscience on crucial, as opposed to routine, policy issues.

Regrettably, Wednesday's vote was just one more episode in the recent trend toward legislating, or rather non-legislating, by filibuster, real or threatened.

The crudest presidential politics was work Wednesday, but both Gramm and Senate Majority Leader Bob Dole might want to consider what dark forces they're promoting:

- A Senate that requires 60 votes to get anything done is not a Senate that is going to rack up accomplishments.

- How do you run for president on that kind of Senate record?

- If you win the White House, how do you govern if faced with that kind of Senate?

After Wednesday's filibuster vote, the future of the Foster nomination may be less less important than the future of the Senate.

Doctors Identify With Plight Of Surgeon General Nominee

By CHARISSE JONES

Dr. Hakim Elahi does not know Dr. Henry W. Foster Jr., the President's nominee for Surgeon General, but as he watches the attacks on Dr. Foster by anti-abortion groups, he says questions about abortion would also haunt him if he were ever in that position.

"In my dreams it's there," Dr. Elahi, an obstetrician-gynecologist who heads La Guardia Hospital in Flushing, Queens, said reflecting on one of the highest honors for a doctor in this country. "But I don't want to have to defend myself for abortions I've done in the past. I think it's irrelevant. I don't want to have to apologize for what I have done, legally and conscientiously."

Dr. Foster, 61, acknowledged in an interview on Wednesday night that he had performed 39 abortions during his 38-year medical career, more than he or the White House had previously said. But he also said in the interview, on the ABC News pro-

gram "Nightline" that he hated having to do the procedure.

"I abhor abortions; I abhor war," he said.

Dr. Elahi, 60, was not alone in defending Dr. Foster in interviews yesterday. Other obstetricians and gynecologists around the country said that if abortions were the criterion for being chosen as Surgeon General, almost all would be disqualified, particularly those of Dr. Foster's generation. The need to conduct an abortion in cases when a woman is in danger of dying or when she is having a miscarriage is sometimes part of the job, they say. And thus abortion should not be the litmus test nor a barrier to Dr. Foster's being chosen to steer the nation's health agenda.

"Dr. Foster's worth should not be measured based on the number of abortions he may have provided,"

Continued on Page A23, Column 1

Doctors Identify With Plight of Nominee

Continued From Page A1

said Dr. Allan Rosenfield, dean of the School of Public Health at Columbia University and a professor of obstetrics, gynecology and public health. "I think for a person holding public office to be judged on whether they provide a medical service that is part of their specialty is really outrageous."

Dr. Rosenfield said he was not troubled by Dr. Foster's changing estimate of the number of abortions he had performed. "It should never have been a discussion of numbers," he said. "In fairness to Dr. Foster, any of us asked how many procedures we've done in our specialty would probably be wrong trying to guess." The other doctors interviewed yesterday agreed that the number of abortions Dr. Foster performed should not be an issue.

Dr. Foster earned his medical degree from the University of Arkansas in 1958, and a little more than a decade later, in 1973, the Supreme Court handed down its landmark decision in *Roe v. Wade* legalizing a woman's right to abortion nationally and thrusting thousands of doctors into the new arena of being able to legally terminate pregnancy. Several doctors said it would have been virtually impossible for Dr. Foster to have avoided performing or overseeing some abortion procedures in his practice and as head of the obstetrics and gynecology department at

Meharry Medical College in Nashville.

"Being able to do an abortion, or having done an abortion is part of what ob-gyns, particularly in his era, did," said Dr. George D. Wilbanks, president-elect of the American College of Obstetricians and Gynecologists. "That's just part of an obstetrician and gynecologist's training. I think that's really a moot point in that he has credentials from his leadership in health care. He's been

The medical profession objects to the politics of abortion.

a leader in education. He's an outstanding individual, and has all the characteristics I would want to see in a Surgeon General."

Indeed, the American College of Obstetricians and Gynecologists says a large majority of the 35,000 doctors practicing in those specialties have performed abortions, said a spokeswoman, Alice Kirkman.

Some doctors said the focus should be placed on the number of children Dr. Foster delivered in his 30-year career and his accomplishments in stemming the tide of pregnancy among teen-agers rather than the

number of abortions he may have helped perform.

"This doctor has delivered thousands of babies, but they're not asking him that," said Dr. Irving Rust, an obstetrician and gynecologist, who directs the Bronx Planned Parenthood Clinic. "They're asking him how many abortions he's done."

"It's beautiful to deliver a baby, but the reality is not every woman who gets pregnant wants to have a child, or should have a child. And what we're forgetting completely is abortions are legal."

Many doctors said it was precisely the kind of pressure being put on Dr. Foster that is deterring a growing number of obstetricians and gynecologists from performing abortions.

Many medical schools and residency programs no longer train young doctors in how to perform the procedure.

Although many abortions are now done in specialized clinics rather than in doctors' offices and hospitals, many doctors do not perform the procedure because they are afraid of being stigmatized, or physically harmed, for their actions, every doctor interviewed said.

But Dr. Rust of the Bronx Planned Parenthood Clinic said there was no shame in performing a procedure that one has been trained to do and that a patient needed or asked for. And he urged Dr. Foster not to give up.

"You have to stand and fight sometime," he said. "I'd like to see him fight."

Foes Vow to Defeat Surgeon General Nominee

By JERRY GRAY

Special to The New York Times

WASHINGTON, Feb. 9 — Opposition to President Clinton's nominee for Surgeon General began to harden today among the Republican majority in the Senate, with some pledging an all-out fight to defeat the nomination and Senator Bob Dole, the majority leader, suggesting for the first time that it may have to be withdrawn.

But the White House indicated that it intended to continue to fight for the nominee, Dr. Henry W. Foster Jr. of Meharry Medical School in Nashville, through Senate confirmation hearings and on the Senate floor.

"I support him," Mr. Clinton said, in speaking with reporters today at the White House. "I believe the Senate will support him. We should not back away from this."

White House officials said that the President would begin calling members of Congress to enlist their aid in the fight to save the nomination and that Dr. Foster, too, would assume a more active role in the fight. He is scheduled to deliver a speech on Friday at George Washington University, to starting giving a series of news interviews and to begin meeting with senators.

On Wednesday night, Dr. Foster made his first public appearance since questions about his nomination began. At the urging of the White House, he appeared on the ABC News program "Nightline" and tried to put to rest the dispute over abortions he has performed and the confusion over just how many.

"All of my patient records, and all of the operative logs from the time I went to Meharry in 1973 until tonight have revealed that I was listed as the physician of record on 39 of those cases in 38 years in practice," he said.

While the White House's intent might have been to generate public support for the nominee, the television interview did little to dampen the growing opposition among Senate Republicans who control the outcome of his confirmation.

"I think the President would be well served to put this behind him," said Senator Phil Gramm, Republican of Texas. "But he's going to have to make that decision himself."

Mr. Gramm, a staunch conservative with a big following in the Senate, said that he would "vigorously oppose" the nomination mainly because of the abortions Dr. Foster had performed.

Beyond the political interplay between the White House and Senate Republicans over the nomination is a chess match between Mr. Gramm and Mr. Dole, both aspirants for the Republican Presidential nomination.

Mr. Gramm's decision to take the lead in opposing Dr. Foster's nomination was an attempt to offer a stark contrast between himself and Mr. Dole to the bloc of conservative voters who have been part of the bedrock of Republican votes in recent years.

Mr. Gramm made his stand the day after anti-abortion groups de-

**Dr. Henry W. Foster
is strongly opposed
by anti-abortion
groups.**

manded that Mr. Dole take the lead in fighting the nomination. And it was also the day that former Vice President Dan Quayle, Mr. Gramm's chief rival for the hearts and votes of the party's conservatives, unexpectedly withdrew as a 1996 contender. Mr. Gramm said his announcement was coincidental to those events.

Just days ago, Mr. Dole had urged patience and said that Dr. Foster should be allowed confirmation hearings. But today he took a much harder stance. "If it gets any worse, they probably shouldn't send it up here," he said.

Senior aides to the leadership of both parties said that there had been no head counts to determine support for or opposition to Dr. Foster on either the Labor and Human Resources Committee, which would review the nomination, or among the Senate in general.

But even some of Dr. Foster's

most ardent supporters in the Senate were giving the nominee a 50-50 chance at best of becoming Surgeon General.

For the first time since the controversy began, Senate Democrats, who hold 47 seats, showed a united front today in support of the embattled nominee.

Senator Frank R. Lautenberg of New Jersey organized a news conference with the five female Democrats in the Senate — Barbara Boxer of California, Dianne Feinstein of California, Barbara A. Mikulski of Maryland, Carol Moseley-Braun of Illinois and Patty Murray of Washington — to announce their support of the nomination and to denounce Dr. Foster's critics.

To win confirmation, Dr. Foster's nomination must first be voted out of the Labor and Human Resources Committee — where Republicans hold a 9-to-7 advantage over Democrats — and then draw a majority vote in the full Senate.

Senator Dan Coats of Indiana, one of the first and most vocal critics of Dr. Foster's nomination, gave a taste today of the political task that lies ahead for the nominee. Going further than either Mr. Dole or Mr. Gramm, he demanded that President Clinton withdraw the nomination.

There is a litmus test here, but it is not abortion," said Mr. Coats, who is a member of the Labor and Human Resources Committee. "The litmus test is truth-telling, and on this point, the President's and Dr. Foster's versions of the truth differ from day to day."

The President announced a week ago today that Dr. Foster, a 61-year-old obstetrician and gynecologist, was his choice for Surgeon General, touting his medical credentials and his success in combating teenage pregnancies.

But after Dr. Foster acknowledged that he had performed abortions he became the target of a withering attack from anti-abortion groups and conservative politicians. Over the last five days, the nomination has become more imperiled as the White House and Dr. Foster offered three different accounts of how many abortions the nominee had performed, raising questions about the nominee's credibility.

The Tainted Foster Nomination

The nomination of Dr. Henry Foster Jr. to be surgeon general has been so badly bungled, by the White House and by Dr. Foster himself, that there is little choice but to hope it dies quickly. Although Dr. Foster is a highly respected obstetrician, his lack of candor about his abortion record disqualifies him from serious consideration. Misleading statements by candidates for high position simply cannot be condoned.

Of course the chief blame for this debacle lies with the White House, which once again put forth a nominee without adequately vetting the person's background or knowing the answers to potentially explosive questions. As a result, the Administration put out false information on the number of abortions performed by Dr. Foster. In this as in earlier episodes, White House bungling makes it difficult for President Clinton's natural allies to support him fully. The situation moves from difficult to impossible for pro-choice Republicans like Senator Nancy Kassebaum of Kansas, who cannot reasonably be expected to take a political gamble amid such swirling incompetence.

That is a shame because Dr. Foster, based on his past record, is a good choice to succeed Dr. Joycelyn Elders, who was pushed from the job after her repeated intemperate language made her a target for conservative attacks. Dr. Foster, the acting director of Meharry Medical College in Tennessee, is deeply committed to delaying child-bear-

ing among adolescents, one of the most pressing social issues confronting the nation. He developed a highly successful program, called "I Have a Future," in Nashville that was honored by President Bush as one of his "points of light."

During a 30-year practice Dr. Foster, like many obstetricians, performed a number of abortions. In doing so he was providing a legal, constitutionally protected medical service. If the latest numbers put forth are correct, he performed 39 surgical abortions during his 38-year medical career, a once-a-year rate that seems modest for a very busy practitioner serving a needy population. He was also the titular head of a federally sanctioned test of a potential abortion suppository.

This record would in any case have probably inflamed America's anti-choice minority, which is fierce and well organized and has good friends in Congress. But since most Americans believe that women should retain the right to choose, Dr. Foster's nomination might well have been pushed through the Senate had his record been forthrightly presented. Instead both he and the Administration made it look as if their accounts were unreliable or designed to mask a more troubling history.

President Clinton promises to fight for his nominee and Dr. Foster pledges to stay the course. But this is a fight that neither the White House nor Congress really wants over a crippled candidacy. It is time to withdraw the nomination.

High-Risk Bargaining by North Korea

Isolated and paranoid, North Korea has developed a nerve-racking bargaining style. It stonewalls and threatens until the last minute, then steps back from the brink and deals.

Last year that style brought an acceptable result, October's agreement with Washington to close down Pyongyang's nuclear program in exchange for safer reactors, additional oil supplies and steps toward U.S. diplomatic recognition. Both sides have scrupulously abided by the terms of that agreement.

But what worked last year will not necessarily work this year. The October agreement did not formally specify that the new reactors would come from Seoul, but U.S. negotiators insist that was clearly understood by both sides. Now, however, as the date for reaching agreement on details of the replacement reactor approaches, North Korea is stonewalling again, insisting that it will not accept reactors from South Korea. Such brinkmanship could backfire, encouraging Republican opponents of the original arrangement and overturning the deal to the detriment of both sides.

North Korea has been trying for years to drive a wedge between South Korea and America, sometimes with gratuitous help from hawkish South Korean politicians and generals. In recent months, Pyongyang has simultaneously softened its anti-American rhetoric and escalated its war of words

against South Korea's President, Kim Young Sam.

That has left Washington with a difficult challenge. It rightly refuses to undermine its South Korean ally, but just as rightly remains prepared to make deals with the North that serve the best interests of both Koreas and the United States.

The Clinton Administration has responded to that challenge well. It negotiated directly with Pyongyang on the nuclear issue, but has closely involved Seoul in carrying out the resulting agreement. Besides providing the replacement reactors, South Korea is underwriting the pact. Washington has also linked improved relations with North Korea to renewed discussions between Pyongyang and Seoul.

It is this delicate balance that North Korea is now trying to upset. It also asked, at last week's negotiating session, for an additional \$500 million to \$1 billion in financing for the deal. Administration diplomats have by now grown used to such maximalist posturing and they doubt that North Korea will go so far as to undermine the nuclear deal. The original plan called only for working out the details of the replacement reactor by April, and another negotiating session is set for next month.

Still, North Korea is taking foolish risks. Last year, brinkmanship did not prevent a good agreement. This year North Korean stonewalling is more likely to unravel that agreement than improve it.

IN THE LOOP

Foster and the Big Question

By Al Kamen
Washington Post Staff Writer

The White House personnel vetting process is often blamed, unfairly at times, for being asleep at the switch. The finger-pointing has only intensified in the wake of the bungled nomination of Nashville physician Henry W. Foster Jr. to be surgeon general.

Now Foster has indicated the background checking process may actually have been as bad as it seemed.

Appearing on ABC's "Nightline" on Wednesday, Foster told moderator Ted Koppel that he was grilled by White House aides on the abortion issue "the day before the president announced his intention to nominate." That would have been Feb. 1, six days after Loop Fans first learned Foster was likely to be in line for the job.

It's not clear whether that was the very first time anyone raised the question with Foster. But even staunch Clintonites in the administration and on the Hill were stunned to learn that until Feb. 1—or at any time even close to that date—no one had pumped Foster on this hottest of hot-button issues.

E-Mail Rules Burn Forest Service Staff

■ Glasnost on the Potomac. The Forest Service weighs in.

Service employees are fuming over a proposed policy on the proper use of government faxes and electronic mail. A policy draft that was quietly floated last summer listed a number of "unauthorized uses" of the information superhighway. For example, it was improper to send chain letters, personal notes, private information, solicitations for outside organizations and "obscene or abusive language or graphics."

No big deal there. Then came the little grenade: also barred would be "messages, images and documents which directly attack the integrity of another employee or which condemn established policies."

Oddly enough, some employees thought that section sounded like censorship, so they raised a ruckus. A later policy draft did not have the ban on criticizing the bosses at the top. The drafters moved it to the bottom, but it was still there.

Forest folks say the matter is still pending. "What you see is the tension between the government needing to do the government's business and the relationship between employees" and the public, public affairs director James A. Caplan said yesterday.

But not to worry for now, sources say. Given that the Forest Service is in the midst of dealing with more immediate problems such as the budgetary removal of some of its own branches, e-mail speech is not what's called a front-burner issue.

Clinton Speechwriter Departing

■ Clinton speechwriter and veteran Hill hand Alan J. Stone, arguably the hardest working man in the speechwriting business, is calling it quits. Stone, who was staff director on former senator George McGovern's nutrition committee and staff director on Rep. George Miller's (D-Calif.) committee on

children and families, began the 1992 campaign working for Sen. Tom Harkin (D-Iowa). He joined the Clinton crowd when Harkin backed out. They say Stone, the ultimate trooper, is just plain exhausted.

Also at the White House, Bill Curry, recently defeated Connecticut gubernatorial candidate and before that the state comptroller, has come in as a counselor to Clinton working out of the domestic policy shop. But there is still no word on the mysterious delay in the expected appointment of White House legislative aide Douglas Sosnik, to be political director.

Everyone says it's going to happen, but it hasn't happened yet.

A Costly Little Spring Break

■ Thinking about a little spring break for only \$10,000? Got just the tour for you.

Strategic Investment, an international investment advice newsletter, offers up editors James Dale Davidson and William E. Colby, the former CIA director, as tour guides on "a high level investment fact finding tour of Asia" in early April.

For 10 grand you get "a fascinating 'insiders' perspective" on trips to Shanghai, Hong Kong and Singapore. It's not a bad price considering they promise you'll get to "see Singapore during its surge to prosperity."

That requires a time travel machine to take you back a few decades and those machines don't come cheap.

Trust Funds and the Line-Item Veto

■ The line-item veto is a good idea or a bad idea depending on whose ox is gored, it seems. One ox that won't be gored is highway, transit and airport projects.

An amendment to allow the president to veto those projects, funded by highway and airport trust funds, was soundly defeated earlier this week when the House passed the line-item veto. Leading the opposition were several GOP heavy hitters, including the new chairmen of the Transportation and Infrastructure Committee, Bud Shuster (Pa.), and the Rules Committee, Gerald B.H. Solomon (N.Y.).

There is little doubt that President Clinton would slash and burn those projects. The administration wants Congress to stay out of the business of designating specific projects.

The GOP leaders argue that the trust funds can be spent for only one purpose, so any vetoes won't help the deficit, just delay the projects.

Senator's Homespun Musings

■ And now, some homespun musings from Sen. Alan K. Simpson (R-Wyo.).

Asked on a radio show about the Fish and Wildlife Service's controversial policy of bringing wolves back to the lower 48 states, Simpson said: "I see there in the morning clips or somewhere they now know that two of them are within 100 meters of each other and 'may mate.' That is reported to us from the aircraft spotter who is flying over. What in the hell are we spending money like that to fly over and see which wolf is beginning to snuggle with another?"

Foster's Prospects Dim Among Republicans; Clinton Offers Another Defense

By Ann Devroy and Helen Dewar
Washington Post Staff Writers

Republican opposition mounted yesterday to President Clinton's nominee for surgeon general, Tennessee physician Henry W. Foster Jr., despite efforts by the White House and some Senate Democrats to rescue the nomination.

Senate Majority Leader Robert J. Dole (R-Kan.), who had taken the position that the Senate should hear from the nominee before passing judgment, said yesterday, "If it gets any worse, they probably shouldn't send it [the nomination] up here."

Sens. Phil Gramm (R-Tex.), Don Nickles (R-Okla.) and Dan Coats (R-Ind.) all issued statements saying Clinton should withdraw the nomination, either because Foster performed abortions during his medical career or because he has issued conflicting statements about that issue.

Assessing Foster's chances, Dole said, "I think it's in real trouble."

The day after Foster corrected the record of how many abortions he has performed or supervised, Clinton offered another defense of his nominee, the third in three days. "Those who believe that all abortions should be criminal have tried to define him," Clinton said at a news conference. "They will try to seize upon this nomination to negate the work of a man's life and define him in cardboard cut-out terms."

Clinton added, "I support him. I want him to have his hearings. I believe the Senate will support him. We should not back away."

At a Capitol news conference, several Democratic senators affirmed their support for Foster, with Sen. Frank R. Lautenberg of New Jersey calling the antiabortion opposition a "witch hunt." Said Sen. Carol Moseley-Braun of Illinois: "The issue really is not

abortion in this debate. The issue is the extremist attacks which will result in a sign going up: Surgeon general wanted. No physician need apply."

But Republicans seemed even more outspoken against Foster after his first public effort to clear up the issues over abortion on ABC's "Nightline." Foster said that his career has been devoted to delivering babies and preventing unwanted pregnancies with abortion only a minuscule part of it.

"I abhor abortions," Foster declared in the interview in which he also acknowledged he had given erroneous information on his involvement in the procedure. He said he had been listed as the physician on 39 abortions, not the fewer than a dozen he said last week, and said he supervised a drug trial of 55 women who used a drug to abort. Those, he said, he had not considered abortions he was responsible for, so did not add them in his list.

Foster's explanations of the differing numbers drew some scorn in Congress. Coats, a member of the Senate committee that will conduct nomination hearings, said, "There is a litmus test, but it is not abortion. The litmus test is truth-telling, and on this point, the president's and Dr. Foster's version of events differ from day to day."

In the Senate, Gramm announced he will "strenuously oppose" Foster's confirmation and Sen. Orrin G. Hatch (R-Utah) said Foster faces a "very, very uphill battle." Gramm said: "I think the president would be well served to put this behind him."

"The nomination of a physician whose medical practice has included the routine performance of abortion to serve as America's chief spokesman on public health is clearly inappropriate and divisive," Gramm said.

While he said repeatedly that his objection was to what he described as a "routine prac-

tice" of performing abortions, Gramm, who plans to announce shortly his candidacy for the Republican presidential nomination in 1996, said he would choose someone who never performed abortions if he were president.

He said there are "literally hundreds of thousands of doctors" who had not performed abortions and who could have been chosen instead of Foster.

At a news conference on another subject, Hatch was asked about Foster and said, "The way it's been handled has just been horrendous." Hatch said he felt "sorry for him because he clearly is a pretty nice guy" but believed "the lack of candor, the continual back-and-forth considerations" have hurt his candidacy.

Coats offered a similar assessment. "It will be a controversial and contentious two months for the president and Dr. Foster if they insist on going forward with this nomination."

U.S. Energy Agency Radiation Tests Involved 9,000, Study Says

By Gary Lee
Washington Post Staff Writer

Forerunners of the Department of Energy conducted 154 Cold War radiation experiments involving 9,000 people—including prisoners, mental patients and children—according to a comprehensive government study released yesterday. The number of tests was significantly higher than what had been attributed previously to the Energy Department.

The report is the first to provide numbers of how many people were subjected to Energy Department-sponsored experiments and provides fresh details on the nature of a range of experiments. In one series, for example, that was conducted during

the 1950s in San Quentin, a California prison, blood was drawn from inmates, injected with iron or phosphorus and then reinjected into the subjects.

Another experiment involved a group of mental patients in a San Francisco-based clinic who were given doses of iodine 131 to determine how it would affect the functioning of their thyroid glands. A third experiment, conducted in 1969, involved newborn babies with respiratory problems being given blood laced with chormium 50. Performed at Tennessee-based Vanderbilt University, the experiment was meant to study red blood cells and determine when hemorrhaging starts.

The study was issued by the de-

partment's office of Human Radiation Experiments, which was created by Energy Secretary Hazel R. O'Leary to investigate the extent of the agency's radiation-related research. After learning of the experiments O'Leary in late 1993 brought the issue to national attention. Her reaction prompted the White House to appoint the independent Advisory Committee on Human Radiation Experiments to investigate the nature and number of the tests and determine what, if any, compensation should be given to surviving victims. The panel is expected to report on its findings in late spring.

"We are proud of shining a light on this previously untold part of the

atomic age," said Ellyn Weiss, director of the Energy Department office.

Last September, department officials said they knew of about 100 different experiments involving an undisclosed number of people conducted under the auspices of either the Energy Department or the Atomic Energy Commission, the agency's forerunner which was created in 1947. But a thorough investigation of department files, including the declassification of about 2,000 documents, led to the discovery of additional experiments and the number of subjects involved, Weiss said.

Overall, more than 23,000 Americans were subjects of government-sponsored radiation research in about 1,400 different projects in the

30-year period after World War II, according to the advisory committee.

The Energy Department tally does not include experiments sponsored by the Defense Department, the Veterans Administration or other agencies.

According to Weiss, the DOE-sponsored radiation research was wide-ranging, including efforts to determine the effects of radioactive fallout by nuclear weapons testing, experimental treatments for disease, and experiments to determine the occupational hazards posed by radiation.

The report, called "Human Radiation Experiments, The Department of Energy Roadmap to the Story and

the Records," is meant to give the public more information about the tests and enable survivors and their families to further research what happened.

More than 150,000 pages of documents about the experiments will be available on the Internet, the worldwide network of computer users and services, by April, Weiss said.

Some of the tests clearly had a detrimental effects. In one 1963 experiment, a University of Rochester graduate student in New York, investigating the metabolism of radioactive iodine, gave milk laced with radioactive iodine 131 to a group of people ages 6 to 50. One of the children developed thyroid cancer.

Charles Krauthammer

It's Not Just The Zealots

On the face of it, Rep. Henry Waxman's defense of President Clinton's nominee for surgeon general seems quite compelling: Yes, Dr. Foster performed abortions. But abortion is legal in this country. So, what is the fuss about?

The fact of the fuss indicates that the question of abortion is not as settled as many people think. Its legality is settled: A majority of Americans do not want it outlawed. But its morality is still very much in doubt. President Clinton himself says, "Our vision should be of an America where abortion is safe, legal, but rare." Why rare, if there is not something deeply troubling about abortion?

It is that troubled feeling, even among those who support legal abortion, that is fueling the brouhaha over Foster. Without that feeling, the anti-Foster fervor of the antiabortion forces would find no resonance.

Most Americans consider abortion a necessary evil. Necessary because the alternative—women dead and mutilated from illegal abortions they are going to have anyway—is worse. But evil nonetheless. Something that, as Clinton insists, should be rare.

Americans' deep distaste for abortion is reflected in the very slogan of its advocates. "Pro-choice" is a triumph of vacuity. Choice is swell, but what kind of rule is "choice"? Are pro-choicers for gun choice? For school choice? For drug choice? Abortion is a procedure whose name even its advocates prefer not to speak.

Presidential spokesman Mike McCurry says that what Foster has done "is certainly legal and certainly within the bounds of medical ethics." Well yes, but not fully: Abortion is not, for example, within the bounds of the medical ethics of Bill Clinton's own alma mater. Bill Clinton went to Georgetown University, a Catholic institution. He has never spoken of it as a hotbed of right-wing ideology or religious extremism. Nonetheless, Georgetown University Hospital will, on principle, not perform abortions.

Georgetown is not unique. A substantial number of obstetrician-gynecologists, perhaps 15 to 25 percent, will not perform abortions. They may not want to see abortion criminalized, but they consider the act so offensive that they want no part of it.

Clearly Dr. Foster does not. That is the root of the controversy surrounding his nomination. The idea that those troubled by Foster's abortion history are just religious zealots and antiabortion fanatics is simply wrong. (According to Rep. Jerrold Nadler, for example, "the thugs in the Senate who are talking about blocking this nomination because of abortion are in the same thuggish spectrum as people who are shooting doctors performing abortions.") The morality of abortion is a mainstream issue. For most Americans abortion is not the moral equivalent of an appendectomy. It poses serious moral problems. How can anyone choosing a surgeon general not be sensitive to that fact?

The fact that in selecting Foster the administration overlooked the abortion issue is being blamed on the usual Clinton White House incompetence. But there is much more at work here.

The fuss about Dr. Foster indicates that the question of abortion is not as settled as many people think.

"Abortion Issue Surprised White House," ran the front-page headline in The Post. "Trouble for Surgeon General-Designate Reflects Lack of Preparation." But you only prepare for something if you think it important. The lack of White House preparation stems less from incompetence than ideological insularity.

It is the same ideological insularity that found nothing terribly exceptionable—until the firestorm—with the racial spoils system advocated by Lani Guinier. It is the same ideological insularity that found Joycelyn Elders's blunt advocacy of teen sexuality not just unobjectionable but bracing.

Staff error is an easy excuse. The deeper problem is that the Clinton White House inhabits an ideological milieu in which the views of Guinier and Elders are considered mainstream, and moral alarm at abortion is considered alien. It is only when these assumptions are taken beyond the cozy milieu and exposed to the outside world that all hell breaks loose. Then "surprise"—and the pretense that the fiasco is procedural not philosophical.

Despite deep divisions at the extremes, Americans are coming to an uneasy accommodation about abortion: Let it be not criminalized but stigmatized. Abortion is not a morally neutral procedure. We do not want it to become routine. Stigmatization is an appropriate, useful, non-coercive way to help make abortion rare.

In a society where the majority of people want abortion to be legal but fully 40 percent believe that it involves the destruction of a human life, legal but stigmatized abortion is about the best compromise that we can find. Which is why there is such unease at the prospect of a doctor who has performed abortions (number and circumstance as yet unknown) and conducted experiments with abortion-inducing drugs becoming surgeon general.

The charge that people want to destroy Dr. Foster's career because he performed abortions is nonsense. No one denies him the right to be a surgeon. The only question is whether he should be a surgeon general, an office that confers the moral leadership of American medicine.

Stephen S. Rosenfeld

New Age Nukes

Did you see where the United States is going back to the manufacture of tritium? Ask why, and you are told that it is not a proscribed "fissile material" but merely a gas that makes nuclear weapons more explosive and that we need some new such weapons to keep deterrence alive and the weapons stockpile well.

Given earnest American efforts to reduce nuclear risks and numbers globally, it would be unfair to conclude from the tritium case that the old nuclear thinking still reigns. But to see the essential modesty of the

Planned reductions would still leave thousands of warheads. But how many do we really need?

changes made so far, we must turn to those who, 50 years after Hiroshima, five years after the demise of the Soviet nuclear threat, are thinking fresh about what an alternative nuclear posture might be.

Here I borrow from a sober Henry Stimson Center report called "Beyond the Nuclear Peril":

■ Air Force General Charles Horner, recent chief of the U.S. Space Command, argued (while on active duty) that the "nuclear weapon is obsolete" and that the United States should eliminate its entire nuclear arsenal.

■ Reagan Undersecretary of Defense Fred Ikle says the United States and Russia could meet their respective security needs with only a few hundred nuclear weapons each.

■ Gen. Andrew Goodpastor, former NATO commander, would have nuclear states negotiate down to 100 to 200 weapons each, and then think about moving to lower levels.

■ Paul Nitze, man of all Cold War seasons, thinks the United States should scale back its reliance on its nuclear deterrent in favor of increased dependence on advanced conventional weapons in a strategic role.

You don't have to be a rocket scientist to grasp why the waning of the Soviet strategic threat is provoking a recalculation by some of the very people who were the real "rocket scientists," people who meet high standards of expertise and credibility.

Nor do you have to be a politician to understand why the leaders of the five declared nuclear states, who must deal with constituencies, bureaucracies and strategies forged in decades of Cold War, are behind the curve.

For instance, the United States and Russia, which ended the Cold War with tens of thousands of warheads, are now getting into START II reductions that would still leave each country with thousands of warheads, even while paragons of the new thinking speak of a deterrent measured in the hundreds and less.

Further, the supposedly seminal nuclear policy review that the Clinton Pentagon concluded last September ended up with a cautious tinge. No commitment to reduce strategic arms after START II. No consideration, despite evaporation of a huge Soviet conventional threat, of adopting a pledge not to use nuclear weapons first. No reach to formulate long-term arms-reduction goals. A review with the same conclusions might have been conducted with a detente-minded Soviet Communist regime still in power.

Hence what the Stimson crew views as the whole nuclear five's continued strategic "nuclear reliance." Nuclear weapons are seen not as counters to identifiable threats but "as necessary insurance against an unexpected and disastrous reversal at the conventional level in some future, unspecified war, and as important inhibitors for would-be [nuclear] proliferators."

Nukes as crisis insurance. This rationale finds deep roots in the fears of intimidation and in the expectations of invulnerability that many of us carry around in our nerve endings. It underlies the Clinton policy of keeping lots of these weapons on hand as a "hedge" against a revived Russian threat. It will only yield to time, national message and presidential leadership.

Nukes as nonproliferation lever. This is different. Where, aside from the special cases of Germany and Japan, has our bomb inhibited a would-be or could-be proliferator? In the proceedings to extend the Nuclear Nonproliferation Treaty, any American (or Russian, Chinese, French or British) nuclear activity—like tritium manufacture—can only encourage those who want to carve out political space for a bomb of their own.

The Stimson report warns of drifting into unexamined nuclear reliance. Its antidote is a broader debate that links near-term steps to an articulated vision of where ultimately American nuclear policy might go. It's not at all clear that Bill Clinton, for one, is ready to open up this issue soon, but Colin Powell, for another, looks to the day when the number of nuclear warhead is "down to zero, and the world is a much better place."

THE WASHINGTON POST

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Washington Wire

A Special Weekly Report From
The Wall Street Journal's
Capital Bureau **A1**

CLINTON WOOS high-tech execs to fight for his technology programs.

A dozen officials, including former Hewlett-Packard chief John Young, are invited to meet at the White House on Monday. An internal White House memo expresses worries that tech-types will back the GOP's call for capital-gains-tax cuts instead of more technology spending. That's a "false choice," but one industry may be reluctant to reject," the memo says.

Clinton must "recruit a small group of key CEOs who can act as drivers of a broader business effort" to back his technology policy, the memo concludes. Young is supportive. But Clinton angers many high-tech firms by failing to provide funds in his budget for the research and development tax credit, which has a one-year cost of about \$1.5 billion.

Some high-tech firms form a coalition managed by veteran lobbyist Ken Kay to press for the R&D credit.

DOLE MOVES to secure his front-runner's image in the '96 GOP field.

His operatives plan to act quickly to lay claim to Quayle backers. Quayle's departure yesterday from the race, which frees up conservative Christian voters, increases pressure on Dole to take a harder stance on social issues, including the Foster surgeon-general nomination. Republican party finance chairman John Moran will soon become Dole's national finance chairman.

Dole plans to campaign in New Hampshire and Maine next weekend. But advisers urge him to shun state straw polls as a waste of time, despite Gramm's emphasis on winning such votes. Dole's decision to announce his candidacy in April on the 50th anniversary of his World War II wounding aims to draw a contrast with Gramm's lack of military service as well as Clinton's.

COMPANIES PAY top dollar for GOP lobbying and consulting talent.

Former Rep. Vin Weber, a Gingrich friend at New York consulting firm Clark & Weinstock, attracts clients like West Publishing, which this week won wording in a House bill favorable to its dominant position in legal publishing. Though public broadcasting balks at a \$250,000 contract with his new outfit, Weber brings in the insurance industry's Alliance for Managed Competition from his old firm.

Cassidy and Associates tried but failed to snare former top House GOP aide Billy Pitts, who is hired as ABC's top lobbyist. Cassidy, after merging with a GOP firm, lays off two Democrats. Margaret Durbin, formerly top GOP aide to the Commerce Committee, joins the American Council of Life Insurance.

Weber's old firm was paid \$10,000 a month to rally support for an Israeli free trade zone by the same group that pays Gingrich's wife \$2,500 a month plus commissions to attract companies.

PROLIFERATING PROBES: Reps. Roberts and Clinger plan hearings on whether Agriculture Department officials illegally solicited or gave donations to Clinton's 1992 campaign. Also investigating possible Hatch Act violations are the Justice Department and the U.S. Office of Special Counsel.

INFLATED GAUGE? White House economists quietly side with those who say the consumer price index has overstated inflation. They now project CPI increases for future years of about two-tenths of a percentage point lower than their July forecast, even though forecasts for other inflation gauges remain unchanged.

TO THE SURPRISE of White House insiders, William Curry, a Democrat who lost the race for Connecticut governor, is brought in to work on Clinton's domestic-policy message. Alan Stone is leaving as a Clinton speechwriter, leaving only two writers, and those two are feuding.

BASE POLITICS? Military officials grumble that they are being told to pare base closings from their hit lists in politically sensitive states like California. But civilian officials say the services simply are being told to consider the cumulative economic impact of their closings, as required by law.

PEELING BACK affirmative-action programs picks up momentum in the House.

Critics look to Oklahoma Rep. Istook on the Appropriations Committee to zero in on agencies that enforce minority preferences. One suggested target: the Office of Federal Contract Compliance. Illinois Rep. Fawell plans hearings on Justice Department policies. Florida Rep. Canady, head of a Judiciary panel, says, "The time has come to look at [preferences] in a comprehensive way."

But business is wary. "That is not one of our key issues here at the moment," says the U.S. Chamber of Commerce's Stephen Bokart. The National Association of Manufacturers frets about a backlash from minorities. Senate Judiciary Committee Chairman Hatch doesn't "see in the near future any real set of hearings or bill" on affirmative action.

Following California's lead, Delaware state Rep. Wayne Smith is drafting a state constitutional amendment that would ban government racial preferences there.

MINOR MEMOS: An Interior Department press release refers to an "owl site center." What's that? A nest. . . . Strange Bedfellows Department: Domino's Pizza offers free Valentine's Day dinners for married couples with the names Newt and Hillary. . . . A T-shirt seen at the Conservative Political Action Conference: "Save the Males."

-RONALD G. SHAFER

POLITICS & POLICY

Surgeon-General Nomination Presents Clinton With New Problems, While Troubling the GOP

By LAURIE MCGINLEY
And RICK WARTZMAN

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON—The troubled nomination of Henry Foster as surgeon general ran into even more problems for President Clinton yesterday. At the same time, though, the nomination fight also is creating plenty of headaches for Republicans.

The Foster debate is bringing to the top of the national agenda a hot-button issue that few lawmakers—and Republicans in particular—care to confront: abortion. Moderate Republicans, who at first may have been inclined to support someone like Dr. Foster, now run the risk of being bludgeoned by a key part of the party's base, Christian conservatives.



Henry Foster

More generally, the Foster nomination is a distraction for the GOP. It has energized religious conservatives, who had been largely persuaded to stand silent on social issues during the first 100 days of Congress and let the Republicans focus on their agenda of shrinking the government and cutting taxes. "This gets us off-message," grumbled Sen. Connie Mack, a Florida Republican.

The uproar over Dr. Foster has even pushed the abortion issue into the realm of Republican presidential politics. It arises just as former Vice President Dan Quayle has decided to depart from the race for the 1996 nomination, freeing up the support of antiabortion voters who favored him. It's probably not a coincidence that yesterday, the day of Mr. Quayle's exit, Phil Gramm, the senator from Texas and presidential aspirant, announced his clear opposition to Dr. Foster.

Attack From Gramm

"The nomination of a physician whose medical practice has included the routine performance of abortion to serve as America's chief spokesman on public health is clearly inappropriate and divisive," Sen. Gramm asserted.

Of course, it still is President Clinton, whose staff once again seems to have bungled a highly sensitive appointment, who has the most at stake. Yesterday, in the wake of Dr. Foster's disclosure on the ABC News program "Nightline" that he had performed 39 abortions—not "fewer than a dozen" as he had said in a statement the administration released last week—White House officials were hopeful that he had finally put to rest nagging questions about the details of his abortion record.

Speaking to reporters yesterday, President Clinton pledged to stand by Dr. Foster. "I don't believe anything I have heard about him disqualifies him from serving as surgeon general," the president said. He added that antiabortion activists were trying to define Dr. Foster, a Tennessee obstetrician and gynecologist "in cardboard cutout terms. I think that is wrong." Meanwhile, a group of Democratic senators and several abortion-rights organizations rallied yesterday behind Dr. Foster.

But Republicans seemed to harden against the nomination. Senate Majority Leader Robert Dole of Kansas, a chief rival

of Sen. Gramm's for the GOP presidential nomination, said that "if it gets any worse, they probably shouldn't send it up here." Sen. Mack said while his initial impressions of the nominee had been favorable, he now has "serious questions about the integrity and character of Dr. Foster."

GOP Discord

Still, even among Republicans, the view is far from unanimous, underscoring the divisiveness of the abortion issue. Republican Sen. Bob Packwood of Oregon said that it was "outrageous" that Dr. Foster was being attacked for performing a "constitutionally protected procedure," adding that "perhaps Clinton should appoint an orthopedist." Sen. Jim Jeffords, a Vermont Republican, said while he is reserving judgment about Dr. Foster, he's inclined to support him.

The Foster controversy makes clear that in the more than two decades since the Supreme Court's landmark *Roe v. Wade* decision legalizing abortion, the issue remains the political equivalent of a live grenade. While some interest groups and certain ideologically inclined politicians on both sides of the abortion issue relish the fight, most would rather avoid it. "There's no winning position on it," says political analyst Doug Bailey.

That's especially true these days when some of those who oppose abortion worry about being associated with extremists who have shot and killed doctors at abortion clinics. And even among many people who are in favor of abortion rights, it remains an undesirable option. Indeed, Dr. Foster himself told "Nightline" that "I abhor abortion. . . . To me, abortion is failure."

"It's a hot-button issue, whether you are for it, against it, or somewhere in between," says Sen. Richard Shelby, an Alabama Republican. "It's something that sets off a lot of emotions." Republicans, in particular, have been hoping to find a way to keep the issue from driving a wedge into their party, which has struggled with the question for years.

Sen. Dole, for one, knows the unease the abortion issue can create for even a politician with antiabortion views. Twenty years ago, he was locked in a nasty re-election campaign against Bill Roy, another obstetrician who acknowledged performing some abortions. Sen. Dole didn't directly attack Dr. Roy on the abortion issue, though he did raise it. But antiabortion forces distributed grisly flyers attacking Dr. Roy—a move that most observers thought helped Sen. Dole

win an extremely close race. Sen. Dole was uncomfortable with charges that his campaign had indirectly encouraged the attacks, and he later said he had tried to discourage the antiabortion forces from their sharpest attacks.

The Credibility Issue

With the abortion issue difficult for Republicans, many would like to see President Clinton, or Dr. Foster himself, simply pull the plug on the nomination so they won't have to confront the matter in a confirmation vote. The next best thing, however, is for them to find other grounds on which to oppose Dr. Foster. And thanks to his equivocation about how many abortions he performed, they've been handed another reason to raise questions about his nomination: credibility.

"The problem isn't whether he performed abortions, it's what he told the White House and the American people," said Republican Sen. John McCain of Arizona. Even a more moderate Republican who supports abortion rights, Sen. William Cohen of Maine, agrees. "The real issue is one of credibility," he said.

Yesterday, groups opposing Dr. Foster tried to raise new questions about his assertion on "Nightline" that teenage abstinence has been his top priority by maintaining that promotional material from an adolescent health program he spearheaded doesn't specifically mention abstinence. "The question remains: Is Dr. Foster's priority abstinence or distribution of condoms to kids?" asked Sen. Dan Coats, an Indiana Republican.

For his part, Dr. Foster will try further to clarify his record—and erase any doubts about his candor—in a speech scheduled for today before a group of George Washington University medical students. He also may begin making courtesy calls on Capitol Hill today.

Regardless of what others may do, of course, religious conservatives don't intend to brush aside the abortion question. Working out of a yellow townhouse on Capitol Hill this week, Andrea Sheldon of the Traditional Values Coalition spoke out against the nomination in radio interviews, bluntly describing Dr. Foster as "a Dr. Kervorkian" with "blood on his hands." But at the same time, the religious activist acknowledges that the more the central issue becomes the nominee's veracity—and not abortion itself—the easier it will be to defeat him.

"There are some senators who will use the lack-of-credibility issue to vote against him," says Ms. Sheldon, whose coalition represents some 31,000 churches. "It helps."

Clinton Fails His Own Litmus Test

"It is, and it makes me uncomfortable."

Thus did Bill Clinton, in 1992, admit to Bill Moyers that abortion would be a "litmus test" for his judicial nominees. The line was classic Clinton, a raw political judgment bathed in shrewd, deliberately mollifying, sentiment.

Candidate Clinton's response recognized that while liberal activists demanded his fealty, the broader public is deeply ambivalent about abortion. Mr. Clinton managed that balancing act as a candidate. But it's now collapsed around him with the opposition to his surgeon general candidate, Henry Foster Jr. Litmus tests have a way of becoming double-edged swords.

When Mr. Clinton introduced Dr. Foster, a Tennessee physician, he seemed a sensible choice. Here was an articulate social moderate who believed in more than teenage-salvation through condoms. And whether or not he'd performed one, or even (as he first claimed) "fewer than a dozen," abortions, that didn't seem untoward for an ob/gyn with a longtime practice.

But then came the tide of other facts, which suggest Dr. Foster was more in the vanguard of the abortion-rights movement than the White House advertised. For example, White House spinners somehow failed to mention Dr. Foster's past membership in Planned Parenthood, which is the Operation Rescue of the left: archly absolutist.

And it's precisely this political absolutism that is now tripping up Dr. Foster. Planned Parenthood's annual reports list the Tennessean on its board in 1979 and 1980. But only a year later, Planned Parenthood was among the groups that opposed C. Everett Koop's nomination as surgeon general because he opposed abortion rights.

Liberals were later amazed that Dr. Koop had more on his mind than abortion, just as Dr. Foster does today. But the liberals who now say abortion is "irrelevant"

Potomac Watch

By Paul A. Gigot

for a surgeon general can hardly be surprised if abortion foes have longer memories.

On ABC's "Nightline" Wednesday, Ted Koppel also zeroed in on Dr. Foster's research in the early 1980s to create an abortion pill. "I abhor abortions," declared Dr. Foster. But if that's true, asked Mr. Koppel, why "lead a study in behalf of a chemical company, the sole purpose of which was early abortion?"

Dr. Foster's answer was, well, Clintonian. "We have a responsibility in training residents to maintain our accreditation," said the former acting head of Meharry Medical College in Nashville, as if abortion research is essential to medical training. After more probing, Dr. Foster added that the pill, which his study used to induce 55 abortions, would have been preferable to "mechanical procedures."

But this answer implies that far from abhorring abortion, Dr. Foster wanted to make it easier to obtain. The same intent comes across in news clips and transcripts quoting Dr. Foster about his research at the time. In sum it suggests that he is, or at least was, an abortion-rights activist.

That the White House somehow missed—or dismissed—all this suggests incompetence, but worse, a cultural tin ear. It ignores Mr. Clinton's own 1992 insight that abortion makes Americans "uncomfortable." And it totally misjudges the sentiments of the new Republican majority in Congress.

For while the "Contract With America" avoids most social issues, they are not far from GOP minds. Newt Gingrich's early salvo on school prayer was a (failed) attempt to please social conservatives, who remain essential to the GOP coalition. Gary Bauer of the Family Research Council points out that a pro-life third-party candidate won 12% in Pennsylvania's gubernatorial race last fall, though she spent almost nothing. You can be sure Bob Dole and other GOP presidential candidates noticed too.

Abortion foes figure they picked up about five Senate seats, and as many as 40 House seats, in November. That doesn't mean they will press a constitutional abortion ban, which they know can't pass. But it does mean a majority exists in Congress to block the abortion-rights agenda.

Moreover, the Foster nomination doesn't force Republicans to vote on what would really rip them apart, which is the outright banning of abortion. Instead it asks them to make a judgment—in effect a cultural statement—about the values of someone nominated to be the nation's top physician. Dr. Foster's ever-changing abortion numbers also let Republicans focus on his credibility, rather than on abortion alone. This is especially damaging for a candidate to be surgeon general, who has power only to the extent he has moral authority.

Mr. Clinton is the one who has pinned himself into another corner. After Lani Guinier and Joycelyn Elders, liberals aren't giving him any room to give up on Dr. Foster. These absolutists want Mr. Clinton to sound the trumpet for the nominee solely on abortion rights, a fight that even if he wins will have a cost. As one GOP senator put it this week, "He will be blamed for again bringing up a subject the public finds pretty unpleasant."

As usual, Mr. Clinton's instincts were correct when he said in 1992 that abortion should be "safe, legal—and rare." But as president his policy choices—such as support for public financing—have stressed only the first two on that list. Dr. Foster will survive only if he can persuade Republicans that his agenda is the third.



Henry Foster

WASHINGTON

For White House, an all-too-familiar sting

Problems with the nomination of Henry Foster to be surgeon general have raised questions again about the thoroughness of the Clinton White House review of potential appointments.

By Bill Nichols and Judy Keen
USA TODAY

In the hallways and offices of the White House this week, staffers shook their heads and muttered darkly about *deja vu*.

Bad enough to have what White House officials now say was sloppy staff work and poor political judgment endanger Henry Foster's nomination as surgeon general.

ANALYSIS

What drives this White House — as well as allies in Congress — crazy is that the spectacle of a seemingly open-shut nomination metastasizing into a furor has become a habit for Bill Clinton.

The administration's shifting account of how many abortions Foster performed, as well as the apparently tin ear Clinton aides displayed toward the whole issue of abortion, prompts a familiar question:

Why is this administration so often surprised by political problems in the background of nominees they have spent weeks reviewing?

"It's really hard to believe that they don't have this down pat by now," says former White House press secretary Marlin Fitzwater. "It looks like they weren't prepared."

Few White House officials will discuss this issue.

Says spokesman Mike McCurry: "We've sent over 1,000 nominations to Capitol Hill, and obviously most of them were... well-prepared. But we can do better."

Clinton, like most presidents, has gotten little credit for the nominees



By Paul T. Whyte, USA TODAY

GUINIER: Clinton didn't read her papers on minority political representation until after she was nominated.

that won easy confirmation, like his two Supreme Court appointments.

Clinton staffers say the public never hears about the potential nominees whose problems are caught.

"There was always a terrific tension to get key positions filled... but at the same time make as few mistakes as possible. And that tension is historical," says Roy Neel, a former Clinton deputy chief of staff.

But some appointments, or near-appointments, remain baffling.

► Zoe Baird and Kimba Wood, both prospective attorneys general when Clinton's term began, were



By Doug Mills, AP

SURGEON GENERAL NOMINEE: Henry Foster sits in the White House's Roosevelt Room while waiting to go on 'Nightline' to defend his record.

felled because of tax problems with household help.

► Lani Guinier's Justice Department nomination was pulled because of her writings about minority political representation, which Clinton read only after she was named.

Some would argue Clinton is a victim of his era.

"We are now living in a time... when nothing is too small to raise, no issue is regarded as irrelevant," says Jack Watson Jr., chief of staff to President Carter.

Others say Clinton's habitually disorganized style and inexperienced or

overworked staff are to blame.

Says Sam Skinner, former chief of staff to President Bush: "When you rush nominations, or you're short of people, you always run the risk of not being able to do as thorough a job as you might."

What's gone wrong?

White House officials maintain they follow the same rigorous process past administrations followed in reviewing potential nominees.

Prior to nomination, contenders fill out financial disclosure forms and general background questionnaires, including a question asking if

Clinton warns Senate it's a 'mistake' to oppose Foster

President Clinton on Thursday lashed out at abortion opponents for demonizing his embattled Surgeon General nominee, warning that it would be a "grave mistake" for the Senate to oppose a man widely recognized for his work combatting teen pregnancy.

But Henry Foster's prospects for Senate confirmation were further threatened Thursday, as some key senators announced their opposition to his nomination.

► "I do not believe Dr. Foster is going to be confirmed," said Sen. Phil Gramm, R-Texas.

► "If this gets worse, better not send it up here," said Senate Majority Leader Bob Dole.

Foster today defends his record in a speech at Washington,

D.C.'s George Washington University, his second public statement on the matter since his nomination a week ago.

On Wednesday, he appeared on ABC's *Nightline* to respond to critics who attacked him for not being forthright about the number of abortions he has performed or presided over in 37-year as an obstetrician-gynecologist.

Initially, the White House said he had done one abortion. Later Foster said it was "fewer than a dozen." Wednesday, he conceded that he has done 39 abortions and presided over a study of an experimental abortion drug given to 60 women.

— Mimi Hall, Judi Hanson, and Judy Keen

anything in the person's past would hinder the ability to do the job.

Credit records are checked, as are academic and job histories. Then come marathon interviews.

But critics say Clinton staffers have been too willing to accept the word of candidates. And they lack help to adequately track down leads because of Clinton's promise to reduce White House staff 25%.

The White House counsel's office and personnel office have seen extensive turnover in recent months, a factor that may have contributed to the lack of precision on Foster.

In Foster's case, no one seems to have tried to nail down the exact number of abortions he performed. This caused some to accuse Foster of shading the truth and the White House of misleading Congress.

Veterans of past reviews say nothing should be left unchecked. "I felt

like I told them more than I'd ever told anybody, including my family," says former Bush Commerce secretary Robert Mosbacher.

Another factor is Clinton's approach to appointments. Staffers often aren't sure who's in or out until a decision is made, often before all the review work has been done.

Some inside the White House say the decision to name Foster last week was surprising for just that reason. Neither the background nor the potential political strategy had been totally thought out.

Clinton staffers have vowed once again to learn from their mistakes, but the Foster process has made many wonder if progress is possible.

"That's just the way, maybe, that this White House is," says Sen. Barbara Mikulski, D-Md. "No doubt the White House erred and rushed the nomination forward."

Ba

Med school faltered with Foster at helm

Program lost accreditation

By Paul Bedard
THE WASHINGTON TIMES

A

The obstetrics and gynecology residency program at Meharry Medical College in Nashville, Tenn., permanently lost its accreditation when surgeon general nominee Henry W. Foster Jr. ran the department — countering his characterization that he kept it operational.

Senate critics of President Clinton's nominee said Dr. Foster misled them on his administration of the department and the college and said it was another example of the gynecologist hiding his record, especially on the number of abortions he has performed.

"He is not being straightforward with the American people and the administration is trying to cover up," said Sen. Dan Coats, Indiana Republican.

Mr. Coats and other Senate Republicans joined Sen. Don Nickles, Oklahoma Republican, in calling on Mr. Clinton to withdraw the nomination because of the differing accounts by Dr. Foster and the White House on the number of abortions he has done in a 37-year medical career.

The growing chorus of GOP voices demanding the withdrawal muted the support for Dr. Foster stated yesterday by six Senate Democrats.

Meanwhile, White House officials vented their frustration with Dr. Foster's inability to settle on a concrete figure on the number of abortions he has performed.

On the same "Nightline" show Wednesday night, the 61-year-old former Planned Parenthood board director said he had done 39 abor-

tions since 1973, but he didn't address his eight-year stint as chief of obstetrics and gynecology at John A. Andrew Memorial Hospital at Tuskegee University in Alabama.

Asked if the White House was satisfied with Dr. Foster's answer that he had performed 39 abortions, White House spokesman Michael McCurry said: "No, we're not satisfied. We will continue to work with Dr. Foster. Many of the records he described last night are only available to him because he's the only person that can request those records."

Dr. Foster had previously said he performed one, then "fewer than a dozen" abortions. He also headed a study on an abortion pill that led to 55 more abortions. And he has disavowed an official government transcript in which he indicates he may have done hundreds more abortions.

Officials at historically black Meharry said that Dr. Foster's obstetrics-gynecology residency program lost accreditation in May 1990 and the withdrawal took place a year later — after Dr. Foster had been promoted to the dean of medicine and vice president of health services.

Several efforts to restore the accreditation have failed. Without accreditation, medical schools can't place students in hospital residency programs, according to the American Medical Association.

Meharry spokeswoman Martha Robinson said the program failed because there weren't enough patients to sustain a residency in-

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ternship. "It was clearly a numbers problem. It wasn't a quality issue," she said.

Dr. Edward R. Hill, who was vice chairman of Dr. Foster's program from 1982 until it ended in 1991, explained that black patients chose suburban hospitals in the late 1980s. "We lost a very significant market share among the poor who now had a ticket, Medicaid, to more affluent areas," he said in an interview.

But a prominent Nashville doctor familiar with the program and Dr. Foster said the University of Arkansas-trained physician was a poor administrator.

"He's a great idea guy but not with following through or getting the job done," said the doctor, who requested anonymity.

Senate Republicans and a White House team are studying Dr. Foster's management at Meharry, which twice received government financial bailouts while Dr. Foster was associated with the school.

"One day after he goes on 'Nightline' to brag about running his department we learn it crashed on his watch and he failed to get it accredited. He has a very deep credibility problem," said an aide with the Senate Republican Conference.

Mr. Nickles said that termination of the obstetrics-gynecology program clashed with the impression Dr. Foster left "Nightline" viewers with when he explained the reason for accepting a grant to do a study on an abortion pill in the early 1980s.

On that show, Dr. Foster said, "We have a responsibility in training residents to maintain our accreditation. It's a very difficult job. I maintained an accredited residency program for 17 years [1973 to 1990]. We have a responsibility to teach all residents how to manage the complications of abortion."

Dr. Foster's changing stories on the number of abortions he did along with concerns about his management of the Meharry obstetrics-gynecology program sparked moves by Republicans to kill the nomination. Dr. Foster is to replace outspoken former Surgeon General Joycelyn Elders, fired for controversial statements on child masturbation and sexual conduct.

"In the wake of Dr. Joycelyn Elders' discordant and failed tenure, I believe that America deserves to have a surgeon general capable of inspiring Americans on a broad range of public health issues. Plainly, Dr. Henry Foster's background and the White House's mishandling of his nomination renders him incapable of achieving that goal," said Sen. Phil Gramm, Texas Republican.

"As a result, I intend to strenuously oppose the confirmation of Dr. Foster to become surgeon general of the United States," he said.

Mr. Coats, a member of the Labor and Human Resources Committee, which will vote on the Foster nomination, said, "There is a litmus test here and it is not abortion. It's the truth."

Liberal groups supporting Dr. Foster have charged that the "radical right" is using the Foster nomination to push its anti-abortion agenda.

But Mr. Coats said that Dr. Foster simply hasn't told the truth about his past. "You make the same accident three or four times and you begin to wonder if it's an accident."

After watching the nominee get hit for eight straight days, Senate Democrats finally began to rally behind Mr. Clinton's choice. The

president also used a press conference with German Chancellor Helmut Kohl to speak in favor of Dr. Foster.

"I think he's a good man, I think he'll be a good surgeon general, and I think that that ought to be the issue," he said.

The president also joined with Dr. Elders in bashing Dr. Foster's opponents as ardent anti-abortion radicals.

"Now, I know that those who believe that we should abolish the right to choose and make conduct which is now legal criminal will try to seize upon this nomination to negate the work of a man's life and define him in cardboard-cutout terms, but I think that is wrong," he said.

Sen. Frank Lautenberg, New Jersey Democrat, said, "This is a vendetta, this is a witch hunt."

A day after giving Dr. Foster a 50-50 chance of winning approval by the Senate, Sen. Barbara Mikulski, Maryland Democrat, said: "Unfortunately, the White House did not do the best job in putting doctor Foster's nomination forward. Maybe that's the way the White House does such things."

• Major Garrett contributed to this report.

Gingrich faces party rebellion over support of peso bailout

By Major Garrett
THE WASHINGTON TIMES

Discontent over House Speaker Newt Gingrich's handling of the Mexican bailout exploded this week at a closed-door meeting of GOP lawmakers, and opponents of the deal refuse to abandon efforts to kill it.

A growing number of House Republicans disagree with Mr. Gingrich's endorsement of President Clinton's attempt to stabilize the Mexican peso with \$47.5 billion in loans.

The issue erupted Wednesday at a meeting of House Republicans. House Majority Whip Tom DeLay of Texas castigated the 14 Republicans who opposed Mr. Gingrich on a procedural motion to force immediate debate on the loan package, according to people who

attended the meeting.

Rep. Gene Taylor, Mississippi Democrat, sponsored the motion. Many Republicans saw it as an attempt to embarrass the speaker. Mr. DeLay lectured those who bucked the leadership about the need to stick together against Democratic maneuvers.

Rep. Cliff Stearns, Florida Republican, angrily defended his vote and faulted the leadership for pressuring Republicans to side with Mr. Gingrich regardless of their feelings on the bailout. The testy exchange startled many lawmakers.

Mr. Stearns and other Republicans want a wider debate on Mexico and, eventually, a floor vote on the president's policy.

"The leadership went out and got ahead of the rest of us," Mr. Stearns said of Mr. Gingrich's endorsement of the bailout. "They didn't have enough consensus on it."

All sides say no ill will lingers. Mr. Stearns said it was a healthy sign of "growing pains" in a party becoming accustomed to the demands of majority status.

But the Mexican bailout could divide the party in the coming weeks and jeopardize parts of the "Contract With America." The bailout rift also represents the first test of how House GOP leaders cope with a sharp policy disagreement in their ranks.

For now, the leadership has its hands full pushing the Contract

through the House and wishes to avoid a protracted party debate over Mexico.

Republican opponents of the bailout say it's bad policy that needlessly exposes taxpayers to potential Mexican defaults. They complain that Mexico is not being forced to adopt free-market reforms that would make future bailouts less likely.

They also resent the president's decision to tap taxpayer funds without congressional approval.

Some fear the use of \$20 billion from the Exchange Stabilization Fund, created in 1934 to stabilize the dollar, will be used to bail out other teetering currencies. If Congress doesn't stop this bailout, they fear, future presidents will

seize the precedent to tap the fund without consulting Congress.

There is also some unhappiness with the GOP leadership's single-minded allegiance to the Contract.

"It's hard for me to figure out anything that could be more of a priority than the siphoning out of tens of billions of dollars from the U.S. Treasury," said Rep. Dana Rohrabacher, California Republican.

"The friction on the bailout issue is a direct result of people being so busy that they didn't understand the issue. We're going to be cutting programs that our constituents like. If you use that money to bail out Wall Street investors or Mexican industrialists, you're betraying your own people."

Freshman Rep. Steve Stockman, Texas Republican, is circulating a petition to force the 230 House Republicans to vote on his legislation to block the bailout.

Mr. Rohrabacher said that if Mr. Gingrich does not allow debate on the bailout within two weeks, he and others will circulate a discharge petition to force the issue.

If a majority of the 435 members of the House signed such a petition, Mr. Gingrich would have to bring the bailout issue to the floor.

That would mark the first direct clash between rank-and-file Republicans and Mr. Gingrich.

Senior Republican leadership aides consider this an unlikely scenario.

"They ought to let it ride," a senior Republican aide said.

Talk-radio audiences fault Clinton and Foster

By Joyce Price
THE WASHINGTON TIMES

The credibility of surgeon general nominee Dr. Henry W. Foster Jr. and the problems President Clinton has had in making nominations supported by the mainstream are both issues of concern to radio talk-show audiences.

"A lot of people are upset about the way Foster has waffled and changed his story" about the number of abortions he's performed, said Dave Ingram, a producer at radio station WJNT, a talk station in Jackson, Miss.

He said the furor over Dr. Foster was discussed "constantly" on that station yesterday, and there were no calls of support for the nominee.

Despite the overwhelming opposition to Dr. Foster, Mr. Ingram noted there was more caller criticism directed at Mr. Clinton. "Most of the comments were directed at his [Clinton's] incompetence in making appointments. ... People were saying Clinton can't appoint anyone who can make the grade with most Americans, and

several even said Hillary's fingerprints are all over this nomination."

Connie Kovas, general manager at Radio WGL, a talk station in Fort Wayne, Ind., said the Foster nomination has been a "very hot topic" there as well and that opposition to Dr. Foster has been strong.

"Most of our people ... are very suspicious of any nomination coming down from this president," she said.

Calls received on Capitol Hill have been more mixed. Senate Majority Leader Bob Dole has received more than 800 calls about Dr. Foster. "They've been running 5 to 1 against" the nominee, said spokesman Clarkson Hine.

Sen. Dan Coats, Indiana Republican, who said yesterday he'll ask the president to withdraw the nomination, has received "hundreds of calls" about Dr. Foster, a spokesman said. "The overwhelming majority have been opposed" to his nomination, Tim Goeglein said.

Mr. Coats is a member of the Senate Labor and Human Re-

sources Committee, which will hold confirmation hearings on the nomination next month. Other members of the committee who've received calls that have either been predominantly or exclusively against Dr. Foster were Sens. Judd Gregg, New Hampshire Republican; Claiborne Pell, Rhode Island Democrat; Slade Gorton, Washington Republican; and Spencer Abraham, Michigan Republican. However, the number of calls they have received has been small.

As of noon yesterday, Sen. Barbara Mikulski's offices have heard from 117 opponents of Dr. Foster and 81 supporters, her press secretary said. The Maryland Democrat said yesterday she is "outraged" by all the attacks against the nominee.

Sen. Nancy Landon Kassebaum, Kansas Republican and committee chairman — and the person on the panel most pro-life groups say they intend to target — has received "hundreds" of calls about the Foster nomination and the calls have been evenly divided, aides said.

Calls to the office of Sen. Bill Frist, Tennessee Republican, who stood beside Mr. Clinton when he nominated Dr. Foster, a Tennessee native son, have been "mixed," a staffer said.

Theresa Bourgois, committee spokeswoman for Sen. Ted Kennedy, the panel's ranking Democrat, said the minority staff has received about 200 calls about Dr. Foster. "The vast majority were from supporters," she said.

That wasn't the case among callers to "The Fred Honsberger Show" on Radio KDKA in Pittsburgh yesterday. "Basically, a lot of people were against the nomination," said Greg Jena the show's producer. "There's been concern about the honesty factor, ... that he didn't own up to everything at the very beginning."

Rush Limbaugh also discussed the Foster nomination at length yesterday and gave particular emphasis to Dr. Foster's appearance on ABC-TV's "Nightline" the night before. On "Nightline," Dr. Foster said he had performed 39 abortions in his career, not "fewer than

a dozen" or "one" as he or others speaking for him had said previously.

Mr. Limbaugh said he would be watching the White House closely for any signs the president might be withdrawing the nomination.

Keith Spence, executive producer of talk shows on Radio WLS in Chicago, said "75 to 80 percent" of the calls that have come in to WLS' large AM station "have said they don't want an abortionist as Surgeon General." He said opponents have constituted only 35 to 40 percent of callers to WLS' smaller FM talk station.

Charles Jaco, a talk-show host on Radio KMOX in St. Louis, said calls he's received about Dr. Foster have been "split 50-50 in terms of abortion."

But he added, "The overwhelming opinion from callers on both sides of the abortion issue has been that the White House showed political cowardice for failing to stand firmly behind its nominee. ... Instead, it's allowed him to dangle."

Inside Politics



Compiled by Alan McConagha

Clinton and values

Writing about President Clinton's "behavioral evolution," U.S. News & World Report's Harrison Rainie says the president "cannot be purified in the public arena."

"There is no statute of limitations on exploring his sins because there is too much public fascination with his character, too much partisan advantage to his enemies in stoking that fascination, and too much that naturally falls on him and his beliefs because he is president at a time when the nation is debating its own values crisis."

"The paradox is that while he is evolving toward real insight into what the problem is, many citizens aren't in a mood to appreciate it. He seems to have figured out the private side and made amends to his wife long before he figured out the public side and offered abject words to his constituents."

"Pollsters say many are yearning for signs — not words — that the president has grown from the experience and can apply its lessons to his leadership. Maybe this will be his re-election slogan: So long as there is shame there is hope for virtue."

Wilson's nemesis

As California Gov. Pete Wilson ponders a run for the GOP presidential nomination, the New York Times' R.W. Apple Jr. reports that one of the difficulties confronting him is "the irrepressible Willie Brown."

Mr. Apple describes the California Assembly speaker as "a Democrat who is one of the great parliamentary tacticians in state history" and who has a history of tying state government in knots.

Mr. Brown hints "not very subtly" that the GOP governor's current prominence may oblige him to tie some more knots.

Gentleman Helms

In his first month at the helm of the Senate Foreign Relations Committee, Jesse Helms has played an entirely different role than his supporters or his detractors expected, writes the Los Angeles Times' Norman Kempster.

So far, the North Carolina Republican "has been temperate, fair and — at times — almost laconic." Indeed, he seems to have established rapport with Secretary of State Warren Christopher despite ideological differences.

Mr. Christopher says the tranquillity may not last forever. "We'll have our differences," he told Mr. Kempster. "One of the reasons I'm trying, and I'm sure he is too, trying to establish good

ships, is so that without being angry it."

"We wouldn't want to let him look as good as he does not for too long," the Assembly speaker told Mr. Apple.

The (payroll) insider

Roll Call reports that, after winning his congressional race in the Illinois district vacated by former Rep. Robert H. Michel, Republican Rep. Ray LaHood returned to his old job as chief of staff for the departing minority leader, picking up about \$16,000 in salary as a congressional staffer while he attended freshman orientation events as a member-elect.

Mr. LaHood told Roll Call he was helping Mr. Michel with his transition and working on his own.

Silence on Daschle

The New York Post's Deborah Orin writes about the deafening silence on Capitol Hill over the story broken by the New York Times on Senate Democratic leader Tom Daschle's relationship to a South Dakota airplane charter firm accused of laxity on safety. CBS' "60 Minutes" elaborated on the matter on Sunday.

A Democratic strategist told Miss Orin, "The same questions about [Newt] Gingrich would be big news because he has real power."

'Something wrong'?

Sen. Larry Pressler, South Dakota Republican, on CNBC's "Equal Time" on the confirmation prospects for Dr. Henry W. Foster Jr. as surgeon general: "When Senator Nancy Kassebaum gets upset about something, there's really something wrong. . . ."

"She was very upset about the way the White House presented this to her. . . . She never gets upset about anything. So I'm concerned about this nominee."

Arianna on the case

Arianna Huffington is developing a television program called "Beat the Press," which will feature her as an investigative media critic, reports David Phinney in the Los Angeles Times.

Mr. Phinney says the first media-victim guest will be House Speaker Newt Gingrich, whose public-speaking style was likened by the New Yorker to that of the Ayatollah Khomeini.

Mrs. Huffington intends to contrast film clips of the Georgia Republican talking about welfare with one of the ayatollah sermonizing about "streets filled with blood." Although the pilot is in the can, the program has no takers yet.

Running mates

Republican Guy Molinari, Staten Island borough president, has written to George Bush as the "candidate with the best chance of winning" and urged him to get into the race against President Clinton, the New York Post reports.

Mr. Molinari had a proviso: He wouldn't like to see Dan Quayle as Mr. Bush's running mate. According to Mr. Bush's spokesman in Houston, the former president has a proviso: Mrs. Bush would divorce him if he ran.

Crediting Leon

The New York Times reports that White House Chief of Staff Leon E. Panetta was among the presidential aides who pushed hardest for the nomination of Dr. Henry W. Foster Jr., the nominee for surgeon general who now is being portrayed as an abortionist.

The Times' Douglas Jehl says Mr. Panetta and others had been aware at the time that Dr. Foster had performed abortions but had not taken time to prepare a strong defense of that record.

"A senior White House official . . . blamed that failure on a blindness to the prospect that opponents of abortion would choose Dr. Foster's nomination to pick a fight over the issue."

The pension rap

Lamar Alexander, former governor of Tennessee and GOP presidential hopeful, on the Wall Street Journal's op-ed: "Pension reform sounds like a dry topic best suited for actuarial conventions. But when Americans heard the details of the congressional pension plan, they instantly recognized this issue as a symbol of how out of touch Congress has become."

"Simply stated, taxpayers are funding a retirement scheme for members of Congress that is far more generous than the retirement plans offered to other federal employees."

Baseball

The Wall Street Journal editorialized: "The president calls the oligopolists of baseball into his office and 'sets a deadline' for the two sides to settle their strike. That deadline passes — strike one! Then the president sets another deadline, and it passes — strike two! But Bill Clinton's not about to strike out completely with a third deadline, so he tells Congress to go in and bat for him."

Abortion

"The Foster nomination is just the first fight," Donna Singletary, government relations director for the National Abortion Federation, a group that represents clinics and doctors, told the Philadelphia Inquirer. "The November election — the 1994 purge — caused a tectonic plate shift. There is a strong realignment in Congress."

"We are on an upswing," added Joe Scheidler, executive director of the Pro-Life Action League. "We got so many actual pro-life people in. We are looking for some changes. We have a lot of hope. This Foster thing came along at the right time."

R. EMMETT TYRRELL JR.

Delayed entry at the troopergate

I am in despair. Apparently the Super Bowl has been held and I missed it. That is probably what I deserve for persisting in the belief that I can remain fully abreast of the sports news by reading only the financial pages of the newspaper and the gossip pages and the police blotter. The good news is that one of my favorite teams, the San Francisco Giants, won and that no one was killed. Even American womanhood was spared the carnage. You will remember 1992, when it was revealed in the press that multitudes of otherwise normal American men, provoked by la gloire of Super Sunday, suddenly turn upon their hapless wives. At some point between kickoff time and the last whistle, women are butchered by the thousands. The lucky ones get off merely with blackened eyes.

Back in 1992, the progressives who promoted this story in the media were vague as to why American males were roused to bloodlust by the Super Bowl. Some feminists speculated it had something to do with 12 straight years of Republicans in the White House. I frankly

concluded that the cause had to be those macho ads for pickup trucks and stick deodorants. But then something marvelous happened, something liberating. The Forces of Truth revealed that the press had been hoodwinked. Career feminists and other such operators had handed the press phony data and statements from experts on domestic violence that were fraudulent. Later, the experts all disavowed the statements as inventions, and as for the phony data, David Silber, chairman of the department of psychology at George Washington University and a leading expert on domestic violence, said, "I know of no study documenting any such link" between the Super Bowl and female holocaust.

The Associated Press and CBS had been duped into dubbing Super Sunday a "day of dread" for women. NBC, the broadcaster of the game, had been prevailed upon to introduce the game with a public service announcement against wife-beating, no matter what the circumstances. "Domestic violence is a crime," football fans were informed. Yet all this alarm had been stirred up by hoaxers. No more women suffer mayhem and murder during the Super Bowl than on any other national holiday. And, quite possibly, on Super Sunday the womenfolk turn the tables on their barbarous men, blasting them with a rolling pin as they sit semi-comatose during the dull third quarter, or exacting milder forms of retribution from them for roosting in front of the television amid mounting piles of junk food wrappers and empty beer cans.

Just the other day we saw another example of how unreliable the American media are, and how easily manipulated. The Washington Post reported that one of its writers, David Maraniss, is revealing in a new Clinton biography that

long-time Clinton adviser Betsey Wright told him she opposed Bill Clinton's 1988 presidential bid. She feared that his reckless lifestyle would be revealed, and she was "convinced that some state troopers were soliciting women for him and he for them." Now I suppose that the press is going to echo with stories about Our President's lurid sex life. The influential Washington newsletter, White House Bulletin, prophesied as much on Feb. 3, quoting an anonymous White House TV correspondent that the impact of Mr. Maraniss' revelation "is going to be enormous. . . . This is not the American Spectator, this is a very credible Washington Post correspondent."

Well, I edit the American Spectator, and when we broke Troopergate 14 months ago we provided more evidence of Bill Clinton's mis-

use of government in pursuit of his ithyphallic passions than either Mr. Maraniss or The Post have. Our writer, David Brock, came up with four sources, two on the record; and he sedulously verified their stories. Mr. Maraniss's sole source is the mercurial Betsey Wright, who dis-

missed Troopergate back then as a collection of "lies" and "falsehoods." Why believe her now?

Moreover, when the Spectator story came out, Miss Wright orchestrated a campaign against the troopers and Mr. Brock. Other willing journalists jumped in. Michael Kinsley in the New Republic and The Washington Post accused Mr. Brock and his editors of "dishonesty" and "fundamental bad faith." Mr. Brock was a "purveyor of uncorroborated and hyperbolic accusations by a handful of gold-digging Arkansas state troopers," according to Joe Klein in Newsweek. TV commentator Paul Duke pronounced Mr. Brock the "loser" of 1993 for writing "that slimy magazine article that revived all those old charges about Bill Clinton's personal behavior." In E.J. Dionne's syndicated column, he too adjudged Mr. Brock's work slimy and phony and a collection of unsubstantiated gossip. Others were equally reproachful.

Obviously, when we came out with Troopergate, either we were correct or all these frothing opponents were wrong. Now Betsey Wright has confessed the American Spectator was accurate and our opponents were dupes. Or were they the willing megaphones for the Clintons? The answer to that question will come when the dupes apologize to the American Spectator for their rhetorical excesses. And one other point: Two out of three of Mr. Maraniss' interviews with Miss Wright came months before Mr. Brock's Troopergate piece appeared. What did The Post know, and when did it know it? Did The Post know that Mr. Brock was right about Troopergate and remain silent?

R. Emmett Tyrrell Jr. is editor-in-chief of the American Spectator.

USA TODAY • FRIDAY, FEBRUARY 10, 1995

Clinton still seems to be plagued by political missteps
By Kathy Lewis Dallas Morning News

WASHINGTON President Clinton got the second half of his term off to a good enough start only to be plagued by some familiar problems, analysts say.

He gained a boost in the public opinion polls from his State of the Union address even though Washington insiders labeled it too long and too unfocused. He received favorable reviews for pushing ahead alone when Congress balked at a financial rescue plan for Mexico.

And even though he encountered criticism for avoiding hard decisions in his budget, many analysts dubbed it a politically savvy move designed to let the Republicans take the flak.

But some of his larger goals and initiatives once again have stiff competition from his administration's own problems or diversions.

The most baffling, analysts say, is the case of Dr. Henry Foster Jr., the surgeon general-designate. Dr. Foster has had to correct various incorrect statements about the number of abortions he performed.

His Senate confirmation is in doubt. The White House is embroiled in an unwanted fight over a social issue with the Republicans. And the episode has served as a reminder of earlier Clinton appointments that went awry.

It's also prompted some analysts to suggest that the more things change at the White House, the more they stay the same.

"These people continue to play checkers when they should be playing chess or three-dimensional chess," said Stephen Hess, a senior fellow at the non-partisan Brookings Institution in Washington.

"They're not thinking enough about steps ahead."

Some "foolish little insignificant political things" have, said analyst Norman Ornstein, again generated enough attention to detract from Clinton's more important, more positive moves.

"I do see the White House running better, crisper; but obviously not crisp enough," said Ornstein, a resident scholar at the non-partisan American Enterprise Institute.

White House officials believe Clinton's accomplishments in his first two years often were obscured by too many messages, too frenetic an approach and too many mistakes. They vowed things would be different.

But the problems with Foster's nomination and other developments recently suggest that is a difficult mission:

Mixed signals on Clinton's intention to propose increasing the minimum wage led to speculation that he had backed away from a fight.

Clinton did not lay out a plan in his State of the Union as anticipated, but decided to consult with Republicans first. He announced his proposal later.

With Republicans in control of Congress, the administration is bracing for more Whitewater hearings and has announced an expansion of the White House counsel's office to deal with it.

Clinton's involvement in the baseball strike diverted attention from scheduled messages this week on the anti-crime law and immigration reform.

Some experts said Clinton would get credit for at least trying to resolve the long-running strike. Others said the presidential gambit, with so little prospect of success, only illustrated the administration's inability to think beyond immediate moves.

Agriculture Secretary Mike Espy was forced to resign last year as question arose about whether he had accepted illegal gifts.

But the administration must deal with possible problems involving another Cabinet official. The Justice Department is considering whether an independent counsel should be appointed to look into Commerce Secretary Ron Brown's

business transactions.

Both Brown and Espy have denied any wrongdoing.

The nomination of Espy's replacement, former Rep. Dan Glickman of Kansas, has been delayed while the FBI finishes a background check on two financial matters. White House officials have expressed confidence that the matter will be resolved.

Several analysts voiced bewilderment over the Foster case, wondering how the White House after problems with previous nominees and appointments had not finally gotten it right.

Clinton withdrew the nominations of Zoe Baird to be attorney general and Lani Guinier to be assistant attorney general for civil rights. Bobby Inman withdrew after his selection to be defense secretary.

"How many times do we have to go through this drill?" said Charles Jones, another senior fellow at the Brookings Institution.

"I can't understand it. My mind, I'm afraid, isn't malleable enough to figure out why they can't put a system in play," Jones said.

Garrison Nelson, a political scientist at the University of Vermont, said the White House should have seen it coming. "It's bad staff work. They underestimated how quick the anti-abortion forces could mobilize," he said.

Both White House Chief of Staff Leon Panetta and White House press secretary Mike McCurry have acknowledged the president did not have the benefit of the best staff work on handling Dr. Foster's nomination.

But McCurry said the president has no regrets about his involvement in the baseball strike.

"I think the president feels that the American people expected of him as their president to do what he could to try to save baseball for 1995," he said.

The nomination fight over Foster, Ornstein said, is unfortunate for Clinton because it comes at a time when he was benefiting from a positive response to this State of the Union address and to his decision on Mexico.

"He rarely gets credit when he takes a bold stand and exerts leadership and takes risks. He showed backbone and toughness. Congress caviled and demagogued," Ornstein said.

The problem for Clinton, Hess said, is that he "has good days, but he never has good weeks."

New welfare reform plan from House GOP would cut \$40 billion in 5 years
By George Rodrigue
Dallas Morning News

WASHINGTON House Republican leaders Thursday unveiled a new welfare reform bill that softens some of their previous proposals and gives states broad authority to run social programs.

The bill retains core aspects of the hotly debated "Contract with America" proposal, however, and some officials worry that it could substantially increase costs to the states. The measure was changed to satisfy the concerns of Republican governors who wanted to avoid having their taxpayers bear the cost of federal reforms.

Top administration officials rejected aspects of the plan, saying the measure was still too punitive.

Like the earlier Personal Responsibility Act, the new proposal would cut off cash support for teen-age unwed mothers, for most legal immigrants and for those receiving welfare payments for more than five years.

It also proposes tougher methods of collecting child-support payments and would make it more difficult

Going . . . going . . .

How not to help Henry Foster, M.D.

It's starting to sound like the Lani Guinier story all over again. So many of this administration's nominations do. Let's hope Henry Foster is treated more fairly.

Long-time Clinton-watchers knew the appointment of Henry Foster as the next Surgeon General of the United States was in trouble when the president expressed his confidence in this appointee. Dr. Foster seems to have got himself crosswise with some of the facts—not just how many abortions he personally performed, but whether he should have counted the abortions performed in a drug test he supervised. Or were those just terminated pregnancies, and what's the difference? The first symptom of a serious moral problem is the use of euphemism.

The nominee may simply have been ill prepared by the White House staff; poor preparation seems to be one of its specialties. (Maybe if the president would make Leon Panetta just another counselor to the president, and get an efficient chief of staff like Mack McLarty . . .)

Leave it to Newt Gingrich to sum up the big problem with this nomination: how it has been presented. "The most disturbing thing," he said the other day, "is the quality of the staff work. It's a very sobering commentary about the White House staff. . . . After two years, how could they

be this grotesquely wrong and stumble into this kind of fight?"

Let it be said for Speaker Gingrich that he didn't take long to dump his grotesquely wrong choice as historian of the House, however poorly researched his choice in the first place. It just doesn't take Newt Gingrich long to examine a horseshoe hot off the anvil; Bill Clinton tends to prolong the agony.

The speaker's question about the ineptitude of the White House staff may have been intended as rhetorical, but it deserves an answer. One suspects that the White House staff gets into these fixes time and again despite numerous changes in personnel because a staff tends to copy the boss' style. And this president's style is casual, not to say careless, certainly when dealing with questions that have ethical or moral dimensions.

This pattern can be traced all the way back to Bill Clinton's draft record and his casual misrepresentation of it for the next couple of decades. His administration's purely political approach to abortion and genetic experimentation is just another example of the same soulless tendency in his leadership.

Conclusion: When one staff problem succeeds another even after the staff is shaken up, the essential problem may not be the staff.

Arkansas Democrat  Gazette

Foster qualified, duo agree, but vote not in

BY TERRY LEMONS
Democrat-Gazette Washington Bureau

WASHINGTON — Sens. Dale Bumpers and David Pryor, both D-Ark., expressed confidence Tuesday in Dr. Henry Foster's credentials to be surgeon general.

But neither would commit to supporting the Pine Bluff native's nomination.

"There isn't any question about his qualifications," Bumpers said. But he said he would withhold a final decision on the nomination until after Senate confirmation hearings.

"I'm leaning in favor of him," Pryor said.

The senators agreed that Foster faces an uphill battle in the confirmation process after early White House missteps on the nomination. Several Republican leaders believe the nomination will fail because of questions about Foster performing abortions.

Foster, who works in Nashville, Tenn., said he has performed 39 abortions and supervised a drug trial in which 55 more women ended their pregnancies. The White House understated Foster's abortion record twice last week, triggering an outcry from abortion protest groups and conservative legislators.

Foster was born and raised in Pine Bluff. He earned his medical degree in Little Rock

from what is now the University of Arkansas for Medical Sciences.

The White House has mounted a campaign to resuscitate Foster's nomination. He would replace another Arkansan, Dr. Joycelyn Elders, whom President Clinton fired.

"His confirmation is going to be very difficult," Bumpers said. "It'll be a tough, tough vote to get him confirmed."

Pryor agreed, noting that Foster faces a "tough fight."

Bumpers said Foster's years of work with young people and health issues in Tennessee qualifies him to be surgeon general.

"If you look at what he's done, it's very impressive," Bumpers said.

The senators agreed that part of Foster's confirmation problem emanates from the Clinton administration. Bumpers said the White House review process "broke down."

"It was not handled well by the White House," Pryor said.

Pryor said the White House has mishandled only about five nominations out of the thousands hired. The Bush, Reagan and Carter administrations also encountered problems with nominees, he noted.

"If you look at the others, they've all messed up," Pryor said.

Campaign paid \$37,500 in sex case

Listed payoff money
as 'consulting fees'

BY SHARON LAFRANIERE
AND RUTH MARCUS
The Washington Post

WASHINGTON — One of the best-kept secrets of Bill Clinton's 1992 presidential campaign was its use of \$37,500 in political contributions to settle a sexual-harassment allegation against one of Clinton's top aides.

Only now, 2½ years later, are details emerging of the charge against David Watkins, who went on to become a senior White House official, and the campaign's extensive efforts to keep a female employee's allegations out of public view. As campaign officials hoped, the election was long over by the time the payment caught the attention of the Federal Election Commission, which challenged the use of taxpayer funds to finance part of it.

The campaign listed the expense as "consulting fees" on its FEC filing. Former campaign officials defend that description, saying the campaign contemplated that the woman would consult with the campaign about reconstructing some of its records as part of the settlement.

Lawyers said they didn't know whether she actually continued

See WATKINS, Page 9A

Watkins

• Continued from Page 1A
to do work for the campaign. And given the dearth of information the campaign provided, the FEC has ordered it to repay \$9,575 in federal funds that was used in the payment. The amount is a small part of a total \$270,300 in campaign funds that the FEC has ordered the Clinton campaign to refund to the Treasury Department because of failure to justify or document expenses. But the payment highlights an intriguing question rarely addressed by the FEC: Just how accurate must campaign officials be in describing how contributions are spent?

Federal campaign laws require candidates to make public filings of all receipts and expenditures and to document the use of all taxpayer funds allocated to presidential candidates. These funds are generated by the optional \$1 checkoff for campaign financing included on federal income-tax forms.

Elizabeth Hedlund, who follows FEC issues for the Center for Responsive Politics, said: "Just to list consulting fees was misleading. The purpose of campaign-disclosure rules is to have the public see how money is being raised and spent, before the election. To the extent that the public doesn't get the true story of where the money is going, the law isn't being observed."

But Lyn Utrecht, a campaign counsel, said that in dealings with the FEC, "We have told the truth about what the agreement was about." She added: "The FEC has no problem with what we've said to them. ... We told the FEC as much as we thought we could tell the FEC."

The woman involved in the case, Kimberly Moore, head of a Little Rock accounting firm, hung up when called and didn't respond to written requests for comment. Watkins, who was fired as White House administrator in May for misusing a presidential helicopter, didn't respond to repeated telephone calls.

But an account of how the campaign reacted to Moore's allegation can be pieced together from former campaign aides, administration officials and others knowledgeable about the situation. The sources confirmed Moore's identity and described the campaign's actions on the condition that they not be named.

Moore joined the campaign's five-person accounting division in late 1991. A certified public accountant, she headed the unit, one former employee said, and reported to Watkins, a former Arkansas advertising executive who was both the campaign's chief financial officer and deputy campaign manager for operations.

Co-workers said Moore complained to them at the end of 1991 that Watkins occasionally made sexually tinged remarks and one sexual advance while the two searched for staff apartments. When she didn't respond, Moore told others, Watkins began complaining about her job performance.

Moore hired a lawyer and



David Watkins

took her allegations to campaign officials. Christine Varney, a campaign counsel, and outside lawyers at Hogen & Hartson investigated her allegations.

As an interim measure, campaign officials moved Moore out of Watkins' operation and into the campaign's field division, where she helped the campaign close out its operations in some states.

Watkins denied Moore's allegations, but that didn't limit the potential political damage the campaign faced should they become public.

Although Clinton wasn't involved in the charges, the issue of sexual conduct was explosive. Jennifer Flowers' charge that Clinton was unfaithful to his wife for 12 years was considered one of the reasons Clinton failed to finish first in February's New Hampshire presidential primary, and questions about his alleged womanizing continued to plague him.

Doug Heyl, the campaign's Southern field director, said Moore worked in the field division for at most a few months, and 1992 records show that she quit collecting her salary after June 1992. Craig Smith, who headed campaign field operations, said: "As I recall, she said she had another job."

Ultimately, campaign attorneys took the position that while Moore wouldn't prevail if she filed suit, it was easier, cheaper and politically smarter to settle the case. They figured a settlement eventually would become known, but probably not until after the November election, former campaign officials said.

Moore agreed not to sue and to provide consulting services. Campaign sources said she was supposed to help reconstruct lost financial records from the campaign's early days.

How much work was expected and whether she did any of it — is unclear. Asked if Moore provided consulting services, Utrecht said: "I don't even know the answer to that question." Other campaign officials said they knew of no work that Moore did for the campaign after mid-June.

Moore's regular salary varied, but it ranged from \$2,700 to \$2,900 a month, according to campaign records. If Moore was paid for four months of consulting work, as the campaign later told the FEC, the \$37,500 she received was triple her previous

salary in the field and accounting divisions, and far more than David Wilhelm, the campaign manager.

The campaign sent the \$37,500 check to Kathryn Graves, a lawyer at the Little Rock law firm of Wright, Lindsey & Jennings that handled the payments. It was signed by Watkins and Wilhelm, and included the notation "settlement." Campaign funds were used because campaign lawyers contended that that was the only legal source for the money; anything else would constitute a slush fund and violate FEC rules.

Only a few campaign officials were informed of the arrangement, including Wilhelm and Eli Segal, the campaign chief of staff. Robert A. Farmer, the campaign treasurer who is now Clinton's U.S. consul general in Bermuda, signed the campaign's FEC reports, but said recently that "I'm not familiar with this and haven't talked to anybody about it, during the campaign or after the campaign."

The settlement barred Moore and campaign officials from discussing Moore's allegation publicly, a provision that both sides wanted. If Moore breached the confidentiality clause, she had to return the money, a standard provision in such agreements.

The payments from Graves to Moore were stretched over several months on the theory that she would be even less likely to talk if she was expecting another check, and on the expectation that she would be performing consulting work.

The campaign's report to the FEC that October listed the expense, naming Graves as oversight agent and payee and the purpose as "consulting fee." When FEC auditors challenged the expenditure during an audit that began in 1993, campaign lawyers explained that Graves was making the consulting payments.

The Clinton campaign committee wrote to the FEC that "the payment was for the costs of complying with postelection requirements of the act and for necessary administrative costs associated with winding down the campaign."

The campaign also gave the FEC a letter from Anthony S. Harrington of Hogen & Hartson, who drew up the settlement. The Nov. 4 letter said: "The payment in question was made to a former employee for transitional consulting services to be provided to the (campaign) committee over a period of approximately four months." Harrington wrote the FEC a second letter about the agreement, but the campaign asked for it back because it didn't want it to become public, according to Utrecht.

FEC auditors decided that the information wasn't enough to justify the use of federal funds, and with the repayment of the money, the commission has apparently closed the matter. The FEC can ask the Justice Department to investigate if it suspects that a campaign has deliberately lied about the purpose of a payment, but that rarely happens. In general, Trevor Potter, an FEC commissioner, said: "We are an agency that has far more cases than it has resources."

****NBC Nightly News****

6:30-7:00 PM

Feb 23, 1995

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Segment: Commentary: Not all Southern Baptists oppose Dr. Henry Foster's nomination for Surgeon General as reported at Southern Baptist Convention.

TOM BROKAW, anchor:

As we reported earlier this week, the Southern Baptist Convention, that's America's largest Protestant denomination, has come out against the nomination of Dr. Henry Foster to be the US surgeon general. Well, tonight, Bill Moyers puts that in PERSPECTIVE.

BILL MOYERS reporting:

Let's begin with a quiz with some familiar photographs seen often in the news. What does this man have in common with this man? And this man with this man? An this man with this man? You win a pair of angel wings if you said that Bill Clinton and Newt Gingrich, Jesse Helms and Jesse Jackson, Pat Robertson and Al Gore are all Baptists. So are Sam Donaldson and yours truly. Clearly, Baptists are a motley crowd.

The free exercise of conscience is the heart of the faith, the priesthood of the believer. And every local church is a democracy. No one can speak for all Baptists. But in the last decade, the Southern Baptist Convention was captured by a political posse allied with the Republican Party. Their hierarchy wants to impose conformity on the churches.

Suddenly, the 39 legal abortions performed by Henry Foster, which he says he did reluctantly, are a theological sin and a political opportunity. Despite studies showing Southern Baptists hold varying opinions about abortion, the hierarchy has pronounced all 15 million of them opposed to Foster's nomination.

The irony is that Henry Foster MD, himself a Baptist, has been a lifelong crusader against teenage pregnancy and probably more successful at preaching abstinence than a dozen doctors of theology. But when God becomes a partisan, religion becomes unforgiving and all subtlety excommunicated.

Suppose, though, that instead of reading National Review, New Republic, or The Nation, God reads only the human heart and looks with mercy on mortals like Henry Foster making hard choices in the anguished trenches of life. Would God vote yea or nay on the nomination? I don't know. And neither does any other Baptist.

Foster says he was late learning of experiment

WASHINGTON (AP) — Responding to fresh questions about his medical past, surgeon general nominee Dr. Henry Foster Jr. said yesterday he learned only belatedly about a controversial experiment involving black men in Alabama.

Both Foster and the Clinton White House released statements seeking to explain the nominee's connection with an experiment in which the U.S. Public Health Service had told the men they would treat their syphilis, but instead gave them placebos.

The new questions were raised by the Family Research Council, a group that opposes Foster's nomination to succeed Dr. Joycelyn Elders, who resigned earlier this year in the wake of a furor over remarks she made that school children theoretically should be taught about masturbation.

The council circulated excerpts from a 1981 book about the controversial U.S. Public Health Service experiment known as the

Tuskegee Project.

Council president Gary Bauer said the book showed that Foster had served on a 10-member local medical society board in Alabama that was briefed on the project in 1969 by the Public Health Service.

At the time in question, Foster was head of obstetrics at John A. Andrew Hospital in Tuskegee.

The local medical board gave the service its "surrogate informed consent," allowing the experiment to continue, according to the book *Bad Blood*, by James H. Jones, a history professor at the University of Houston.

Foster said he did not know about the experiment until 1972.

"I was outraged in 1972 when, as the president of the Macon County Medical Society, I first learned the facts of the Tuskegee Syphilis Study," he said in the statement released by the White House.

"Had I learned the facts of the study any earlier, I would have been equally outraged then, and I would have insisted on appropriate treatment, as I did in 1972."

Said presidential aide John Podesta: "Dr. Foster has stated unequivocally that he was not informed until 1972 that the federal government was conducting its study of untreated syphilis."

"While we have no doubt that those opposed to this nomination will try to distort the facts and use the actions of the government against Dr. Foster, we are confident that fair-minded people will reject those distortions."

The U.S. Public Health Service conducted the Tuskegee Project on poor black sharecroppers in Alabama 1932-72.

The nomination of the Nashville obstetric-gynecologist has been under fire from anti-abortion groups and conservative lawmakers since it was first revealed that he

had performed abortions. Some have also questioned his credibility for giving varying answers about the numbers of the abortions he has performed.

Reports also surfaced recently that Foster had performed hysterectomies on severely retarded women in the 1960s and '70s, a practice that the White House sought to minimize as being within the bounds of standard medical practice at the time.

Bauer, a White House domestic policy adviser during the Reagan administration, conceded that Jones' book did not say that Foster was present at the 1969 medical society meeting in question.

But he said it was enough that Foster was vice president of the medical society at the time.

"Nothing in the book says Dr. Foster was at the meeting. We don't have a piece of paper with his name on it. But he was the

"Had I learned the facts of the study any earlier, I would have been equally outraged then, and I would have insisted on appropriate treatment, as I did in 1972."

DR. HENRY FOSTER JR.

No. 2 person and there were only 10 people.

"Our view, however, is that this does with a pattern that if you go look at it and the hysterectomy stuff, Dr. Foster appears in it on what is the wrong side of ethical disputes about medicine." ■

Other action yesterday

Food stamps

Under pressure from farm-state Republicans, House leaders abandoned a campaign promise to disband the food-stamp program that helps 27 million Americans buy groceries.

The decision comes a day after a House committee voted to repeal several other federal nutrition programs, including school lunches, and return the money to the states in block grants.

Farm-state Republicans promised reforms that would tighten eligibility and cut the illegal trafficking, fraud and errors that drain an estimated \$3 billion a year from the program.

The decision means food benefits will continue to be available to poor Americans affected by other pieces of the GOP welfare-reform plan: the unmarried teen-age mothers who would be denied



Senate Majority Leader Bob Dole ponders a question during a Capitol Hill news conference where he discussed the proposed balanced-budget amendment.

Politics

In a biting rebuttal to Republican budget cuts, President Clinton said he would not be deterred

House jerks the reins on federal rule

WASHINGTON (AP) — The Republican-led House, declaring war on what it calls a bloated federal bureaucracy, voted yesterday to freeze executive regulations, brushing aside arguments public health and safety would be jeopardized.

The sweeping moratorium would halt thousands of environmental, health and safety rules awaiting action across the government — from standards on drinking water to rules on meat inspection and disposal of nuclear waste.

Its prospects in the Senate are uncertain and President Clinton has hinted he might veto the measure if it emerges from Congress without further health and safety assurances.

But Republicans characterized the freeze, part of the GOP's "Contract With America" agenda, as long overdue. They said it would sap the "avalanche of regulations" from Washington while Congress focuses on measures to make federal regulators more accountable.

The federal government issues hundreds of regulations annually. The rules and standards

are estimated to cost the economy as much as \$500 billion a year, according to GOP estimates.

It's unclear how many rules the freeze actually will affect. The bill's supporters have said as many as 4,300 regulatory actions — about a fourth of them final rules — are in the pipeline for this year.

These regulations are "a hidden tax on the middle class," declared Rep. David McIntosh, R-Ind., a freshman who has spearheaded the moratorium effort. He said federal red tape and rules have forced businesses to increase prices on everything from food to cars.

The bill received overwhelming support from Republicans, with only two GOP lawmakers opposing it. Fifty-one Democrats joined the Republicans in support. It was approved by a vote of 274-146 — still 14 votes shy of being a majority — and sent to the Senate.

All of Tennessee's representatives voted with the majority except Rep. Harold Ford, who voted against it.

Moratorium targets

- EPA regulation requiring testing of drinking water for cryptosporidium, a bacterium found in Milwaukee drinking water two years ago.
- Revised meat inspection procedures to ensure detection of bacteria contamination.
- Creation of a public database listing known child molesters.
- Compensation to Persian Gulf War veterans for undiagnosed illnesses.

The measure would suspend most federal regulations issued since Nov. 20 and bar agencies from imposing new rules through this year until Congress approves new permanent rules on regulators. Rules imposed on small businesses would be frozen an additional six months, those applying to the protection of endangered species would be extended through 1996. ■

Clinton taking risks on affirmative action

HEADLINE Black Leader Assails Foes of Surgeon General Nominee

- * Religion: Baptist official suggests opposition to Henry Foster is related to his race. Christian Coalition denies the allegation.

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- In a ringing denunciation of Republican and anti-abortion groups' opposition to surgeon general nominee Henry W. Foster Jr.,
* the president of the nation's largest black Baptist denomination strongly suggested Friday that race had become an issue in the faltering nomination.

- "We are sick and tired that every time a black man in particular (is nominated) we get into a problem. He's castigated, humiliated,
* upbraided and downgraded," said the Rev. Henry J. Lyons, who was
* elected president of the 8.5-million member National Baptist Convention last year.

- "The humiliation has to be felt by all African American people,"
* Lyons told a Downtown Los Angeles news conference. "We continue to suffer this kind of thing."

Foster, who is black, has come under attack by anti-abortion groups-including religious broadcaster Pat Robertson's Christian Coalition-since it was disclosed that he has performed abortions. Although Foster first reported performing fewer than a dozen, he later conceded that he is the doctor of record in 39 abortions since 1973.

- * Lyons' defense of the embattled Foster, a university leader and practicing obstetrician-gynecologist, comes at a time when even some Democrats say his confirmation is in doubt.
- * Lyons' remarks were also seen as a signal of his intention to
- * mold the National Baptist Convention into a formidable political force in the years ahead, to counterbalance the growing electoral might of the Christian right.

- Robertson and his Christian Coalition do not speak for all
* Christians, Lyons said. "The Christian Coalition has pushed this too far and gone too far to the right," he said. "There is another Christian voice. It is the African American voice."

On Friday, a spokesman for the Christian Coalition vigorously denied that opposition to Foster was based on race.

"I think the effort to make this a racist issue is really another effort by the liberal left to pump smoke in front of a very

*fax to JDS
Please call
Ray*

troubled and very weak nominee," coalition spokesman Mike Russell said in an interview from Virginia Beach, Va. "This issue has never been about race and has never been solely about abortion," said Russell, referring to Foster's "lack of candor" on his abortion record.

- * Lyons defended Foster's record. He said that although the nominee had performed abortions, he had also "preached and
 - * advocated" sexual abstinence. "That's where we stand," Lyons said. He charged that opponents have taken Foster's record out of context and that the nominee is the victim of rumor and innuendo.
 - * Lyons said Robertson has pitted himself against blacks by opposing publicly funded abortions. "The fact of the matter is that without that law in place our
 - * young girls would take abortion into their own hands," Lyons said. "If anyone opposes (legal abortions) I believe you have to look and say they are actually against black people and their welfare."
 - * At the same time, Lyons assailed House Speaker Newt Gingrich's "contract with America," including its welfare reforms and plans to scale back affirmative action programs, calling the legislative agenda anti-black.
 - * "We are also conservative," Lyons said. "We're not a bunch of freeloaders." Still, he said, blacks are very often the last hired and first fired. "We're saying affirmative action has not gone too far. White folks are not hurt. They still have all the power and the money," he said.
 - * Lyons said it is time for black churches to become politically active again, as they were during the civil rights struggle of the 1960s. A conference will be held in June in San Diego to develop a voter registration and get-out-the-vote organization in time for the 1996 elections, he said.
 - * Lyons was in Los Angeles to announce that the National Baptist Convention will hold its annual meeting at the Los Angeles Convention Center in 1997. A convention center spokesman said the meeting would pump \$10 million into the local economy.
 - * @Art PHOTO: The Rev. Henry J. Lyons is head of the National
 - * Baptist Convention.
- / AXEL KOESTER / For The Times

End of Story Reached

Surgeon general flap is partisanship as usual

President Clinton's nominee for surgeon general, Dr. Henry Foster, was teetering at press time and appeared on the brink of being tossed as both antiabortion and abortion rights forces stepped up their assault on his record and character.

Conservative opponents focused on contradictory statements he made about the number of abortions he had performed and on 1981 reports about an abortion-inducing drug he was involved in testing. Abortion rights activists were upset that he and his supporters had discussed the numbers and the kinds of abortions he had performed. Their argument: It was simply no one's business.

With Foster under attack, Democrats complained that the White House was not adequately defending

the prospective surgeon general, an obstetrician and gynecologist from Tennessee.

A handful of Senate Democrats spoke out in support of Foster. But the Senate Democrats did not present a united front on the issue.

By week's end, the debate seemed to be boiling down to how many legal abortions Foster had performed in a 30-year career in a field in which abortions are common, and whether his recollections fit all the facts.

All of this, of course, was allegedly aimed at determining whether Foster would make a competent surgeon general. But there was a sense that what was really

going on was partisan politics as usual.

The country is divided on how the nation should deal with value-packed personal and family issues. Of all the political appointments a U.S. president makes, none seems to get into these issues more than the surgeon general.

In a way, the discussion suggests that good health and good morality go hand in hand, or should. The Catholic church, with its traditional emphasis on "natural law" theology, has, of course, advocated this linkage, even as some Catholic theologians main-

tain that church views of natural law are too biologically construed and nar-



—CNS

Henry Foster

rowly defined, and fail to consider the broader insights of modern behavioral science.

This aside, the Foster appointment and its apparent stillbirth are symbolic of the time. Under scrutiny and political pressure, his support started to erode from both the far left and the far right. He ended up standing in the lonely middle.

Foster, according to published accounts, is an intelligent and concerned physician with ideas aimed at attacking the conditions that lead to teenage pregnancies, a pressing national crisis. On the surface, not a bad choice for surgeon general.

But what was happening last week was not just "on the surface" politics. It was part of the narrow-minded, shortsighted, tight, tense partisanship that is crippling the nation. ■

Melanne Verveer

*From the
liberal
Catholic
paper*

Melanne Verveer

From the
DC. diocesan
page

I talked to me
USCC - They're not
going to take a but
position. but
individuals
might

White House stands behind Foster despite mounting opposition

By Nancy Frazier O'Brien
CATHOLIC NEWS SERVICE

The White House has vowed to stand behind President Clinton's choice for surgeon general, Dr. Henry W. Foster Jr., despite mounting opposition to his record of performing abortions and involuntary sterilizations of retarded women.

"We will fight for this nomination," Leon Panetta, White House chief of staff, said Sunday. Meanwhile, Foster attended Sunday services at his home church, First Baptist Church in Nashville, Tenn., and asked the congregation to pray for him.

But prayers might not be enough to assure Foster's confirmation as surgeon general.

Among the objections to the 61-year-old Foster were his longstanding ties to Planned Parenthood, the inability of White House officials and Foster himself to pinpoint the number of abortions he had performed, his leadership of an experimental program to test an abortion-inducing drug and his participation in performing hysterectomies on mentally retarded women in the 1960s and 1970s.

Thomas Grenchik, director of pro-life activities for the Archdiocese of Washington, blasted Foster's abortion and sterilization practices as well as his involvement on the national board of Planned Parenthood.

"The White House has picked Dr. Henry Foster and has promoted him as a mainstream kind of guy.

Mainstream? Most Americans don't want an abortionist to be 'America's Doctor,'" Grenchik said.

Grenchik likened the choosing of a surgeon general to choosing a family physician. "I'd pick a doctor who respects life at all stages ... and who respects persons with developmental or physical disabilities," he said. "In other words, I wouldn't pick Dr. Foster."

Even before the Senate Labor and Human Resources Committee set a date for Foster's confirmation hearings, several key senators of each party said they would vote against him.

"They should have taken, the finest doctor they could find in the country, someone near retirement without any controversy," said Sen. Joseph Biden (D-Del). "It's not like this is the only doctor in the world."

Clinton administration officials sought to counter the many reports about Foster's involvement in abortions or sterilizations by circulating documents meant to show him as a mainstream doctor dedicated to bringing healthy babies into the world.

"The use of abortion solely as a form of contraception, although acceptable in some parts of the world, has not become prevalent in the United States," Foster said in one of the papers distributed by the White House. "Clearly, this would not be ideal for patients with sickle cell disease."

Currently on the board of directors of Tennessee Planned Parenthood, Foster was a member of Planned Parenthood's national board in 1978-81 and its national advisory council in 1981-85.

Since 1989, he has served on the National Leadership Committee to Keep Abortion Safe and Legal, a Planned Parenthood affiliate organization.

Since the nomination was announced Feb. 2, Foster or government officials have estimated the number of abortions he performed in his 38 years as an obstetrician and gynecologist at one, fewer than a dozen or 39.

But the transcript of a 1978 hearing of the Department of Health, Education and Welfare's Ethics Advisory Board, on which Foster served, showed him claiming to have already performed up to 700 abortions by then. "I have done a lot of amniocentesis and therapeutic abortions, probably near 700," he is quoted as saying.

The transcript also shows that Foster sometimes clashed with the board's Catholic member, Jesuit Father Richard A. McCormick, over the use of fertilized embryos for experimentation. At the time the priest was professor of Christian ethics at Georgetown University.

"The abortion issue is terribly controversial and divisive, and anyone who isn't squeaky clean on the issue" should not have been nominated, Father McCormick said.

Pro-life groups opposing the Foster nomination also focused on the 1981 clinical trials of an abortion-inducing drug that occurred at Meharry Medical College in Nashville. Foster was principal investigator in the study of a vaginal suppository that induced abortion. Fifty-five of the 60 pregnant women who received the experimental drug aborted through use of the drug.



St. Vincent de Paul Church

I HAVE
A FUTURE

THOMAS S. ENGLAND

HANGING TOUGH

Surgeon General nominee Henry Foster fights back

AS DR. HENRY FOSTER STROLLS along a dusty redbrick housing project in Nashville, he is treated like a hometown hero. Bill Clinton's embattled choice for Surgeon General is greeted by dozens of friends in the close-knit black community he has served for more than 20 years. "Hang in there, doctor!" shouts a woman from a passing van.

"I am," responds Foster with determination. "I am."

Indeed, the 61-year-old obstetrician-gynecologist is braced for the fight of his life. So is the White House. For the first time since becoming President, Clinton seems willing to back a controversial nominee in a major confirmation battle—even though the debate will take



COURTESY HENRY FOSTER

▲ "Sometimes I have to sacrifice a fetus to save a mother's life," says Foster (at his youth program in Nashville). "That is a terrible thing."

◀ During World War II, 12-year-old Foster helped his father, Hank Sr. (left), sell eggs in Pine Bluff, Ark.

place in the new Republican-controlled Senate. Foster, meanwhile, is going on the offensive, angered by conservatives who have attacked his record. "My every move has been watched professionally for the last 20 years," he told PEOPLE. "Now these right-wing groups are grasping at anything. Well, that is totally unacceptable."

Foster's problems began just days after his nomination on Feb. 2. At first he told reporters he had performed "fewer than a dozen pregnancy terminations." But as conservative groups began examining his record, he was forced to concede

that the actual tally was 39. His credibility came under further attack when he admitted he had supervised clinical trials on an experimental drug in the early '80s that ended another 55 pregnancies. "Foster has been in the forefront of the movement for abortion," claims Douglas Johnson, legislative director of the National Right to Life Committee. "Any effort by the Clinton Administration to paint him otherwise is misleading."

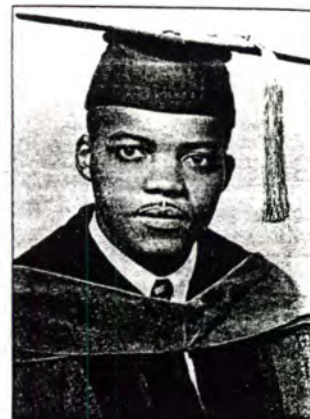
Foster says of the abortion controversy, "I should never have gotten into counting. Why should I? I don't know of a single legislator in Washington whom



◀ "I wasn't prepared for this," says Sandy Foster (with Henry at an NAACP dinner).

► In 1958, Foster graduated with honors from medical school in Arkansas.

▼ Al Gore joined the Fosters in Nashville on Feb 13.



UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES



DOUG MILLS/AP

you could walk up to and ask, How many times have you voted on a labor bill? and get a specific answer."

Foster has also come under fire from the conservative Family Research Council, which charged that he had tacitly supported the Tuskegee Project, an infamous federal study in which some 400 poor black men with syphilis were left untreated so public health doctors could track the effects of their disease. An angry Foster insists he actually led a move in 1972 to get the men medical

treatment, and says the charge is politically motivated. "The moment we found out that treatment was withheld, we were outraged. This is all just pure distortion."

In many ways Foster, who grew up in Pine Bluff, Ark., has spent his life defying long odds. His father, Henry Sr., a high school science teacher, and mother, Ivie, a college art teacher, taught young Hank and his sister Doris that education was the way to get ahead in the segregated South. "My father would

point to his brain and say, 'The key to unlocking everything is here,' " Foster recalls. "I believed him."

After earning a biology degree at Atlanta's Morehouse College in 1954, Foster entered the University of Arkansas Medical School, where he was the only black in the class. Graduating in 1958, Foster interned at the Detroit Receiving Hospital, where he met St. Clair "Sandy" Anderson, now 58, a nurse he married two years later. The couple has two children: Myrna, 32, an intermediate-school teacher in McLean, Va., and Wendell, 31, a director of research at Walt Disney Television in Burbank, Calif.

For most of his career, Foster has dedicated himself to helping the less fortunate, working mainly at John Andrew Memorial Hospital in Tuskegee, Ala., and Nashville's Meharry Medical College—and piloting his own Cessna, a passion, to see patients at both medical centers. In 1987, Foster developed his highly praised "I Have a Future" initiative, which has taught hundreds of Nashville's disadvantaged teens the value of sexual abstinence and education. That work was recognized by George Bush in 1991 as one of his "Thousand Points of Light."

Foster says he was cheered by a recent phone call from his "good friend" Joycelyn Elders, the Surgeon General fired by Clinton last December for, among other things, her controversial remarks about masturbation. She advised him to "tell the truth and be yourself"—and Foster intends to do just that when his confirmation hearings begin in the Senate this month. "I try to confront challenges with three things: intelligence, energy and integrity," he says. "Those are the values I try to teach."

■ DAVID ELLIS

■ JANE SIMS PODESTA in Nashville

John - note.
see
T.

Nominee's School Program Offers Alternatives to Teens

By RICK BRAGG
Special to The New York Times

A1

THE NEW YORK TIMES
SATURDAY, FEBRUARY 11, 1995

NASHVILLE, Feb. 10 — Ideals that are not propped up with practical solutions do not stand much of a chance in the John Henry Hale housing project here. Young women who live in and around the neighborhood say morality alone has seldom saved anyone from the cycle of teen pregnancy.

Amelia Turner, 18, is a five-year veteran of I Have a Future, an after-school program that teaches teenagers to delay sex and childbearing, allowing them to build careers and lives. The program, started in 1987 by President Clinton's nominee for Surgeon General, Dr. Henry W. Foster Jr., combines job training, tutoring, medical services and family planning.

Ms. Turner, the child of a single parent, plans to attend college this fall. She said Dr. Foster's program saved her and hundreds of young women like her. She said it is misguided for anti-abortion groups to oppose his nomination over how many abortions he performed.

"No matter how many he did, he could have done many, many more," she said. "They don't realize what goes on in the real world. People, wake up."

Ms. Turner, others in the program, and doctors who have worked with Dr. Foster through the years credit his program with using common sense and incentives, not just speeches about abstinence, to keep teen-agers from being held back by the weight of newborn children.

Dr. Lorraine Williams Greene, the project's director, stressed that the program does not work with pregnant girls or offer abortion counseling. Rather, she said, counselors teach the young people about abstinence, responsibility and self control. As a last resort, she said, teen-agers who insist on having sex are sent to the program's medical personnel, who dispense condoms or birth-control pills if deemed appropriate for their age. She would not say what percentage of the teen-

Continued on Page 8, Column 1

Teens Offered Alternatives to Pregnancy

Continued From Page 1

agers were given birth control.

Dr. Greene said the program is so successful that there have been only a few pregnancies among the 800 to 1,000 young women who took an active part in the program. About three-quarters of teen-agers in the city housing projects have sex by age 15.

Financed by foundations and private donors with some state money, the program is administered by the Department of Obstetrics and Gynecology at Meharry Medical College. A Meharry nurse practitioner supervises the program's medical staff.

Last Thursday night, some 30 members of I Have a Future crowded into the meeting room in the John Henry Hale project and one by one compared life now with what might have been. In three years, Nakeeta Hunter, 16, went from "not caring about my grades to being on the honor roll." Now she plans to go to college.

Tasaundra Dooley, 16, said, "They taught us that we don't have to be pregnant." Although birth control and abstinence are part of this plan, what the program really does is give her a reason not to join the ranks of unwed mothers, she said.

It makes some of these young people angry to hear a heated debate on abortion from wealthy and powerful people whose children have relatively little to worry about.

"Most of us live in troubled neighborhoods," said 15-year-old Melissa Hunter. "We have children in middle school having babies."

The Surgeon General is in many ways a symbolic position, but the young women and men in I Have a Future, along with several colleagues, say he would bring on practical, workable solutions to the nation's health problems — the same way he brought solutions to the young women at John Henry Hale.

The abortion debate in this case "is a shortsighted issue," said Dr. Richard Smith, director of the Adolescent Gynecology Clinic at Henry Ford Hospital in Detroit, the city where Dr. Foster did his internship. "I think when you look on balance at the work this man has done throughout his career, we really should be applauding the efforts that he has made," he said.

Dr. Foster, a 61-year-old obstetrician, was nominated last week to succeed the outspoken Dr. Joycelyn Elders, whom Mr. Clinton dismissed in December. The choice was supposed to be conciliatory, but conservatives in the past week have rallied against Dr. Foster, because he performed abortions, and because he performed more than either he or the White House originally claimed.

"I don't think doing abortions characterizes Hank Foster," said Dr. David E. Satcher, director of the Centers for Disease Control and Prevention, the former president at Meharry.

Conservatives have also attacked I Have a Future for dispensing birth control items.

In an interview on the ABC News program "Nightline" on Wednesday, Dr. Foster said "no" when asked whether he favored the widespread distribution of condoms. He called abstinence "our first route," without elaborating on further action.

Dr. Foster had been on the faculty at Meharry since 1973 and served as acting president for six months after the departure of Dr. Satcher in 1993. He played a central role in negotiating with Nashville officials over the merger of the city-owned Metropolitan General Hospital with Meharry Hubbard Hospital. That merger is crucial to the medical college, which has lost its accreditation because of declining business at its own, historically black teaching hospital.

It is for his work in poor neighborhoods that Dr. Foster has drawn most of his accolades. I Have a Future is not his first such program.

In the 1970's, when he was elected to the prestigious Institute of Medicine, he fought infant mortality and teen pregnancy in rural Alabama, said Dr. Satcher. Throughout his 37-year career, Dr. Foster worked to prevent pregnancies among poorer young people and to head off the health threats to mother and child caused by too-young pregnancies, Dr. Satcher said.

The I Have a Future program reaches only a fraction of the young people in Nashville, but friends of Dr. Foster, including the teen-agers involved, believe it could be a pilot program for the nation.

It addresses much more than sex, said Dr. Satcher and teen-agers involved in the program. It is based on

common sense and self-esteem, and slowly, steadily — through informal classes almost every day after school — teaches them how a baby can forever limit their lives, and how to value their own lives.

Dr. Satcher explained how Dr. Foster and others envisioned the program. "They told me that teenage pregnancy is really not the problem," he said. "It is a symptom, like violence, like drug abuse. The real problem is the attitudes of these young people toward the future. And so they called the program I Have a Future, and they dealt comprehensively with creating a better attitude in these teen-agers about themselves and about the future."

"They felt that if they could do that, the teen-age pregnancy problem would be taken care of, too, because the young people would have a reason for delaying sexual behavior. You weren't just saying, 'Say no to sex.' You were saying, 'You have a reason to value yourself.'"

Tutors help with studies. Volunteers show teen-agers how to get and keep a job, or even start their own business. But most important, there is always a place to go and someone to talk to, even if it is just with each other.

Melissa Hunter has never met Dr. Foster, but she said his brainchild gives her and her friends a choice they seldom had before. A few make it out of the projects and their teenage years without a baby and the limitations that one brings, purely on strength of character alone, she said. But it is hard.

"Here they keep you too busy to get into trouble," she said.

Jason Gordon, an 18-year-old whose mother died last year, lives with a sister. He has had every chance to fail, but seven years in the program kept him working, thinking, planning.

Now, every morning, he walks several blocks from his project to Fisk University, where he is studying business. "He's a role model for the others," Dr. Greene said.

Mr. Gordon said: "I would have never gone to college. I needed something to be part of."

The program taught him one thing most of all, he said.

"I know I'm not ready to have a child."

PHOTOCOPY
PRESERVATION

Let the good doctor be heard

If Dr. Henry W. Foster Jr. had made a career as an abortion clinic operator, the rush to criticize his selection as the next surgeon general would not seem out of the ordinary.

If he were prominent at one end of the abortion-debate spectrum, President Clinton would be taking the heat he'd asked for by forwarding such a vulnerable nominee to a Republican-controlled Senate quite respectful of the fact that abortion remains anathema to many Americans.

In fact, however, the Tennessee obstetrician-gynecologist, whom President Clinton picked last week to replace Dr. Joycelyn Elders, made a name for himself by delivering babies—thousands and thousands of them—and by preaching abstinence to teenagers in two Nashville housing projects.

By all accounts, he is pretty far from a specialist in abortions, having performed, in his words, "fewer than a dozen" in a 30-year career.

Yet it is the abortions and the fact Foster serves on the board of Planned Parenthood of Tennessee that have inflamed anti-abortion groups and a number of Republican lawmakers altogether too eager to rush to judgment on the surgeon general nominee.

Sen. Dan Coats of Indiana, for one, called Foster "a former abortionist" and predicted a battle over his confirmation. Sen. Trent Lott of Mississippi said, "I

do think it is in serious trouble."

Wait a minute here, senators. Let the good doctor have his day in the legislative hearing room first.

And in keeping with custom on such nominations, let the president have the surgeon general of his choice unless strong evidence emerges to show that he is unqualified.

That Foster performed abortions—most of them, he said, in cases involving rape or incest or danger to the mother's life—ought not automatically disqualify him.

Abortion is a legal medical procedure, after all, despite its opponents' ardent wishes to the contrary. It would be unusual for a veteran physician to be free of any experience with it.

Members of the Senate, where the Foster nomination will survive or die, ought to withhold judgment until after hearings. They should weigh the doctor's total record, too, including the I Have a Future program he started in Nashville to urge teenagers to delay sexual relations and childbearing.

"My view is we shouldn't shoot down somebody before he's even had a hearing," Senate Majority Leader Bob Dole said.

Quite right. If they want to do the fair, responsible thing, critics of Dr. Foster who have zeroed in on his "fewer than a dozen" abortions will hold their fire.

Foster Article Cited Caution on Surgeries

■ **Nomination:** Choice for surgeon general warned in 1976 article against 'injudicious, indiscriminate' use of hysterectomies. He urged 'informed consent.'

By MARLENE CIMONS
and PAUL RICHTER
TIMES STAFF WRITERS

WASHINGTON—Surgeon General nominee Henry W. Foster Jr.'s 1976 medical journal article that acknowledges he performed hysterectomies on severely mentally retarded patients also warns against "injudicious and indiscriminate" use of the surgery and urges "informed consent" for patients, a relatively new medical doctrine at the time.

The tone of the article could be interpreted in a way that puts Foster somewhat ahead of mainstream medical beliefs in recognizing potential for abuse in performing hysterectomies on mentally disabled women without permission, mental health experts and others said Monday. Foster's medical opinions appear closer to medical beliefs today, when such practices are regarded as unethical and often result in litigation, they said.

"Obstetricians and gynecologists must guard vigorously against the injudicious and indiscriminate removal of the normal uterus," Foster wrote in the January, 1976, issue of the Southern Medical Journal. "Failure to do so will only serve to reinforce much of the hostility and suspicion currently directed toward our discipline."

Much of that suspicion exists "because there is a failure to communicate the concept that removal of the anatomically normal uterus can be completely justifiable," he wrote. Consequently, "efforts must be made to inform patients and uninformed critics."

Taking those positions put Foster ahead of most physicians at the time, said Arthur Caplan, director of the center for bioethics

at the University of Pennsylvania.

"He was not taking the older stance which was: Doctors can sterilize whichever incompetent people they choose without permission or apology—he said it has a limited use for a small number of women and only if you notify a guardian or parent," Caplan said. "Was it enough? No. But he was ahead of where everyone else was at the time."

Foster has been under attack by anti-abortion groups and other critics for his record in performing abortions. Although he first said that he had performed fewer than a dozen, he acknowledged last week that he is the doctor of record on 39 abortions since 1973. The number of abortions he may have performed before then, if any, is not known because hospital records are incomplete.

The White House has responded by stepping up its defense of the nominee and by releasing documents that portray Foster as dedicated to improving the health of poor people. Those documents include the 1976 article that mentioned hysterectomies on the mentally retarded, a practice that White House officials conceded could raise new complaints about Foster, although there actually has been little criticism of that aspect of his career.

Monday, Vice President Al Gore, traveling in Nashville with Foster, denounced opponents of Foster's confirmation. "We're not going to let the extremists win," he said.

The White House also charged that Republicans were leading the anti-Foster campaign as a pay-back for the contributions and votes of anti-abortion groups. White House Press Secretary Mike

McCurry seized on reports that the National Republican Senatorial Committee, which raises money for Senate candidates, gave \$175,000 to the anti-abortion National Right to Life Committee before the November, 1994, elections.

McCurry said that anti-abortion groups have "the Republican Party by the nose and they're dragging them around."

Despite the vigorous defense, a leading Democrat predicted that Foster's nomination would be defeated if a vote were to occur now.

"You'd probably get almost no Republicans going for it," said Sen. John B. Breaux (D-La.), chief deputy Democratic whip. And, he said in an interview, even among Democrats "you'd probably have some that are not going to vote for it."

The 1976 article by Foster generally was not about performing the procedure on the mentally disabled, but about medical conditions under which an otherwise normal uterus could be removed.

The White House confirmed that Foster performed involuntary hysterectomies, but said that he had been involved in only a small number. Experts, describing the climate at the time, said that such medical procedures were routine and that laws and attitudes regarding patients' rights—particularly those of the mentally disabled—were being widely debated and evolving during the early 1970s.

"Today the procedure has generally become so sensitive that it almost always takes court orders for people with mental retardation to go through sterilization or hysterectomies," said Dr. Alan Abeson, executive director of The ARC, a national organization on mental retardation.

The change in attitudes toward the mentally disabled over the last two decades can be measured in "light years," Abeson said.

Times Washington Bureau researcher D'Jamila Salem contributed to this story.

Don't politicize the public's health

By Sen. Frank Lautenberg

Last week, the president recommended to the Senate Dr. Henry Foster to serve as the surgeon general of the United States. Dr. Henry Foster should not be disqualified by the Senate to serve as surgeon general because he performed legal medical procedures.

Dr. Foster is a distinguished physician who appears to have the professional qualifications to discharge the responsibilities of the surgeon general. He should not be dismissed because, in the course of his long career, he has provided medical services to women faced by problem pregnancies. As far as we know, he has acted well within the confines of the law. I urge all senators to keep an open mind on this nomination, and to permit Dr. Foster to participate in impartial and fair hearings before the Senate Labor Human Resources Committee.

Anti-choice groups have attempted to create a firestorm around this nomination, and make the issue of abortion services a litmus test for public service. This is wrong headed. The Supreme Court has ruled that abortion rights has the broad support of the American people. An ideological minority should not have veto rights over administration appointments.

It is ironic that anti-choice groups are trying to destroy a nominee who appears to have spent much of his career trying to prevent teenage pregnancies — thus

Foster is qualified

reducing the prospect of abortion as a means of dealing with an unintended or problem pregnancy. Those who oppose abortion should be Dr. Foster's strongest supporters.

And at a time when we are confronted by the grim statistics of teen pregnancy, Dr. Foster founded a program in Nashville called "I have a Future." This program tries to reduce the problem of teenage pregnancy by encouraging abstinence, hard work, college preparation and job training. It has been so successful that President George Bush recognized it as one of his "thousand points of light" in 1991.

Abortion is a legal medical procedure in this country. If anti-choice groups want to criminalize abortion — make it illegal — they should make their case through the legislative process. Several constitutional amendments are and will be proposed for consideration in

this Congress. Anti-choice senators who want to reduce or prohibit abortions should pursue that route, and not conduct a witch hunt on an apparently dedicated and qualified nominee.

If Dr. Foster's nomination is defeated solely for this reason it will send a chilling signal throughout this country.

It will say to any health professional who has performed abortions or is considering becoming a gynecologist — you will never work for the Department of Health and Human Services. You will never be confirmed by the United States Senate. You cannot serve your country.

We have yet to review Dr. Foster's entire record, nor has the Senate. But when we do, I hope we will concentrate on relevant criteria and not focus on one ideological issue. In the best of our medical traditions, Dr. Foster counseled his patients privately and provided them with medical treatment arrived at jointly between patient and doctor. He acted entirely appropriately and within the law.

If Dr. Foster is not permitted a fair and impartial hearing, focused in his professional qualifications to carry out the duties of the surgeon general, we will have politicized a critical public health function in this country and degraded the reputation of a man who has spent 40 distinguished years in public health.

Frank Lautenberg is a senator from New Jersey.

Clinton should withdraw Foster's nomination

By Sen. Don Nickles

Over the past week, a firestorm has erupted over President Clinton's nomination of Henry W. Foster as surgeon general of the United States. I believe that the president erred when he chose Dr. Foster as surgeon general and I believe that the president should withdraw his nomination immediately.

President Clinton has said that the only people who are fighting this nomination are those who oppose abortion. He is wrong. I oppose abortion, but I believe the nomination should be withdrawn because of the nominee's lack of credibility. Dr. Foster has shown he has trouble with the truth.

In the space of less than a week, Dr. Foster has given three different estimates of the numbers of abortions he's performed. Initially, he told administration officials that he'd performed just one abortion. Then, he issued a statement that said, "As a private practicing physician, I believe that I performed fewer than a dozen pregnancy terminations." Later on ABC's "Nightline," Dr. Foster recanted his earlier estimates and provided a new estimate of the number of abortions he's performed: "39 of those cases in 38 years in practice."

But two days later, the Associated Press reported Dr. Foster had performed an undetermined number of abortions prior to 1973 — abortions that are not included in the 39 abortions he admitted to having performed on "Nightline." Dr. Foster also does not count abortions performed on women who participated in clinical trials of an experimental drug. Dr. Foster was chief investigator for those trials in which the drug successfully induced abortions in 55 of the 60 pregnant women who participated. Four others had to undergo surgical abortions, and one carried her baby to term. Nor does the "Nightline" statement square with records of Dr. Foster's earlier statements about abortions. In 1978, Dr. Foster was a member of HEW's Ethics Advisory Board. Transcripts of one meeting of the board indicate the Dr. Foster made the following statement: "I have done a lot of amniocentesis and therapeutic abortions, probably near 700."

At first, the administration suggested the transcripts were counterfeit, that Dr. Foster may not have attended the meeting and that the statement may have been made by a different Dr. Foster. They have since conceded that the transcripts are genuine, but the nominee categorically denies having made the statement, despite official government transcripts to the contrary.

The nominee has trouble with the truth

Despite three separate estimates supplied by the nominee, we still do not know how many abortions Dr. Foster has performed. Dr. Foster has also had trouble with the truth in discussing his records as an administrator at Meharry Medical College. On "Nightline" Foster said, "We have a responsibility in training residents to maintain our accreditation. Very difficult job. I maintained an accredited residence program for 17 years." But The Washington Times later reported the obstetrics residency program lost accreditation in 1990 when Foster was department chair. That accreditation, the article says, has not been recovered, meaning that Meharry Medical College cannot place students in hospital residency programs in obstetrics.

There's more to that story. Dr. Foster became Dean of Meharry Medical College later in 1990. The following year, according to USA Today, two other medical residency programs at Meharry also lost accreditation: pediatrics and surgery. This raises further questions about Dr. Foster's credibility. On "Nightline" he presented himself as someone who had maintained accreditation of Meharry's obstetrics residency program. But he neglected to mention that he was department chairman when that accreditation was lost.

Still another chapter to this story was added this weekend when the White House confirmed that Dr. Foster had been involved in sterilizing mentally retarded women during the 60s and the 70s. This nomination should not go forward. I have never met Dr. Foster. I am told that he is a good physician, and I am sure that is true. He evidently has done a great deal throughout his medical career to help the poor and disadvantaged. I compliment him on his record of public service. But I cannot support his confirmation as surgeon general because he has trouble with the truth.

Dr. Foster or President Clinton should withdraw this nomination immediately.

Don Nickles is a senator from Oklahoma.

Mailbox

AOC cutbacks called unfair

To the Editor:

Back before working for your government was a crime for which penalties had to be paid, such as arbitrarily mandated unemployment or underemployment, thousands of workers served the Congress of the United States, Democrats and Republicans, with the Architect of the Capitol.

As The Hill reported on Feb. 8, hundreds of those employees, who are people, not just numbers, face the wreckage of their lives through no fault of their own. People with families, mortgages, car notes, children in school and college. Tax-paying citizens who believed in the value of work over the dole, who contributed to the government rather than taking away from it. Heads of house-

holds, some of whom would be on the welfare rolls except for their AOC employment.

And, for the many AOC employees who have suffered the indignity of racism and discrimination over the years, there looms the ultimate indignity of unemployment, or employment at less than a living wage.

Work with dignity has heretofore been the American way. We castigate those who do not work. Where is the fairness in taking away jobs from those who do want to work? There must be a more humane way to reduce government employment that is bloated than this present policy of pillage.

Sincerely,
Solomon Landers
Assistant Night Superintendent
House Office Buildings
Architect of the Capitol

Henry Foster owes no apology

In an address to medical students Friday, Dr. Henry Foster Jr., President Clinton's nominee for surgeon general, ably defended his 38 years of medical practice. While his performance was reassuring, it was a defense that should never have been necessary. There is nothing in Foster's record that suggests he should have any explaining to do.

The White House showed its penchant for fouling up even relatively simple appointments when it allowed itself to get caught up in a numbers game with rabid anti-abortionists over how many of the procedures Foster has performed. The numbers do not matter. Foster, an obstetrician-gynecologist, has done nothing illegal or immoral. Abortion is the law of the land and an accepted part of mainstream medical practice.

President Clinton can still act to shore up Foster's nomination. To do so, the president must stand firmly — and publicly — behind the nominee. The president and his aides can also stop attempting to answer questions about the number of abortions Foster has performed.

Equally important, White House aides must stop acting as though Foster somehow misled them when he initially told White House interviewers that he performed a dozen or so

abortions. In nearly four decades of practice in which he delivered more than 10,000 babies, Foster could hardly be expected to remember off the top of his head how many of his medical procedures had been abortions.

Medical experts point out that it is not at all unusual that an obstetrician-gynecologist of Foster's age would have performed abortions;

those experts estimate that about half of those of Foster's age have. Particularly in the years immediately after abortion became legal, most were performed in physicians' offices instead of abortion clinics.

The controversy incited by rabid anti-abortionists has not changed three factors fundamental to Foster's nomination. He continues to enjoy the support of the American Medical Association and the American College of Obste-

tricians and Gynecologists. He remains an expert in preventing teen pregnancy, which is one of the things that attracted President Clinton to him in the first place. And the majority of Americans still support legal abortions.

President Clinton, whom many Americans perceive to be weak, ought to welcome the opportunity to stand up to the Republican Party in support of a nominee like Henry Foster.

*It doesn't matter
how many abortions
were performed by
President Clinton's
surgeon general
nominee. Foster has
done nothing illegal
or immoral.*

Painful process for Foster

IT is flatly agonizing to see one of Nashville's most respected professionals and community leaders, Dr. Henry Foster, become the victim of character assassination.

The day after President Clinton named Foster as his nominee for surgeon general, some anti-abortion groups began picking him apart.

One group said that Foster had performed "nearly 700 amniocentesis and therapeutic abortions." Another said that Foster had been involved with an experimental self-abortion study in the early 1980s.

The White House has maintained that Foster has performed about a dozen abortions in the span of his career, and that most of those pregnancies were the result of rape or incest, or threatened the life of the woman.

However, Foster said last night in an interview on ABC's *Nightline* that he had performed 39 abortions. The vastly different characterizations of Foster's career have led to questions about this man's veracity and his honor.

Those in Washington and throughout the nation who hear the reports — both pro and con — on Foster may not know whom to believe. There should be no doubt in this state. And there should be no doubt in Tennessee's congressional delegation.

Fred Thompson said this week that he had not met Foster. That's too bad for both of them.

Still, Thompson and the nominee are bound to have scores of mutual friends, people throughout this community who have worked with Foster, who can vouch for his high personal and professional standards.

And Bill Frist, as a fellow physician, has known Foster for years. He is

Frist, Thompson can play crucial role

certainly well aware of Foster's contributions to Meharry Medical College, to health care, and to this community.

These two Tennessee senators have a responsibility to assure their colleagues in the Senate that Foster is an honest man, whose character and integrity are beyond reproach.

Frist could play a particularly crucial role. He now sits on the Senate's Labor and Human Resource Committee — the committee that will hold hearings on the Foster nomination. As the Senate's only physician, any comments that he might make about the practice of an obstetrician/gynecologist, and the likelihood of an ob/gyn having to terminate a pregnancy would be especially important.

All of the questions about Foster's medical practice should be answered in the Senate committee hearing. But those questions can be asked and answered without impugning the character of this distinguished, gracious and caring man.

Tennessee's two senators can help their colleagues explore Foster's background without subjecting him to ridicule. If they accomplish that, they will have done this entire nation a great service. ■

Editorial policy

THE editorial board of *The Tennessean* includes Sandra Roberts, managing editor/opinion; Mike Morrow and Ellen Dahnke, editorial writers; Sandy Campbell, cartoonist; Terry Quillen, op-ed page editor; and Dwight Lewis, columnist.

Wasting Foster

Don't let one distorted issue deprive a nation of this doctor's immense gifts

By JOHN S. SERGENT, M.D.

"PLEASE help me," she sobbed, her long red hair getting wet by her tears. "I am not going to have this baby."

The year was 1966, well before Roe vs. Wade, and I was an intern in the emer-



SERGENT

gency department in inner city Baltimore. She stood out like a rose in a field of thorns. Most of our patients were people of the street — alcoholics, drug addicts, the forlorn and forgotten.

She was beautiful — tall, athletic, flowing red hair. And she had tricked me, and I was angry. She had been brought to the emergency room several hours earlier with a story of acute flank pain. She was crying out, rolling from side to side, obviously in anguish.

Despite the normal laboratory tests, I was so convinced of her probable diagnosis, a kidney stone, that I gave her morphine for her pain and ordered an emer-

gency intravenous pyelogram — an X-ray of her kidneys and lower urinary tract. The X-rays were normal, but the radiologist had noted an enlarged uterus.

When I went in to tell her these results, she broke down and told me her story. She was 20 years old, a skater with an ice show, and she was away from her Midwest home for the first time. She was doing well in her career and was on her way to stardom, or so she believed.

There had been a brief affair with another skater. It was over, but she was two months pregnant. She figured that radiation would justify a therapeutic abortion. She had remembered her father's symptoms when he had passed a kidney stone, and I had become her unwilling accomplice.

Her story, and my dilemma, came to

mind when I read of Dr. Henry Foster and his troubled nomination to be the next surgeon general of the U.S.

Dr. Foster's "I Have a Future" program, highlighted recently on the front page of *The New York Times*, is designed to help troubled teen-agers develop the confidence and self-esteem they need to realize that there are possibilities beyond the endless cycle of teen-age pregnancy, single parenthood, and poverty.

And on an average of about once a year, Dr. Foster has found himself in a situation where an abortion — a safe, legal procedure — seemed the least undesirable of the alternatives, and he performed it. But to label Dr. Foster an abortionist is such a distortion of a man and his career that it cannot go unanswered.

Who are Dr. Foster's attackers? They

seem to be largely white, largely middle class and, interestingly, largely male. Unless one of their daughters was a pregnant teen, they have probably never personally dealt with any of these issues. And our senators have never been ones to spend their free time working with inner city teen-agers.

The single-issue litmus test approach to politics poses a grave threat to democracy. Whether the issue is abortion, gun control or any other, to select candidates entirely by a "yes" or "no" response to a single question distorts our political system and eliminates many outstanding candidates for public office.

President Clinton should break his habit of waffling whenever a nominee is in trouble and stick by Dr. Foster. He is a good man, and his career has served Nashville and the nation well.

Regardless of one's personal views on abortion, talent like Dr. Foster's is just too good to waste. ■

(Sergent is professor of medicine at Vanderbilt University and chief of medicine at Saint Thomas Hospital.)

OP

Sun Sentinel

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EDITORIALS

White House fumbled nomination, but Foster is worth fighting for

The nomination of Dr. Henry W. Foster Jr. as surgeon general of the United States is in a heap of trouble. Due mainly to White House staff bungling and Foster's own

lapses of memory and credibility. Still, President Bill Clinton's original reasons for selecting Foster to replace the fired Dr. Jocelyn Elders remain valid and he should not cave in without a vigorous fight for confirmation in the Senate.

Unwittingly, Foster has become the latest and most prominent symbol of the ongoing national abortion debate.

Conservative Republicans have rejected him because he performed a disputed number of surgical abortions during his 38-year career as an obstetrician, gynecologist and because of his advocacy of programs to discourage teen-age pregnancy.

"Doctors" groups and abortion-rights advocates support him for precisely the same reasons. They cite the fact that the "I Have a Future" program pioneered by Foster in Nashville, Tenn., housing projects once received a "point of light" award from anti-abortion President George Bush.

The debate over Foster should focus on his ability and potential to elevate the teen-pregnancy issue into a national priority, not whether he performed an average of one legal abortion per year since he opened his practice in 1957.

Unfortunately, the administration has unnecessarily complicated his task by once again failing to screen a key nominee adequately or to anticipate inevitable political attacks. It shouldn't take a brain surgeon to find a confirmable surgeon general, but in the Clinton White House, it apparently does.

Wilcome

VANDERBILT UNIVERSITY

NASHVILLE, TENNESSEE 37232-2519

30 Department of Obstetrics & Gynecology • School of Medicine
B-1100 Medical Center, North



Dr & Mrs. Henry Foster
4140 W. Hamrick Rd.
Nashville, TN 37218

American Medical Association

Physicians dedicated to the health of America



1101 Vermont Avenue, NW
Washington, DC 20005
(202) 789-7400

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Rich

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Fax Transmission

Dr. Foster faces hearings dominated by politics, abortion

By Wayne Hearn
AMNEWS STAFF

Three months of swirling controversy will culminate May 2, when the Senate Labor and Human Resources Committee is scheduled to consider President Clinton's nomination of Henry W. Foster Jr., MD, for surgeon general.

The hearing's purpose is to assess the overall qualifications and character of the nominee to be the nation's No. 1 public health officer. But observers expect the abortion issue to occupy center stage.

Heavily influencing the outcome, these observers say, will be the pressing political needs of President Clinton to score legislative victories in the GOP-led Congress, and of the Republican presidential hopefuls to build support while distinguishing their respective candidacies.

Dr. Foster, 61, an obstetrician-gynecologist and administrator at Meharry Medical School in Nashville, Tenn., is supported by organized medicine. Abortion-rights proponents also back him, while opposition is centered in the anti-abortion movement, which has scoured his background for evidence that he has misrepresented his record, particularly on abortion.

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Dr. Foster

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His nomination faces two hurdles: clearing the committee and then winning a majority of votes on the Senate floor.

If committee members vote strictly according to their records on abortion, both sides say the nomination has a better-than-even chance of reaching the floor. Planned Parenthood Federation of America, which has lobbied heavily for Dr. Foster, notes that eight committee members favor abortion rights while six strongly oppose abortion. Two have mixed records.

Douglas Johnson, legislative director for the National Right to Life Committee, which opposes the nomination, agreed with that assessment: "This committee is much less hospitable to our point of view than the Senate as a whole, so I think the odds favor him getting out of committee."

The situation is reversed in the full Senate, where abortion opponents outnumber abortion-rights supporters 45 to 38, according to the National Abortion and Reproductive Rights Action League, which also supports Dr. Foster. The remainder of senators have mixed records on abortion.

But the demands of the unfolding presidential contest make such a straightforward scenario unlikely.

As President Clinton positions himself for a re-election campaign, he might withdraw the nomination before a vote in exchange for GOP support on future legislation. Similarly, one or more pro-abortion committee Democrats might vote to oppose Dr. Foster, also in hopes of future legislative payback.

Meanwhile, two Republican presidential candidates — Sen. Robert Dole of Kansas, the majority leader, and Sen. Phil Gramm of Texas — have made Dr. Foster a focus of their rivalry for the conservative vote. Gramm has threatened a filibuster if the nomination reaches the Senate floor, and Dole has declared the nomination nonviable. Yet both men risk alienating their party's moderates if they launch too shrill an anti-abortion offensive or stall the confirmation process.

"I don't think it takes anyone's declared candidacy to see what the politics of this would be," said Sara Rosenbaum, co-director of the Center for Health Policy Research at George Washington University. "The emphasis on abortion makes it a no-win situation for both sides."

Two days in May

Committee chair Nancy Landon Kassebaum, a Kansas Republican who is pro-choice, said she does not believe the abortion question should be the litmus test for deciding on the appointment, though she acknowledges some members may feel otherwise. At least three Republican members, Daniel R. Coats of Indiana, John Aschcroft of Missouri and Slade Gorton of Washington, have publicly opposed the nomination.

"It's difficult to say how individual members will go with their questioning, but the overriding goal is to conduct a fair hearing," said Joel Bacon, Kassebaum's press secretary. The committee has set aside two days for the hearing, but Bacon said it could go longer. Any member of Congress may testify, and much written testimony has been submitted by outside groups.

AMA trustee John C. Nelson, MD, MPH, an ob-gyn who personally opposes abortion but supports a woman's right to choose, said he hopes the hearing will not focus entirely on abortion. "Can you imagine if I were the nominee and was told I couldn't be surgeon general because I don't do abortions?"



Dr. Foster speaks

Abortion has dominated discussion about Henry W. Foster Jr., MD. But other health concerns will take precedence if he becomes surgeon general. In an interview with AMNews conducted via fax, Dr. Foster addressed aspects of the job. Here are highlights:

On working with medicine:

"I must make sure that what I recommend makes sense to doctors. The president has asked me to assume a critically important role, but in a sense it is what we physicians do every day in our practice and in our teaching. The surgeon general's role is to do this from the highest office, but I'll need the help of each one of my fellow doctors."

On his priorities:

"I hope to continue my focus on prenatal care and infant mortality... The president has asked me to make the prevention of teen pregnancy a top priority. Other major areas of concern will be drug abuse, HIV/AIDS, violence prevention, and smoking cessation and prevention, especially among children."

On political pressure:

"The surgeon general must be prepared to stand firm on positions he or she thinks will improve the health of Americans, even though there may be great pressure not to do so. The surgeon general should be guided by the best science, not politics."

On medicine and public health:

"I don't think we, as a profession, have always put enough emphasis on prevention. This doesn't make sense and it's not good medicine... We need to play key roles in inspiring and empowering people to become active partners in taking responsibility for their health."

This has become a debate over whether we should or shouldn't do abortions, when it ought to be on his merits."

Both Dr. Foster's supporters and detractors have lobbied extensively in the Senate and in key states.

Within the house of medicine, the American College of Obstetricians and Gynecologists has taken the lead, organizing support among a dozen medical specialty societies and health care organizations, including the AMA. ACOG's lobbyists are working closely with the White House and are visiting key senators. "Let's say it's quite an educational campaign," said ACOG President William C. Andrews, MD.

Johnson, of National Right to Life, said abortion had become the key issue because President Clinton "reached out and chose an abortion activist. We've researched extensively and are disseminating what we've found to the press and the members of the committee."

Ann Lewis, Planned Parenthood's vice president for public policy, said drumming up support for Foster was the organization's top priority during the congressional Easter recess. In cooperation with People for the American Way, another advocacy group, Planned Parenthood launched a computerized petition on the Internet that supports the nomination. "It's our first venture into cyber-lobbying," she said.

NARAL also has turned to the states. "Our 36 state affiliates are in the midst of a major grass roots mobilization of pro-choice Americans," said spokeswoman Karen Schneider. "The campaign highlights the public sentiment that politics have no role in medicine and that anti-choice lawmakers should not be in the business of dictating the public health of the nation."

"If this nomination fails, it sends out a very chilling message that there is an anti-choice litmus test aimed at preventing doctors who perform abortions from holding public office."

Honesty questioned

In opposing Dr. Foster, however, Gramm, Dole and others have insisted that his credibility is as much at issue as his abortion record.

The credibility issue surfaced within days of the Feb. 2 appointment, when the White House and Dr. Foster offered conflicting estimates on the number of

abortions he had done in his 38 years in practice. Dr. Foster finally settled on 39, but the delay and discrepancies sparked a fire that was never doused.

In an interview with AMNews conducted via fax, Dr. Foster reiterated the explanation he has given for the dis-

crepancies: "Part of [the reason] was miscommunication, and part of it was relying on my memory instead of hospital records. I've learned an important lesson about Washington: If you don't know something exactly, you don't know it. That was clearly a mistake, which I regret."

He added, however: "But let's understand what this numbers game is all about. It's about trying to delegitimize the public service of any doctor who, for whatever reasons, has performed safe and legal abortions. Even if we had handled everything perfectly, the anti-choice radical right would still have jumped on this nomination as a rallying point for them."

Since the initial flap, opponents have accused him of pushing a pro-abortion agenda by holding leadership positions in Planned Parenthood; downplaying his role in research on an abortion suppository; violating ethical standards by sterilizing mentally disabled women; and lying about when he first learned of the Public Health Service's infamous Tuskegee project, a study of syphilis in Southern black men.

"In our view, the White House has tried to package Dr. Foster in a way that's strikingly inconsistent with his career in many respects," said Johnson, of National Right to Life. "We hope the hearing sharpens the picture of the real Dr. Foster."

Dr. Foster said he's prepared to answer all charges before the committee, but admitted that he was blindsided by the intensity of the opposition.

"For people like me — I'm not a politician and I'm not from Washington — it's difficult to be truly prepared for this process until it happens... People who have never met me or

See DR. FOSTER, next page

Dr. Foster

Continued from preceding page
talked to me are making all sorts of sweeping judgments based on the most superficial and, very often, distorted accounts of who I am."

Of all the charges leveled against him, Dr. Foster said the most egregious is the accusation that he knew about the Tuskegee study — and did nothing to protest it — three years before he says he learned of its existence with the rest of the nation in 1972. During the 40-year longitudinal study, government researchers tracked untreated syphilis in male subjects who were unaware of the project's purpose. News of the study left deep and lingering suspicions among many African-Americans toward public health initiatives.

He denied the claim of a former colleague, who has said Dr. Foster attended a 1969 Macon County [Ala.] Medical Society meeting where federal health officials revealed details of the study. At the time, Dr. Foster was vice president of the local society and ob-gyn chief at Tuskegee Institute's John A. Andrew Memorial Hospital.

"I first learned the facts of the experiment in 1972, and I was outraged that treatment [of the subjects] had been withheld," Dr. Foster said. "I can tell you this — had I learned the facts of the study any earlier, I would have been equally outraged then, and would have insisted on appropriate treatment, as I did in 1972."

Regarding the other charges, Dr. Fos-

The AMA and about a dozen other medical groups support Dr. Foster.

ter said it's a matter of placing the issues and events in context.

He admitted sterilizing severely mentally retarded women in the 1970s, but said such procedures then were consistent with ethical practice. "Medical theory and practice have changed in the intervening decades, and I no longer accept the sterilization of mentally retarded women as appropriate."

Dr. Foster acknowledged he was principal investigator for a clinical trial of an abortifacient suppository at Meharry in the 1980s, but said its purpose was not to develop an "in-home" abortion method as a contraceptive, as critics have charged, but to seek safer alternatives to surgical abortion.

As to his "pro-abortion agenda," Dr. Foster said he supports every woman's right to decide on her own health care, including abortion, but prefers to cut the demand for abortion by reducing unwanted pregnancies, especially among adolescents. His award-winning "I Have A Future" program for high-risk Nashville youth stresses abstinence as part of a curriculum of personal, scholastic and social development.

"I happen to believe abortion should be safe, legal and rare," he said. "Safe and legal because I've dealt with the often-fatal consequences of back-alley abortions. Rare, because I believe preventing unwanted pregnancies in the first place is the best route to take."

Nonetheless, he said the political reality is that his nomination has become "a symbol of a far larger dispute — the controversy over legalized abortion."

Added Rosenbaum, of George Washington University: "It never ceases to amaze me that, given all of the health policy issues we face and all of the important ways the surgeon general can influence the quality of health care, we still bring down the debate to something as unrelated as this."

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WASHINGTON (AP) -- Dr. Henry Foster asked a Senate confirmation panel today to view him not as an abortionist but as "a doctor who delivers babies." He said questions about his credibility started because he made the "honest mistake" of relying on memory to say how many abortions he performed.

"I do regret the initial confusion on this issue. But there was never any intent to deceive. I had no reason to do so," the surgeon general nominee told the Senate Labor and Human Resources Committee.

Since President Clinton named him in February, the 61-year-old Tennessee doctor and educator has been under fire from conservative groups and lawmakers -- first for having performed abortions and then for giving varying responses about exactly how many.

Sen. Nancy Kassebaum, R-Kan., the committee's chairwoman opened the hearing noting Foster's 38-year career and many public health initiatives. She said his career has been clouded over by the abortion controversy, but "I believe he deserves to be judged on his whole record."

"He has been made a pawn in our abortion debates," Kassebaum said. "Abortion is certainly a part of this record and should be examined, but it is only one part of the whole record," said Kassebaum, who has not revealed how she will vote on the confirmation.

"I believe this argument has done little more than reduce Dr. Foster to a cardboard caricature," she said.

Outside the building where the hearing took place, about a dozen protesters from the Christian Defense Coalition stood in the rain with signs including "What about the children?" and "Doctors should avoid harming any human, including the smallest." They handed out fliers reading, "Christians for Doctors Who Respect All Human Life."

"I am a doctor," Foster told the packed hearing room. "I have never experienced anything like the media scrutiny that I have had befall my nomination. In answer to a barrage of questions coming at me, I spoke without all the facts at my disposal."

Supporters urged committee members to think of all Foster has done, including his "I Have a Future" program in Nashville, which was named a Point of Light by President Bush. In fact, the hearing room was filled with supporters of Foster, including students wearing windbreakers with the "I have a Future" logo.

"Vote for a point of light! Vote against narrow-minded negativism," said Sen. Claiborne Pell, D-R.I.

"In my view, it is Dr. Foster's opponents who have a credibility problem, not Dr. Foster," said the panel's ranking Democrat, Sen. Edward Kennedy. "They pretend to challenge his credibility on abortion when in reality, as all of us know, they are trying to make abortion the issue indirectly in a way that does not embarrass them."

But those inclined to oppose him pounded the credibility theme.

"Contradictions by Dr. Foster about his own record raise serious questions about his judgment and his qualifications for the important position of surgeon general," said Sen. Dan Coats, R-Ind.

Senate Majority Leader Bob Dole, who has said he may not call up the nomination for a vote in the full Senate even if it gets out of committee, attacked the nominee's credibility in a speech Tuesday -- parceling out the heaviest blame for the White House.

Clinton, in a last-minute lobbying effort, took a jab at Dole and his rival for the GOP presidential nomination, Sen. Phil Gramm of Texas, who has threatened to filibuster if the Foster nomination gets to the floor.

"He deserves to be more than a political football in the emerging politics

For the nomination to be approved by the committee, Foster must win the support of at least two of the nine Republicans and all seven Democrats. Kassebaum, who does not oppose abortion, is considered a possible supporter.

Sen. James Jeffords of Vermont, a moderate Republican who often votes with Democrats, has indicated he is likely to vote for Foster.

Another possible Republican supporter is fellow Tennessean and doctor Bill Frist, a freshman senator. But, he said, "The Republican leadership has made it clear they would like him not to make it through the confirmation process."

This morning, Frist praised Foster's "outstanding work as a physician and education" and said "I don't think this hearing is the time or place to revisit our national policy on abortion."

Foster's nomination got into hot water quickly when the White House first said he had performed one abortion, a number Foster revised to less than a dozen, and then later to 39.

Foster's opponents also question hysterectomies he performed on severely retarded women in the 1960s and 1970s, when the White House said it was within the norms of medical practice, and his involvement in the testing of a do-it-yourself abortion drug.

They have also tried to link him to a controversial government study in which poor men in Tuskegee, Ala., were left untreated for syphilis. Foster vehemently denies any knowledge of the Tuskegee experiment before it became public in 1972.

Educated at Morehouse College and the University of Arkansas Medical School, Foster, 61, was chief of obstetrics-gynecology at the John A. Andrew Memorial Hospital of Tuskegee University before becoming professor and chairman of the department of obstetrics and gynecology at Meharry Medical College in Nashville.

He also has been dean of Meharry's School of Medicine, vice president for health services and acting president.

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EDITORIALS

Foster

■ Let's attack the problem rather than the surgeon-general nominee

REPUBLICANS should see to it that Dr. Henry W. Foster Jr., President Clinton's nominee for surgeon general, is given a warm welcome and a respectful hearing on Capitol Hill.

Americans don't have much tolerance for petty, partisan game-playing on the subject of teen-age pregnancy. The problem is too serious for that.

Between 1940 and 1954, only about 4 percent of American children were born out of wedlock. Now about 30 percent of American children are born to single mothers.

Out-of-wedlock births have risen by more than 70 percent in a decade. Should that trend continue, single moms will account for more than half the births in the nation by the year 2003.

The link with poverty is inescapable. Only one child in 10 from two-parent families lives below the poverty line. An astonishing 66 percent of the children of never-married moms live below the poverty line.

The nation is spending \$34 billion a year trying to patch up the problems created by teen-age pregnancy.

Dr. Foster has dealt with these problems for decades, and he has tried to do something about them. In rural southeast Alabama, he was the only obstetrician for women in at least five counties. In Nashville, he helped start the "I Have a Future" program, which pushes abstinence, responsibility and self-control first — and condoms and birth control pills second.

In his years of practice, Foster has performed a few dozen abortions. He also sterilized some severely retarded women.

But his position on abortion should encourage pro-life groups, not alienate them. He thinks abortion should be "safe, legal and rare." That phrase puts him squarely on record against a number of horrors.

Most Americans don't want women to bleed to death or die from infectious as a result of back-alley abortions.

Most Americans don't want the government making family planning decisions for women — or making human tragedies a criminal matter as well.

Most Americans do want women to exercise their right to choose a lot earlier in the reproductive process than millions are doing now.

This is the centrist position. Republicans in Congress ought to stand up and insist that it get a fair hearing. Most Americans would rather attack the problem than the nominee.

Supporters hold rally for Foster

■ Under fire: He has been criticized for doing abortions and performing hysterectomies on retarded women

By **Richard M. Talbot**
ADVERTISER STAFF WRITER

TUSKEGEE — Those who knew Dr. Henry W. Foster Jr. when he practiced here rallied Thursday to publicly defend him as an eminently qualified and compassionate physician.

Dr. Foster has been the target of political fire since his Feb. 2 nomination for the surgeon general's post.

Dr. Foster practiced at John A. Andrew Community Hospital, which has since closed, from 1963 to 1973.

Opponents have criticized him for performing 39 abortions in his 30-plus years of practice, participating in a drug study in the early 1980s that terminated the pregnancies of 55 women and performing hysterectomies on severely retarded women in the 1960s and 1970s.

He also has been under attack for what detractors call a lack of credibility because of varying answers about the exact number of abortions he has performed.

Supporters said that lost in the fiery debate surrounding his nomination are the thousands of births

FOSTER

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he attended and the reputation he earned for combating teen-age pregnancy in Nashville, Tenn., housing projects. Dr. Foster currently is the acting director of Meharry Medical College in Nashville.

Dr. Calvin R. Dowe, medical director of Tuskegee University's student health center, practiced internal medicine at John Andrew Hospital during the time Dr. Foster practiced there. Despite recent television reports to the contrary, Dr. Dowe said he had no personal knowledge as to whether Dr. Foster performed abortions, "but the nature of the business" sometimes required an obstetrician-gynecologist to perform an abortion.

State Sen. George Clay, D-Tuskegee, was one of the first to take the microphone in the city's court square and speak of the community's feelings for Dr. Foster.

"We know Hank Foster. We respect Hank Foster. We love Hank Foster," he said. "Dr. Foster probably delivered 2,000 babies in this community. He was a local hero when he was here and he is deserving of this position."

Away from the cameras, Sen. Clay vented his frustration with those who he says are dredging up the abortion issue. "It shouldn't be an issue," he said. "It's about the pro-choice versus pro-life issue and not about the office of surgeon general."

Like Sen. Clay, Charlie Hardy, a social manager with Met-Life



LLOYD GALLMAN/STAFF

Dr. Calvin R. Dowe, a former colleague of Dr. Henry Foster, speaks in Tuskegee on Thursday as Macon County Commission Chairman Frank Lee looks on.

Insurance, believes the debate surrounding Dr. Foster's nomination is a political game. He met Dr. Foster in 1966 when launching his career at Met-Life.

"I think it's a partisan power play. I think (detractors) are still trying to keep the president in a compromised position on issues he wants to advance and Dr. Foster became a victim in that," Mr. Hardy said.

Myrtle Adams, who worked with Dr. Foster on a maternity and infant project, talked about the many black and indigent women who came from Bullock, Russell and portions of Lee and Montgomery counties to deliver at John Andrew Hospital.

"We were receiving high-risk mothers who had not had prenatal

care," Ms. Adams said, mothers who might not have delivered strong healthy children without Dr. Foster's care. She urged everyone to write their congressman in support of Dr. Foster.

Another former nurse who worked with Dr. Foster for seven years, Sadie Edwards, also had two of her four children delivered by him. He was devoted to all his patients regardless of their circumstances in life, she said.

"He was young, energetic (and) well-trained," Dr. Dowe said. "He created an atmosphere where you wanted to be like he was. At the same time, he was still down to earth."

"He was a caring person. He gave the best care he could and he gave it with compassion," he said.

America needs Foster care

It seems I've tumbled down the rabbit hole and encountered the Mad Hatter and the Queen of Hearts. There is an Alice-in-Wonderland quality to the controversy over Dr. Henry Foster Jr., President Clinton's nominee for surgeon general.

It is curiously and curiously that a physician with an admirable track record in the crusade against adolescent pregnancy is being treated in some quarters like a pariah. Through a program he founded in Nashville — the "I Have A Future" project — Foster has done more to combat too-early parenthood than any of his critics.

There is nothing about Foster that should stir outrage. In fact, the need to quell the epidemic of births to unmarried young women is the one issue on which virtually all Americans agree, whether liberal, conservative or moderate, whether pundit, politician, preacher or teacher. I know of no one who nods with approval at the notion of 15-year-old mothers.

Charles Murray, a conservative political theorist, has called the surge in out-of-wedlock births "the single most important social problem of our time." Sen. Daniel Patrick Moynihan (D-N.Y.) has gone so far — too far, actually — as to suggest that the rise in out-of-wedlock births may be leading to the creation of a new species. Jesse Jackson has said, "Babies making babies is morally wrong."

There is good reason for the worry. Most unmarried adolescent mothers are ill-prepared for parenthood. They tend to drop out of school, trapping their children in poverty and dependency. Teen fathers are no better. They tend to desert their children early, leaving them without financial or moral support. Worse still, the children of these children tend to repeat the cycle, leading to the creation of a growing underclass with little chance of making its way into the American mainstream.

Given the dire consequences of teen pregnancy, Foster ought to be carried to Capitol Hill in a palanquin, with a grateful nation applauding his appointment. Instead, the good doctor is reduced to making the rounds of Senate offices as a supplicant, begging to



CYNTHIA TUCKER

be heard above the din of the mad Queen who keeps yelling, "Abortion! Abortion! Off with his head!"

The last time I checked, abortion was both legal and well within the bounds of standard medical practice. In fact, the Accreditation Council for Graduate Medical Education has just voted to require training in abortion skills for all prospective obstetricians because the council is concerned that young physicians are not getting adequate training in the procedure. The requirement was endorsed by the American Board of Obstetrics and Gynecology and the American College of Obstetricians and Gynecologists.

It is worth taking a closer look at the weird politics that have provoked the fury over Foster. There is a lesson here about an attitude that infuses the reactionary right. Many of Foster's critics prefer punishing teen pregnancy to preventing it.

That punitive strategy shows up in other areas, as well. Look at what congressional Republicans want to do to last year's crime bill. They propose to take some of the money that has been earmarked for more police and divert it to new prisons.

Now, I know of no crime victim who would not have preferred to have had a cop around to stop the crime in the first place to having the offender serve long years in prison later. But House Republicans would rather punish than protect.

So it is with Foster's critics. Think about it. America has the highest rate of teen pregnancy in the industrialized world, despite having the resources to curb it.

Curiously and curiously.

Cynthia Tucker is editor of the Constitution's editorial pages. Her column appears Sundays and Wednesdays.

The power politics of terror

There are two ways to deny women lawful abortions, and opponents haven't been able to make abortion illegal again, so they're using the other one. They're terrifying the health system out of providing the service.

Dr. Henry W. Foster, President Clinton's nominee for surgeon general, is the latest victim of that harassment.

The Clinton White House couldn't play outfield with a net and fumbled the appointment in a distracting dispute over numbers, but it doesn't really matter to Foster's anti-abortion opponents whether he performed a dozen abortions or two score.

The militants are out to make an example of him that they hope will intimidate other physicians.

The message is simple and brutal: Perform any abortions in your career and that will be used to trash your reputation. Foster's standing was splendid until he was honored for it by this nomination.

Foster ought to be a conservative's dream surgeon general.

With teen pregnancy a major public health problem, Foster created an effective program against it, emphasizing sexual abstinence. His success won Point of Light recognition from the Bush administration.

But as any obstetrician-gynecologist is likely to do, Foster has performed abortions for medical reasons, and that is enough for the zealots to demonize him beyond recognition.

The number of counties with abortion service fell from 714 in 1978 to 496 in 1992, the latest year in a Guttmacher Institute study. Abortion is virtually unattainable in small towns and rural areas; 94 percent of non-metropolitan counties have no service.

The number of providers dropped 18 percent from 1982 to '92. Hospitals especially have quailed, leaving the job largely to clinics. Between 1988 and '92, the number performing abortions declined by 185.

Training is shrinking, too. In



TOM TEEPEN

1978, 26 percent of ob-gyn residency programs required abortion training; now only 12 percent do. In 1978, only 7 percent didn't offer abortion as a training option. By 1992, 30 percent didn't.

Whatever other factors may be involved in these changes, plain terrorism is a major cause.

Five abortion providers have been murdered and one other physician wounded, and each shooting has boosted death threats to clinics and doctors. Clinics have been shot up and firebombed.

Hospitals are shying away from abortion in part because board members have been harried. Some have been picketed at home; others have seen their kids targeted for harassment at school. Hospital financial contributors have been menaced.

Operation Rescue's "No Place to Hide" project fingers physicians for abuse at work and at their homes. The Lambs of Christ — don't you love it? — stalk doctors and clinic workers.

Foster is the victim of political stalking.

He is a member of the Institute of Medicine, former president of the Association of Professors of Gynecology and Obstetrics, an examiner for the American Board of Obstetrics and Gynecology.

But to abortion foes, he's just cannon fodder, someone whose nomination is to be cynically blown away as a warning to other physicians to restrict their medical care for women.

Tom Teepen is national columnist for Cax Newspapers. He is based in Atlanta. His column appears Tuesdays and Sundays.

Blacks, Others Support Clinton's Surgeon General Nominee

In his battle to become the nation's second African American surgeon general, Dr. Henry Foster has received the support of numerous influential groups across the nation.

The first was the governing members of the United Methodist Commission on Religion and Race. The 47-member body, composed of nearly equal membership from Black, White, Asian, African and Native American groups, voted last week to ask its chairman, Bishop Joseph D. Bellica of Columbia, South Carolina, to write a letter of support to President Clinton and members of the Senate Confirmation Committee.

The United Methodist Church is the second largest Protestant group in the United States with about 8.7 million members. Another one million members are located in Europe, Africa and the Philippines.

Foster, who was nominated by President Clinton several weeks ago to succeed Dr. Joycelyn Elders, serves as acting president and dean of the School of Medicine at

the United Methodist-related Meharry Medical College, in Nashville, Tennessee.

Also supporting the Foster nomination are leaders of more than 25 national African American organizations. "Dr. Foster has for 38 years, built a remarkable record of service, not just to

"I've had the great privilege of knowing Dr. Foster for a number of years," added Rev. Wallace Smith, pastor of Washington, D.C.'s Shiloh Baptist Church. "As his pastor in Nashville, I can say from personal experience that he is a moral, decent, honorable

1958. He conducted an internship at the Detroit Receiving Hospital and later served two years as a medical officer in the U.S. Air Force.

A practicing gynecologist and a leading authority on reducing infant mortality, Foster's nomination, how-

against teenage pregnancy and encourage youths to practice abstinence," said Foster, who founded the "I Have a Future" program in two of Nashville's public housing buildings. Over the past year, the program has demonstrated exemplary results.

"Those who seek to tear Dr. Foster down to further their own narrow political agendas do the entire country a great disservice," Bremer stressed.

Also leading support to the Foster nomination is the Coalition of Black Trade Unionists, who noted in a recent statement that Foster "would bring to this position the same energy, the same dedication and the same leadership that has earned him national acclaim throughout his distinguished medical career."

Meanwhile, Dr. Foster last week met with members of the Congressional Black Caucus as well as other key senators critical to his confirmation, which is expected to begin shortly.



Ben Johnson of the White House Office of Public Liaison and Dr. Dorothy I. Height of the National Council of Negro Women join Dr. Henry Foster at a recent briefing.

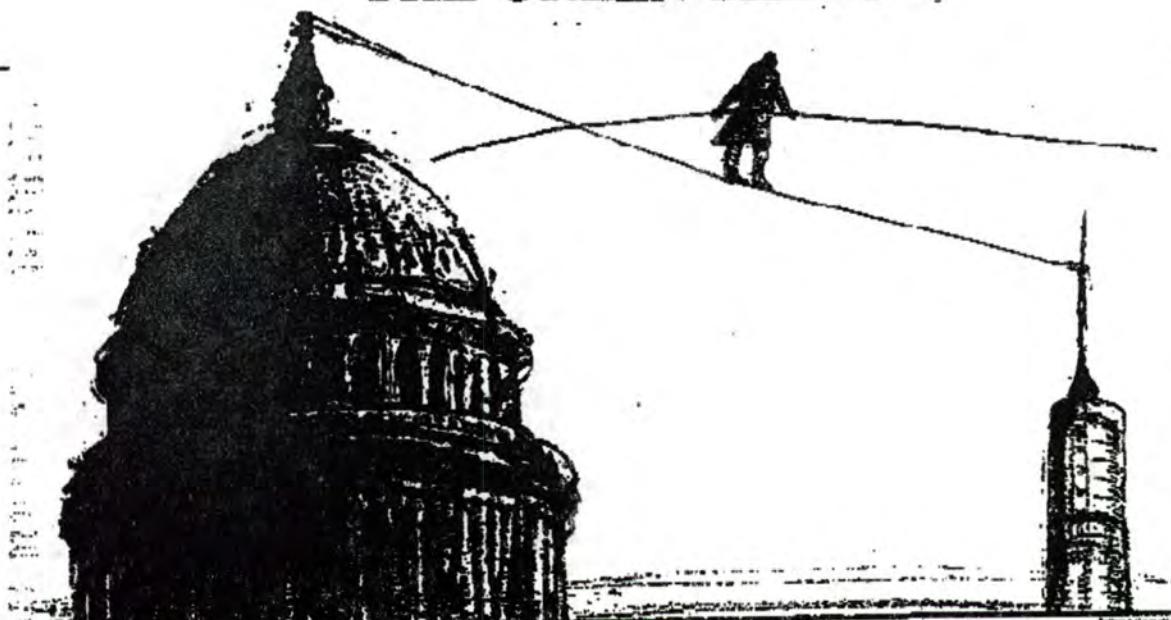
White House photo

the African American community, but to the wider community as well," said Charles Bremer, executive director of the National Black Caucus of State Legislators.

and deeply Christian man." Foster earned a bachelor of science degree from Morehouse College in 1954 and was awarded his doctor of medicine degree by the University of Arkansas in

ever, has since created controversy on Capitol Hill, especially with regards to his views and opinions on abortion.

"As surgeon general, I would like to lead the fight



N.Y. Times; 2-24-95

Searching for a Surgeon Politic

By Melvin Konner

A Republican Presidential hopeful began their initial forays into the New Hampshire woods this week, most were clamoring to prove their impeccable pro-life credentials. Abortion will again be at the center of the battle for the White House, and the first skirmish will be next month's confirmation hearings on Dr. Henry Foster, President Clinton's choice for Surgeon General.

So forget that Dr. Foster has had a distinguished 40-year career in medicine. Forget also that he was the youngest person ever elected to the Institute of Medicine of the National Academy of Sciences, America's most prestigious medical organization. That for many years he has resigned the astounding balancing act of running a medical school clinical department while practicing hands-on community medicine. That George Bush praised Dr. Foster's teen-age pregnancy prevention program as one of his own "thousand points of light."

No, let us concentrate on something really important: Henry Foster has done abortions. What a revelation! Does anyone think that you can become an obstetrician without doing abortions? Abortion is, among other things, a life-saving emergency procedure that every obstetrician, and indeed most emergency room physicians, must be prepared by training to do.

If you or your daughter suddenly begin bleeding uncontrollably in the midst of a natural miscarriage, you had better hope that the doctor on call has been well trained in therapeutic abortion and can complete the spontaneous abortion nature has botched. Because if the doctor has not been so trained, you or your daughter may well die.

Yes, Dr. Foster also performed some non-emergency abortions. They were not only legal, they were standard medical practice. Dr. Foster believes, properly, that abortion should

Melvin Konner, a physician who teaches anthropology at Emory University, is the author of "Becoming a Doctor."

be safe, legal and rare. In his career they have been astonishingly rare — fewer than 40 in over 40 years.

A similar sort of political test was applied to a previous nominee for Surgeon General, Dr. C. Everett Koop, but fortunately for the nation, that appointment was not derailed. Dr. Koop was appointed by Ronald Reagan for his dyed-in-the-wool conservatism, period. Before the 1980 election, his name was circulated by an aide to Senator Jesse Helms, Republican of North Carolina, and then by the Heritage Foundation, before he came to the attention of the Reagan-Bush campaign.

He was nominated because of the pro-life stands he had repeatedly taken in public. And during his long pro-confirmation process, he was savaged by liberals as badly as Dr. Foster is now being savaged by conservatives.

But the conservatives had not thought clearly enough about one

Centers for Disease Control to continue collecting data on abortion. He published a report on the psychological effects of abortion that did not support claims of lasting damage.

Worst of all, he never viewed his office as a bully pulpit for damming elective abortion. He personally opposed elective abortion, but he did not see ending it as a major public health priority. The result was that most of his former friends became his enemies. Dr. Koop liked to joke about the models on his uniform: "The top row is for what the liberals did to me; the bottom row is for what the conservatives did to me."

This politicization of the office goes back to the Founding Fathers. A physician named Benjamin Waterhouse served Presidents John Adams and Thomas Jefferson in a public role that combined medical supervision and disease prevention — similar to that of the Surgeon General today. He successfully pursued policies requiring vaccination, quarantine at immigration and other methods of infection control necessary in the high-mortality world of early America. But such efforts were viewed as radical, and when James Madison became President in 1809 he dismissed Dr. Waterhouse, bowing to conservative medical opposition.

Ever since, the position of the nation's most visible doctor has been filled, at best, by people who combine a knowledge of medical science with moral leadership. For much of its history, the office holder has kept a low profile, but there have been controversies.

In 1935, Dr. Thomas Parran cancelled a radio speech because CBS executives refused to let him use the word syphilis on the air. In 1964, Dr. Luther Terry made waves by releasing, for the first time, Government reports linking cigarettes to cancer and other diseases. Dr. Julius Richmond, Jimmy Carter's Surgeon General, was criticized for a report that emphasized prevention over traditional "fix it" medicine.

Dr. Joycelyn Elders's forced resignation, over a sensible if poorly timed remark about masturbation, hurt the prestige of the office, but it is not she who should be blamed. When President Clinton caved in, he paved the way for Dr. Foster's difficulties. By comparison, Adams and Jefferson

stood by Benjamin Waterhouse when it would have been much easier to set him aside and mollify his critics. Ronald Reagan did the same with Dr. Koop. If liberal leaders continue to beat their early retreat on Dr. Foster, they will hurt the prestige of the office, perhaps irreparably.

It is hardly surprising that Dr. Foster did not remember exactly how many abortions he has done. He does not remember how many emergency Caesarian sections or forceps deliveries he has done either. He has also been criticized for performing hysterectomies on women with severe mental handicaps in the 1970s; they were compassionate acts, valid within the medical and ethical guidelines of that era. His patients were suffering and he helped them as best he could.

Dr. Koop was qualified. Dr. Foster is qualified. That, in a halfway intelligent world, would be the beginning and end of it. But the Surgeon General's reputation is now a political football, and every time it gets clumsily kicked it veers further from the goalposts — on the one side, the nation's public health; on the other, the quality of all our medical care. We should let Dr. Foster, and all the Surgeons General who will follow him, go about their medical work and leave the politics to the politicians. □

Henry Foster is
the latest pawn
in a 200-year-old
game.

them on Dr. Koop's résumé: he was a doctor. He was a compassionate rare giver who felt and thought deeply about difficult questions, and who used science as a basis for his decisions. And almost as soon as he took office he began doing something the conservatives couldn't fathom: he acted like a doctor.

Dr. Koop outraged the right by calling for sex education and condoms as part of the fight against AIDS, while opposing mandatory HIV testing as counterproductive for public health. He brought passive smoking to the forefront as a threat to health and thus lost the friendship of Senator Helms. He called violence a public health issue, angering those who saw it solely as a moral one.

But his most disappointing performance, from the viewpoint of conservatives, was on abortion. Over conservative protests, he told the

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60¢ Outside Chicago and suburbs

50¢

Foster targets teen pregnancy



Surgeon general nominee Dr. Henry Foster (left) chats with Dr. Dorothy I. Height, president of the National Council of Negro Women, during a White House briefing on Dr. Foster's nomination. In an exclusive interview with the *Chicago Defender*, Foster announced plans to expand his anti-teen pregnancy program.

Surgeon general nominee plans to expand heralded 'I Have A Future' program

by Vladimir Horard

Saying that combating teen pregnancy takes whole neighborhoods, U.S. Surgeon General nominee Dr. Henry Foster announced plans recently to expand his anti-teen pregnancy program nationwide in a *Defender* exclusive.

Titled "I Have A Future," the program, which won national accolades and former President George Bush's "1,000 Points of Light" honor during the decade, stresses education, services and enhancing self-esteem.

Created in 1990 in Nashville, Tenn., where it serves youths ages 10 to 17 and community residents, the program was meant as an alternative to birth control-based programs nationwide.

All such birth-control programs, he said, failed to curb the teen-pregnancy rate over the years, which, in 1976, yielded one million pregnant teens.

In fact, in 1986, a book by *Washington Post* reporter Ron

Dash about the poverty-stricken Anacostia area in Washington revealed that girls ages 14 or 15 expressed wishes to get pregnant, Foster said.

Additionally, the book stated that 46 per 1,000 teens in America were getting pregnant at a rate of 9.6 percent as opposed to merely 7 per 1,000 teens in Japan. It also said that the American teen pregnancy rate was double that of the United Kingdom.

Foster compared his program to another program serving the city's Austin area which County Commissioner Danny Day's helped operate. Like his, the Austin program addressed two issues: 1. half of the area's youths were not in school and 2. over 80 percent of the parents were earning less than \$10,000 a year.

To determine the viability of the "Future" program, Foster said he and a team began a 125-household survey in Nashville (See FOSTER, page 5)

Foster targets teen pregnancy

FOSTER, from page 1)

with a total of 500 surveys for 30 months.

"We asked them, 'What do you think would be the most pressing needs for your youngsters?'" he said. "They cited some of the same things you and I would say like violence, teen pregnancy, lack of jobs, lack of opportunities, tutoring, computer services and family planning."

As a response, Foster and his team of social workers, psychologists, medical students and volunteers provided education, drug and alcohol abuse prevention services, family life lessons, job readiness, body awareness, a resource network and life-enhancement workshops, emphasizing the importance of abstinence, for 150 teens a week from four housing projects in Nashville.

"All the things you and I would want they, too, want for their families," he said. "Plus, there's ownership. We did not tell them what they needed. They told us what they needed."

Foster pointed out that early, unwanted pregnancy and parenthood could "dovetail" into other problems such as drug and alcohol abuse, early sexual experimentation, AIDS, domestic and street violence, poor education and poverty. Thus, youths must learn early. The program, he added, offered contraception, not

abortions.

Additionally, the program gave two "life enhancement modules": personal appearance and social demeanor; and computers.

One module, with one program called Choosing How to Adorn and Refine Myself (CHARM) for young women and another called Male Adorning, Extending and Using Refined Energies (MATURE) for young men, taught youths table manners, the social graces and how to enhance one's personal appearance. Another module provided the youths with CD-ROM computers in their homes.

To serve a community, Foster said, one must be willing and able to work with teens and use a group's culture to successfully run a social program.

"When you say, 'You must be sensitive to the cultural barriers,' you've already defeated your purpose," he said. "That's your only access to that community — culture. You have to go into the community."

"People are often told that the way they speak is bad, incorrect or wrong. Your manner of speech is part of you, your family and your culture. It's how you communicate. It isn't important whether a person says 'I is or I am.' It's only important that you understand what the person is saying."

■ SURGEON GENERAL

Foster hits 'extremists' blasting him

Tuskegee charge
called 'outrageous'

By Phil West

Associated Press

NASHVILLE, Tenn. — Surgeon general nominee Dr. Henry Foster went on the offensive yesterday against "right-wing extremists" who he accused of attacking his nomination to advance their own agenda.

"The most recent charge — that I, as a young black doctor in Tuskegee, Ala., knowingly cooperated with the most cruel and inhumane experiment ever undertaken by our government — is outrageous. ... And it is without substance," Foster said while speaking at his hometown congregation at First Baptist Church.

The controversy stems from the conservative Family Research Council's allegation that Foster learned in 1969 of a federal study that left black Alabama sharecroppers with syphilis untreated, and that he did nothing about it.

Foster says he did not find out about the experiment until 1972, and when he did learn about it, he was outraged and pressed to get proper treatment for the men.

The Public Health Service conducted the Tuskegee Project from 1932 to 1972.

Foster's nomination is expected to be formally forwarded to the Senate this week. Senators will decide whether he should replace Dr. Joycelyn Elders.

Let a doctor be surgeon general

Leave the politics to the politicians. Let Foster, and all the surgeons general who will follow him, care only for the nation's health.

By Dr. Melvin Konner

Abortion will again be at the center of the battle for the White House next year, and the first skirmish will be next month's confirmation hearings on Dr. Henry Foster, President Clinton's choice for surgeon general.

So forget that Foster has had a distinguished 40-year career in medicine. Forget that he was the youngest person ever elected to the Institute of Medicine of the National Academy of Sciences, America's most prestigious medical organization. That for many years he has managed the astounding balancing act of running a medical school clinical department while practicing hands-on community medicine. That former President George Bush praised Foster's teenage pregnancy prevention program as one of his own "Thousand Points of Light."

No, let us concentrate on something really important: Henry Foster has done abortions. What a revelation! Does anybody think someone can become an obstetrician without doing abortions? Abortion is, among other things, a lifesaving emergency procedure that every obstetrician, and indeed most emergency room physicians, must be prepared to do.

Yes, Foster also performed some non-emergency abortions. They were not only legal, they were standard medical practice. Foster believes, properly, that abortion should be safe, legal and rare. In his career they have been astonishingly rare — fewer than 40 in more than 40 years.

A similar sort of political test was applied to a previous nominee for surgeon general, Dr. C. Everett Koop, but fortunately for the nation, that appointment was not derailed. Koop was appointed by Ronald Reagan for his dyed-in-the-wool conservatism, period. Before the 1980 election, his name was circulated by an aide to Sen. Jesse Helms (R-N.C.).

He was nominated because of the pro-life stands he had repeatedly taken in public. And during his long preconfirmation process, he was savaged by liberals as badly as Foster is now being savaged by conservatives.

But the conservatives had not thought clearly enough about one item on Koop's résumé: He was a doctor. He was a compassionate caregiver who felt and thought deeply about difficult questions, and who used science as a basis for his decisions. And almost as soon as he took office he began doing something the conservatives couldn't fathom: He acted like a doctor.

Koop outraged the right by calling for sex education and condoms as part of the fight against AIDS, while opposing mandatory HIV testing as counterproductive for public health. He brought passive smoking to the forefront as a threat to health and thus lost the friendship of Helms. He called violence a public health issue, angering those who saw it solely as a moral one.

But his most disappointing performance, from the viewpoint of conservatives, was an abortion. Over conservative protests, he told the Centers for Disease Control and Prevention to continue collecting data on abortion. He published a report on the psychological effects of abortion that did not support claims of lasting damage.

Worst of all, he never viewed his office as a bully pulpit for damning elective abortion. He personally opposed elective abortion, but he did not see ending it as a major public health priority. The result was that most of his former friends became his



WILSON LOWREY / Staff

enemies. Koop liked to joke about the medals on his uniform: "The top row is for what the liberals did to me; the bottom row is for what the conservatives did to me."

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Dr. Joycelyn Elders' forced resignation, over a sensible if poorly timed remark about masturbation, hurt the prestige of the office, but it is not she who should be blamed. When Clinton caved in, he paved the way for Foster's difficulties. By comparison, Adams and Jefferson stood by Benjamin Waterhouse when it would have been much easier to set him aside and mollify his critics. Reagan did the same with Koop. If liberal leaders continue to beat their early retreat on Dr. Foster, they will [further] hurt the prestige of the office, perhaps irreparably.

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Melvin Konner is a physician who teaches anthropology at Emory University.

-Balt. Sun, 3-5-95

SHOULD DR. FOSTER BE CONFIRMED?

YES: Care
For All Citizens
Is at Stake

By KAREN H. ROTHENBERG

Will Dr. Henry W. Foster Jr. be confirmed as our next surgeon general? Whether or not he is, the controversy surrounding his performance of abortions compromises the quality of comprehensive health care for all citizens — especially women.

Dr. Foster has the background and training to tackle some of the most pressing public health problems facing our nation. Prevention of infant mortality, teen-age pregnancy and heterosexual transmission of HIV could be better served by a physician committed to care in obstetrics and gynecology. Yet, the professional commitment that brought Dr. Foster to President Clinton's attention now threatens to permanently exclude him or any other OB/GYN from serving as surgeon general.

Until a few years ago — before doctors who performed abortions were shot at or threatened — most OB/GYNs were trained to perform the procedure. In fact, unless they had a conscientious objection, it was considered part of the package of medical procedures they learned and were prepared to perform. Quite simply, without abortion services, physicians would not be able to provide comprehensive care to women in need of OB/GYN services.

Ironically, if Dr. Foster had never performed an abortion, many more of us might have wondered whether he was in fact qualified to be surgeon general. Barring a strong religious conviction, not performing an abortion would have meant that he had abandoned (and abandoned the care of many of his patients who had determined that a safe and legal abortion was the medical procedure of choice. Nobody chooses to get pregnant to have an abortion. So, in abandoning women who are in need of care to ignore the moral and legal obligations of the OB/GYN. Selective care of patients would have raised real doubts as to whether Dr. Foster had the commitment and compassion to be surgeon general. Regardless of whether abortion is unpopular, unpleasant, or a risk to one's livelihood, it is legal and Dr. Foster ap-

Karen H. Rothenberg is the director of the Law & Health Care Program at the University of Maryland School of Law.



Dr. Henry W. Foster Jr. speaks about his nomination difficulties last Sunday at the First Baptist Church in Nashville, Tenn.

propriately made this medical service available to his patients.

Yet, with increasing frequency, abortion services have become marginalized in free-standing abortion clinics, away from the base of care and practice of many OB/GYNs. More and more residency programs (not only the Catholic-based hospitals) stopped requiring or even offering training in abortion, even though the American College of Obstetrics and Gynecology appears to have recently renewed its commitment to this training for residents seeking certification as OB/GYNs. Sadly, the majority of OB/GYNs do not perform abortions. In some states, not a single physician provides these services.

Whether or not surgeon general nominees should have to pass the political litmus test of abortion, an appreciation for historical and social context also is critical when evaluating an individual's credentials for a professional position. Consider, for example, the other major controversy at issue in Dr. Foster's nomination: the sterilization of the mentally retarded. For many of us, at first blush, it would seem distasteful that Dr. Foster sterilized mentally retarded individuals in the 1970s. This clearly is not, and should not be, the standard of care in 1995. Over the past 25 years, significant civil rights protections and procedures for the mentally retarded have been well-established.

Yet it also was true in the 1970s that physicians and parents routinely allowed infants born with Down syndrome who suffered from esophageal atresia to starve to death without corrective surgery. Such inactions in 1995 would clearly be deemed contrary to standard practice and be labeled as medical neglect. Medical, ethical, and legal standards do change. And any physician with a lifetime of pro-

fessional experience will be caught up in these debates.

Actually, the most damaging criticism of Dr. Foster may hinge on recent accusations concerning his role in the Tuskegee experiment in which black men with syphilis were used as "guinea pigs" in a U.S. Public Health Service research project. At issue is whether Dr. Foster knew that these men were deliberately denied treatment when he served as vice president of the local medical society in 1968. If he knew, and took no action, his credibility as a surgeon general should be challenged. But if, as Dr. Foster maintains, he immediately called for a halt to the study when he learned of it through news reports in 1972, then his nomination should go forward.

In the often contentious marriage of politics and public health, we must ask ourselves if the issues of sterilizing the mentally retarded or the Tuskegee experiments would ever have been raised had the abortion issue not been raised first. To Dr. Foster's supporters, if abortion is wrong, it is wrong, period, and no other issue really matters. Thus, the number of abortions performed or the reasons should not really matter either. In the end, however, abortion opponents may be satisfied with any reason that derails Dr. Foster's nomination.

In my lifetime, I do not recall a surgeon general who ever was an obstetrician/gynecologist, and maybe now I know why. But Dr. Henry Foster has the training and vision to make a difference at a time when our country needs leadership to address so many challenges in public health. Unless we have the capacity to depoliticize abortion, we may never benefit from the training, perspective and compassion an obstetrician/gynecologist could provide as surgeon general. And what a loss that would be for all of us.

Abortion politics overshadow fight against teen pregnancy

By Wayne Hearn
AMNEWS STAFF

NASHVILLE, Tenn. — There is no small amount of irony in the controversy that has enveloped the nomination of Henry W. Foster Jr., MD, for the post of U.S. surgeon general.

Here is an obstetrician-gynecologist who garnered national acclaim for his efforts to prevent adolescent pregnancies and eliminate the need for abortions. Yet he is in the political hot seat for having also performed 39 legal abortions over the course of a 30-year medical career.

"It's distressing to see how politics has turned the whole thing around," said ob-gyn Harold O. Bernard, MD, associate dean of graduate medical education at Nashville's Meharry Medical College, where Dr. Foster worked as a teacher and administrator for 21 years.

"As we all should know, the effort to reduce unplanned teen-age pregnancies can only serve to decrease the

number of potential abortions. This should be self-evident, as we honestly and carefully examine Dr. Foster's record in its entirety."

It's certainly evident to Dr. Foster, who — under the watchful eye of the

Clinton administration — has been trying carefully to rebuild his image since the first week of February, when he acknowledged he had performed abortions.

The controversy began when the White House wrongly reported at the outset that Dr. Foster had performed only one abortion, then escalated when he delayed in providing a more accurate estimate. Senate confirmation hearings on the appointment likely will begin in mid- to late-March.

"It's ironic that my work fighting teen pregnancy has been overshadowed by my opponents' talk about abortion,"

See *TEEN PREGNANCY*, page 26

Mandate for
abortion
training sparks
furor. Page 3

Teen pregnancy

Continued from page 1

Dr. Foster wrote in an opinion piece in the *Washington Post* on Feb. 14. "I do believe in the right of a woman to choose [abortion]. But my life's work has been dedicated to making sure that young people don't have to face the choice of having abortions."

Indeed, in 1988 Dr. Foster tackled one of the nation's most vexing and complex problems when, as chairman of Meharry's ob-gyn department, he established "I Have a Future," a teen pregnancy prevention program, in two low-income Nashville public housing projects.

Teen pregnancy adversely affects a spectrum of socioeconomic and public

health concerns, including adolescent, prenatal, postnatal and pediatric health; abortion; contraception; poverty; education; unemployment and welfare.

More than 500,000 U.S. teenagers give birth each year, one-half of all teens who become pregnant. While teen pregnancy is a problem that affects adolescents of all economic backgrounds, it takes its greatest toll on the disadvantaged. Cultural differences and gaps in health education are among the factors making low-income teenagers more likely than others to become pregnant and to carry those pregnancies to term.

Poor when they give birth, these teens are more likely to remain poor than are women who delay childbirth. They are less likely to continue their education, and more likely to enter the

welfare system and remain there for a long time. That makes them and their children more susceptible to the range of health problems that disproportionately affect disadvantaged populations.

Each year, 350,000 pregnant teens opt for abortion, accounting for 23% of all U.S. abortions, according to the Alan Guttmacher Institute, which researches reproductive health issues. Teens from middle- and upper-income families are more likely than low-income teens to terminate pregnancies, the institute says. Overall, however, the abortion rate among sexually active teen-age women dropped from a high of 95 per 1,000 women in 1980 to 72 per 1,000 in 1990, in part because teens became more knowledgeable about contraception.

Each year, about 140,000 teen-age

pregnancies end in miscarriage.

Alternatives to sex

Dr. Foster's *I Have a Future* program is at the cutting edge of teen pregnancy prevention efforts. It reflects a growing consensus that contraception education for sexually active teens must be combined with efforts to motivate those who are not yet sexually active to remain abstinent until they become more mature.

The strategy involves offering realistic alternatives to sex, instruction in how to recognize and resist peer pressure, self-image enhancement and encouragement to set long-term life goals.

"The idea of abstinence has gotten a lot more attention over the years,"

See **TEEN PREGNANCY**, page 28

Teen pregnancy

Continued from page 26

said Jennifer J. Frost, DrPh, senior research associate at the Guttmacher Institute. "It's about convincing kids — especially the very young adolescents — that delaying sex can be the norm, that you don't have to have sex to fit in."

Explained Judith MacPherson Pratt, MPH, who directs a statewide abstinence program in California: "You have to catch them when they're young enough, before they're sexually active, so you can build on that positive norm. You want to make it OK to be assertive about not being sexually active."

California's ENABL program — Education Now And Babies Later —

has reached 200,000 youths, age 12-14, in 28 communities, since 1991. The state had 70,000 teen births in 1993, the most in the nation, according to Gov. Pete Wilson's office. In 1992, teen births cost the state more than \$370 million in welfare and health insurance costs.

An evaluation of ENABL is due out later this year. Pratt anticipates it will show that youngsters who went through the program are less active sexually than those in control groups not exposed to the program. That was the case in an Atlanta study. There, eighth graders in one of the nation's most established abstinence programs were three to four times less likely to be sexually active than members of a control group.

"The idea of postponing sexual ac-

tivity is, in some ways, just buying time, but it helps kids get over the psychosocial hump until they can more clearly see the potential impact of sexual activity on their futures," said Marion Howard, PhD, clinical services director for teen services at Grady Memorial Hospital in Atlanta. Grady began its Postponing Sexual Involvement program in 1985 with support from Emory University School of Medicine. The program is now in 16 Atlanta public schools.

Meharry's *I Have a Future* program is much more modest in size — it has reached about 850 students in two housing projects — but it's more comprehensive than most abstinence programs. It covers a wider age group, 10 years old and up, though most enrollees are 14 to 19 years old. It offers a

broader array of services and activities, including tutoring, life-options counseling, field trips and training in interpersonal skills and entrepreneurship.

"The idea is to widen their horizons, expose them to things they wouldn't normally be exposed to," said Director Lorraine Williams Greene, PhD. She describes the philosophy as "a heavy case-management approach."

Dr. Greene and her staff of 20 are assisted by Meharry medical students and scores of volunteers from the African-American community who serve as role models and tutors.

Dr. Greene concedes that the program's "holistic nature" complicates the evaluation process, but said that preliminary results are encouraging. For example, over a 30-month period, only one pregnancy was reported among program participants, compared with 59 pregnancies at two comparison sites. In 1994, 16 of the 24 high school graduates in the program were accepted for admission to colleges or vocational programs, which Dr. Greene termed "remarkable" for the community.

[Jet Mag.; 3-13-95

Dr. Henry Foster Picks Up Support From Sen. Specter



▲ Surgeon general nominee Dr. Henry Foster Jr. (r), visits with Sen. Arlen Specter R-PA, who supports his nomination.

Support for Dr. Henry Foster's campaign to become the first Black man to hold the post of U.S. surgeon

general has been ever increasing. Even from the most surprising places: the top ranks of the Republican party.

Pennsylvania Senator Arlen Specter, who held a private meeting on Capitol Hill with Dr. Foster, recently blasted those who would deny Foster the post of the nation's top doctor based on the fact that he performed abortions in the past.

"I don't like seeing a person railroaded before they are given a chance to express himself," said Specter, who is reportedly interested in seeking the Republican party's nomination for president.

"I am prepared to go to the mat on the Foster nomination on the issue that no one ought to be disqualified from being surgeon general of the United States for performing abortions, which is a medical procedure legal under the U.S. Constitution."



HANGING TOUGH

Surgeon General nominee Henry Foster fights back

AS DR. HENRY FOSTER STROLLS along a dusty redbrick housing project in Nashville, he is treated like a hometown hero. Bill Clinton's embattled choice for Surgeon General is greeted by dozens of friends in the close-knit black community he has served for more than 20 years. "Hang in there, doctor!" shouts a woman from a passing van.

"I am," responds Foster with determination. "I am."

Indeed, the 61-year-old obstetrician-gynecologist is braced for the fight of his life. So is the White House. For the first time since becoming President, Clinton seems willing to back a controversial nominee in a major confirmation battle—even though the debate will take



A "Sometimes I have to sacrifice a fetus to save a mother's life," says Foster (at his youth program in Nashville). "That is a terrible thing."

◀ During World War II, 12-year-old Foster helped his father, Hank Sr. (left), sell eggs in Pine Bluff, Ark.

place in the new Republican-controlled Senate. Foster, meanwhile, is going on the offensive, angered by conservatives who have attacked his record. "My every move has been watched professionally for the last 20 years," he told PEOPLE. "Now these right-wing groups are grasping at anything. Well, that is totally unacceptable."

Foster's problems began just days after his nomination on Feb. 2. At first he told reporters he had performed "fewer than a dozen pregnancy terminations." But as conservative groups began examining his record, he was forced to concede

that the actual tally was 39. His credibility came under further attack when he admitted he had supervised clinical trials on an experimental drug in the early '80s that ended another 55 pregnancies. "Foster has been in the forefront of the movement for abortion," claims Douglas Johnson, legislative director of the National Right to Life Committee. "Any effort by the Clinton Administration to paint him otherwise is misleading."

Foster says of the abortion controversy, "I should never have gotten into counting. Why should I? I don't know of a single legislator in Washington whom



◀ "I wasn't prepared for this," says Sandy Foster (with Henry at an NAACP dinner).

► In 1958, Foster graduated with honors from medical school in Arkansas.

▼ Al Gore joined the Fosters in Nashville on Feb. 13.



you could walk up to and ask, 'How many times have you voted on a labor bill?' and get a specific answer."

Foster has also come under fire from the conservative Family Research Council, which charged that he had tacitly supported the Tuskegee Project, an infamous federal study in which some 400 poor black men with syphilis were left untreated so public health doctors could track the effects of their disease. An angry Foster insists he actually led a move in 1972 to get the men medical

treatment, and says the charge is politically motivated. "The moment we found out that treatment was withheld, we were outraged. This is all just pure distortion."

In many ways Foster, who grew up in Pine Bluff, Ark., has spent his life defying long odds. His father, Henry Sr., a high school science teacher, and mother, Ivie, a college art teacher, taught young Hank and his sister Doris that education was the way to get ahead in the segregated South. "My father would

point to his brain and say, 'The key to unlocking everything is here,'" Foster recalls. "I believed him."

After earning a biology degree at Atlanta's Morehouse College in 1954, Foster entered the University of Arkansas Medical School, where he was the only black in the class. Graduating in 1958, Foster interned at the Detroit Receiving Hospital, where he met St. Clair "Sandy" Anderson, now 58, a nurse he married two years later. The couple has two children: Myrna, 32, an intermediate-school teacher in McLean, Va., and Wendell, 31, a director of research at Walt Disney Television in Burbank, Calif.

For most of his career, Foster has dedicated himself to helping the less fortunate, working mainly at John Andrew Memorial Hospital in Tuskegee, Ala., and Nashville's Meharry Medical College—and piloting his own Cessna, a passion, to see patients at both medical centers. In 1987, Foster developed his highly praised "I Have a Future" initiative, which has taught hundreds of Nashville's disadvantaged teens the value of sexual abstinence and education. That work was recognized by George Bush in 1991 as one of his "Thousand Points of Light."

Foster says he was cheered by a recent phone call from his "good friend" Joycelyn Elders, the Surgeon General fired by Clinton last December for, among other things, her controversial remarks about masturbation. She advised him to "tell the truth and be yourself"—and Foster intends to do just that when his confirmation hearings begin in the Senate this month. "I try to confront challenges with three things: intelligence, energy and integrity," he says. "Those are the values I try to teach."

• DAVID ELLIS

• JUNE SINIS POMERAY in Nashville

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Clinton's Hobson's choice

President Clinton, who has been accused of a lack of backbone for failing to support several embattled nominees for high office, has finally decided to take a firm stand behind his choice for U.S. surgeon general. Unfortunately for Clinton — and for Congress, which must pass judgment on the nomination of Dr. Henry

Foster Jr. — it is the worst possible place to stake the rapidly diminishing prestige of his presidency.

The Foster nomination

Dr. Foster's lack of candor about the number of abortions he performed during his 38-year career as a highly respected obstetrician has made him an inviting target for the anti-abortion forces and their conservative allies in Congress. Clinton and his aides did him — and themselves — a huge disservice by moving with undue haste to replace the controversial Dr. Joycelyn Elders without thoroughly checking Dr. Foster's background and preparing him for the firestorm of opposition he now faces.

Ironically, even as Dr. Foster was proclaiming that he has devoted his life to making sure that young women, especially the poor, don't have to face the cruel choice of having

an unwanted baby or an abortion, he has presented Clinton with an even crueler choice.

If Clinton withdraws the badly flawed nomination, he will reinforce his reputation for not having the courage of his convictions by refusing to support yet another embattled nominee, as he did with such crash-and-burn nominees as Zoe Baird, Kimba Wood and Lani Guinier. Even worse, he will risk alienating two groups at the core of his political constituency — the black community and those who favor a woman's right to have an abortion.

If, on the other hand, Clinton sticks with his nominee for surgeon general, as he seems determined to do, he almost certainly will be dealt a humiliating defeat by the Senate, and provide more ammunition for critics, both Democrat and Republican, of his chaotic management style.

Clinton has only himself to blame for placing himself in the position of those who rented horses from a 17th century Englishman named Thomas Hobson, who gave his customers only one choice — that of the horse nearest the stable door. In the case of Clinton's latest ill-fated nominee, the horse is spavined and crippled, and trying to ride it will only serve to further damage his presidency.

Privatization with compassion

The Republican plan to privatize the architect's office is only the tip of the iceberg.

As Marcia Gelbart reported, House and Senate appropriators have endorsed a proposal to slash the architect's office from 2,304 full-time employees to somewhere between 50 and 400 during a three year period.

Republicans plan to turn the architect's office into a contracting office, and have most architecture work performed by private companies.

The 40,000 people who work on Capitol Hill are about evenly divided between those who work on congressional and committee staffs, on the one hand, and those who provide support services, including the Congressional Research Service, Congressional Budget Office and General Accounting Office.

Republicans rightfully believe that before they can impose fiscal austerity on recipients of federal aid, they must cut their own budgets, including both the 20,000 who work for congressional staffs and committees and the 20,000 who provide support services.

Some of those cuts are undoubtedly overdue. But they should be made with compassion. Private contractors should be encouraged to hire support service employees who lose their jobs because of privatization, for reasons that are both pragmatic and compassionate.

Those employees know the territory, and have years of both loyalty and expertise to offer their new employer. They should not be coldly "terminated," but continue to provide the services they have so ably performed.

ON THE RECORD

How Babe Ruth helped me get this job

By Albert Eisele

Since baseball's spring training begins this week while Congress is grappling with the baseball strike, I guess I can justify the following personal account of how Babe Ruth helped me land this job.

It was in late September, 1961, and I had just finished the season as a pitcher on the Cleveland Indians' Carolina League farm team in Burlington, N.C., and was looking for off-season work as a reporter. Like everyone else, I was watching as the New York Yankees' Roger Maris closed in on the Babe's 1927 record of 60 home runs.

Tom Zachary, who threw the pitch that Ruth hit for his 60th home run, happened to be living in nearby Graham, N.C. Figuring that the story behind the pitch that made baseball history would catch an editor's eye, I called Zachary and asked for an interview. "Sure, come on over," said the former Washington Senators' left-hander, now a retired farmer. "I don't usually like to talk about that but I guess I can help out a fellow pitcher."

Zachary, who died in 1969 at the age of 72, could recall every detail of the pitch that made baseball history. It was the ninth inning of an afternoon game in Yankee Stadium on Sept. 30, 1927. There were two men on and two out, and the score was tied 2-2 when the Great Bambino swaggered to the plate.

"The Babe had been up three times before but he hadn't gotten a hit off me," Zachary recalled. "I was pitching him careful and walked him once. Everybody knew he was out for the record, so I said he wasn't going to get anything good from me. I got the count to 3-2 and then threw him a curve. He hit it a mile high and far down the right field line into the bleachers. There's no telling how far that ball did go. From the pitcher's mound it looked foul, and I hollered, 'foul!' But the umpire called it fair."

Was it a good curve? I asked with a mixture of sympathy and professional curiosity. "As good as I had," he replied. "It was outside and he pulled it."

♦ ♦ ♦

Ironically, Zachary was traded the following year to the Yankees, where he became Ruth's teammate and compiled a perfect 12-0 record. But he always told the legendary slugger that the ball he hit to break his own record of 59 home runs set in 1923 deserved an asterisk.

"I used to tell Ruth that it was a foul ball and he always said, 'No, it was fair.' In 1948, the Yankees had a farewell day for Ruth, who was dying of throat cancer, and Zachary was invited. 'The Babe came up to me afterwards, so hoarse he could hardly talk, and said, 'You left-handed so-and-so, you still think that was a foul ball?'" Zachary admitted to me it wasn't foul, "but close, I reckon."

It bothered Zachary that he was destined to be remembered for one gopher ball and not for the fact that he had won 160 games for six teams during 17 years in the major leagues. But he had absolutely no doubt about Ruth's greatness, even if his record was about to be broken. "Nobody will ever replace him," he told me. "He faced the best pitchers all the time and they bore down all the time."

The article I wrote based on the interview got me a job as a reporter for the St. Paul Pioneer Press, but it did little for my pitching career. The following season, I was released by Cleveland's farm team in Charleston, W.Va., and returned to my reporting job. Three years later, my paper sent me to Washington, where I acquired an incurable case of Potomac Fever.

But I never forgot Tom Zachary's final words about the pitch that made him famous. "If I had that one pitch to throw over," he said in all seriousness, "I'd throw it right at his ear."

Don't politicize the public's health

By Sen. Frank Lautenberg

Last week, the president recommended to the Senate Dr. Henry Foster to serve as the surgeon general of the United States. Dr. Henry Foster should not be disqualified by the Senate to serve as surgeon general because he performed legal medical procedures.

Dr. Foster is a distinguished physician who appears to have the professional qualifications to discharge the responsibilities of the surgeon general. He should not be dismissed because, in the course of his long career, he has provided medical services to women faced by problem pregnancies. As far as we know, he has acted well within the confines of the law. I urge all senators to keep an open mind on this nomination, and to permit Dr. Foster to participate in impartial and fair hearings before the Senate Labor Human Resources Committee.

Anti-choice groups have attempted to create a firestorm around this nomination, and make the issue of abortion services a litmus test for public service. This is wrong headed. The Supreme Court has ruled that abortion rights has the broad support of the American people. An ideological minority should not have veto rights over administration appointments.

It is ironic that anti-choice groups are trying to destroy a nominee who appears to have spent much of his career trying to prevent teenage pregnancies — thus

Foster is qualified

reducing the prospect of abortion as a means of dealing with an unintended or problem pregnancy. Those who oppose abortion should be Dr. Foster's strongest supporters.

And at a time when we are confronted by the grim statistics of teen pregnancy, Dr. Foster founded a program in Nashville called "I have a Future." This program tries to reduce the problem of teenage pregnancy by encouraging abstinence, hard work, college preparation and job training. It has been so successful that President George Bush recognized it as one of his "thousand points of light" in 1991.

Abortion is a legal medical procedure in this country. If anti-choice groups want to criminalize abortion — make it illegal — they should make their case through the legislative process. Several constitutional amendments are and will be proposed for consideration in

this Congress. Anti-choice senators who want to reduce or prohibit abortions should pursue that route, and not conduct a witch hunt on an apparently dedicated and qualified nominee.

If Dr. Foster's nomination is defeated solely for this reason it will send a chilling signal throughout this country.

It will say to any health professional who has performed abortions or is considering becoming a gynecologist — you will never work for the Department of Health and Human Services. You will never be confirmed by the United States Senate. You cannot serve your country.

We have yet to review Dr. Foster's entire record, nor has the Senate. But when we do, I hope we will concentrate on relevant criteria and not focus on one ideological issue. In the best of our medical traditions, Dr. Foster counseled his patients privately and provided them with medical treatment arrived at jointly between patient and doctor. He acted entirely appropriately and within the law.

If Dr. Foster is not permitted a fair and impartial hearing, focused in his professional qualifications to carry out the duties of the surgeon general, we will have politicized a critical public health function in this country and degraded the reputation of a man who has spent 40 distinguished years in public health.

Frank Lautenberg is a senator from New Jersey.

Clinton should withdraw Foster's nomination

By Sen. Don Nickles

Over the past week, a firestorm has erupted over President Clinton's nomination of Henry W. Foster as surgeon general of the United States. I believe that the president erred when he chose Dr. Foster as surgeon general and I believe that the president should withdraw his nomination immediately.

President Clinton has said that the only people who are fighting this nomination are those who oppose abortion. He is wrong. I oppose abortion, but I believe the nomination should be withdrawn because of the nominee's lack of credibility. Dr. Foster has shown he has trouble with the truth.

In the space of less than a week, Dr. Foster has given three different estimates of the numbers of abortions he's performed. Initially, he told administration officials that he'd performed just one abortion. Then, he issued a statement that said, "As a private practicing physician, I believe that I performed fewer than a dozen pregnancy terminations." Later on ABC's "Nightline," Dr. Foster recanted his earlier estimates and provided a new estimate of the number of abortions he's performed: "39 of those cases in 38 years in practice."

But two days later, the Associated Press reported Dr. Foster had performed an undetermined number of abortions prior to 1973 — abortions that are not included in the 39 abortions he admitted to having performed on "Nightline." Dr. Foster also does not count abortions performed on women who participated in clinical trials of an experimental drug. Dr. Foster was chief investigator for those trials in which the drug successfully induced abortions in 55 of the 60 pregnant women who participated. Four others had to undergo surgical abortions, and one carried her baby to term. Nor does the "Nightline" statement square with records of Dr. Foster's earlier statements about abortions. In 1978, Dr. Foster was a member of HEW's Ethics Advisory Board. Transcripts of one meeting of the board indicate the Dr. Foster made the following statement: "I have done a lot of amniocentesis and therapeutic abortions, probably near 700."

At first, the administration suggested the transcripts were counterfeit, that Dr. Foster may not have attended the meeting and that the statement may have been made by a different Dr. Foster. They have since conceded that the transcripts are genuine, but the nominee categorically denies having made the statement, despite official government transcripts to the contrary.

The nominee has trouble with the truth

Despite three separate estimates supplied by the nominee, we still do not know how many abortions Dr. Foster has performed. Dr. Foster has also had trouble with the truth in discussing his records as an administrator at Meharry Medical College. On "Nightline" Foster said, "We have a responsibility in training residents to maintain our accreditation. Very difficult job. I maintained an accredited residence program for 17 years." But The Washington Times later reported the obstetrics residency program lost accreditation in 1990 when Foster was department chair. That accreditation, the article says, has not been recovered, meaning that Meharry Medical College cannot place students in hospital residency programs in obstetrics.

There's more to that story. Dr. Foster became Dean of Meharry Medical College later in 1990. The following year, according to USA Today, two other medical residency programs at Meharry also lost accreditation: pediatrics and surgery. This raises further questions about Dr. Foster's credibility. On "Nightline" he presented himself as someone who had maintained accreditation of Meharry's obstetrics residency program. But he neglected to mention that he was department chairman when that accreditation was lost.

Still another chapter to this story was added this weekend when the White House confirmed that Dr. Foster had been involved in sterilizing mentally retarded women during the 60s and the 70s. This nomination should not go forward. I have never met Dr. Foster. I am told that he is a good physician, and I am sure that is true. He evidently has done a great deal throughout his medical career to help the poor and disadvantaged. I compliment him on his record of public service. But I cannot support his confirmation as surgeon general because he has trouble with the truth.

Dr. Foster or President Clinton should withdraw this nomination immediately.

Don Nickles is a senator from Oklahoma.

Mailbox

AOC cutbacks called unfair

To the Editor:

Back before working for your government was a crime for which penalties had to be paid, such as arbitrarily mandated unemployment or underemployment, thousands of workers served the Congress of the United States, Democrats and Republicans, with the Architect of the Capitol.

As The Hill reported on Feb. 8, hundreds of those employees, who are people, not just numbers, face the wreckage of their lives through no fault of their own. People with families, mortgages, car notes, children in school and college. Tax-paying citizens who believed in the value of work over the dole, who contributed to the government rather than taking away from it. Heads of house-

holds, some of whom would be on the welfare rolls except for their AOC employment.

And, for the many AOC employees who have suffered the indignity of racism and discrimination over the years, there looms the ultimate indignity of unemployment, or employment at less than a living wage.

Work with dignity has heretofore been the American way. We castigate those who do not work. Where is the fairness in taking away jobs from those who do want to work? There must be a more humane way to reduce government employment that is bloated than this present policy of pillage.

Sincerely,
Solomon Landers
Assistant Night Superintendent
House Office Buildings
Architect of the Capitol

Date: 02/10/95 Time: 18:29

Biden to White House: Give Up on Foster

WASHINGTON (AP) In a fresh sign of trouble, a leading Democratic senator called President Clinton's choice for surgeon general "a political blunder in the extreme" on Friday. Dr. Henry Foster Jr. said he would press on "in the fight of my life."

At first, Sen. Joseph Biden of Delaware coupled his criticism of the White House with a pledge to vote against Foster. He later said he would withhold judgment on the vote. Even so, his comments reflected the turmoil caused by Clinton's nomination of an obstetrician who has performed abortions.

Foster went to the Capitol for photos and meetings with supporters in the House Congressional Black Caucus and the House Pro-Choice Task Force, then went to George Washington University Medical School where he told students, "I am standing strong." He also met with representatives of eight medical associations that are supporting him.

But in the congressional visit the administration did not attempt to start introducing the Tennessee obstetrician and gynecologist to senators, who would ultimately vote on him.

Since his nomination was announced last week, Foster has been under heavy attack from anti-abortion groups. In recent days, many critics have focused as well on differing accounts he has given of the number of abortions he has performed.

"I believe in the right of a woman to choose," Foster told the medical students. "And I also support the president's belief that abortions should be safe, legal and rare. The irony of the debate is my life's work has been dedicated to making sure that young people don't have to face the choice of abortions."

In a slip of the tongue, Foster said his work has included "illegal abortions when it's necessary." He quickly corrected himself, saying, "Legal abortions when it's necessary. It's the law of the land."

In his first statement, Biden said Clinton should pronounce Foster "a decent, honorable ... man and move on," withdrawing the nomination. "I'm not going to vote for a nominee where no deep thought was given before the nomination was sent up," Biden said. Recanting, he said his comments were based not on the nominee but "on my anger and great frustration with the way the White House has handled this nomination."

Biden's actions were a blow, though more than half the members of the Senate Labor and Human Resources Committee still maintain they are undecided and are waiting for the panel's confirmation hearing.

"I have a feeling myself that there's still time to straighten out this mess," said Sen. James Jeffords, a moderate Republican from Vermont. "I'm ready to go to a hearing."

But on Thursday, Sen. Dan Coats, R-Ind., another committee member, urged Clinton to withdraw Foster's nomination. He said the litmus test was not abortion but "the truth." The New York Times also called for Clinton to give up on the nomination.

Sen. Orrin Hatch, R-Utah, also on the committee, said Friday the president cannot afford to withdraw Foster, but "If I were Foster I'd do him a favor and withdraw myself."

On the Senate floor, Minority Leader Tom Daschle, D-S.D., gave a speech in support of Foster, saying "It is a shame that his distinguished career and many contributions to society have been

clouded by his opponents' attempts to turn his nomination into a debate about abortion."

Foster said Wednesday night on ABC's "Nightline" that hospital records at Meharry Medical College in Nashville indicated he performed 39 abortions, not the "fewer than a dozen" he claimed last week. He also presided over a study of an experimental drug that induced abortions in 55 of 60 women.

A former chief of staff at the Tuskegee, Ala., hospital where Foster practiced obstetrics from 1965 to 1973 said Friday that, because of various records problems, it was impossible to independently verify the number of abortions Foster performed there before going to Meharry. Officials at the hospital owned by Tuskegee University said the White House had not contacted them to ask.

Operating room records sat idle for as long as three years inside John A. Andrew Hospital after it closed in 1987, and many were destroyed by water from a leaky roof, said Dr. Howard Settler.

Rep. W.J. Tauzin, D-La., had his own solution, introducing a bill Friday to eliminate the surgeon general's office altogether.

Some Democratic lawmakers expressed frustration, asserting that conflicting information on Foster's medical background in particular on the number of abortions he had performed had allowed anti-abortion opponents the political cover to oppose Foster on grounds of credibility.

"They've got cover," Rep. Patricia Schroeder, D-Colo., said of Foster's opponents. "This is the best of all worlds for them."

Rep. Nita Lowey, D-N.Y., added, "The radical right would be opposing Dr. Foster if he had performed one abortion or two abortions or 20 abortions. The number doesn't matter to them. They oppose Dr. Foster because he performed abortions."

Lowey, who is co-chair of the House Pro-Choice Task Force called the questioning of credibility "just a smoke screen."

In recent days, numerous Republican senators have spoken out against Foster. On Thursday, Sen. Phil Gramm, R-Texas, said he would do "everything I can to defeat the nomination," and Senate Majority Leader Bob Dole of Kansas said of Clinton and the nomination, "If it gets any worse, they probably shouldn't send it up here."

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WENT TO
TO DINNER



Henry W. Foster Jr., MD

■ Henry W. "Hank" Foster, Jr., M.D. is a ***practicing physician, a scholar and academic administrator of national stature, and a community leader***. For the past 21 years, Dr. Foster has been responsible for training some of the nation's finest medical practitioners at Meharry Medical College, where he has been a professor, a department chairman, dean of medicine, and acting president. Dr. Foster is ***one of the nation's leading experts on, and advocates for, maternal and child health, and has developed and directed teen-pregnancy and drug-abuse prevention programs*** that bolster self-esteem and encourage personal responsibility.

■ Dr. Foster is a ***skilled communicator who emphasizes consensus-building over confrontation***. As President Clinton's choice for U.S. Surgeon General, he won enthusiastic endorsements from the American Medical Association, the Association of Schools of Public Health, the National Medical Association, the American College of Obstetricians and Gynecologists, among others. He was endorsed by his hometown newspaper, The Nashville Tennessean, even before being officially named. Dr. Foster's supporters cite his distinguished career, commitment to the health of women and children and his impeccable personal credentials.

■ Dr. Foster has ***strong bipartisan support***. Former HHS Secretary Dr. Louis Sullivan has lauded his selection to be the next Surgeon General. In 1991, President George Bush named the "I Have A Future Program" that Dr. Foster developed as one of this nation's "Thousand Points of Light" for its pioneering work in reducing teen pregnancy. He served on Tennessee Governor Lamar Alexander's Task Force on Healthy Children and chaired its subcommittee on infant mortality. In 1972, Dr. Foster was one of the youngest doctors ever inducted into the prestigious Institute of Medicine of the National Academy of Science, and he has served on local and national boards of such organizations as the March of Dimes Birth Defects Foundation, the American Cancer Society, the Young Women's Christian Association and the American College of Obstetricians and Gynecologists.

Abortion Foes Attack Record Of a Nominee

By JERRY GRAY *AI*
Special to The New York Times

WASHINGTON, Feb. 7 — President Clinton's nominee for Surgeon General was dealt another blow today as anti-abortion forces stepped up their assault on his record, saying he had participated in a study designed to help women induce their own abortions.

Congressional Democrats complained that the White House was not adequately defending Dr. Henry W. Foster Jr., an obstetrician and gynecologist from Tennessee, and even some of his supporters warned that his veracity was in doubt and his nomination could be in trouble.

Besieged by a debate over how many legal abortions Dr. Foster has performed in a 30-year career in a field in which abortions are common, supporters argued that the debate over numbers was a diversionary tactic and should not be the test in choosing a nominee.

The White House, which had earlier stressed Dr. Foster's insistence that he had performed fewer than a dozen abortions, agreed that the battle over numbers was a diversionary tactic. "The Administration believes the number of pregnancy terminations conducted by a highly qualified physician ought not to be a factor," said Michael McCurry, the White House spokesman.

The White House did not attempt today to offer any definitive count. Nor did it try to clarify apparent contradictions between Dr. Foster's statements and documents suggesting that he had performed far more abortions than he acknowledged.

Although the President and various White House officials issued statements supporting Dr. Foster,

Continued on Page A16, Column 1

Nominee for Surgeon General Faces New Wave of Criticism

Continued From Page A1

Democrats and Republican alike were predicting a troubled confirmation, particularly if the veracity of the candidate became an issue. Even some initial supporters were beginning to doubt his prospects.

"While I would like to be able to support Dr. Foster, I will not make a decision on his nomination until complete information on his background" becomes available, said Senator Bill Frist, a Republican freshman from Tennessee who is a doctor and a friend of Dr. Foster. Mr. Frist had initially applauded the choice of Dr. Foster for the job.

Speaking of Dr. Foster's prospects, Senator John B. Breaux, Democrat of Louisiana, said: "Rough seas. He's got a rocky road ahead of him."

The anti-abortion groups trying to block Dr. Foster's Senate confirmation released new documents showing that Dr. Foster had directed a study in the 1980's to test drugs designed to let women induce their own abortions. On Monday they released a transcript of a 1978 hearing at which Dr. Foster was quoted as saying, "I have done a lot of amniocentesis and therapeutic abortions, probably near 700."

The speaker did not give a breakdown of how many of either procedures had been performed. An amniocentesis rarely causes an abortion.

But on Monday, Dr. Foster denied making those comments and the White House stood by him. Today the White House said it was aware of the abortion study and defended it as a research program that was approved by the Federal Drug Administration.

But the anti-abortion groups' strategy appeared to have struck a political nerve and left the White House looking vulnerable as it first asserted that Dr. Foster had performed only one abortion, then said he had performed about a dozen, then declined to comment on numbers while it compiled a study of his medical practice.

President Clinton, who said on Monday that he would continue to back Dr. Foster "if the facts are as I understand them to be," was more supportive today. Asked about the varying reports of abortions Dr. Foster had performed, he said, "I be-

lieve that they've been cleared up, and I certainly support him."

But Michael McCurry, the White House spokesman, said, "It's clear that there are questions arising on Capitol Hill about his medical practice and for that reason the administration is now compiling an exhaustive and complete analysis of that practice which we will be able to share with members of the Senate."

Dr. Foster has not commented directly on any of the controversies that have surrounded his nomination and he has declined to be interviewed. That has left the field largely to his opponents and there were signs today that they have been able to plant seeds of doubt in the minds of those who are inclined to support the nomination, including some moderate Republicans who may hold the deciding votes.

"I urge my colleagues in the Senate to withhold judgment on Dr. Henry Foster Jr. until we know all the facts," said Senator Arlen Specter, a Republican from Pennsylvania.

But Mr. Specter, a candidate for the Republican Presidential nomination, said he was "very" concerned about allegations that Dr. Foster misrepresented his record.

"If the issue is veracity and character, that may be a basis for disqualification," he said.

Concerned that Mr. Clinton might be waffling in his support and perplexed by the near silence of Senate Democrats, a group of House Democrats today began their own campaign in support of Dr. Foster.

"The majority of Americans will not allow a narrow band of extremist special interest groups to derail Dr. Foster's nomination," said Representative Nita M. Lowey, a Democrat from New York and the co-chairwoman of the House Pro-Choice Task Force. "We will not tolerate the harassment of doctors, whether it occurs in front of clinics or on Capitol Hill."

A handful of Senate Democrats, Barbara Boxer of California among them, have spoken out in support of Dr. Foster.

Groups as varied as an association of medical school deans and the American Jewish Congress rushed to the nominee's defense. But one group of abortion supporters, angry with both the White House and Dr. Foster, called for the nomination to be withdrawn, saying it was no longer appropriate.

Gingrich Dines With Broadcasters as Democrats Criticize Ethics

By KATHARINE Q. SEELYE
Special to The New York Times

WASHINGTON, Feb. 7 — Speaker Newt Gingrich was the big attraction tonight at what was billed as a 50,000-a-plate dinner to raise money for a conservative cable-television network that broadcasts a weekly all-in program featuring Mr. Gingrich. Several Democrats said the speaker's attendance was unethical because the contributions were partly tax-deductible and thus constituted a Government subsidy to a politically oriented enterprise.

The network, National Empowerment Television, which reaches 11 million homes, said it expected the dinner to raise more than \$350,000. The menu at the Hay Adams Hotel,

near the White House, included smoked salmon, roast rack of lamb and cappuccino tortes.

The guests included Michael Huffington, the former California Representative who narrowly lost a race for the Senate last year, and his wife, Arianna, who once had a show on the network. She is now developing a program to be called "Beat the Press," in which she would publicize inaccuracies in the news and interview "victims" of news media. Her first guest, she has said, would be the Speaker.

Mr. Gingrich, Republican of Georgia, did not pay for a ticket to the dinner, which was closed to the press. Earlier in the day, he acknowledged that the dinner's tax de-

duction — which Democrats said was about \$20,000 of the \$50,000 total per-person price tag — provided an "indirect" taxpayer subsidy to the network. But he suggested that this was preferable to Federal subsidies for "programs that many people in this room favor." The people were reporters and the programs he referred to were those on the Public Broadcasting Service and National Public Radio.

While other politicians, including President Clinton, have attended fund-raising events with price tags of \$50,000 a person, the difference in this one was that National Empowerment Television is owned by the Free Congress Foundation, a nonprofit public policy research organization, and so the \$50,000 tickets

were partly tax deductible.

Democrats went to the floor of the House and held a news conference to denounce Mr. Gingrich's participation in the dinner. Representative Charles E. Schumer, Democrat of Brooklyn, called National Empowerment Television a "radical right-wing TV station solely devoted to espousing reactionary views 24 hours a day."

Besides the Huffingtons, other paying guests at the dinner included David Brennan, a lawyer from Akron, Ohio; Richard Hines, a business consultant; Frank Hanna of HBR Capital in Atlanta; Mr. and Mrs. Richard Larry of the Carthage Foundation in Pittsburgh, and Carlo Morelli, a Texas entrepreneur. There were also several non-paying guests, the network said.

Clinton Nomination Again Mired in the Details

By Ann Devroy
Washington Post Staff Writer

A1

When President Clinton settled on Tennessee physician Henry W. Foster Jr. as his nominee for surgeon general, he thought he had a candidate with a "perfect profile," a man heavily involved in curbing teenage pregnancy who had delivered thousands of babies and had even been cited as a hero by then-President George Bush.

But what Clinton and his aides did not fully debate is abortion, one of the most emotional issues

■ *Abortion foes' copious files have helped put the Foster nomination in trouble.* Page A12

in the country, and whether they were prepared for a battle over it.

Now the president, hobbled by incomplete information on his nominee and embarrassed by erroneous information dispensed once and maybe twice about Foster, has been thrust into an unwelcome and uncomfortable political fight that shows no signs of abating.

Yesterday, Clinton repeated that he stands behind his nominee and will fight for him. But faced with a gush of allegations about Foster's record, the White House put deputy chief of staff Erskine Bowles in charge of an emergency fact-gathering mission: summoning Foster to the White House on Monday night to answer questions; dispatching aides to Tennessee to examine

his record; and assigning a half-dozen aides to find out the facts that were not examined before Clinton announced his intention to nominate Foster in an Oval Office ceremony last week.

"The next time we utter a number" of abortions performed by Foster, said Avis LaVelle, spokeswoman for the Department of Health and Human Services, "it won't be based on Dr. Foster's recollection. It will be based on a thorough review of all the records so he is not vulnerable to these allegations."

Some administration officials, and Clinton's abortion rights allies, are perplexed and angered that he is now in the situation of arguing over how many abortions Foster has performed. They

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Divisive Issue Imperils Surgeon General Choice

FOSTER, From A1

argue that having Foster issue a statement saying that he performed "less than a dozen" abortions, mostly in cases of rape, incest or to protect the health of the woman, plays into the hands of abortion foes by suggesting that performing a legal procedure is somehow wrong and needs explanation.

"We should have said all medical procedures he performed were legal and ethical and left it at that," said one official. But White House press secretary Michael McCurry said the Senate wanted to know the details so the administration had no choice but to gather and make them public.

Yesterday, the National Coalition of Abortion Providers said in a statement that Foster's "equivocation and political cowardice in the face of criticism for doing what is legal... is inappropriate." The group called for Foster to step down.

Rep. Louise M. Slaughter (D-N.Y.), one of a group of Democratic members of Congress who called a news conference yesterday to support Foster, said it was "deplorable" that the administration had helped undercut Foster's nomination by getting into a debate over how many and what kind of abortions he performed.

The Clinton administration has a history of troubled nominations, from two failed choices for attorney general to civil rights enforcement chief nominee Lani Guinier, to last year's withdrawn nomination of Bobby Ray Inman to head the Defense Department. Many of the problems of those nominations were laid to incomplete examination of the candidate's background.

Interviews with a number of White House, HHS and congressional officials suggest that Foster's selection, aimed to be noncontroversial after the stormy tenure of his predecessor, Joycelyn Elders, began normally. Officials said Foster was recommended by David Satcher, head of the Center for Communicable Dis-

eases in Atlanta, and received glowing tributes from a variety of professionals in the health fields.

HHS officials, who compiled the original list of potential nominees for the White House and sent the list over in January, said the fact he had performed abortions was known but, as LaVelle put it, "It was such a minuscule part of his record."

HHS officials said that the White House did "the serious vetting" and that it was in charge of any serious examination of Foster's background on the abortion issue. "We answered the general question," McCurry said in defense of the operation there, "and now we are answering the specific question" of how many, what kind, under what circumstances abortions were performed.

Administration officials said yesterday that Clinton's top aides did not believe abortion would turn into a big issue because, as one put it, "the guy had a perfect profile, the Republicans don't want a fight now over this, and we were lulled into thinking if we went forward with a perfect person for this post that we would not be caught up in a huge fight."

What was not added to the White House calculation was that even if congressional Republicans did not want a fight, antiabortion groups always do. A congressional Republican said yesterday that the antiabortion and religious conservative groups were "spoiling for a debate, salivating for a debate" but had agreed to forgo one while Republicans worked on their major concern, budget and economic issues in the "Contract With America." The White House, the Republican said, "has given them the fight we did not."

An administration official, only marginally involved in this nomination, called the White House rationale "incomprehensible." He added, "There are certain questions in the current political climate you check 10 times and then 10 times more because of their resonance. The ques-

tion of whether he performed abortions, under what circumstances, the public record in this area, you check them all so you can make an informed judgment going in. We're saying here that we did not do the proper vetting again."

The first result of incomplete information was to pass it along to Sen. Nancy Landon Kassebaum (R-Kan.), an abortion-rights supporter who heads the committee Foster would face first in confirmation. Sources said HHS Secretary Donna E. Shalala, in a phone conversation with Kassebaum, gave the senator what all now say was the wrong information—that Foster had performed only one abortion—at a time the president and his senior aides knew Foster had done more than one abortion.

Kassebaum accused the White House of handing out wrong information and thus turning Foster's nomination into an abortion fight nobody wanted. The White House, she said yesterday, has made the Foster nomination a "litmus test" issue on abortion. "I am not saying it should be; I'm saying it is," she said. The White House, she said, got "caught in the middle of something the White House should have realized was very sensitive."

"Why do they keep going to nominees who have problems?" asked Majority Whip Trent Lott (R-Miss.).

Clinton had hoped this winter to stick to his message of helping the middle class and to avoid fights that were not of his clear, strategic choosing.

White House officials insisted yesterday that Clinton would not withdraw Foster's nomination. "The president does not feel that the number of abortions is a factor," said McCurry, even though it was the administration that first offered that Foster had performed fewer than a dozen abortions.

McCurry yesterday described Clinton as being ready to oppose "those who would suggest that anything Dr. Foster has done, which is certainly legal and certainly within the bounds of medical ethics, ought to be made illegal, and that ultimately is what those fighting this nomination are raising."

Staff writers Helen Dewar and Kevin Merida contributed to this report.

THE WASHINGTON POST
WEDNESDAY, FEBRUARY 8, 1995

Furor grows over pick for medical post

Surgeon general nominee comes under new criticism

By Mimi Hall
USA TODAY

The White House said Tuesday it was doing an "exhaustive" background check on its embattled surgeon general nominee as criticism of Henry Foster grew on and off Capitol Hill.

The newest controversy: the disclosure that he ran a medical school experiment with an abortion drug.

That news came a day after abortion opponents circulated a document that seemed to show he'd performed many more abortions than the "fewer than a dozen" he'd told the White House.

To abortion opponents and their allies in Congress, Foster's involvement in performing or supervising abortions is enough to disqualify him.

To some others, honesty has become the issue. They question whether Foster and the White House have been forthright.

"He's got to get out and be candid and tell the truth," said Sen. Orrin Hatch, R-Utah, who opposes abortion but said he is keeping an "open mind" about Foster. "I think he needs to clarify the issue." Foster has been unavailable to the press.

President Clinton said he stands by Foster and dismissed questions about the Nashville obstetrician-gynecologist's abortion record.

"I believe they have been cleared up, and I certainly support him," Clinton said.

A nationally renowned physician whose program to combat teen pregnancy was chosen in 1991 as one of President Bush's "Thousand Points of Light," Foster, 61, is best-known for his work on infant mortality, teen pregnancy and drug abuse.

"He has an outstanding reputation as a physician and an OB/GYN in his field," said Louis Sullivan, secretary of the Department of Health and Human Services under Bush.



By Tim Dillon, USA TODAY
FOSTER: Physician's forthrightness now an issue.

But abortion opponents, hoping to derail the nomination, cited evidence that Foster has done many more abortions in his 38-year career than he initially disclosed.

Tuesday, the National Right to Life Committee released additional pages of testimony they say Foster gave in 1978 as a member of the Department of Health, Education and Welfare's Ethics Advisory Board.

In a discussion about fetal research and amniocentesis — a genetic test done during pregnancy — Foster tells the panel, "I have performed many amniocentesis and therapeutic abortions, probably near 700."

Clinton administration officials said Foster denies making the statement and that the transcript contains a mistake, perhaps by the transcriber.

"This is clearly an error," said Health and Human Services department spokeswoman Avis Lavelle. She said he has not done "anywhere near that number" of amniocentesis tests or abortions.

Adding to the political firestorm: a medical journal article written by Foster, and released Tuesday by abortion opponents, reporting on a study of a suppository designed to induce abortion.

He was in charge of that 1981 study as head of obstetrics



By Joe Marquette, AP
SHOW OF SUPPORT: Reps. Nita Lowey, left, D-N.Y.; Barney Frank, D-Mass.; and Nancy Pelosi, D-Calif., hold a Capitol Hill news conference in support of surgeon general nominee Henry Foster.

“

He has an outstanding reputation as a physician.

”

— Louis Sullivan, ex-HHS secretary



USA TODAY

“

Some senators feel like they were ... misled.

”

— Trent Lott, GOP Whip



USA TODAY

and gynecology at Meharry Medical College.

The suppositories used in the Food and Drug Administration-approved study contained the hormone prostaglandin, used to stimulate uterine contractions, and were given to at least 60 pregnant women.

The suppositories were never marketed, but at the time of the study, Foster was quoted in the *Nashville Banner* as saying they were "revolutionary."

"Ultimately we hope to eliminate abortions as we know them in this country," he said.

LaVelle said it is unclear whether Foster administered any of the suppositories.

She said HHS officials are researching Foster's record to determine exactly how many abortions he performed.

Still, the abortion scrutiny "shouldn't be necessary," LaVelle said. "You look at the body of his work, and this is not what Dr. Foster is about. But even if it were, this is a legal practice in this country."

On Capitol Hill, where Foster will need to be confirmed by the Senate, some senators complained they weren't told the whole story of Foster's background earlier.

"Some senators feel like they were misled," said GOP Whip Trent Lott of Mississippi.

Sen. Nancy Kassebaum, R-Kan., whose subcommittee will hold hearings on Foster's nomination, said the White House should have been "more sensitive" on the issue.

At first, officials told her Foster had performed only one abortion. When that was revised to about a dozen, the White House said it was a staffer's mistake.

Kassebaum, who supports abortion rights, said she'll withhold judgment on Foster. But she called the latest revelations part of "a controversy that is not going to go away."

And abortion opponents promised to fight the nomination to the end.

"The picture that the White House painted on the first day of Dr. Chastity is unraveling," said Right to Life's Douglas Johnson. "Dr. Foster is more like Dr. Abortion."

Planned Parenthood said 100 volunteers from 32 states would lobby senators on Foster's behalf today.

Supporters said they were stunned abortion had become the focus of Foster's record.

"Here's a man who has delivered thousands of babies, counseled thousands of teenagers, and he could be blocked for doing something that's legal in all 50 states," said Sen. Patrick Leahy, D-Vt. "It's Alice in Wonderland."

Conservatives also have complained that the "I Have a Future" teen pregnancy prevention program, which Foster started, distributes condoms. But doctors familiar with the program say its main emphasis has been on abstinence and self-esteem.

"I never heard anybody say that Dr. Foster was an abortion physician — he was not known for that," said David Satcher, director of the Centers for Disease Control in Atlanta and former president of Meharry Medical School. "He was known for trying to help teenagers deal with their sexuality in a positive way."

Paul Batalden, assistant surgeon general under Nixon and Ford, said Foster is known as a "very conservative fellow."

He added, "He's a person who, I think, would serve the public interest very well."

Contributing: Judi Hasson, Judy Keen, William M. Welch

Foster abortion-pill work puts confirmation in deeper doubt

By Paul Bedard
THE WASHINGTON TIMES

A1

President Clinton's nominee for surgeon general, Dr. Henry W. Foster Jr., tells in a 1985 medical study how he and his research team induced abortions in 55 of 60 patients, further discrediting his claim of performing "fewer than a dozen" abortions and creating new problems for the nomination on Capitol Hill.

House and Senate Republicans, armed with news articles, a scientific study on abortion authored by Dr. Foster and a transcript in which he reports doing "a lot of amniocentesis and therapeutic abortions — probably near 700," said that the doctor's credibility

Statements raise 'character issue'

and truthfulness are now in doubt.

Sen. Connie Mack, Florida Republican, said more troublesome than the abortions Mr. Foster performed is the charge that the former Planned Parenthood board director may have lied about it. "That creates a problem for me because it raises the whole character issue," he said.

"Unless some of these disturbing questions can be answered satisfactorily, his confirmation is in serious jeopardy," said Sen. Dan Coats, Indiana Republican.

"The White House has badly

mishandled a nomination in which they should have been sensitive to the issues that would be raised," said Sen. Nancy Landon Kassebaum, Kansas Republican and chairman of the Labor and Human Resources Committee, which will hold hearings next month on Dr. Foster's nomination.

House Democrats and liberal groups, such as the National Abortion and Reproductive Rights Action League and the National Organization for Women, met to map a strategy to save the Foster nomination. A NARAL leader said at a private meeting of activists that actress Barbra Streisand had called Mr. Clinton to express sup-

see FOSTER, page A12

From page A1

port for Dr. Foster.

Both Republicans and Democrats said the administration's changing stories on the number of abortions performed by Dr. Foster has made the issue key to the debate over his nomination.

Mrs. Kassebaum said there "should not be a litmus-test issue regarding Dr. Foster, but whether the White House or myself or anyone else believes it should be, it is."

In addition to the numbers issue, Senate Republican leaders said the nomination is faltering because of new evidence that Dr. Foster was deeply involved in fetal research.

Among the new developments:

- In the May 1985 issue of *Obstetrics & Gynecology*, Dr. Foster said a study team he headed worked on a "do-it-yourself" abortion suppository that resulted in terminating the pregnancies of 55 of 60 women tested. In a Feb. 5, 1981, *Nashville Banner* news story describing the ongoing study, Dr. Foster said the medication had resulted in 75 abortions.

Avis LaVelle, spokeswoman for the Department of Health and Human Services (HHS), which is belatedly looking into Dr. Foster's medical background, explained that Dr. Foster was the study's administrator and didn't actually handle the experiments himself. Victor Zonana, an HHS spokesman, said Dr. Foster "may have administered some of the medica-

- The White House and HHS backtracked from charges that the 1978 transcript statement regarding "probably near 700" amniocentesis and therapeutic abortions was fake.

Amniocentesis involves inserting a hollow needle into the uterus of a pregnant woman and extracting amniotic fluid to check for disease or genetic defects or to determine the sex of the fetus.

The transcript was provided to The Washington Times along with a Federal Register notice for June 18, 1978, noting that Dr. Foster would testify in Seattle at a hearing of the Ethics Advisory Board of the Department of Health, Education and Welfare, the predecessor to HHS.

On Monday, Dr. Foster denied mentioning conducting up to 700 abortions or amniocentesis procedures. The White House suggested yesterday that Dr. Foster wasn't even at the hearing. Spokesman Michael McCurry suggested that the transcript was a fraud.

Late yesterday, Ms. LaVelle conceded that the transcript was real, but she said Dr. Foster was misquoted. "The transcript says what it says," she said. Dr. Foster "can't account for what's in the transcript. It could be an error. . . . The transcript is absolutely wrong."

Eric Ueland, a spokesman for the Republican Policy Committee, said of the transcript: "If it is a forgery, it rivals the Hitler diaries."

- In the transcript, Dr. Foster also discusses testing a fetus be-

fore the 13th week for sickle cell anemia. "The struggle has been to try and be able to diagnose sickle cell . . . at a point at which therapeutic abortion could be offered," he said.

- Dr. Foster asked others at the hearing for their views on the possibility of doing "basic research" on fertilized eggs collected for in vitro fertilization that are not implanted in a woman's womb.

For a second day, Mr. Clinton defended Dr. Foster. Asked about the conflicting numbers of abortions, Mr. Clinton said, "I believe they have been cleared up and I certainly support him."

But Republican congressional leaders weren't accepting the White House or HHS explanations. House Speaker Newt Gingrich, Georgia Republican, said, "The burden of proof has shifted from 'We ought to approve him because he seems like a good guy' to 'He'd better prove the case or he's not going to make it.'"

Rep. John Boehner, Ohio Republican and chairman of the Republican Conference, said: "Mr. President, withdraw your nominee and start anew. The Clinton administration appears to have difficulty telling the whole truth when it comes to its nominees."

Several aides to Senate Republican leaders said the White House should withdraw the nomination. "Either the White House or Foster has lied about the number of abortions and his practice," said a key staff aide.

One Senate leadership aide said, "It isn't fair to let Dr. Foster's reputation be shredded by ineptness in the White House."

HHS officials, meanwhile, told Senate Republican aides that the White House has just started its background check on Dr. Foster, a "vetting" that normally begins before a nomination is announced.

Mr. McCurry said an FBI background check has been ordered.

Meanwhile, Republican Senate staff aides are conducting their own investigation into the doctor's medical practice and his management of the financially troubled Meharry Medical College in Nashville, Tenn. He was acting president of the school in 1993 and 1994 and was head of the school's obstetrics and gynecology department from 1973 to 1990, the period during which he conducted the abortion-pill tests.

Liberal House Democrats lined up to slam the White House handling of the nomination and charged that Dr. Foster, who is black, was the victim of a modern-day lynching.

"He's having his character assassinated without a trial," said Rep. Sheila Jackson Lee, Texas Democrat. "This is not the time for a 1995 lynching."

Liberal groups compared the fight for Dr. Foster's confirmation to President Reagan's losing 1987 battle for Supreme Court nominee Robert Bork.

- Nancy Roman contributed to this report.

Nominee-directed pill study resulted in 59 abortions

HHS denies active role by Foster

By Joyce Price
THE WASHINGTON TIMES

Dr. Henry W. Foster Jr. led a research team that used an experimental drug to induce abortions in 55 of 60 pregnant females, the nominee for surgeon general wrote in a medical journal in 1985.

The researchers performed surgical abortions on four in whom the drug had failed, Dr. Foster wrote in the report, published in *Obstetrics & Gynecology*. The 60 females ranged in age from 15 to 31.

"Eligible patients included those in good health who were voluntarily seeking pregnancy interruption and were no more than ... eight weeks pregnant," wrote Dr. Foster, who was chairman of the department of obstetrics and gynecology at Meharry Medical College in Nashville, Tenn.

Dr. Foster's biography identifies him as the leader of the research, which the report said was conducted to "evaluate the safety, efficacy and patient acceptability of this mode of noninvasive early abortion."

That and other revelations yesterday turned up the heat and the volume in the debate over the obstetrician-gynecologist's nomination to be surgeon general.

Douglas Johnson, federal legislative director for the National Right to Life Committee, said the medical journal proves Dr. Foster "was directly responsible for at least 59 elective abortions, contrary to his claims last Friday that he was involved in only a dozen abortions and that those were performed either to save the life of the mother or in cases of rape or incest."

But Avis LaVelle, spokeswoman for the Department of Health and Human Services, the agency in which the surgeon general serves, said Dr. Foster was "just an administrator" in the abortion-pill research.

The research trials, conducted in the early 1980s, were financed by the pharmaceutical company Upjohn. Two combinations of the hormone prostaglandin were administered in a vaginal suppository.

Prostaglandin, which triggers labor contractions, is used in conjunction with RU-486, the French abortion pill being tested in this country. Without prostaglandin, RU-486 is far less effective, studies have shown.

An Upjohn spokesman said the

drug tested at Meharry was never produced for sale, although the researchers concluded it was safe and effective.

The published research was one of several revelations Dr. Foster's opponents used yesterday as evidence against his nomination.

They noted statements attributed to Dr. Foster in a November 1978 meeting of the Department of Health, Education and Welfare's Ethics Advisory Board, of which he was a member.

According to a transcript of the meeting, Dr. Foster said he had "done a lot of amniocentesis and therapeutic abortions, probably near 700." He has denied making that statement.

The transcript also attributes to Dr. Foster a discussion on fetoscopy — a biopsy of a fetus — and a catheter used in the procedure.

It is "quite acceptable" to leave the catheter in the womb after the fetoscope is removed; "in fact, that is one of the techniques we use for continuous prostaglandin infusion," the transcript quotes him as saying.

Judie Brown, president of the American Life League, said Dr. Foster was discussing a process that kills fetuses.

Also in the transcript, Dr. Foster is quoted as saying: "We do amniocentesis to decide whether or not the pregnancy should continue and to provide a therapeutic abortion. In fact, I know much of that."

He cited research at other institutions to diagnose sickle-cell anemia in fetuses before the 13th week of pregnancy. "The struggle has been to try and be able to diagnose sickle cell ... at a point at which therapeutic abortion could be offered," Dr. Foster said, according to the transcript.

Dr. Foster asked others at the meeting for their views on doing "basic research [on] fertilized eggs" — human embryos collected for in-vitro fertilization.

The Rev. Richard McCormick, who was professor of Christian ethics at the Kennedy Institute for the Study of Reproduction and Bioethics, made it clear at the meeting he believed such research would be inappropriate.

Mrs. Brown called Dr. Foster "your worst nightmare come true ... a ghoul." She added that "all hell is going to break loose" if the administration proceeds with the nomination.

• Paul Bedard contributed to this report.

WEDNESDAY, FEBRUARY 8, 1995

The Washington Times

CAL THOMAS

The nomination of Henry W. Foster Jr. to replace Joycelyn Elders as surgeon general is another sign that the Clinton administration has completely failed to understand the message of the last election. It continues to impose on this country people and policies rooted in a philosophy that has proved to be an utter failure.

Dr. Foster was less than forthcoming about his views and how many abortions he has performed. Even the pro-choice Kansas Republican Sen. Nancy Kassebaum said she was disturbed by the misleading information given to her by the White House concerning Dr. Foster.

But there is more to this than misinformation and disinformation. Dr. Foster has close ties to Planned Parenthood, which has a view of sex and education that has exacerbated, not solved, one of the major problems our country faces. Planned Parenthood is not interested in changing sexual behavior but rather in avoiding the unwanted physical consequences of premature sex. Yet one has to wonder why it has failed so miserably in achieving that objective. California may be the best state to judge the results of the philosophy held by Planned Parenthood and its devotees, who include the nominee for surgeon general.

Mike Males, a graduate student in the doctoral program of the School of Social Ecology at the University of California, Irvine, has

Reincarnation . . . and obfuscation?



Henry W.
Foster Jr.

studied tabulations from the California Center for Health Statistics covering 46,500 births among school-age (ages 18 and younger)

about 13,400 births among schoolgirls in California in 1993, only 29 percent of the total.

In 33,200 births among Califor-

adolescents in the state in 1993. In 85 percent of these births the fathers' ages are identified. The statistics show two very different types of "teen-age" motherhood.

The first involves peer schoolboy partners, ages 18 and younger, who average about one year older than their girlfriends. These are the targets of the Elders-Foster-Planned Parenthood condom squads and the focus of the chastity vs. condoms war. Boys in this category accounted for

nia girls ages 11-18 (71 percent of the total), the father was a post-high-school adult man averaging over 22 years of age — five years older than the mother, on average. These adult fathers who are responsible for nearly three-fourths of the 40,700 births among senior high girls average nearly 23 years old. The adult men who father half the 5,900 births among junior high girls (ages 11-15) average 22.1 years of age, 6½ years older than the mothers. In 6,000 births among California schoolgirls in 1993, the fathers were over age 25. Also surprising was that one-fifth of the births fathered by schoolboys (about 3,000) were by adult, post-school women.

As Mr. Males notes, this isn't about "children having children" or "teen motherhood." It is adult sex with school-age youths.

For more than 30 years, Planned Parenthood and its disciples such as Drs. Elders and Foster have targeted elementary school children with their brand of sex education. Dr. Elders wanted to teach elementary kids how to masturbate and use condoms. But in California in 1993, elementary schoolboys fathered no children. Senior high boys, though, were responsible for 41 percent of the births and adult men fathered more than 50 percent of babies born to girls between

ages 11 and 15.

Numerous studies, including some by Planned Parenthood's research arm, the Alan Guttmacher Institute, show that most "sexually active" girls under 15 are victims of rape by substantially older men. Mr. Males writes it is a fact that "adolescents reflect adult values and behavior." We are deceiving ourselves when we think we can make adolescents behave differently than the irresponsible adults who surround them and who pump sex into everything from movies and television to music and advertising.

We would be far better off working to reduce the 71 percent figure (post-high-school adult men fathering children with teen-age girls) than focusing on the 29 percent figure (peer schoolboy partners).

Dr. Foster isn't really "Elders Lite"; he is Dr. Elders reincarnated. Her ideas have been proved not to work. His are just more of the same. We deserve a surgeon general who will focus on the real health needs of the country, not condone those whose behavior is detrimental to our society's well being. When is this administration going to get it?

Cal Thomas is a nationally syndicated columnist.

Mr. McCurry and the art of the statement

Dr. Henry W. Foster Jr. may be denying the accuracy of the 1978 transcript — the one that quotes him as saying he had performed 700 amniocentesis procedures and therapeutic abortions — but it is becoming clear that the president's nominee for surgeon general is going to have to own up to having performed far more than the dozen or so abortions he admitted in a statement last Friday.

As was pointed out on this page yesterday, that statement was carefully crafted so as to refer only to his activities as a private practicing physician. Strictly speaking, Dr. Foster's statement legalistically avoided answering the question of whether he had performed or supervised abortions in his capacity as chief of service at two hospitals, or in his capacity as a medical professor.

Now the evidence is pouring in that Dr. Foster was involved in 60 abortions at the very least — abortions induced chemically with a prostaglandin suppository. And as was anticipated, the White House is seek-

ing cover in the lawyerly language of Dr. Foster's statement. Asked at a press briefing yesterday whether there was "any reason to believe that the number of abortions is substantially different than the estimate of a dozen or fewer?" the president's spokesman, Mike McCurry ran for the legalistic tall grass: "I don't want to get into speculating on numbers. He's indicated, as his statement was very clear, as a private-practicing physician, he recalls at this point fewer than a dozen or so. And I think that he's looking at other aspects of his medical practice and his teaching career and will be in a better position to answer questions from senators during the confirmation process."

In other words, the answer is "Yes, he performed many more abortions." Why can't the White House just play it straight for a change? After all, the purpose of an evasive statement is kind of lost when you subsequently have to get up and explain that it was intended to be evasive.

The Washington Times
WEDNESDAY, FEBRUARY 8, 1995

**Leaders Say Clinton's Budget Cuts Aren't
Enough By Lawrence M. O'Rourke, The
Sacramento Bee, Calif. Knight-Ridder/Tribune
Business News**

WASHINGTON--Feb. 7--Republicans who control Congress dismissed President Clinton's budget Monday as a political gimmick that doesn't cut federal spending nearly enough and forces them to take the heat for slashing popular programs.

Taking up the challenge, Republicans promised to cut much deeper - by trimming Medicare and Medicaid - when they produce a GOP alternative budget within three months. However, they exempted Social Security from the budget knife this year.

Republicans ripped into the president for refusing to take the political knocks for cuts in Medicare and Medicaid. "Without the president's leadership I don't know where we are going," said Sen. Pete Domenici, R-N.M., the Senate budget committee chairman.

While Republicans will delay their own budget for three more months, they plan to seize upon the cuts proposed by the president as the bottom line for their cuts. They said they will aim mostly this year at federal discretionary social programs, avoiding as long as they can big cuts in Medicare and Medicaid. But those big cuts must come, Domenici said.

Signaling the GOP tactic, House Speaker Newt Gingrich, R-Ga., sidestepped suggestions that Clinton's budget was dead on arrival on Capitol Hill. "We are going to genuinely take two weeks, and actually look at every aspect of his budget, and adopt everything we can," Gingrich said.

While conceding that Clinton's budget included \$144 billion in federal spending cuts over five years, Republican leaders said the president's plan would cause deficits to skyrocket early in the next century.

"This is a do-nothing budget that accepts deficits of \$200 billion permanently into the future," said Sen. Phil Gramm of Texas, who is preparing to announce his candidacy for the GOP nomination for president.

"I believe the presidency is a terrible thing to waste," Gramm said, "and if President Clinton is not going to lead on the deficit issue, it's important that Congress lead. I assure you that we can and will do better."

Brushing aside Clinton's goals for education and health care, aside, Republicans, in command of Congress for the first time in 40 years, said they - and not the president - will set the nation's spending priorities.

They made it clear they are ready to go to war with the White House over federal spending - even if that means confrontation all year long between Republicans and Democrats in Washington.

The GOP's timetable for presenting a Republican budget and for acting on appropriations bills opens the door to a summer and fall of GOP spending bills, presidential vetoes, and high-risk standoffs in the weeks around the start of the new fiscal year on Oct. 1.

With spending bills originating in the House, where Gingrich and fellow Republicans have an airtight lock on carving up the budget, there is little Capitol Hill Democrats can do except watch the impending battle.

As a prelude, Republicans said they will use the threat of future torrents of red ink as an argument for their proposed constitutional amendment to require annual balanced federal budgets starting in the year 2002. "The president has given up even trying to get us to a balanced budget," said Sen. Robert Dole, R-Kan., the Senate majority leader.

The GOP dismissed Clinton's budget as an effort to

maintain ties to his liberal backers while shifting the burden of politically difficult spending cuts onto the shoulders of Capitol Hill Republicans.

To trim future deficits, Republicans will have to take steps unpopular with millions of voters, said Rep. John R. Kasich, R-Ohio, the House budget committee chairman.

Noting that Clinton had embraced ideas previously advanced by Republicans by cutting Amtrak and other mass-transit subsidies and eliminating dozens of federal programs, Kasich said, "The president made our job harder."

"We will have to fight the special interests," Kasich said, referring to millions of older and ill Americans who rely on Medicare and Medicaid for health care.

Clinton "waved the white flag of surrender" to future budget deficits, said Domenici. The budget that Republicans will produce by early May, according to Domenici, will be "intellectually honest."

Republicans are willing to take the political hits for attacking Medicare, Medicaid, and other politically sensitive programs, he said. He faulted Clinton for putting forth a budget that allows federal health care spending to increase.

The chorus of Republican criticism that greeted the president's budget on Capitol Hill included some discordant notes from Democrats, and virtually no harmony from Democratic leaders.

Among hostile Democrats were the two senators from Nebraska, Bob Kerrey and Jim Exon. Kerrey, who chaired a presidential commission that examined Social Security, Medicare and other entitlement programs as possible targets for budget cuts, took a swipe at Clinton's middle-income tax-cut plan.

Such a tax cut would create even higher deficits and make it harder to reduce the deficit, Kerrey said.

Exon, the Senate budget committee's top Democrat, also spoke harshly of Clinton's proposal for lower taxes on the middle class. "The president proposes to pay for his tax cuts with cuts in annual spending bills," said Exon.

"This does not conform with the law, and does not make common sense."

The only real way to attack the deficit, said Exon, is to expose Medicare and Medicaid to cuts. Unless Clinton and Congress can find new ways to cut spending, in a few years the country will have no choice other than tax increases to keep it solvent, Exon warned.

Against the backdrop of Clinton's plan to rescue the Mexican peso with a \$20 billion U.S. intervention, Sen. Judd Gregg, R-N.H., said the president's budget will turn the United States into "another Mexico - unable to pay its bills and threatened with chaos."

**Clinton has a list of nominees who didn't work
out By Nolan Walters - Knight-Ridder
Newspapers**

WASHINGTON If President Clinton drops Henry Foster as the nominee for surgeon general, another name will go on the list of people who didn't quite work out in the Clinton administration - sometimes before they even got the job.

The problems have ranged from a borrowed presidential helicopter to Social Security taxes not paid to comments on masturbation to a complicated legal theory about civil rights.

Some highlights:

Zoe Baird was allowed to withdraw as Clinton's nominee for attorney general in January 1993, less than a month into the new administration. She and her husband, who

earned over \$600,000, had hired two illegal Peruvian immigrants to care for their young son and to do housework. Their Social Security taxes were not paid.

U.S. District Judge Kimba M. Wood, Clinton's second choice for attorney general, was dropped from consideration only a day after her name was quietly released in February 1993. She, too, had hired an illegal immigrant to babysit. Because of the timing of the babysitter's hiring, and because she had paid Social Security taxes, there was no violation of the law. Because of the similarity to the Zoe Baird incident, she was dropped anyway.

Lani Guinier, a University of Pennsylvania law professor, had her nomination for assistant attorney general in charge of civil rights pulled by Clinton in June 1993. Clinton had known Guinier socially for years, but after she was attacked by conservatives as a "quota queen" for her aggressive promotion of voting rights, Clinton said he had been mistaken. "Had I read (her theories) before I nominated her, I would not have done so," he said.

John Payton, the chief corporation counsel for the District of Columbia, withdrew from consideration for assistant attorney general for civil rights in December 1993 after it was revealed that he had not voted in 16 years. Payton was quietly done in by the Congressional Black Caucus because of his lukewarm attitude toward voting rights.

Adm. Bobby Ray Inman, a well-respected intelligence officer, withdrew as nominee for secretary of defense in January 1994. At a bizarre press conference, he claimed that a New York columnist had cut a deal with Sen. Robert Dole, R-Kan., to smear his reputation and said, "I do not wish to provide those elements fodder for their daily attacks." He presented no evidence.

Associate Attorney General Webster Hubbell, a close friend and law partner of Hillary Rodham Clinton, resigned as the No. 3 person in the Justice Department in March 1994. Hubbell returned to Little Rock, Ark., to fight charges that he had improperly billed clients at the Rose Law Firm, but later pleaded guilty to such charges.

David Watkins, a longtime political ally of Clinton from Arkansas, was asked to resign as White House director of administration in May 1994 after he commandeered Marine One, the president's helicopter, to fly to and from a golf outing in Maryland.

Agriculture Secretary Mike Espy, originally one of the rising stars of the administration, was forced out in December 1994 following growing charges of ethical problems, including accepting gifts, lodging and sports tickets from Tyson Foods Inc. of Arkansas. Espy also was accused of delaying tough, new rules for inspecting poultry, a move that might benefit Tyson.

Joycelyn Elders, whom Henry Foster was selected to follow, was fired as surgeon general by President Clinton in December 1994 after a series of statements that outraged conservatives. She accused the Catholic Church of having a "love affair with the fetus," referred to the "un-Christian religious right," promoted condom use and suggested her son was set up for a cocaine bust. Clinton had enough after she suggested masturbation was "something that perhaps should be taught" in school.

Rivlin says deep health-care spending cuts may balance budget By Steve Marcy - Knight-Ridder Financial News

WASHINGTON The United States probably could balance its budget in 2003 if Congress enacted the \$144 billion in gross spending cuts President Clinton is seeking and if growth in federal health-care programs slowed to 3 percent annually, Office of Management and Budget Director Alice Rivlin said Tuesday.

However, Rivlin also warned the House Budget Committee that lowering the increase in Medicare spending to 3 percent 0.2 percentage point below the administration's overall inflation forecast for the next five years would require a 40 percent cut in Medicare benefits.

Medicare and Medicaid spending currently are growing about 9 percent annually.

Rivlin said that forcing the budget to be balanced in any given year would be a mistake.

"Getting to a position where we can be in balance on the average over the business cycle is the right goal," Rivlin told the committee. "I do not think I have enough knowledge, or anybody in this room does, to say whether the conditions in 2002 will be the right ones for a balanced budget."

Uncertainty over when economic conditions will exist for a balanced budget to prove beneficial "is precisely the problem," Rivlin said. "It is not always good policy to have a balanced budget. If you're in a recession, it is not good policy to be trying to rein in taxes or cut spending."

However, Rivlin also added that "we should get there as quickly as we can" in terms of cutting deficits to the point where budgets on average are in balance.

The House on Jan. 26 approved a balanced-budget constitutional amendment that would give the states until 2002 to ratify it, assuming two-thirds of the senators present and voting also adopt the measure. Thirty-eight of 50 states are required for ratification.

The Senate is debating a similar amendment, and is expected to do so for several weeks.

House GOP moves to reform last year's crime law By David Hess Knight-Ridder Newspapers

WASHINGTON Fresh from victories for other parts of their agenda, House Republicans moved ahead Tuesday with their pledge to undo the \$30 billion anti-crime law passed last year and supported by President Clinton.

Over the next several days, the House will debate and probably pass legislation to shift billions of dollars from community crime prevention to prison-building programs.

Other parts of the crime package would require states to keep violent prisoners locked up for longer periods or risk the loss of federal aid to build new penitentiaries.

And instead of specifying that federal money be used for 100,000 new police officers, the GOP's bill would set up a \$10 billion block grant that local law enforcers largely could spend as they please.

"We should not be telling communities how to combat crime," said Florida Rep. Bill McCollum, chief architect of the GOP's crime legislation. "These are decisions that they are best qualified to make."

Debate began Tuesday on the first of six anti-crime bills the House will consider over the next week to revamp the 1994 law.

The first bill, a victim restitution act, was approved on a 431-0 vote. It would require that those convicted of

Washington Memo

With New Year, Clinton Finds Himself Mired in Old

By DOUGLAS JEHL

Special to The New York Times

WASHINGTON, Feb. 8 — This was to have been the week that President Clinton laid out his own vision of a smaller Federal budget. Instead, it has become the week that Mr. Clinton fumbled another high-profile nomination and failed in a no-holds-barred bid to settle the major league baseball strike.

The White House has repeatedly vowed to break that self-destructive pattern of allowing problems of its own making to overshadow initiatives. But with a Surgeon General-designate who is being portrayed as an abortionist, and in a baseball dispute thrown into the hands of a reluctant Congress, Mr. Clinton has presented his Republican rivals on Capitol Hill with two easy ways to attack his principles and cast doubt on his leadership.

Today, the White House said the President did not regret having tried to save baseball from the money squabble between players and owners, even though it exposed him in the end as powerless to do anything about the dispute. Mr. Clinton's aides held out hope that the Congress might yet come to see the fate of the national pastime as its legitimate business.

But as Republican leaders on Capitol Hill made plain that they did not see settling the six-month-old strike as their problem, White House officials acknowledged that the President's decision to wade into baseball's messiness might, at least in the short term, make Mr. Clinton appear weak.

And as it mounted a full-scale effort to save Mr. Clinton's nominee for Surgeon General, Dr. Henry W. Foster Jr., the White House conceded that it had made a substantial mistake in announcing that an obstetrician-gynecologist was Mr. Clinton's choice to become the next Surgeon General while it had been unprepared or unwilling to give complete answers about abortions he had performed.

"There is no one on the staff who would say that we have served the President and the nominee as well as we could," Michael D. McCurry, the White House spokesman, said today. "We should have done a better job."

For more than a year, aides to Mr. Clinton have told themselves that even if things were not going their way, the President would be in fair shape if he and the aides could only avoid making what they consider stupid mistakes. With Republicans holding sway in Congress, Mr. Clinton's aides acknowledge that they have even less hope of scoring the kinds of successes, like the passage in 1993 of the President's economic plan, that have helped compensate for public relations gaffes like the Presidential haircut aboard Air Force One.

Now the Republicans are poised to override Mr. Clinton's objections in pushing for a balanced-budget amendment and a harder-edged crime bills. And some Administration officials say the ultimate effect of self-made failures on issues like baseball and nominations may be to convey the same sense of Presidential impotence as last year's foreign-policy breakdowns.

It was Leon E. Panetta, who took over last summer as Mr. Clinton's chief of staff, who vowed to cure the White House of its penchant for stumbling, and for a time he appeared to have succeeded. Just as Mr. Clinton's foreign-policy team put together triumphs in Haiti, North Korea and the Middle East that

quieted complaints about past flip-flops and indirection, Mr. Panetta imposed a sense of discipline over even the President, who agreed to be more careful about what he said in public.

But today, White House officials said that Mr. Panetta stood aside last month when Robert B. Reich, the Labor Secretary, and Bruce Lindsey, a deputy White House counsel, persuaded Mr. Clinton to start the quest that ended in failure late

Tuesday night when baseball's players and owners rejected hours of his personal entreaties.

Mr. Panetta was also among the Presidential aides who pushed hardest last week for Mr. Clinton to go forward in announcing Dr. Foster's nomination, the White House said. They said that Mr. Panetta and others had been aware at the time that Dr. Foster had performed abortions, but conceded that the White House had not taken time then to prepare a

strong defense of that record.

A senior White House official tonight blamed that failure on a blindness to the prospect that opponents of abortion would choose Dr. Foster's nomination to pick a fight over the issue. But some officials also said the timing of the announcement had been driven in part by Mr. Panetta's determination to head off complaints that the White House had been too slow to fill what at the time were four high-level vacancies.

Because Dr. Foster had won acclaim for leading a campaign against teen-age pregnancy, the White House also hoped to use his appointment to send a signal of Mr. Clinton's commitment to that effort. The President's aides regard the fight against teen-age pregnancy as the kind of controversy-free quest to which he should devote time in a Republican-dominated atmosphere in which he must be cautious about confrontation.

But the failure to prepare for a showdown left the Administration to issue incomplete accounts of Dr. Foster's abortion record, which even advocates of abortion rights have denounced as misleading.

Had abortion and the baseball strike not interceded, this week still would not have been smooth sailing for the White House. While it spelled out a vision of a smaller Government, the budget that Mr. Clinton sent to Congress on Monday would have in any case become the focus of prominent Republican complaints that it did too little to cut the Federal deficit.

Aides to Mr. Clinton were not pretending that the last few days had been their most successful.

"One of the things you learn at the White House is that even the smallest mistakes are magnified," a senior White House official said tonight. "You can't afford to make any."

THE NEW YORK TIMES

THURSDAY, FEBRUARY 9, 1995

State of Union or Foregone Conclusion?

To the Editor:

Re "State of the Disunion" (Op-Ed, Feb. 4): Marvin Kalb did a fine job in analyzing why the Washington press corps branded President Clinton's State of the Union Message a "stunning flop," while polls showed that many Americans saw it as a success.

But Mr. Kalb overlooks one important reason for this difference in perception: the press corps had, by and large, already written its story, long before having heard — or even seen — the speech itself.

Days before the State of the Union address, the Washington news media painted a bleak picture of President Clinton's chances for success. On the networks and in the major daily newspapers, the story was that the Republicans controlled the agenda, and there was precious little that President Clinton could do to change that.

One pundit, for example, speaking on NBC's "Today," announced that he had never seen less interest in a President's State of the Union address. Whatever the President might

have to say, he continued, would be near-inconsequential in setting the agenda for "change."

Thus, the press corps already knew what its analysis would be. All that was missing were the details, which President Clinton provided with an 81-minute address that the press — to a pundit, it seemed — decried as "too long," "unfocused" and "lacking in vision."

Mr. Kalb is right in suggesting that much of the "legwork" of yesterday is missing in Washington reporting, and, as he suggests, there's no shortage of "pomposity" inside the Beltway. But it would be a mistake to attribute this change in work habits to mere "laziness."

Rather, it is the instant nature of news coverage today — both broadcast and print — that forces reporters to have their story in place long before the actual event ever comes to pass.

On the night of the State of the Union, for example, the network pundits had to have instant, detailed reviews of the President's performance seconds after he concluded his address, lest CNN and other networks beat them to the punch.

So, too, the print reporters — no strangers to tight deadlines — had to formulate and compose a detailed analysis of the President's speech in time to make the morning papers.

Hence the reliance on largely pre-written reviews.

"The President flopped" was the preordained lead. Under intense pressure, reporters must think: "Quickly, why?" Equally quickly, the superficial, form-oriented answers emerge: "Too long, lack of focus, lack of vision."

Media coverage of the State of the Union can be likened to the way newspapers traditionally prepare obituaries: the theme and the details are already written. The only thing missing is the time, place and manner of death. JAMES F. HAGGERTY
Staten Island, Feb. 5, 1995

The writer is a partner in the PR Consulting Group.

Public Would Pay For Broadcast Tax

To the Editor:

Re Alfred E. Kahn's proposal to tax the use of the radio spectrum by broadcasters in order to pay for the Public Broadcasting Service (letter, Feb. 5): This is tempting but dangerous. Such a tax is easily and soon extended to all users of the radio spectrum and pushes up the cost of communications to the consumer.

In Israel, for example, radio-telephone users are already charged for "air time," and the Ministry of Communications is charging for the use of spectrum. Things will get even more complicated with the increasing use of satellites for international and national communications since they also use spectrum. Who will pay what and to whom?

It is best to consider the airwaves not as a toll highway but as a broad sea used for business, education and pleasure by anyone who cares to cruise it in a regulated fashion. This would include a Government-provided PBS. PETER HIRSCHMANN
Haifa, Israel, Feb. 7, 1995

The writer is a retired communications engineer.

Dr. Foster's Job

To the Editor:

I fail to understand the logic of Republican attacks on Dr. Henry W. Foster Jr. the nominee for United States Surgeon General, for having performed abortions.

Dr. Foster is an obstetrician and gynecologist: abortion is fully legal and is standard procedure in ob-gyn practices. It is as if a cardiologist were to be vilified for having performed angioplasties.

The only thing more confounding than the partisan attacks by the G.O.P. is the White House's failure to make the case that Dr. Foster was merely doing the job he was trained for, in a country where abortion is one of the choices available to pregnant women. MARTHA SCHULMAN
New York, Feb. 6, 1995

B'nai B'rith and Israel

To the Editor:

An advertisement Jan. 31 criticized a high-ranking Israeli official in the name of Avigdor Warsha, who is identified as a B'nai B'rith international vice president.

The advertisement did not reflect B'nai B'rith policy and was neither authorized nor approved by the organization. B'nai B'rith, which represents 500,000 Jews in 54 countries, enjoys warm relations with Israeli leaders across the political spectrum. TOMMY BAER
SIDNEY CLEARFIELD
Washington, Feb. 2, 1995

The writers are, respectively, international president and executive vice president of B'nai B'rith.

Tax Cuts in New York Will Give Small Businesses a Real Boost

To the Editor:

"Cut, but Be Fair to the City" (editorial, Feb. 2) on Gov. George E. Pataki's budget for New York State, was a reasonably fair description of the plan, the politics that surround it and the policy implications of the whole matter. Reasonably fair, that is, until you start again with that old politics-of-envy refrain that infects so many of your editorials.

Why, when the budget relieves 400,000 people from any state tax burden at all, must you carp about cuts that apply to families making more than \$100,000 a year? Is their wealth so fabulous that they should get no relief from New York's burdensome tax structure?

Most households with that income have two wage earners, and many are small-business owners for whom the personal income tax is the tax they pay on their business's profits. Do you know there are more than one million such enterprises in New York State? If they earn \$100,000 in a year, they earn it with 60-hour work-

weeks, sweat, toil, sometimes tears.

Higher income families are the most likely to take their tax saving and start a new small business. Most small businesses start that way, and that's the best reason for supporting Governor Pataki's tax cuts.

Because they are a flat, across-the-board reduction and not progressive, the tax cuts may stimulate the new business start-ups New York so seriously needs.

You refer to "the rewards of the tax breaks" as if they were some political payoff, a reward of the kind New York City is accustomed to receiving from its Democratic legislators in Albany. But that's wrong. The tax cuts are policy, designed to stimulate the economy into creating jobs. They are not a cash version of

political pork. MARK P. ALESSE
State Director, National Federation of Independent Business
Albany, Feb. 2, 1995

Young Budget Victims

To the Editor:

A Feb. 2 news article states that Gov. George E. Pataki would help trim \$1.2 billion from New York Medicaid by "sharply reducing services to elderly people at home." The program is the long-term health care component (Lombardi Program), which was established to serve the frail elderly and disabled.

More than a decade ago we received permission to expand the scope of the program to include children with special health needs. Today that program constitutes the largest segment of our home-care services, which reached more than 720 children and families in 1994.

By proposing to cut a program that also serves children, the Governor and Lieut. Gov. Betsy McCaughey appear to have broken their pledge not to eliminate any benefits for "Medicaid-eligible" children. Perhaps their breach is inadvertent, since the pediatric element of the program is not widely known. Even so, the impact on the children we and others serve will be devastating. BURTON GREBIN, M.D.
President & Chief Executive Officer
St. Mary's Hospital for Children
New York, Feb. 7, 1995



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Acknowledging Its Errors, White House Goes to Bat for Foster

By Ann Devroy and John Schwartz
Washington Post Staff Writers

After conceding mistakes in handling the nomination of Tennessee physician Henry W. Foster Jr. to be surgeon general, the White House went on the offensive yesterday, scheduling Foster for television appearances to defend himself and offering him unequivocal backing.

Abortion rights advocates also began an offensive after days in which abortion foes distributed Foster's prior statements and transcripts indicating he performed many more abortions than the fewer than a dozen he recently has stated. Abortion rights groups accused Foster opponents of demonizing doctors who perform legal medical procedures and of unfairly attacking Foster.

President Clinton strongly defended his announced nominee. "He is a good man who has delivered thousands of babies and devoted his life to trying to prevent the kind of problems that he is now being criticized for. I believe he should be confirmed and I believe he will."

Foster has not made public appearances since Clinton last week announced his intention to nominate Foster and the decision quickly exploded in controversy over the issue of abortion. As an obstetrician-gynecologist, Foster performed what he said were fewer than a dozen abortions in a career that includes delivering thousands of babies and involvement in teenage pregnancy prevention and in Planned Parenthood programs.

But transcripts and other information distributed by his foes indicated Foster once said in a 1978 hearing by a government board: "I have done a lot of amniocentesis and therapeutic abortions, probably near 700." His opponents also said Foster directed a Meharry Medical College clinical test of an abortion-inducing drug. In an article he co-wrote, Foster described the test in which 55 women ended their pregnancies using the drug.

White House press secretary Michael McCurry offered a public mea culpa in the unraveling of the Foster nomination. "I think the point of it is that there's no one on staff who would say that we served the president and the nominee as best we could. We should have done a better job," he said. "And we're now looking forward and getting everything prepared for what we know will be a hard fight, but we believe will be a very successful and effective fight on behalf of the nominee."

White House officials yesterday insisted that Foster had not misled the administration because the issue

was one of interpretation and the White House had not probed further into information Foster provided. McCurry said yesterday that much of the conflicting information about Foster's medical practice had occurred because the White House "speaks the language of politics and policy, and Doctor Foster speaks the language of his profession, medicine."

On the drug tests, an official said Foster did not see drug testing as fitting into the question of whether he had performed abortions. On the question of the 700 procedures, the White House is adhering to its original statement: that it must be an error in transcription or in identifying the speakers because Foster flatly denies he performed 700 procedures and does not recall having said so.

Foster was brought to the White House again Wednesday for additional questioning about his medical practice over 38 years. McCurry

"No one ... would say that we served the president and the nominee as best we could. We should have done a better job."

—Michael McCurry,
White House spokesman

said a team was "putting together information" on Foster's career "that would help us understand and more

completely catalogue his medical practice" and aid Foster in publicly answering questions.

In Washington, the abortion rights groups held news conferences, issued statements and rallied for Foster. The Planned Parenthood Federation of America brought 100 representatives from around the country to Capitol Hill to form what it called a "Foster Truth Squad" to counter allegations by antiabortion groups.

"Doctor Foster is a caring, compassionate, common-sense physician who has been working on public health problems for decades," said Janet Lubow, who served with Foster on a regional Planned Parenthood board. The group urged Americans to look at Foster's record in working to prevent unwanted teenage pregnancies through programs that encourage abstinence, staying in school and making smart choices.

The National Abortion and Reproductive Rights Action League announced that it had set up phone bank to encourage local activist groups around the country to voice their support for Foster. "There has been a lot of attention given to anti-abortion voices in this," said the group's president, Kate Michelman. "The right wing is using this nomination to make abortion unavailable and dangerous. She said that the attack on Foster was part of a broader attempt to "demonize" physicians who perform abortions.

Sen. Arlen Specter (Pa.), one of the few congressional Republicans who supports abortion rights, spoke at the Planned Parenthood rally to express qualified support for Foster, saying that while he was concerned Foster misrepresented his record, the fact of his having performed abortions should not disqualify him.



HENRY W. FOSTER JR.
... taking the offensive

Robert D. Novak

Scrutinizing the Numbers

When fax machines around the nation's capital Monday afternoon started spitting out a sheet of paper whose contents endangered President Clinton's new nominee for surgeon general, it became clear how little this White House has learned about operating effectively in Washington.

The word passed by presidential aides was that the alleged fragment of a 16-year-old transcript that had Dr. Henry Foster Jr. suggesting he had performed nearly 700 abortions was either a forgery or a mistake. That claim, said administration officials, came from the nominee himself.

A forgery surely it is not. The odds are heavily against an error in transcription. Instead, Foster is in deep trouble. After over two years in office, the Clinton team neither fully explored its nominee's record nor pointed out to him the traps on the road his predecessor as surgeon general, Dr. Joycelyn Elders, failed to negotiate.

Considering the president's precarious political condition, it would have been thought he would pick a non-controversial public health officer to fill what had been a low-profile, third-level job prior to the flamboyant Dr. C. Everett Koop's arrival in 1981. But Clinton has turned the post into an affirmative action

slot, insisting that another African American be selected.

Foster, acting director of Meharry Medical College in Nashville, disclosed in the "vetting" process prior to his selection that he had

A discrepancy in numbers threatens the nominee.

performed a few abortions. After some backing and filling once his nomination was announced, he last week set the number at "fewer than a dozen"—which were "primarily" for rape, incest or saving the life of the mother.

There the matter might well have stood had it not been for a woman in Pittsburgh named Randy Engel, who works for the Michael Fund—an organization engaged in genetic research from a pro-life standpoint. She remembered that this same Dr. Foster, then chairman of the obstetrics department at Meharry, was a member of an ethics advisory board named by the secretary of health, education

and welfare (HEW) that met in Seattle on Nov. 10, 1978.

At this writing, Clinton administration officials are still trying to find a transcript of that hearing. Why did Engel have so little trouble finding it? "I walked downstairs in my home and got it," she told me. The fuller transcript makes obvious that the single page faxed around Washington is not forged. What's more, Foster may have difficulty proving he is misrepresented.

Under discussion that long-ago day in Seattle was an experimental technique called fetoscopy by which sickle cell anemia, a genetic disease afflicting mainly African Americans, could be diagnosed in the fetus. The specific procedure, which apparently proved a failure, was described at the meeting by HEW official Barbara Mishkin as using the fetoscope "on mothers who have elected to have abortions for reasons totally unrelated to the research." After the fetus's bloodstream had been analyzed, the abortion would take place.

Mishkin explained, according to the transcript, that this was not therapeutic research because it was not "designed to provide therapy for the fetus." At this point, Dr. James Gaither, chairman of the advisory board, turned to Foster and said, "Hank, would you say something about the

science of this?" Foster replied that he would "say something about the science and the sociology."

The remarks he made sound, to the layman at least, more medical than sociological—for example, discussing the possibility of infection. But in passing, he uttered the words that have now come to haunt him: "I have done a lot of amniocentesis and therapeutic abortions, probably near 700." These are two different procedures, and it seems clear that the 700 refers to the abortions.

The early administration denials can be written off. The document is valid. This is the same Dr. Foster the president nominated. It defies credulity to believe Foster did not correct this transcript when it was circulated 16 years ago.

So, Health and Human Services officials are directing reporters to other doctors who were present in Seattle, claiming they will assert that Foster could not have said what is transcribed. It is no trifling point. It would be impolitic for the new surgeon general to have performed that many abortions. It will be suicide for him and poisonous for the president if he is now lying about his past.

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Richard Cohen

The Doctor Is In/Out

For his nomination of Dr. Henry Foster Jr. as surgeon general, President Clinton has been attacked from both ends of the political spectrum. When journalists come under the same sort of criticism, they comfort themselves with the canard that the truth lies somewhere in the middle. Clinton, never mind journalists, would be wrong to reach the same conclusion. In this case, all his critics are right. His middle is a moral muddle.

The primary issue, of course, is whether Foster performed no more than a dozen abortions, as he apparently maintains, or 700, as a confusing transcript of a 1978 hearing purportedly indicates. But it's not clear if the number 700 refers to abortions or amniocentesis, which are two different procedures. To a strict anti-abortionist, though, the numbers game is without moral difference. What's clear is that the man has performed abortions.

The upshot is that the White House is once again embroiled in one of those messy nomination fights that bespeak poor staff work, and has gotten the Senate, which likes its nominations neat, in an uproar. To make matters worse, Kansas's Sen. Nancy Kassebaum, a rare pro-choice Republican, was erroneously told by a White House aide that Foster had performed only one abortion. The figure is off

by either 11 or 699. Either way, Kassebaum is steamed.

And so are certain pro-choice legislators on the Democratic left. One of them, Rep. Patricia Schroeder (D-Colo.), said she and others were sending Clinton some bottles of spray starch to strengthen his resolve. FedEx, UPS or whatever service she used, the starch apparently arrived too late.

Clinton has now reaffirmed his support of Foster, but not before the White House characteristically backed off a bit. It suggested that if Foster's abortion figure went over, say, one dozen, it would have problems with the man. Apparently, the president is pro-choice only until the number 13. After that, he's a regular Phyllis Schlafly.

In the end, the Foster flap may turn not on abortion but on credibility. No matter how many abortions he performed, if he was less than candid about his record, his nomination is doomed. Under those circumstances, his critics would be entitled to their outrage, and the administration would be correct to withdraw and start anew. As luck would have it, the White House has some experience in these matters, having chosen two attorney general nominees before a third, Janet Reno, finally made it.

That sorry record is precisely what many in this town are now recalling. But a more apt precedent is the gays-in-the-military flap, which contributed greatly to the public perception that Clinton was not a New Democrat after all but just an old-fashioned liberal. He holds the view that a person's sexual orientation does not matter, just as long as he or she caused no trouble and did his or her job. Imagine!

That proposition, so sensible I still cannot understand the fuss, was nevertheless political dynamite. So what did Clinton do? He hemmed. He hawed. He backed and he filled. In the end, he satisfied no one—not those who thought he was right and not those who thought he was a woolly minded former hippie who didn't know squat about military service and, of course, showers.

Now we have a repetition of that experience. To the accusations that Foster may have performed many abortions, Clinton should have said, "So what?" Abortions are legal and Clinton—remember—is pro-choice. To many people, particularly women, it was the single most important difference between Clinton and George Bush. This, in other words, was a wedge issue, not to mention a matter of principle. The wedge, though, has been blunted, the principle fudged.

Clinton might also have reminded people that the man under consideration is in ob-gyn—precisely the field where a physician is likely to have to perform abortions. That is the nature of the practice. You counsel your patient, treat her, maybe prescribe birth control measures—and if that fails, continue your obligation by, sometimes, performing an abortion. On a good day, you deliver a baby. On another day, you have to perform an abortion.

Given the facts, Foster presented Clinton a chance to remind people that there is a difference between him and the conservative Republicans who now control the House, Senate and—maybe more important—talk radio. It is a difference that matters to a great many people. Instead, the White House reacted weakly. Why? Does it think it's going to get the votes of the anti-abortion crowd? Fat chance. Have the midterm elections changed matters so radically that what was principle in October became expediency in November? Maybe.

Whatever the reason, the White House has left the impression that its position on abortion is a variation on its gays-in-the-military compromise: Don't ask, don't tell and don't, for heaven's sake, take a firm stand.

Colbert I. King

Surgeon General Dismay: They Keep Doing It

Leave it to the Clinton administration to blow something as easy as selecting a surgeon general. In what should have been a slam dunk, the White House has managed to draft a nominee who's already in foul trouble before play gets started. How does Bill Clinton manage to do this to himself time after time?

February being black history month, I looked to the musings of that late African American philosopher-comedienne Jackie (Moms) Mabley for insight. Moms, who had advice for everybody, used to tell undisciplined youths with raging hormones, "Do whatever you want to do, but by all means, know what you're doing." If Moms were around today, she might say the Clintonites' big problem is their tendency to do just the opposite: They swing their mouths in motion before they set their minds in gear. The nomination of Dr. Henry Foster is a case in point.

Having spent a few years of my pre-journalist life on the board of directors of the local area Planned Parenthood of Metropolitan Washington, I'm no stranger to what goes on inside planned parenthood clinics. You don't have to be a clinic operator, however, to know that along with family planning counseling and contraceptive services, some facilities offer the option of terminating pregnancies.

You also don't have to be a political genius to know that in asking a new Republican Senate loaded with a majority or near majority of anti-abortion members to confirm a Planned Parenthood activist as the next surgeon general, the administration was inviting a test of strength with politically energized anti-choice groups. And that was before it was disclosed that the nominee, a respected physician, medi-

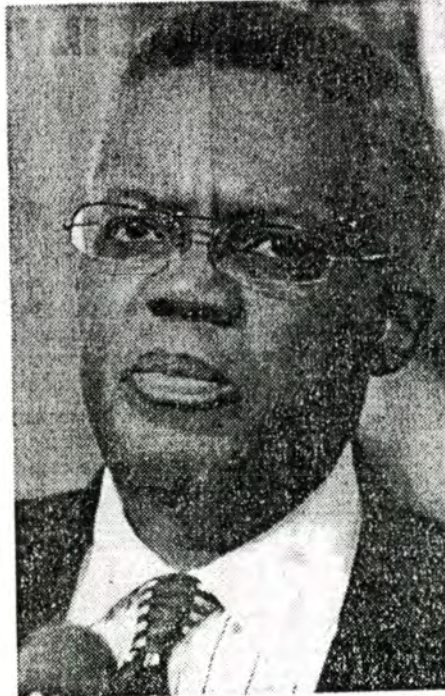
cal educator and administrator, had performed legal abortions.

What's worse, after giving out erroneous information on how many abortions Foster had performed, the nominee and the administration are now flapping around trying to come up with an exact count, as if the number will make any difference to abortion foes. Stressing the low number of abortions performed by Foster is about as significant to abortion opponents as telling a woman in her first trimester that she is only a little bit pregnant. To the anti-choice groups, one abortion is too many.

With that news out in the open, Bill Clinton—already under the gun on Capitol Hill—must now engage in a divisive and unexpected confirmation battle. And that perhaps is the greatest indictment of all against the White House staff. With the Clinton presidency half gone, administration stumblers and blunderers are still getting him into political conflicts that he neither anticipates nor is ready to fight.

The shame of it all is that Dr. Foster, who began the week with a sterling reputation, could end the month as damaged goods. Former Bush administration health and human services secretary Louis Sullivan, who has known Foster since their undergraduate days at Morehouse College in the 1950s, says the nominee is "a decent guy, a conciliator, who would be an effective surgeon general." Sullivan wants to know how it could come to this. That part's easy.

The White House chased Foster for all the wrong reasons. As an African American physician with strong credentials in fighting teenage pregnancy, Foster was seen as the perfect make-up call after Bill Clinton's unceremonious



jettisoning of Dr. Joycelyn Elders, an outspoken but popular figure in the African American community. The tactic had worked before when Clinton found himself in a tight spot with his most loyal constituency over his dumping of Lani Guinier. After that fiasco, the White House let it be known that Guinier's Justice Department post as Civil Rights Division chief would be filled with another black. After months of delay, the White House appointed

Deval Patrick, a young but able lawyer, and presto, the administration was held harmless in the black community.

In the rush to achieve the same result this time, the administration underestimated its opposition, failed to do its homework and—just as bad—failed to give Foster time to do his.

What's even worse, officials hoped to use Foster's high-profile work on teen pregnancy in Nashville as a principal theme in his job as surgeon general, when they knew full well that the significant work on the issue in the context of welfare reform will occur within the bailiwick of a conservative Congress and among faceless administration policy wonks with little personal knowledge of poverty and only textbook and dinner party understanding of what it means to grow up black and poor in America.

Foster, like his predecessor, would be out and about touting abstinence and more personal responsibility and making Bill Clinton look good, while real policy gets set in Washington. For that reason alone, Foster might well regard the coming struggle as a blessing in disguise and consider his options.

Anyway, why should someone of Foster's reputation want to get involved with these klutzes? In pickup basketball games in my old neighborhood, there were some guys who were never guarded very closely because they could be counted on to double-dribble or blow layups at a crucial moment in the game. They were said to be "self-checked." That about sizes up this administration.

The writer is a member of the editorial page staff.

The Surgeon General Melee

TO HAVE GONE from counting beans to counting abortions is not progress. The first thing to be said about the bollixed nomination of Dr. Henry Foster Jr. to fill the venerable position of surgeon general (created in 1871, greatly reduced in importance when tucked into the lower reaches of the HEW flow chart in 1966) is that having haplessly generated an abortion argument, the administration should not cave on it. Of course, this argument didn't have to be generated—but it was. Dr. Foster's White House patrons should never have started listing numbers of possible abortions performed by him, giving the impression that there was some numerical limit above which he would not be suitable to hold the post and thus, by implication, suggesting that there was something wrong with a physician in his line of specialty performing them in the first place. But they did all of that. At a minimum they should now reject this criterion as a pass-fail test for a prospective government job-holder, whether they or Dr. Foster go through with the nomination or not.

Dr. Foster is an estimable man: dean and acting president of Meharry Medical College in Nashville, founder of the respected "I Have a Future" program, which operated out of two local housing projects and was aimed at delaying sexual activity among teenagers and encouraging responsibility and restraint. Republican Sen. Bill Frist of Tennessee was among his endorsers when the nomination was announced. His program did not offer abortion counseling for teens, but did offer health services and contraceptives. You could argue, if you were given over to board-game, positioning politics, that he was, because of all this, the ideal candidate, above all the ideal successor to his needlessly offensive predecessor, not too much this or too much that, perceived as being a figure of the moderate middle etc. And this evidently is the way his White House backers saw it. But it is an abstract, unavailing way of looking at such things. It is what got them in trouble. And it is what we mean when we say that the nomination was in some respects "too cute," the kind of cute that often ends up harming the innocent nominee and failing spectacularly to deliver its supposed political blessings.

There is one more point. It is only relatively

recently—owing to the controversies over cigarettes, AIDS and other matters, and to the assertive personalities of C. Everett Koop and, in a different way, Joycelyn Elders—that the holder of this job has become a highly visible public figure. The job, as former HEW secretary Joseph A. Califano Jr. pointed out on the opposite page yesterday, "carries with it little staff, no programmatic budgets and no clout in the federal bureaucracy." Mostly, it is advisory; it has come to be seen as a preaching position concerning large health questions. Surgeons general do not become government spokespersons for all matters relating to health but generally only a certain few that it is thought beneficial to highlight and harp on. They can in this respect do some good.

But, as Mr. Califano also observed in yesterday's article, it is by no means obvious that the subject chosen for Dr. Foster's attention is especially suited to the office for which he has been nominated. To say that is not to deny the enormous importance of the problems created by teenage pregnancy or the absolute desirability of a national effort to reduce it or to question Dr. Foster's commitment to the objective. It is, on the contrary, simply to observe, as Mr. Califano did, that the huge stress on teen pregnancy as a "medical" issue, a matter to be dealt with in the realm of contraceptives, abortion counseling and health, tends wrongly to depict both the sources of the problem and the efforts that will have to be undertaken to resolve it. The very existence of the tumultuous dispute over Dr. Foster's record on performing abortions and the utterly different ways that record is perceived by different groups of engaged Americans make plain how difficult it is to deal with the subject of teen pregnancy as a "public health issue." We don't know whether, as some have been suggesting for years, the surgeon general's anachronistic job should be abolished; but we do think Mr. Califano is right in saying that it is not the right headquarters for a campaign against teen pregnancy. Of course he can speak out on teen pregnancy. But it should not be the focus of the job, and his office should not be the center of the government's effort. If Dr. Foster weathers the storm into which he has been cast and becomes the surgeon general, he should greatly broaden his areas of concern.

Pediatricians: Put condoms in high schools

by Marilyn Elias
USA TODAY

A1

High schools should be distributing condoms, the USA's pediatricians advise for the first time in a policy out today.

The American Academy of Pediatrics, which represents more than 40,000 doctors, cites disease and teen pregnancy.

The policy surprises some. "They're a conservative group," says Jeannie Rosoff of the Guttmacher Institute; it studies reproductive issues.

"But it's an important signal to kids that adults think the problem is so serious they're willing to weigh in for prevention," Rosoff says.

But Beverly LaHaye of the

conservative Concerned Women for America is "outraged."

"Sending a mixed message to teens — promoting condoms while giving lip service to abstinence — is destructive to young people's lives and undermines parents," she says.

The academy urges condom availability only as part of a school sex education program

that encourages chastity, provides counseling and allows for parent involvement.

"We favor abstinence," says Dr. Victor Strasburger of the academy. "But we know kids may not abstain till they're married or 35 or whenever."

Federal surveys show the average male starts sexual activity at 16, females at 17.

The academy points out that adolescents suffer one-third of the 20 million cases of sexually transmitted diseases reported each year.

► The USA has the highest teen pregnancy rate of any developed nation. Sexual activity levels here are no higher, but birth control is more readily available in other countries.

White House stands by surgeon general pick

Admits background probe could have been 'better'

By Mimi Hall
USA TODAY

The White House acknowledged Wednesday that it should have "done a better job" investigating Henry Foster before nominating him to be surgeon general.

But President Clinton once again defended the Nashville obstetrician-gynecologist. He predicted Foster will be confirmed by the Senate, despite accusations that Foster and the White House were not forthcoming about how many abortions he was responsible for during his 38-year career.

Foster, Clinton said, has "devoted his life to trying to prevent the kind of problems that he is now being criticized for."

He added: "I believe he should be confirmed and I believe he will."

Foster, 61, was already nationally known for his work to combat teen pregnancy through an award-winning program he founded in Nashville.

But controversy erupted Monday, when abortion opponents released documents indicating Foster may have performed many more abortions than the "fewer than a dozen" he previously acknowledged.

A second document released Tuesday said that in the early 1980s, Foster headed a Meharry Medical College experiment using a drug to induce abortions.

The drug was given to at least 60 pregnant women; 55 aborted their fetuses, according to a medical journal article co-written by Foster.

The news created a firestorm on Capitol Hill, where many Republicans and some Democrats questioned why Foster and the Clinton administration had not disclosed that part of Foster's record.

Wednesday, White House spokesman Mike McCurry said administration staffers had mishandled the process by not making the information available to the press and members of the Senate before abortion opponents released the documents. The Senate must con-



By Tim Dillon, USA TODAY
FOSTER: 'Record will stand up very well' in Senate hearings

firm the surgeon general.

"We should have done a better job," McCurry said.

White House officials have said they knew, before Clinton announced the nomination last week, that Foster had performed abortions and presided over the abortion drug study.

But they have not said whether they knew, or asked Foster directly, how many abortions he has performed.

McCurry said officials in the White House counsel's office and at the Department of Health and Human Services probed Foster's record before the nomination was made.

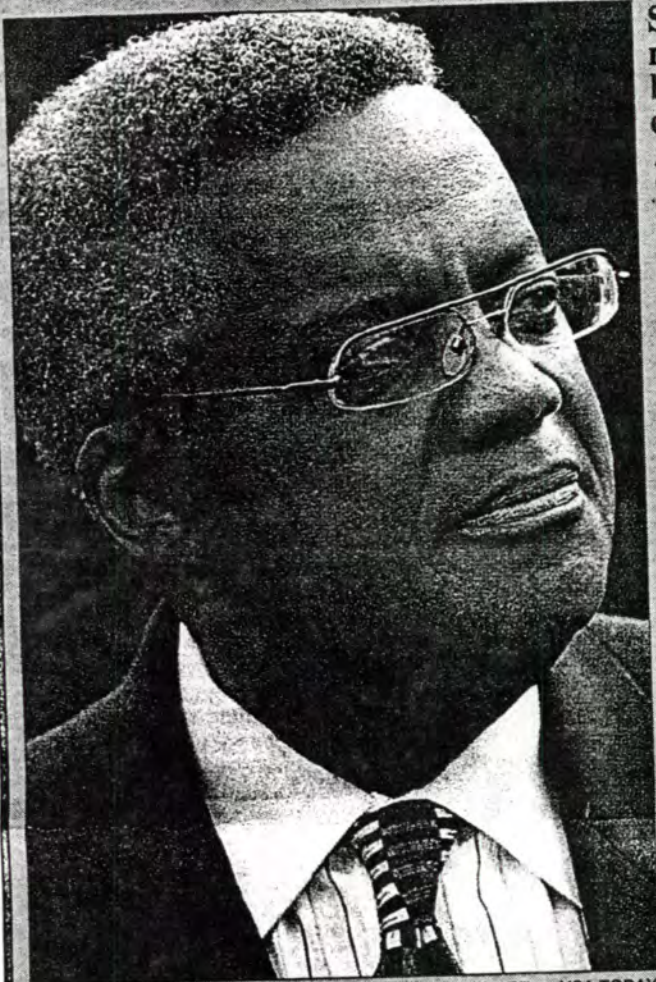
But "the question is ultimately who's responsible, and it's the president that nominates and the White House that's responsible," McCurry said.

Now, because some senators have said they feel misled about Foster's background, "We're going to have to work hard to make the case... that this nominee's impeccable record will stand up very well as the Senate begins to look carefully at the nomination," McCurry said.

If confirmed, Foster would replace former surgeon general Joycelyn Elders.

Her tenure was marked by several controversial public statements. Elders was fired by Clinton in December after saying that schools should consider teaching about masturbation as part of sex education classes.

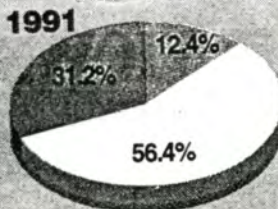
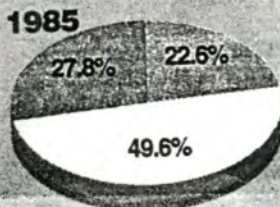
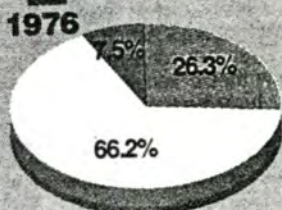
Abortion a bar to job?



Surgeon general nominee faces heat but 'almost everybody did them'

Almost one-third of ob/gyn residents in 1991 did not get training to perform abortions. How available is this training?

☒ Routinely taught
☐ Optional
☐ Not available



By Tim Dillon, USA TODAY
HENRY FOSTER: Doctor now says he has performed 39 abortions after admitting to 'less than a dozen.'

Source: The Alan Guttmacher Institute

COVER STORY

Using post as a bully pulpit adds visibility

Ability 'to deal with medical issues, not politics,' may be a thing of the past

By Anita Manning
 USA TODAY

The nomination of the first obstetrician/gynecologist to fill what used to be a ho-hum administrative position — the post of surgeon general — has ignited another national controversy.

The reason: The nominee has performed abortions.

Doctors and health advocates watching the furor over Henry Foster say these may be the best and worst of times for an ob/gyn to take the job.

"It's very difficult, given the political climate, for an obstetrician-gynecologist to be considered for the post," says S. Paul Ehrlich, a Nixon appointee who served as acting surgeon general from 1973 to 1977.

Then who can be?

The ideal candidate, says former Health, Education and Welfare secretary Joseph Califano Jr., is "part Florence Nightingale, part Jesse Jackson and part Billy Graham."

"If the issue is the surgeon general as bully pulpit," he

Please see COVER STORY next page ►

USA TODAY • THURSDAY, FEBRUARY 9, 1995

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If you 'have strong views, you're going to upset somebody'

Continued from 1A

says, "It's irrelevant whether he's an obstetrician or a surgeon or a family practitioner. A charismatic nurse would be terrific."

And possibly less controversial than Foster, who is widely praised for his work on teen pregnancy prevention, but has run into a Mount McKinley-sized road bump over the fact that during his 31-year career, he has performed abortions.

Critics say that alone is enough of a moral obstacle to disqualify him from the post.

Still, fellow physicians are not surprised Foster performed abortions. In the years following the 1973 Supreme Court decision that made abortion legal, most doctors specializing in obstetrics and gynecology performed them routinely.

"Certainly anybody in Dr. Foster's age group, the great majority would have done abortions," says William Andrews, president of the American College of Obstetrics and Gynecology.

"It was a mainstream thing. ... Almost everybody did them."

Even before *Roe vs. Wade*, says Jeannie Rosoff, president of the Alan Guttmacher Institute, many doctors were involved with abortion.

"Nowadays an abortion to save the woman's life is very rare, but 30 years ago there were very different medical considerations," she says.

"Also, there were women who showed up ... with botched abortions that one had to finish. It was impossible to avoid. I imagine even the right-to-life people did some."

"No programs ever forced staunch Catholics or others with strong reservations to do abortions," says Philip Darney, ob/gyn at San Francisco General, "but most large programs made it a routine."

Today, many medical schools don't even teach it and nearly half of the ob/gyn chief residents graduating each year have never performed a first-trimester abortion, according to a Columbia University survey.

If it's not scheduled into regular

training programs, Darney says, most already overworked residents forego it. "When you have residents working 100 hours a week, you'll find few who take time for an elective."

As a result, there's a shrinking pool of doctors who've performed abortions, and many are retiring or giving up the practice because it's a flashpoint in many communities.

The number of abortion providers dropped 8% between 1988-92, from 2,582 to 2,380, says the Guttmacher Institute. Nine states — Arkansas, Delaware, Indiana, Iowa, Kansas, Missouri, Tennessee, Utah and Wyoming — lost 20%-40% of their providers. North Dakota and South Dakota are down to just one facility each.

"I don't like to acknowledge it, because it gives joy to the people who want to restrict or eliminate access to abortion," says Darney, "but I think the violence and murders do have a chilling effect."

The controversy over Foster's nomination to succeed Joycelyn Elders is seen by ob/gyns as "a tempest

in a teapot," says Andrews. "It's a shame to assault a doctor for something that is a normal part of his responsibilities."

If anyone who has performed an abortion is ruled out as a possible surgeon general, Darney says, "you'd be hard pressed to find a gynecologist who would be qualified. Certainly there are ob/gyns who haven't done abortions, but they're not likely to be distinguished academicians or have stature in public health, as Henry Foster does."

An obstetrician is a good choice for the job, says Sally Olexia, director of the Health Science Program at Kalamazoo (Mich.) College.

"Ob/gyns are primary care physicians, and children bearing children has been targeted as one of our society's health problems. (Foster's nomination) would seem to me to be carrying on with (C. Everett) Koop's role as focusing on the American community's health problems."

The role of surgeon general changed dramatically with Koop's

1981 appointment by President Reagan, says Donald Wilson, dean of the University of Maryland School of Medicine. "Prior to that, it was a low-key ceremonial title, but they really did not play much of a visible role."

"Koop changed that by taking on the bully pulpit. People have gotten used to that now. They expect the surgeon general will continue to do that. He or she is expected to know what's best for public health, and to take a stand on that."

That's where some surgeons general get in trouble. Elders lost her job over remarks on sex education. And Koop was criticized for his stand on AIDS education and smoking.

But, says Ehrlich, who is grateful to be retired and out of the fray, it's "unfortunate the president picked (an ob/gyn) because of the political controversy around abortion. It's unfortunate, but that's the case."

A more easily confirmable nominee, he says, would be "someone like myself who has boards in preventive medicine and public health. And cer-

tainly an internist, even a pediatrician, given some of the problems of immunization or teen pregnancy."

A doctor in that post, Erlich says, "can serve to deal with the nation's health problems in a nonpartisan manner. That was the beauty of the position." The role is "to deal with medical issues, not politics," he says.

It may be, though, that the two are now forever entwined. And what that means for the future of the position remains to be seen.

"It's difficult to get a perfect person," says Wilson, "unless the person has no strong views, has done nothing of significance and is willing to stand again in a ceremonial position. If you're going to have strong views, you're going to upset somebody."

Foster ad
By Mimi Hall
USA TODAY

Dr. Henry Foster
teed even mo
over his no
day

Foster admits 39 abortions

By Mimi Hall
USA TODAY

Dr. Henry Foster guaranteed even more controversy over his nomination as surgeon general by admitting Wednesday night that he has performed 39 abortions.

President Clinton's nominee previously said he had done "less than a dozen."

The admission was made on ABC's *Nightline* after Foster spent most of the day defend-

ing himself at the White House.

The gradual release of information about Foster's abortion history has drawn almost as much criticism as the fact that he performed them.

But, Foster insisted he won't bow to the criticism.

"I'm a big fighter. I'm going to go with the process all the way. ... I feel the president is totally committed to my nomination."

► Foster's teen program, 2A

USA TODAY • THURSDAY, FEBRUARY 9, 1995

Teen-agers have a future, thanks to Foster program

By Andrea Stone
USA TODAY

NASHVILLE — At 17, Tonya Rutledge sees two futures: what might have been and what instead will be.

Her 16-year-old sister cares for a new baby, whose father was killed before the child was born. She struggles along on welfare, often missing school.

Tonya will graduate this spring and attend college in the fall. As her elaborate hairdo attests, she is on her way to a career as a cosmetologist.

"The big difference is I know how to listen," she says.

Teens like Tonya are testimony to the work of Henry Foster, the doctor President Clinton has tapped as his next surgeon general. Foster's teen pregnancy prevention program, called I Have A Future, has helped keep her going in the right direction. It was supposed to do the same for the Foster nomination, appealing to conservatives and liberals.

But that was before questions arose about Foster and abortion. Now, I Have A Future is being wielded like a sword by conservatives.

A takeoff on Martin Luther King Jr.'s "I Have a Dream," the program was founded in 1988 to stress abstinence and responsibility to adolescents.

President Bush chose it as his 404th Point of Light. A letter from him lauds staffers for their "shining example."

Run by Meharry Medical College, where Foster once headed obstetrics and gynecology, IHAF is based at two mostly black public housing projects on this city's north side. It offers tutoring and counseling to 150 adolescents. In after-school sessions, they learn job skills, self-esteem, self-control and black history.

Teens even set up businesses to finance field trips to places like Washington and New Orleans. For most, it's the first time they've left Nashville.

They can get medical exams, pregnancy tests and condoms. There's no abortion counseling; pregnant teens are



“
The whole idea is to get young people to delay pregnancy, which just doesn't fit into their lives.
”

— Lorraine Williams
Greene, director

referred to other programs.

"The whole idea is to get young people to delay pregnancy, which just doesn't fit into their lives," says director Lorraine Williams Greene.

Foster's admirers say the project is a model of how he'd approach teen pregnancy as surgeon general.

Conservatives condemn the program for distributing contraceptives. The Family Institute, a conservative Nashville group, says the IHAF brochures they have seen don't mention abstinence and the program has an "activist approach" to birth control.

Gary Bauer, head of the conservative Family Research Council, says Foster's approach "is to say abstinence is best and in the next breath make it clear that birth-control pills and condoms are available. That approach has left a trail of suffering and tragedy."

Supporters say critics distort a program that faces reality: 75% of teens in Nashville's housing projects have sex by

age 15. In 1993, the adolescent pregnancy rate here in Davidson County was 30 per 1,000.

When Foster and others started IHAF, says David Satcher, director of Centers for Disease Control and Prevention, "They sat down with parents and found out what they wanted. They came out really pushing abstinence, but they also had condoms available."

"There's a lot of pressure" to have sex, says Amelia Turner, 18. Program counselors "let us know that if you want to have sex, here's what you can use. But the best sex is no sex."

Greene says little money is available to document IHAF's effectiveness, but one 30-month survey ending in 1991 showed "statistically significant" declines in teen pregnancy and dropout rates.

IHAF teens include those referred by schools and proba-

tion officers, honor roll students and athletes.

More than half are young men, a reminder that teen pregnancy is not just a female problem. There are many reminders at the bleak John Henry Hale Houses, where single mothers head 83% of families.

Without IHAF, Jason Gordon, 18, says, he'd "be running from the police." Instead, he's a Fisk University freshman. "They ensured I would go to college. They pushed to keep me on my toes."

Terrell Carter, 18, credits the program for teaching him that fathering a child is "nothing to be proud of." He now has "more respect for girls. They're not just sex objects."

"It turns young people's lives around," says Louis Sullivan, secretary of Health and Human Services under Bush. It's "the kind of program that the country needs."

Urban Institute sociologist Martha Burt "loves" the program. By saturating a small area and sticking with kids for years, it offers "enough peer support that they can withstand the pressure around them."

But it's expensive: 14 staff members counsel teens, who often stay in the program for years. IHAF's \$400,000 budget comes from private foundations and gifts from, among others, actor Bill Cosby. As government funds for social programs dry up, starting similar programs will be tough. IHAF itself has a long waiting list.

But parents think the wait is worth it. Says Sandra Summers, whose daughter Juanna attends IHAF: "It gives them something to look forward to. Something other than what's on the streets."

Contributing: Mimi Hall

Who says we're better off?

Can Michael Gartner really be serious in writing that today's children are better off than our parents' generation ("Young folks have it worse? Bunk," Counterpoints, Opinion USA, Tuesday)? Who in the hell does he think his readers are?

In his column Gartner made the flippant comment that "today, there is AIDS. It's awful, but don't compare it to war." In war there is at least a chance for survival.

The AIDS scourge is a never-ending war with no winners and, until a cure is found, the number of deaths and the horror involved for families and friends may far surpass the deaths and horror of all of our wars put together.

I would also ask Gartner how many schools he attended in "his day" where you needed to run a gamut of truant, drug dealers and metal detectors simply to attend class.

True, as Gartner said, young people are becoming better educated today, but there is one simple reason: Citizens and the states are giving up on public schools and sending their children to private and Christian schools.

Can Gartner explain the moral state of our country in any more unrealistic terms than he did? I think not.

Could he please detail for me a time in our history when there were higher levels of drug abuse, spousal abuse, child abuse, pastoral abuse, murder, children in poverty, corporate layoffs, government layoffs and the continued mortgaging of our future by people of Gartner's generation?

Gartner may have it made. To think that he will be able to live out his golden years in times of such prosperity and domestic bliss makes me very happy.

I simply hope that his retirement home isn't located anywhere near a location that our Middle Eastern extremist friends here in the United States plan to bomb on their round of urban terrorism.

Bill Murray, West Des Moines, Iowa

Abortion should not be an issue in debate over surgeon general nominee Henry Foster

If Dr. Henry Foster Jr. is qualified and has been truthful, he should become surgeon general and not be rejected merely because he has performed abortions, USA TODAY said Tuesday in an editorial. Readers said:

I am outraged that the discussion of President Clinton's nominee for surgeon general has degenerated into a discussion of abortion.

Whether Dr. Henry Foster Jr. performed one abortion or 1,000 makes no difference. There is nothing wrong or immoral about a doctor performing a legal medical procedure. Critics trying to make the practice of this type of medicine suspect are out of line.

As for the criticism that Foster has ties to Planned Parenthood, I say more power to him. Planned Parenthood has been a leader in educating young people about pregnancy and the consequences of sexual activity. It has done more than any other organization to prevent unwanted pregnancies and to reduce the number of abortions.

Foster has been committed to improving the lives of the young, the poor and the disadvantaged. He has worked diligently to encourage young people to make positive life choices, and that includes dissuading them from becoming sexually active at a young age.

All Foster's critics need to do is actually look at the programs he implemented in Nashville, and see the results. They speak well of Foster's commitment to helping individuals break out of the cycle of poverty by choosing a different road. He is an outstanding choice for surgeon general.

Ginny Welsh
Nashville, Tenn.

Try Kevorkian

Since we're talking qualifications, why not nominate Dr. Jack Kevorkian as surgeon general? Hasn't he "distinguished himself . . . helping the less fortunate to help themselves" by assisting suicides?

USA TODAY used that reasoning to commend Dr. Henry Foster Jr. and say that performing abortions "is no

reason to kill the nomination." If Kevorkian was asked by his patients to help kill themselves, wasn't he doing his job as a physician also?

How can anyone who answers that with a no say Foster was doing his job as a physician by killing defenseless children simply because their mothers asked him to?

If Foster did his job, did it well and should be praised for his compassion for his patients, let me praise Kevorkian for his compassion for his patients.

Shelley N. Hovies, Nashville, Tenn.



By Tim Dillon, USA TODAY
FOSTER: Nomination being challenged, defended.

Seniors see managed health care as rationed care

HMOs, with appropriate oversight, may be the answer to holding down Medicare costs, USA TODAY said Wednesday in an editorial. A reader said:

The problem with health maintenance organizations is that they cannot exist without making a profit.

Using an HMO or an insurance company to control Medicare costs is simply adding another layer or intermediary between the payer and the provider.

This is not the way to maximize the possible savings in Medicare.

USA TODAY's editorial said properly run Medicare managed plans can provide better care at significantly lower cost.

Conversely, the present Medicare system could also be more cost-effective if it were better managed.

If properly run, Medicare could control doctors' fees and hospitals' and other providers' payments, similar to the way HMOs operate but without the middleman.

The problem is that politicians do not want to face the heat from the hospitals' and doctors' lobbies. If the government

controlled the fees, as in the Canadian system, HMOs and the additional level of profits would not be necessary.

Seniors are beginning to realize that managed care is really another term for rationed care.

Seniors also realize that doctors, although highly compensated, are the only ones who make money by keeping them alive longer.

HMOs and insurance companies lose money on sick people. They make money if sick people are allowed to die quickly.

Not only does keeping sick people alive increase the government's costs for medical expenditures, but the increased life span also increases the years the government has to pay Social Security benefits, a more costly problem.

Could it be that politicians want to wash their hands of this problem by turning over medical care to the HMOs, allowing them to ration care and eventually decrease the average life span and Social Security financial problems?

Benjamin G. Martin, M.D.
Fort Myers, Fla.

Withhold aid to Russia

The United States should stop economic aid to Russia if it does not immediately stop its aggression against Chechnya.

The Chechen people are not "armed bandits" but are defending the right of their nation to self-determination. The United States should take a moral leadership position in denouncing these crimes against humanity instead of supporting Russia's "territorial integrity."

Chechens are not Russians. This is not a Russian internal problem. Chechnya is an occupied country. Let us recognize its desire for independence.

Alfred Sumanas, Lithuanian-American
Society of Central Florida
Winter Park, Fla.

To comment . . .

If you would like to comment on editorials, columns or other topics in USA TODAY, or any subjects important to you: Send e-mail for letters to the editor only to usatoday@ciark.net on the Internet. Fax 1-703-276-5513. Mail Letters to the Editor to 1000 Wilson Blvd., Arlington, Va. 22229. Or call 1-800-828-0909. Please include your address and day and night phone numbers for verification. Concise, timely letters have the best chance of being published. Letters will be edited.

Voices: What should be the focus of the U.S. space program?

Space shuttle Discovery's flight, which ends Saturday, has brought attention to an evolving American space program that is working more and more with Russia and other nations. Meanwhile, House Speaker Newt Gingrich is calling NASA a bureaucracy that needs to be streamlined. USA TODAY asked readers their opinions on the program's future.



Paul M. Gettings, 59
Sales associate
Middletown, Mass.



Tyrone James, 25
Financial analyst
Dublin, Ohio



Cathy B. Polito, 35
Medical technologist
Madison Lake, Minn.



Roberta Trousdale, 43
Realtor
Redondo Beach, Calif.



Louis E. Condon, 67
State judge
Charleston, S.C.

Research and technology. It's a must for the long-term future. We must keep moving ahead. We don't need the space program for defense. I was in the National Guard for 30 years. The world was much more tense then. Now, in peacetime, defense is not as urgent.

They need to focus on environmental issues such as the ozone layer. "Star wars" and other defense mechanisms are not important. NASA may be a big bureaucracy, but it's not a waste of money. We definitely need to invest in our future and the space program.

They should focus on research in areas such as medicine and learning things we can't learn on Earth. They should focus on improving our quality of life. It's also important for our defense. We need to stay ahead and maintain our position of strength.

They should focus on developing new medical and product technologies. We should run the space program more efficiently, without eliminating its benefits or its brainpower. Without this program, we will lose our high-level engineers to other countries.

We should continue to explore space to develop equipment and technology for research and to learn what benefits we gain from being in space. We need to keep looking for answers. But we should always be reviewing to see that we are spending our dollars wisely.

next step appeared to be an attempt by Usery to reconvene the players' and owners' negotiating teams for another round of talks.

There was no sign that the results of a new round would be much different from the last, when Usery proposed a settlement which the players immediately denounced as unacceptable.

As time goes on, however, the pressure on Congress to act may rise.

Gingrich allowed that if the impasse continues and threatens the regular season, he and other Republicans might rethink their position. He said: "I don't want to foreclose anything."

**Surgeon-General Nominee To Publicly Defend
Abortion Record (Washn) By Paul Richter= (c)
1995, Los Angeles Times=**

WASHINGTON In a highly unusual step, the White House sought to regain the initiative in the battle over Dr. Henry W. Foster Jr. on Wednesday by clearing the embattled surgeon-general nominee to speak out publicly in defense of his abortion record and professional history.

Foster consented with White House clearance to be interviewed Wednesday night on ABC's "Nightline" program, and was considering other interviews as well. "We wanted an opportunity to have it explained by the person who could explain it best," said a White House official.

Such public appearances break with a long-standing tradition. Out of deference to the authority of the Senate, presidential nominees usually keep silent until they appear before the committee considering their selection. Indeed, on Thursday, President Clinton's nominee to head the CIA, Maj. Gen. Michael P.C. Carns, declined to answer questions for just such a reason.

Yet administration officials said they have come to believe that Foster, a Tennessee obstetrician-gynecologist, needed to be allowed to speak to shift the focus from his abortion record to what they consider the more relevant issue: his life's work in public health.

(Begin optional trim)

He "makes a very good impression," a senior official said of Foster, former dean of Meharry Medical College in Nashville, Tenn., and a long-time crusader against teen pregnancy.

The administration is counting on its hunch that many senators including Republicans don't want to focus on

the abortion issue because it deeply divides both parties. One sign of that unease came Wednesday, when Sen. Bill Frist, R-Tenn., who has wavered on the issue, said he didn't think Foster should be judged solely on his abortion record.

(End optional trim)

Foster came under attack last Friday, one day after his nomination by Clinton, when abortion foes released a 1978 hearing transcript suggesting Foster had conducted many more abortions than he had indicated. On Tuesday, anti-abortion activists publicized Foster's involvement in a clinical trials for drugs aimed ultimately at enabling women to induce their own abortions.

Foster has insisted that he had undertaken no more than a dozen abortions, most prompted by concerns about the health of the mother.

White House officials insisted Wednesday they have no doubts about Foster's credibility, even as a team of aides from the White House and Department of Health and Human Services continue to pore over records of his practice. President Clinton continued to stand behind his nominee, saying, "I believe he should be confirmed and I believe he will."

Yet while administration officials insisted that the campaign was a sign of their intention to fight, such plans have not always signaled that strategy.

On June 2, 1993, C. Lani Guinier, nominee to head the Justice Department's civil rights division, went on "Nightline" to defend her record. The next day, President Clinton abruptly pulled her nomination, saying her views on fundamental civil rights issues did not square with his own.

(Optional add end)

Also Wednesday, the White House offered its most sweeping acknowledgment of its blunder in the Foster nomination failing to understand the political significance of the abortion issue for the nomination.

"There's no one on staff who would say that we served the president and the nominee as best we could," said Michael D. McCurry, the White House press secretary. "We should have done a better job."

Foster Acknowledges Performing 39 Abortions
(Washn) By Paul Richter= (c) 1995, Los Angeles Times=

WASHINGTON Embattled surgeon general nominee Henry W. Foster Jr. on Wednesday night acknowledged having

performed more than three times the number of abortions he had estimated last week but insisted that "I abhor abortion" and asked to be judged on his full public health career.

Breaking the customary silence of nominees at the urging of the White House, the Tennessee physician said in a televised interview that he was listed as "physician of record" in 39 abortions during the course of his 38 years in medicine.

He also said that, during his involvement as a supervisor in clinical trials of an abortion-inducing drug, 55 women had terminated pregnancies. But he asserted that those abortions should not be counted toward his total, since "they weren't my private patients. ... Many times I was not even in the country when they occurred."

Foster's statements on ABC's "Nightline" marked what the Clinton administration hopes will be a successful counterattack against abortion foes who have called Foster's abortion record and his credibility into question since his nomination last week.

Alleging that Foster may have performed hundreds of abortions and disclosing his involvement in the abortion drug tests, opponents have stirred a tempest in Congress and brought predictions from both parties that the nomination may be doomed.

Foster told ABC that the administration's earlier reports of lower abortion totals were the results of simple misunderstandings and his failure to appreciate that he should not rely on his memory. His initial report that he had taken part in only one abortion he said, grew from a casual response when an administration aide had asked if he had undertaken any pregnancy terminations.

He said he answered: "Yes, I remember, there was a woman who had AIDS."

He said that a statement he released last Friday increasing the estimate to fewer than a dozen was also based on memory from a practice that began a third of a century ago.

But now, better grasping the rules of the "fast town" of Washington, he understood that he should have refused to answer the question. "I was depending on memory I shouldn't have done that."

Foster said his new abortion figure resulted from three days of exhaustive study of records from his 38 years in practice, including 22 at Meharry Medical College in Nashville, Tenn., where he was dean. The figures were put together by Foster and a team of administration aides at the White House and in Tennessee.

He insisted that abortion was never a significant part of his practice and gave a categorical response when asked his views on the termination of pregnancies. "I abhor abortions. I abhor war. To me, abortion is failure. I don't like failure."

Asked why he helped supervise the clinical abortion drug trials, he said: "We have a responsibility in

training residents to maintain our accreditation.'" He was referring to the responsibilities as dean at Meharry.

He added that the medical faculty also had a responsibility to teach residents "how to manage the complications of abortions."

(Optional add end)

The ABC interview included a remarkable acknowledgment from White House Chief of Staff Leon E. Panetta that administration officials had badly blundered in not foreseeing the political firestorm that would arise from Foster's abortion work.

"The staff in this situation probably did not serve the president well, in terms of going into the full background," said Panetta, who was brought in by Clinton six months ago to help avoid just such embarrassing missteps.

Foster said he differs in some respects with the public health policies prescribed by his predecessor, Dr. Joycelyn Elders, though he shares her goal of bringing better lives to people. He said that he believes issues of sex education "needed to be addressed at the family level" rather than through schools.

But he declared that his first choice is sexual abstinence. "I favor abstinence ... that's the basis of our program," said Foster, whose efforts to avoid pregnancy in youngsters has been widely praised.

"I'm a big fighter I'm looking forward to being touted around (Capitol Hill) to get my message across," he said, adding that he believes he has Clinton's full support.

**Clinton's CIA Nominee Aims to Overhaul
Old-Boy Spy Culture (Washn) By John M.
Broder= (c) 1995, Los Angeles Times=**

WASHINGTON President Clinton chose a retired military officer with no direct experience in the intelligence trade to head the troubled CIA so that his chief loyalty and accountability would be to the president and not to entrenched interests in the intelligence community, officials said Wednesday.

Administration aides said Clinton is determined to wrest the CIA and the government's other intelligence agencies into the post-Cold War world by remaking their missions and their cultures to better suit the intelligence challenges that follow the collapse of the Soviet empire.

Retired Air Force General Michael P.C. Carns was seen as an ideal candidate for the job because of his reputation as a creative thinker and tough manager during his 35-year Air Force career and because he is not a product of the far-flung, \$28-billion-a-year government

intelligence
in for
Clinton

More senators urging Foster to withdraw

Many want to avoid vote

By Paul Bedard
THE WASHINGTON TIMES

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Sen. Don Nickles of Oklahoma yesterday urged President Clinton to withdraw the nomination of Dr. Henry W. Foster Jr. to be the surgeon general as opposition to Dr. Foster continued to grow.

"The president should withdraw the nomination or Dr. Foster should withdraw his name," said Mr. Nickles, the influential chairman of the Senate Republican Conference.

"It's more than a bungled nomination. . . . Dr. Foster has serious credibility problems," Mr. Nickles said.

He said the Tennessee doctor and educator has tried to "mislead Congress and the American people" about his record on abortion.

Sen. Orrin Hatch, Utah Republican, also questioned certain statements by Dr. Foster. "It does not appear that he has been candid," he said.

"The White House has badly mishandled the nomination," said Sen. Nancy Landon Kassebaum, Kansas Republican and chairman of the Labor and Human Resources Committee, which would hold the Foster confirmation hearings.

She said she is awaiting further information from the White House before making a final decision on her own vote on the Foster nomination.

Sen. Arlen Specter, Pennsylvania Republican, said Dr. Foster

should not be disqualified for "performing a legal medical procedure," but, reflecting similar sentiment on Capitol Hill, he said he questions the candor of the doctor and the White House about his record.

Republicans and Democrats yesterday expressed dismay over the changing recollection by Dr. Foster and the White House about how many abortions he performed in his 38 years as a gynecologist in private practice in Nashville and as a teacher at Meharry Medical Center in Nashville and at Tuskegee University in Alabama.

Sen. John B. Breaux, Louisiana Democrat, said the nomination faces rough going in the Senate. "He's got a rocky road ahead of him."

The prospect of having to record a vote linked to abortion was viewed with dread by many senators.

"They would be well advised to find someone everybody could live with," said Sen. Phil Gramm, Texas Republican. "There are thousands of doctors."

Across the aisle, Sen. Joseph R. Biden Jr., Delaware Democrat, said: "They should have taken the finest doctor they could find in the country, someone near retirement without any controversy. . . . It's not like this is the only doctor in the world."

Dr. Foster, a former member of the board of Planned Parenthood

see FOSTER, page A11

FOSTER

From page A1

in Nashville, went on ABC-TV's "Nightline" program late last night to defend his truthfulness in describing his career and the number of abortions he had performed or supervised.

Sen. Connie Mack, Florida Republican, expressed disbelief that the White House continues to have problems choosing successful nominees for high government positions. "It's incredible how they do this," he said.

When Dr. Foster's nomination was announced last Thursday, White House officials avoided the abortion issue, erasing from his official biography his 17-year tie to Planned Parenthood.

What's more, the White House initially reported Dr. Foster had been involved in only one surgical abortion in his long career. Dr. Foster later changed the estimate to "fewer than a dozen." Most, he said, were performed in cases of incest or to protect the mother's own health.

Anti-abortion groups uncovered a 1985 medical journal article in which Dr. Foster writes of testing a drug that induced abortions in 55 of 60 women. They also released a 1978 transcript of a Department of Health, Education and Welfare hearing in which he discusses conducting nearly 700 abortions and amniocentesis procedures, a test of the fetus for genetic defects, which can also detect the sex of the child.

As a result of the damaging and conflicting stories, the White House has assembled a team to do the background check normally completed before nominees are announced.

White House spokesman Michael McCurry conceded that the usual background checking system broke down in the case of Dr. Foster.



Dr. Henry W. Foster Jr. defended himself on ABC-TV's "Nightline."

"I think the point of it all is that there's no one on staff who would say that we served the president and the nominee as best we could. We should have done a better job," Mr. McCurry said.

"It's good common sense that we need to do a better job, and I don't think anyone would say we've done the best job we could in this circumstance."

Administration officials said yesterday that Department of Health and Human Services officials, who are handling Dr. Foster's nomination, blame the White House for announcing the doctor's appointment before HHS completed its checks. HHS Secretary Donna Shalala was said by associates to be "mortified by what's happening."

At the White House, Mr. Clinton strongly defended his nominee, named to replace the fired Dr. Joycelyn Elders.

• Nancy Roman contributed to this report.

Pro-lifers hope to quash Foster just as foes did to Bork

By Joyce Price
THE WASHINGTON TIMES

Pro-lifers are showing the same political fury in fighting the nomination of Dr. Henry W. Foster Jr. as surgeon general that pro-choicers unleashed in 1987 to defeat Supreme Court nominee Robert Bork.

And just as pro-choicers did when they derailed the Bork nomination, pro-lifers are using the issue of abortion as a political tool that they hope will kill the Foster nomination.

"We're doing phone banking that's focusing on members of the Senate Labor and Human Resources Committee. ... Over the course of two days, we're able to make 20,000 calls," said Marshall Wittmann, legislative affairs director for Pat Robertson's 1.4-million-member Christian Coalition, one of many pro-life, pro-family groups actively trying to block Dr. Foster's nomination.

Other groups, such as the National Right to Life Committee and the International Foundation for Genetic Research, commonly known as the Michael Fund, are spending their time researching Dr. Foster's record and amassing information, including research studies and newspaper articles, that challenge or contradict statements the nominee and the White House have made about his background and position on abortion.

As quickly as they uncover material they see as helpful to their cause, the groups have shared it with the media, other pro-life organizations and members of the Senate, which is responsible for confirming nominees for surgeon general. "There's been a lot of faxing going on," Mr. Wittmann said.

One group, the Family Research Council, headed by Gary Bauer, who was domestic policy adviser in the Reagan administration, was ready with ammunition

against Dr. Foster even before President Clinton publicly identified him as his choice. The FRC documented Dr. Foster's long, close and high-level involvement with the Planned Parenthood Federation of America, a group that provides abortions and favors explicit sex education and condom availability for adolescents.

Dr. Foster's ties to Planned Parenthood were not mentioned in the White House biography of him.

Yesterday, Planned Parenthood held a news conference in which it announced support for Dr. Foster and disclosed its plans to contact black leaders, women's groups, and pro-choice members of the business, medical, political and religious communities to urge them to lobby for Dr. Foster's confirmation.

Dr. Foster, 61, is black. And pro-choicers hope blacks will rally behind the man who would become the nation's second black surgeon general. Dr. Joycelyn Elders, who

was fired in December, was the first.

Planned Parenthood billed the news conference as an attempt to "set the record straight" about Dr. Foster, whose nomination has been damaged by pro-life and pro-family organizations.

In Congress, both Republicans and Democrats have said the White House's changing stories about the number of abortions Dr. Foster has performed has made that the key issue in the debate over his confirmation. Liberal pro-choice advocates in the House also slammed the White House handling of the nomination, charging that Dr. Foster was the victim of a modern-day lynching.

Many groups opposing Dr. Foster are targeting the Senate Labor and Human Resources Committee and, particularly, its pro-choice chairman, Nancy Landon Kassebaum, Kansas Republican, because that panel will hold confirmation hearings on the Foster

nomination next month.

Joel Bacon, a spokesman for Mrs. Kassebaum, said her office has received hundreds of phone calls in the past few days. "They've been pretty much evenly divided between opponents and supporters of Dr. Foster," he said.

The strategies pro-lifers are using against the Foster nomination are reminiscent of those employed by pro-choicers in their successful 1987 campaign against Judge Bork and their unsuccessful one in 1981 against Ronald Reagan's nomination of Dr. C. Everett Koop as surgeon general.

Abortion was the key issue in both campaigns. And although pro-choicers failed to prevent Dr. Koop's confirmation, they delayed it for at least six months.

Bork opponents attributed at least part of their success to the "paper trail" against abortion the judge left in his writings and rulings.

Pro-lifers are making similar use of Dr. Foster's paper trail. They challenge his credibility, citing an initial White House claim that he had performed only one therapeutic abortion; his own later admission he had performed about a dozen abortions, including some that were non-therapeutic, in his private practice as an obstetrician-gynecologist; and a published medical research study he led in which an experimental drug induced abortions in 55 women.

On Tuesday, a variety of pro-life groups and consultants for such groups had copies of the research study as well as the transcript of a 1978 meeting of an ethics advisory panel Dr. Foster was on in which he was quoted as saying he had performed 700 abortions. The groups made the studies and transcript available to reporters. Dr. Foster has denied making the statement contained in the transcript.

Foster flap only latest nominee faux pas

By Stewart M. Powell
HEARST NEWSPAPERS

The failure of the White House to anticipate the abortion controversy surrounding President Clinton's nomination of Dr. Henry Foster Jr. as surgeon general revives questions about the way the administration chooses potential appointees.

Senior presidential aides struggled yesterday to end six days of embarrassment and political damage from Mr. Clinton's choice of Dr. Foster, an obstetrician-gynecologist from Nashville, Tenn., who said he performed abortions during 38 years of medical practice.

Administration staffers pored over Dr. Foster's medical records to try to pinpoint the actual number of abortions. This became an issue when the administration's count started changing, enabling Foster critics to challenge his credibility.

Other questions were raised over the administration's failure to anticipate the controversy sparked by the selection of a physician who acknowledged performing any abortions, given the fact that the abortion issue continues to divide the nation.

Dr. Foster is the first high-ranking appointment announced by the White House since the Republican takeover of Congress. The post of surgeon general requires Senate confirmation.

White House Press Secretary Michael McCurry, reaffirming Mr. Clinton's support for his nominee, said yesterday the staff is reviewing ways to improve the screening of appointees.

"There's no one on staff who would say that we served the president and the nominee as best we could" in handling the Foster nomination, Mr. McCurry said.

"We should have done a better job and we're now looking forward to getting everything prepared for what we know will be a hard fight but we believe a very successful and effective fight on behalf of the nominee."

The administration's past troubles on appointees have stemmed from a variety of causes. But they share common denominators: Either the White House staff has been surprised by information that emerged about a nominee after the name was made public, or the staff failed to appreciate the political significance of the information.

In the category of poor informa-

tion, the White House offered a coveted Supreme Court nomination to then-Senate Majority Leader George Mitchell last April before determining whether the Maine Democrat was interested. He wasn't.

A similar embarrassment befell Mr. Clinton in January 1994 when he nominated retired Navy Adm. Bobby Ray Inman to serve as his second defense secretary. Within weeks, Mr. Inman abruptly withdrew, complaining loudly about media scrutiny of his roller-coaster record in private business in Texas. The White House was criticized for failing to recognize Mr. Inman's mercurial temperament.

Supposedly poor staff work also led Clinton to nominate C. Lani Guinier as chief of the Justice Department's civil rights division in April 1993 without the president knowing about her little-noticed academic writings on boosting the political clout of blacks.

Mr. Clinton later withdrew Mrs. Guinier's nomination, saying he found his Yale Law School classmate's views "anti-democratic [and] difficult to defend."

The president encountered similar setbacks finding an attorney general.

He first nominated Connecticut corporate lawyer Zoe Baird for the Cabinet post after she acknowledged to White House aides that she and her husband had hired an illegal alien to serve as a nanny and had not paid Social Security taxes on the employee. White House aides failed to foresee the political uproar that ensued when Mrs. Baird's statements became public. Mr. Clinton eventually withdrew her nomination.

His second choice, U.S. District Court Judge Kimba Wood, was on the verge of being nominated when the White House learned she also had used an illegal alien as a nanny. Mr. Clinton then selected Janet Reno, the Dade County, Fla., prosecutor.

Christopher J. Deering, a political scientist at George Washington University, offered an understanding view of the problems facing Mr. Clinton in his personnel selection.

"It's always tempting to criticize the White House when some element of a nominee's background comes out and proves to be embarrassing," Mr. Deering said. "But every recent president has found it difficult to discover every little tidbit about a nominee that might cause trouble on Capitol Hill."

Peres deletes Syria from pro-peace list

By Martin Sieff
THE WASHINGTON TIMES

An unusually subdued Shimon Peres yesterday left Syria off the list of countries seeking a Mideast solution and conceded that supporters of the faltering peace process are now a minority in Israel.

The Israeli foreign minister said the Syrian government of President Hafez Assad was "no longer on the waiting list" of nations pushing for peace in the region.

And with his Labor government trailing by as much as 50 points behind the nationalist Likud in some opinion polls, even those supporting the existing peace plan in Israel are "in the minority," Mr. Peres said.

"But history is on our side," he added, "although history works slowly."

Mr. Peres said that, until a few days ago, the Palestinian Authority in the Gaza Strip had failed to make any serious attempts to stop

Bemoans diminishing Israeli support

a wave of Islamic fundamentalist attacks that has left 55 Israelis dead in the past four months.

But the Palestinians have since "started to take seriously the danger of terror coming from Gaza," Mr. Peres said.

"I do believe they have the capacity to handle it," he added.

Mr. Peres, the driving force behind the peace process, warned that if the Palestinians did not make a real effort to stop the terror attacks, he and Israeli Prime Minister Yitzhak Rabin would be forced to cut off peace talks.

"We say to the Palestinians: 'Show an effort to stop the terrorist attacks that come from Gaza. We won't judge you by the results, but by the effort you make. And if you don't make an effort, how can we continue to negotiate?'" he said.

Mr. Peres will attend a Washington summit Sunday with the foreign ministers of Egypt and Jor-

dan and Nabil Sheath, a top aide to Palestine Liberation Organization leader Yasser Arafat.

But Syria and Lebanon, which is dominated by Syria, are both boycotting the meeting.

A trio of European Union foreign ministers, including Alain Juppe of France, were in Syria yesterday trying to woo Mr. Assad into a more active role in the negotiations.

Mr. Juppe suggested the EU was prepared to serve as a broker in the peace process. The 12-nation union was "fully prepared to play a role... if that is suitable to the countries of the region," he said.

Israel has never accepted direct European mediation in the negotiations, fearing the EU would put undue pressure on it.

Mr. Peres also met Tuesday with Senate Majority Leader Bob Dole, House Speaker Newt Gingrich and National Security Adviser An-

thony Lake on his visit.

Mr. Dole told reporters he favored moving the U.S. Embassy in Israeli from Tel Aviv to Jerusalem, but not just yet.

"I think it's something that ought to be encouraged. But I want to keep the peace process on track," he said.

Meanwhile, Mr. Arafat, responded to Israeli pressure to crack down on militants by ordering the arrest of another 90 Palestinians in raids throughout the Gaza Strip yesterday, the Associated Press reported.

Mr. Arafat, who meets Mr. Rabin today at the Erez crossing point between Israel and Gaza in a bid to shore up the peace process, also established a special court to try Palestinians charged with security crimes, including attacks on Israelis, AP said.

"We mean business," said his spokesman, Marwan Kanafani, adding that members of Mr. Arafat's security forces will serve as judges for the new court.

Foster nomination fight over abortion itself, activists on both sides say By Angie Cannon **Knight-Ridder Newspapers**

WASHINGTON For abortion-rights supporters, it wasn't supposed to be this way.

Two years ago, they were elated. They had gained representation in Congress in 1992, dubbed the Year of the Woman. A sympathetic president was in the White House. As a bold sign of that heady, new power, Bill Clinton undid several of President Reagan and Bush's anti-abortion decisions on his first full day in office.

But two years later, the fight over Clinton's choice for surgeon general dramatizes just how much the political climate has changed.

The nomination of Dr. Henry Foster Jr. is in jeopardy because of a furor over how many times he performed a legal procedure abortion.

Foster's nomination is also in trouble because questions have been raised about his veracity. Abortion opponents have distributed information indicating he may have been involved in many more abortions than he initially cited.

In an appearance Wednesday night on ABC's "Nightline," Foster acknowledged that he erred last week in telling the administration he had performed fewer than a dozen abortions. "It was a guess I should not have made," said Foster, explaining that he did not research his records before coming up with the number.

Foster said the correct number of abortions he had performed during his medical career was 39. He said that did not include the 55 abortions that occurred during a clinical trial of a drug in the early 1980s. He was one of the researchers involved in the study of the drug.

But activists on both sides of the abortion issue say the real point of contention over Foster's nomination is abortion itself which Foster felt compelled to condemn Wednesday night. "I abhor abortion," he said.

"The Foster nomination is just the first fight," said Donna Singletary, government relations director for the National Abortion Federation. "The November election the 1994 purge caused a tectonic plate shift. There is a strong realignment in Congress."

A Republican landslide in November brought at least 39 abortion opponents to the House and five to the Senate, giving anti-abortion forces a potential majority in Congress.

"We're not on top of the hill anymore," said Kate Michelman, president of the National Abortion and Reproductive Rights Action League. "After Clinton's election, pro-choice Americans fell into a very deep complacency. Everyone thought everything will be fine."

"Two years later, there has been such a dramatic backward leap. The right wing is in power. This nomination has opened the door for the radical right to move their social agenda to wage war on physicians and make abortion unavailable."

In fact, abortion foes sound as upbeat today as their opponents did two years ago.

"We are on an upswing," said Joe Scheidler, executive director of the Chicago-based Pro-Life Action League. "We got so many actual pro-life people in. We are looking for some changes. We have a lot of hope. This Foster thing came at the right time."

Scheidler and others note that even the White House and Foster are reading the more conservative political climate.

"Why doesn't he just say, 'Hey, abortion is the law of the land, it's as good as Juicy Fruit gum. I did them,'" Scheidler said. "Instead, they are taking the tack that the more abortions he did, the worse it was. That's good for us. It puts abortion back in a pejorative category."

Consequently, abortion-rights activists say they fear Congress will end federally funded Medicaid coverage of abortions for poor women who are pregnant because of rape or incest.

Abortion-rights supporters also worry legislators will try to remove coverage of abortion from federal employees' health care plans or eliminate abortion as a service in overseas military hospitals.

And they are concerned that Congress might try to reinstate a "gag rule" that would prevent doctors at federally funded clinics from discussing abortion with their patients. Further, there could be a fight over whether Congress pays for the Freedom of Access to Clinics law that is supposed to protect doctors and employees at abortion clinics.

"From our view, what we saw in the election was a rejection of rather extreme Clinton policies that are out of step with mainstream public opinion in this country," said Douglas Johnson, legislative director with the National Right to Life Committee.

But polling expert Karlyn Bowman says American opinion on abortion has remained relatively stable over the last 20 years, with the majority of people saying it should be legal under certain circumstances.

"People believe it should be a choice between a woman and her doctor," said Bowman, with the American Enterprise Institute.

The Foster fight says more about the "contemporary political climate, the balance of power among Republicans and the jockeying of position to win the Republican presidential nomination," said Clyde Wilcox, a Georgetown University government professor specializing in public opinion toward abortion.

GOP congressional leaders would have preferred to wait on the abortion issues, focusing instead on their "Contract With America" program of tax and budget matters, welfare reform and anti-crime issues.

But the Foster nomination could give Republicans a chance to satisfy anti-abortion activists while publicly citing questions about Foster's veracity as justification for their opposition.

With anti-abortion activists a key constituency in Republican politics, "it is a relatively easy way to appeal to them to oppose this nomination," Wilcox said. "We have a sudden new Republican majority who wouldn't mind bloodying Clinton's nose a bit."

He might not be the only politician bloodied, though. The furor is also forcing various 1996 GOP presidential hopefuls to deal with a contentious issue.

Ultraconservative Patrick Buchanan calls Foster's nomination "a moral affront," while Sen. Arlen Specter of Pennsylvania says performing abortions shouldn't be a litmus test.

The abortion-rights supporters at first were left behind in the fight over Foster, but they are catching up, running phone banks and rallying women's, civil rights and religious organizations. Planned Parenthood activists stormed the Capitol Wednesday.

Their effort appears to be paying off. A spokesman for Sen. Nancy Landon Kassebaum, R-Kan., says the hundreds of calls to her office have been more evenly balanced in recent days. Kassebaum heads the Senate panel that will consider Foster's nomination before it goes to the full Senate.

But whether their effort is enough to save Foster's imperiled nomination remains to be seen.

"We can't give up in the face of serious obstacles," Michelman said. "There is a lot at stake in this nomination."

The charges and the facts in Foster case **By Angie Cannon Knight-Ridder Newspapers**

WASHINGTON Allegations have been surfacing almost daily regarding Dr. Henry Foster, President Clinton's choice for surgeon general.

Here's a rundown of the accusations and the facts:

WHAT'S CHARGED: On Monday, the Pittsburgh-based International Foundation for Genetic Research/Michael Fund and the National Right to Life Committee distributed a 1978 transcript of an ethics advisory board meeting of the U.S. Department of Health, Education and Welfare.

In the transcript, Foster is quoted as saying: "I have done a lot of amniocentesis and therapeutic abortions, probably near 700."

WHAT'S KNOWN: After digging through the thick transcript of that meeting, White House officials privately acknowledge it shows Foster making that statement.

That could be trouble for Foster, because shortly after his nomination Foster issued a statement saying he performed "fewer than a dozen pregnancy terminations" during his 30 years as a Tennessee obstetrician-gynecologist. He said he did those to save the lives of women, or in the cases of rape or incest.

It is conceivable that there could have been an error in the transcription a possibility the White House has raised. Or it could be that there is no conflict between the 1978 transcript and Foster's statement last week since it is not clear from the transcript which of the two procedures might account for most of the "700."

In any event, administration officials say Foster "flatly denies" making the statement quoted in the 1978 transcript and that Foster told them he didn't perform a total of 700 amniocentesis procedures or abortions.

Publicly, the White House now is refusing to talk about how many abortions Foster may have performed, hoping perhaps too late not to get into a numbers game with Foster's anti-abortion opposition. Officials say Foster is compiling an exhaustive accounting of his medical record to answer the flood of questions from Capitol Hill.

Amniocentesis is a procedure in which a needle is injected into a pregnant woman and amniotic fluid is drawn out to detect whether a fetus is developing normally. A "therapeutic abortion" is a term doctors use for an induced abortion for medical reasons.

Doctors say only a small number of amniocentesis procedures lead to abortions. The president of the American College of Obstetricians and Gynecologists also says a typical ob-gyn with a 30-year practice would have performed more than a dozen abortions, more like 50 to 100.

WHAT'S CHARGED: While he was head of the obstetrics and gynecology department at Meharry Medical College in Nashville, Tenn., Foster headed a research team that tested an experimental drug during the early 1980s on at least 59 women to induce abortions.

WHAT'S KNOWN: No one disputes that, and the White House says it was aware of the drug testing before Foster was nominated. Officials explain that his public statement last week also mentioned "a wide variety of medical procedures and research was performed" when he was at two major teaching institutions.

A 1985 article in *Obstetrics and Gynecology*, co-written by Foster, describes the research, which was funded by Upjohn Pharmaceutical Co. The vaginal prostaglandin suppository was tested on 60 women who were up to eight weeks pregnant to induce abortions.

The drug was successful on 55 women and four others

required hospitalization and follow-up dilation and curettage. One woman delivered a premature infant. Upjohn did not mass-produce the drug.

A Feb. 5, 1981 article from the Nashville Banner, also distributed by the anti-abortion group, quotes Foster as describing the drug as "revolutionary."

WHAT'S CHARGED: Senate Republican Whip Trent Lott of Mississippi the Senate's No. 2 man described Foster as "on the fringe."

WHAT'S KNOWN: The acting director of Meharry, 61-year-old Foster is well-regarded in the field of obstetrics and gynecology. Ironically, he is regarded as politically conservative.

His nomination has been supported by mainstream medical organizations, such as the American Medical Association and the American College of Obstetricians and Gynecologists.

Foster is perhaps best known for founding the "I Have A Future" program, an 8-year-old effort that urges teen-agers in housing projects to delay pregnancy by building self-esteem and teaching job skills.

Some critics have objected to the program because it included condom distribution. Abortion opponents have also cited Foster's service on the board of Planned Parenthood, which offers abortion services.

Foster's work in the program was recognized by former President Bush, who named him one of his "1,000 Points of Light."

Britain and Cuba cultivate their trade links **By Canute James Journal of Commerce**

KINGSTON, Jamaica Britain and Cuba moved toward increased trade this week with the visit to the island of a delegation that found "an improved business climate," according to officials.

The visit of the 40-member group followed the signing last week by Britain and Cuba of a treaty to promote and protect investments in the two countries.

The increasing trade ties between the two countries are not likely to be well-received in the United States.

The U.S. government is maintaining a 34-year-old economic boycott against the Caribbean island, demanding that the administration of President Fidel Castro implement political and economic reforms.

But the leader of this week's British trade delegation to Cuba concluded that Cuba has made changes that are significant enough to encourage investment and greater foreign trade.

"I believe that the Cubans have undertaken a number of major changes in the economy and I believe this process is continuing," said Baroness Young, a senior member of Britain's ruling Conservative Party.

Cuba is a "very important" market in the Caribbean for Britain, she said.

The visit of the British delegation and the earlier signing of the investment treaties are expected to lift the value of British exports to the island.

Cuba bought about \$40 million in British products last year, about twice the previous year's purchases. The imports are mainly manufactured goods.

British companies in Cuba are involved in oil exploration and soap products, and others were recently reported to have been contracted by the Cuban government to improve the island's sugar industry.

The Cuban government has liberalized some aspects of the state-controlled economy in recent months, encouraging private individual and cooperative ventures in some sectors.

Cubans are also allowed to hold and use foreign