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Doctors Identify With Plight Of Surgeon General Nominee

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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 program "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,"

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Doctors Identify With Plight of Nominee

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

> The medical profession objects to the politics of abortion.

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 demanded 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.

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

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-bearing 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.

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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 practice" 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 offerred 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 hemorraging starts.

The study was issued by the department'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 Deparment 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 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.

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

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 Goodpaster, 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 massage 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

FRIDAY, FEBRUARY 10, 1995

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 politicans 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" 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.



Henry Foster

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.

Potomac Watch

By Paul A. Gigot

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



By Paul T. Whyte, USA TODAY

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

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 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 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 backgrounding 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."



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.

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 Hasson, and Judy Keen

The Washington Times
★ FRIDAY, FEBRUARY 10, 1995

Med school faltered with Foster at helm

Program lost accreditation

By Paul Bedard
THE WASHINGTON TIMES

The obstetrrics 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 abortions 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 satisifed. 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-

see FOSTER, *page A16*
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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

GOP foes of Mexican loans threaten to force debate on House floor

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 Mexico 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 Resources 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."

Mandatory Abortion Training For Obstetricians Is Approved

By JAMES BARRON

A1

The group that supervises graduate medical education voted yesterday to require that prospective obstetricians be taught abortion skills, saying it wanted them to receive the fullest possible training from the teaching hospitals where they work as medical residents.

The new requirement applies only to programs that train obstetricians and gynecologists, and spells out alternatives for hospitals with moral or religious objections.

Programs that refuse to provide the new abortion training could be stripped of their accreditation, which teaching hospitals need to qualify for Federal reimbursements for the services medical residents provide to patients.

Dr. John C. Gienapp, the executive director of the Accreditation Council for Graduate Medical Education said the new standards were the first specifically mentioning abortion. Until now, he said, the standards have said residents were to receive clinical experience in family planning. That implied but did not spell out competence in performing abortions, he said.

But with fewer abortions being performed at hospitals, some doctors have come to believe that they need to reassure patients about the competence of a doctor who may have to treat a woman who has had a spontaneous abortion or recommend that a patient undergo an abortion to save her life.

Abortion opponents immediately denounced the move. "Coercing people and institutions to participate in the destruction of innocent life is a great evil," said Roger Cardinal Mahony of Los Angeles, chairman of the National Conference of Catholic Bishops' Committee for Pro-Life Activities.

Dr. Gienapp said there was no discussion about the abortion issue before the vote was taken, in part

Continued on Page A14, Column 3

Accreditation Group Requires Abortion Training for Obstetricians

Continued From Page A1

because the language approved yesterday had been drafted, edited and agreed to by lower-level committees. The changes take effect next Jan. 1.

It was coincidental, he and officials of other medical groups said, that the council's action came as the White House and Congress were contending with questions about the abortion issue as it relates to President Clinton's nominee to be the new surgeon general. The nomination of Dr. Henry W. Foster Jr. has been attacked by abortion opponents since he acknowledged performing a number of abortions in his 30-year career as an obstetrician-gynecologist.

Dr. Gienapp said the group had been more concerned about revising the accreditation standards to end the perception that prospective obstetricians and gynecologists were not required to undergo "much of what is now coming to be called generalist's training." An obstetrician or gynecologist has become the first doctor many women see, he said, "so the standards were broadened to provide some of the things ob-gyns now need." These include training in doing a normal physical and treating common presenting infections, like the flu.

Alexander Sanger, the president and chief executive of Planned Parenthood of New York City, called the vote "gratifying."

"The action underscores the medical community's long commitment to protecting women's healthy by providing access to safe, legal abortion," he said. "It also makes clear that abortion is a standard part of OB-GYN practice."

The bishops' group said it believed the change in the standards violated laws in roughly half the states where hospitals that oppose abortions are exempted from making referrals for abortions and other procedures.

Dr. Gineapp denied that his group was coercing institutions or individuals. "No institution is required by anybody to offer residency training," he said. "They don't have to do anything they have objections about."

Under the revised standards, a resident with moral or religious objections can be excluded from the training. "We believe this means they would not perform abortions during their active practice," he said.

The standards also include a provision that institutions with moral or religious objections can arrange to have the abortion training done at some other institution. "We are not forcing even an institution that decides to offer a program in obstetrics and gynecology to do this," he said.

"However," he added, "it is the belief of obstetricians and gynecologists in this country involved in education that residents need to know how to do the technical procedures and make judgments about these matters because it's likely during course of practice that they'd have to confront these issues."

The revision was supported by the American Board of Obstetrics and Gynecology, which certifies obstetricians, and by the American College of Obstetricians and Gynecologists. The change also had the support of the American Medical Association, one of the council's five parent organizations.

The A.M.A. emphasized that it was a coincidence that the vote came at a time when Dr. Foster's record is in the headlines. "Abortion is a legal medical prodecure," the A.M.A. said in a statement. "For the safety of patients, it is essential that physicians providing abortion service are trained and competent. Therefore, the A.M.A. believes this requirement is necessary for the health and well-being of patients."

The number of doctors available to perform abortions has fallen by 8 percent since 1988, according to the Alan Guttmacher Institute, a nonprofit group that does research on reproductive issues. But the percentage of obstetric and gynecology residency programs that require first-trimester abortion training has declined to 12 percent, half what it was in 1985, the institute says.

One reason for the decline in abortion training is that fewer hospitals are performing abortions. The Guttmacher Institute found that hospitals provided only 7 percent of abortions in 1992. In 1973, they accounted for more than half. of all abortions in 1973, accounted for just 7 percent o abortions in 199?

THE NEW YORK TIMES
WEDNESDAY, FEBRUARY 15, 1995

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BY EDMUND L. AND

Special to The New York

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White House Is Counting on Month's Delay to Dull Criticism of Nominee for Surgeon General

By DOUGLAS JEHL
Special to The New York Times

WASHINGTON, Feb. 14 — The White House will not ask the Senate to begin hearings on the nomination of Dr. Henry W. Foster Jr. as Surgeon General until at least mid-March, a timetable that Administration officials believe will leave the nominee in better shape to confront his critics.

The four-week delay was described by White House aides today as necessary to let the Federal Bureau of Investigation complete its check into Dr. Foster's background. But they also made clear that they were not at all unhappy about such a waiting period.

Indeed, aides to President Clinton made clear that they believed that Dr. Foster's prospects for winning Senate confirmation would improve with time. Some said Dr. Foster, a 61-year-old obstetrician-gynecologist, would benefit by gaining distance from episodes that have raised questions about his candor concerning abortions he has performed. The aides also suggested that the lag would help the White House effort to portray his Senate critics as captives of the anti-abortion movement.

No Republicans and only a handful of Senate Democrats have voiced support for Dr. Foster since President Clinton announced the nomination nearly two weeks ago.

Today, the White House chief of staff, Leon E. Panetta, said he believed that more senators were now "keeping an open mind" about Dr. Foster, who has acknowledged performing abortions but has given conflicting accounts of their numbers. Mr. Panetta said he believed that a White House-orchestrated campaign in which Dr. Foster sought to defend his record had "helped turn some of the momentum around."

That view was echoed by Senator Tom Daschle of South Dakota, the Democratic leader, who said that he and other supporters were "becoming more upbeat each day."

While the White House has not yet formally sent its nomination of Dr. Foster to the Senate, officials emphasized that the President was determined to do so. They also said that they would not press the F.B.I. to hurry its background check.

As Dr. Foster prepared to pay his first courtesy calls in the Senate on Wednesday, White House officials said they would take their time in trying to build support for him. They said they would schedule no more than six meetings between Dr. Foster and individual senators by week's end.

"You just want a pace that works for him," a senior White House official said.

And even as he begins his door-to-door quest for more support, Dr. Foster's only visits Wednesday will be with two declared champions: Mr. Daschle and Senator Patty Murray, Democrat of Washington. But he is scheduled to move on the next day to meet one-on-one with Senator Edward M. Kennedy of Massachusetts, the ranking Democrat on the committee that will consider Dr. Foster's nomination, and with the committee's chairman, Senator Nancy Landon Kassebaum, Republican of Kansas, who has criticized White House handling of the nomination.

A spokesman for Senator Kassebaum said today that she had requested "a very candid and open discussion" with Dr. Foster and that the White House had agreed. Several Republican senators have said that Dr. Foster's performance of abortions should disqualify him as Surgeon General, but Senator Kassebaum, who supports abortion rights, has said she will withhold judgment until after the meeting. But she has expressed anger at what she said was misleading information initially provided to her about Dr. Foster's abortion record.

As the White House gathered representatives of several dozen medical, educational and business groups today for a meeting in which Dr. Foster asked for their backing, aides made clear that President Clinton would take the fight to the Senate, even if his nominee might be defeated.

"This is a nomination you take to a vote," Mr. Panetta said. "I think that's important."

The team that has been working to rescue the nomination is headed by Erskine Bowles, the deputy chief of staff, and includes Patrick Griffin, the President's liaison to Congress, and two other top-ranking White House officials who are working nearly full-time in the effort, Mark D. Gearan, the communications director, and John Podesta, the staff secretary. They have come to be known within the White House as "the Dalmatians" in recognition of their being called upon to fight political fires ignited by the Whitewater affair and other crises.

THE NEW YORK TIMES
WEDNESDAY, FEBRUARY 15, 1995

When Congress Faced Baseball and Struck Out

To the Editor:

Senator Orrin Hatch's suggestion that it is possible the Senate might consider lifting a part of organized baseball's antitrust exemption (some editions, Feb. 9) may mark the end of a 73-year masquerade in which organized baseball pretended it was not in interstate commerce.

To my knowledge, the last time a Congressional committee seriously considered legislation affecting organized baseball began with a hearing before the House Judiciary's Subcommittee on Study of Monopoly Power, on July 31, 1951.

In the chair was Representative Emanuel Celler, who was also the chairman of the full committee. John Paul Stevens was the subcommittee's associate counsel, and this writer was its general counsel. Ty Cobb was the leadoff witness.

Before the subcommittee were three bills, introduced by Representatives Wilbur D. Mills, A. S. Herlong Jr. and Melvin Price. These bills would, if they had been enacted, exempt baseball and all other organized sports from the antitrust laws.

They were introduced because organized baseball feared that the decision of the Supreme Court in a 1922 case, Federal Baseball Club v. National League, would be overturned.

In that case the Court held that baseball involves "purely state affairs," with only incidental effects on interstate commerce. Consequently, baseball contracts, which were in restraint of trade, were outside the purview of Federal laws such as the antitrust laws.

In 1951 it was factually clear that baseball was big business having an impact across state lines in a multitude of ways. Moreover, the Supreme Court had decided the Federal League case on the basis of an 1868 case, which was overruled by the Court in 1944.

In 1951 the owners were defending a number of cases in the lower courts, and they expected that their



P J Loughran

exempt status would end, so they turned to Congress to save them.

Larry McPhail's testimony closed 16 days of hearings, with 33 witnesses, more than 50 exhibits and a total of 1,643 pages of transcript. The subcommittee was never able to agree on a report or to report out the bills.

All the members were lawyers. There were those who looked at the question from a legal standpoint and opposed the bills. There were others who recognized the legal arguments but who advanced a concept based on the belief that baseball was more of a sport than a crass commercial enterprise. There was deadlock.

Contrary to expectations, the Supreme Court in 1953 decided Toolson v. New York Yankees in favor of the owners. It held that where a business has for 30 years developed in reliance on a Supreme Court ruling, it was not subject to the antitrust laws. Also, where Congress has not by legislation overruled the Court's decision, the Court would not reverse itself, with potentially severe retrospective effect.

Subsequent cases involving other sports and the arts did not follow Toolson. Thus, baseball has received special treatment not given to any other sport.

There is now the possibility that the adverse effect of baseball's deadlock on the general economy will result in the legislation that the club owners have so long feared and fought.

E. ERNEST GOLDSTEIN
Austin, Tex., Feb. 9, 1995

The writer, after a long career in government, teaches law at the University of Texas.

Dr. Foster Exercised Judgment on Abortion

To the Editor:

"The Tainted Foster Nomination" (editorial, Feb. 10) further skews the distorted debate over the nomination of Dr. Henry Foster Jr. to be Surgeon General. No one has disputed that Dr. Foster is qualified, and you agree that he is a "good choice."

The irony of the opposition to this nomination is that had Dr. Foster not performed abortions during his nearly 40 years in the field, it would raise serious questions about whether he had provided appropriate medical care to his patients.

Abortion is medically appropriate in a variety of circumstances. As the Supreme Court recognized in Doe v. Bolton, a physician's judgment concerning whether an abortion is medically indicated must take into account "all factors . . . relevant to the well-being of the patient." Indeed, Dr. Foster limited his practice to a subset of those circumstances by performing abortions only when his patients' physical health was in jeopardy or when the pregnancy resulted from rape or incest.

You also err by giving credence to the pretextual concern over whether Dr. Foster recalls the precise number of abortions he performed during a 38-year career. Would Dr. Foster's statement that he has delivered "more than 10,000" babies be similarly suspect if it turned out that the real number was closer to 8,000?

You disserve readers by joining Dr. Foster's opponents in their disingenous attacks on his veracity, rather than recognizing those attacks as extremist condemnation of physicians who provide even life-saving abortions.

JANET BENSHOOF
DIANE CURTIS
New York, Feb. 10, 1995

The writers are, respectively, president and fellowship attorney, Center for Reproductive Law & Policy.

Irreversible Punishment

To the Editor:

Re "Death Penalty Affirms Rights of Victimized" (letter, Feb. 12): Charles Bins writes that "if a murderer is guilty beyond a shadow of a doubt, he or she should not have an opportunity to kill again."

Our courts require proof only "beyond a reasonable doubt." Guilt beyond a "shadow of doubt" requires insight into the heart and soul of the defendant, which we believe only the heavenly court can provide.

It is the very real concern that a trial verdict may be wrong that gives us pause to inflict a punishment that once carried out can never be reversed.

EDWIN M. WOLF
Bayside, Queens, Feb. 13, 1995

Clinton Land Mine Policy Falls Short

To the Editor:

While I commend the Clinton Administration for progress on nuclear disarmament, its land mine strategy is counterproductive to the ban you advocate (editorial, Feb. 8).

Last year Senator Patrick Leahy introduced legislation that would have gone further than an export ban by setting a one-year production moratorium as well. As the bill approached 60 co-sponsors, the President asked Senator Leahy to pull it to allow the Administration to complete its own policy. Senator Leahy and the House leader on this issue, Representative Lane Evans, agreed.

The result was Mr. Clinton's "safe" land mines regime: the United States would drop the export ban and in its place sell land mines that would self-destruct after a fixed period. This has led to a bogging down in international negotiations over what the fixed time should be and has allowed land mine producers like Italy to fall back from progress toward an export ban to adopting the Clinton model instead.

You ask why we should stop halfway in pushing toward a total land mine ban. That is something you should be asking President Clinton.

SCOTT NATHANSON
Disarmament Campaign Organizer
Peace Action Education Fund
Washington, Feb. 8, 1995

Include Cluster Bombs

To the Editor:

"Lifting the Land Mine Curse" (editorial, Feb. 8) identifies the problem of land mines and proposes a ban on their sale and production. I support the initiative to ban land mines, but want to draw attention to unexploded cluster bombs, which pose the same danger as land mines yet are not included in this ban.

From April to October 1994, I assisted the Mennonite Central Committee and the British Mines Advisory Group in beginning a bomb removal project in Laos. The 580,000 bombing missions the United States flew during its 1964-73 secret air war left thousands of cluster bombs behind that failed to explode as designed. No general clearance of ordnance was conducted after the war, so these bombs continue to maim and kill 20 to 30 years after they were dropped.

The bombs can be set off by a gardener's hoe, a cooking fire, a villager who steps on an exposed fuse or an unsuspecting child who uses it as a toy. As in the case of land mines, cluster bombs are indiscriminate.

While comprehensive data are not yet available, one group of six villages in the area of Lat Huang, Xieng Khouang Province, reported 85 casualties from cluster bombs over the past 20 years. Thirty-four of these were children.

Cluster bombs were also used during the Persian Gulf war, and there have been reports of civilian casualties from cluster bombs since the war in both Kuwait and Iraq. I am grateful for your support for a total ban on land mines. Let's include cluster bombs and end peacetime killing.

TITUS PEACHEY
Lancaster, Pa., Feb. 9, 1995

We Still Need a Strong Food and Drug Agency

To the Editor:

"F.D.A. Becomes Target of Empowered Groups" (news article, Feb. 12) exposes attacks calculated to weaken and even dismantle the Food and Drug Administration.

Those who would do so should review the history of the sedative drug thalidomide.

From 1957 to 1961 it was taken by pregnant women for morning sickness, but it had an unexpected side effect that resulted in 8,000 cases of babies born with malformed arms and legs.

Virtually all of those tragic cases occurred outside the United States. Dr. Frances Kelsey of the Food and Drug Administration had virtually singlehandedly prevented marketing of the drug here despite pressure from irate American pharmaceutical companies, one of which distributed free samples to physicians and thereby caused a number of indigenous American cases.

Before the Food and Drug Administration was strengthened as a consequence of the thalidomide disaster, there had been considerable numbers of now-preventable deaths from even headache remedies and antibacterial agents.

A decade before the strengthening of the F.D.A., antihistamines hit the market like a tidal wave and within six months had been taken by millions of Americans. Luckily, there were no disastrous unpredicted side effects; if there had been (especially if delayed, preventing their early recognition) those antihistamines could have crippled the nation.

Pharmaceutic companies are Jekyll-Hydes that create many wonderful remedies, but are dangerously impatient to market their new products. That is why we need a strong F.D.A.

JUSTIN DORGELOH, M.D.
Oakland, Calif., Feb. 12, 1995

The writer retired as associate clinical professor of pathology, University of California Medical School.

THE WASHINGTON POST

WEDNESDAY, FEBRUARY 15, 1995

Role of House Women's Caucus Changes

By Kevin Merida
Washington Post Staff Writer



BY RAY LUSTIG—THE WASHINGTON POST

Rep. Nita M. Lowey (D-N.Y.), flanked by, from left, Democratic Reps. Charles E. Schumer (N.Y.), Louise M. Slaughter (N.Y.), Patricia Schroeder (Colo.) and Sheila Jackson Lee (Tex.), at news conference in support of Henry W. Foster Jr.

When Rep. Nita M. Lowey (D-N.Y.) called a news conference last week to bolster President Clinton's surgeon general nominee, Henry W. Foster Jr., she was not wearing her hat as co-chairwoman of the Congressional Caucus for Women's Issues. Instead, she spoke as co-chair of the little-known House Pro-Choice Task Force and was flanked by a host of liberal Democrats, a majority of them men.

Lowey's explanation? She wanted to bring together a diverse group of lawmakers and not make the nomination "a women's issue."

In past years, however, the women's caucus led the charge in such abortion-rights battles. It was the caucus that came to the aid of Joycelyn Elders when Clinton nominated her as surgeon general in 1993 and conservatives attacked her positions on abortion rights, sex education and condom distribution.

But the women's caucus is not what it used to be. Stripped of its staff and budget by House Republicans, the caucus is adjusting uneasily to its new role after 18 years as the premier legislative vehicle for addressing the concerns of women on a wide range of issues. The caucus has reorganized and established a separate nonprofit research arm, Women's Policy Inc., that is struggling to provide the same information services that were available from the caucus in previous sessions of Congress.

In addition, tensions exist from the 1994 campaign, in which House Democrats lost nine women to defeat and one to retirement, and Republican women enjoyed a 42 percent increase in their ranks. Among the GOP women of the 104th Congress are seven conservative newcomers who honored talk show host Rush Limbaugh with a plaque two months ago, followed by this slap at liberal Democratic women delivered by freshman Rep. Barbara Cubin (Wyo.): "There's not a femiNazi among us."

For sure, the political dynamic among women in the House has changed. Only one of the House GOP freshman women, Sue W. Kelly (N.Y.), an abortion-rights supporter, has joined the women's caucus.

"It's a new playing field, a new role, a new relationship," Lowey said. "We're just getting to feel our way."

Though there have been examples of bipartisan cooperation among House women—pushing for tougher child-support enforcement and fighting GOP efforts to strip breast-cancer research from the Pentagon budget—relations between Republican and Democratic women remain awkward.

In one small example of the changed atmosphere, Rep. Elizabeth Furse (D-Ore.) has decided not to rejoin the caucus because she no longer believes abortion rights is a focal point of the group.

Furse, who was reelected by just 301 votes, remains angry with Rep. Susan Molinari (R-N.Y.) for going "to the trouble of making a television ad that misled voters in the First District of Oregon." Furse said she doesn't understand why Molinari, a women's caucus member and an abortion-rights supporter, would campaign for Furse's opponent, an antiabortion advocate.

Molinari, one of two women on the GOP leadership team, said that abortion is not "a litmus-test issue" for her and that Furse's opponent, Bill Witt, was among a number of Republican antiabortion candidates she campaigned for because she believed they "could make a difference here."

Now that they belong to the House majority, Republican women are sorting out how closely they want to be identified with causes championed by Democratic women, who still dominate the caucus. Lowey's staff was not able to get a single GOP woman who supports abortion rights to attend the news conference in support of Foster.

Rep. Patricia Schroeder (D-Colo.), a former co-chair of the caucus, said some GOP women are facing pressure to "claim themselves as Newt-wits"—a cutting reference to followers of Speaker Newt Gingrich (R-Ga.). Replied Molinari: "There are no competing pressures."

While the number of female lawmakers in the House remains unchanged at 48, the ratio of Democrats to Republicans has diminished and moderate to conservative women now have a greater voice. Democratic women held a 36 to 12 advantage over Republican women in the 103rd Congress, but it is 31 to 17 in this Congress.

In the last Congress, 43 of the 48 women, including seven of 12 Republicans were caucus members. So far in the 104th Congress, 38 of 48 women have joined, including eight of 17 Republicans.

Several of the GOP freshman women interviewed said their failure to join was not a political statement but a matter of time. But some Republican women are clearly uncomfortable with the caucus's official position of supporting abortion rights. "If they got rid of that, I'd be happy to join," said second-term Rep. Jennifer Dunn (R-Wash.), an abortion foe.

Dealing with their diminished influence in the House has not been easy for some Democratic women. They have even formed their own organization that among other things will work with the Democratic Congressional Campaign Committee to elect more Democratic women. Called the Democratic Women's Group, it meets every Thursday and has focused on floor procedures and party matters.

"The Republicans did away with our other caucus and made it very, very difficult to exist in the mode we were accustomed to," said Rep. Patsy T. Mink (D-Hawaii), chair of the women's group.

In fact, some Democratic women wanted to abandon the women's caucus altogether. But others successfully argued that both organizations were necessary—one driven by political concerns, the other driven by policy concerns. Founded in 1977, the women's caucus has always been bipartisan—at least on paper. Its bylaws call for a Democratic and a Republican co-chairwoman. Rep. Constance A. Morella (Md.) is Republican co-chair for this Congress. Historically, the caucus has served as a clearinghouse for information on women and family issues and has published newsletters.

In the 103rd Congress, the caucus had an annual budget of $250,000 and a full-time staff of six who helped draft and track legislation, such as the Violence Against Women Act that was enacted last year and the Women's Health Equity Act that led to the requirement that women be included in medical research. These activities have been jeopardized, caucus members say, by Republican elimination of the 28 House legislative service organizations—forcing caucuses across party lines to reconstitute themselves.

At a time of constant partisan fireworks in the House, Morella and Lowey hope the caucus can be a model of how to rise above the fray. In one sign of cooperation, Republican women—with the backing of Democrats in the women's caucus—persuaded House leaders to expand child-support enforcement as part of the GOP's welfare reform proposal. Provisions include broadening penalties for child-support delinquency and setting up a national registry to assist states in tracking down "deadbeat parents."

But despite that success, Rep. Marge Roukema (R-N.J.), a caucus member who has a tougher child-support enforcement bill than some Democratic women want, said: "It remains to be seen if we can maintain that comity."

WASHINGTON

Marines' mission to Somalia 'non-lethal'

Marines assisting in the withdrawal of United Nations forces from Somalia will be armed with stun grenades, rubber bullets, sticky foam and other unconventional weapons designed to incapacitate rather than kill, Pentagon officials said Tuesday. Defense Secretary William Perry confirmed that Marines will carry "non-lethal" weapons when they go ashore in Somalia in the next several weeks. But he did not detail what type weapons will be used. Perry said Marines will have conventional as well as unconventional weapons, in case they run into a confrontation and "want to avoid having to use weapons that could be lethal." Marines' mission: Evacuate Pakistani peacekeepers and U.S. weaponry.



USA TODAY

FOSTER: Clinton will 'stick with him'

FOSTER NOMINATION: Henry Foster Jr. begins courtesy calls to senators today as the White House claims growing sentiment to give Foster a chance to defend his record on abortions.

President Clinton told a TV interviewer he believes opposition to Foster is "just one more example of pure politics taking over the nomination process."

"I hope he will have his day in court," Clinton told KSDK-TV in St. Louis. "I'm going to stick with him." White House chief of staff Leon Panetta said Foster's appearances have "helped turn some of the momentum around."

More senators are "keeping an open mind" about the nomination, he said. Asked if the White House would stand by Foster, criticized for his record on abortion, Panetta said, "I think this is a fight you take to a vote."

DOWNSIZING GOVERNMENT: House Republicans, joined by two former GOP Cabinet secretaries, called for elimination of four federal agencies, whose duties would be shifted elsewhere, sent to the states or handed to private business. Robert Mosbacher, Commerce secretary under President Bush, and former Housing and Urban Development secretary Jack Kemp appeared with more than two dozen lawmakers to propose cuts including elimination of the agencies they once ran. The group also targeted the Education and Energy departments. But House Appropriations Committee Chairman Bob Livingston, R-La., said it would be difficult to eliminate four agencies with proposed 1996 budgets of a combined $78.9 billion, because all such changes would have to clear the Senate. The changes also must be approved by the president. "If we eliminate one or two, we will be doing an enormous service," he said.

THE COST OF QUESTIONS: Public broadcasters say $92,000 in taxpayers' money went into providing information to a senator who wants to eliminate federal funding for the industry. The Corporation for Public Broadcasting and other groups were responding to a questionnaire from Sen. Larry Pressler, R-S.D., who as chairman of the Senate Commerce Committee controls federal funds to the industry. The figure is an estimate of time officials spent collecting information and $15,000 in legal fees, CPB Chairman Henry Cauthen said. Pressler's questions about ethnic backgrounds, gender, past employment and political orientations of public broadcasting employees put him at the center of a firestorm this month. Pressler withdrew the questions after complaints that they invaded privacy.

ELSEWHERE IN THE WORLD

Mexican army steps back to give peace a chance

Mexico President Ernesto Zedillo reined in his hunt for leaders of Zapatista National Liberation Army and ordered soldiers to avoid a confrontation with the Chiapas rebels. Zedillo also asked rebel leader Subcommandante Marcos to clarify his intention to find a peaceful solution to the conflict. The Zapatistas started fighting in Chiapas on Jan. 1, 1994, demanding rights and services, including land reform, for the region's Indians. Also, Chiapas Gov. Eduardo Robledo Rincon, accused by the Zapatistas of being elected unfairly, resigned Tuesday. It was uncertain whether his resignation would appease the rebels.



Reuters

SPRING: Tries to makes peace

IRISH PROGRESS: The Clinton administration is showing "a helpful injection of reality" in insisting the Irish Republic Army give up its weapons as part of the Northern Ireland peace process, said Quentin Thomas, Britain's chief peace negotiator with Sinn Fein. In Belfast, British and Irish officials made "encouraging progress" in finalizing the peace plan. Irish Foreign Minister Dick Spring said the two "expect to be in a position to put the document to their respective governments shortly." Next issue: freeing Irish Republican Army and Loyalist prisoners, which Britain opposes. — *Tom Squitieri*

NEW BOSNIA TACTIC: President Clinton has approved a plan to ease economic sanctions against Serbia in a new effort to end the war in Bosnia-Herzegovina, The Associated Press reports. In return, President Slobodan Milosevic would have to recognize Bosnia as a sovereign country, a blow to his hopes for a Greater Serbia. The aim is to drive a wedge between Milosevic and hard-line Serbs.

CHINA TRADE: U.S. and Chinese negotiators begin their first day of talks today to avert a trade war over piracy of U.S. copyrighted products, like videos and CDs. Without a pact by Feb. 26, the United States will impose 100% tariffs on $1 billion in Chinese imports.

ANDEAN NON-CEASE-FIRE: Ecuador and Peru started fighting anew Tuesday, just 90 minutes after a cease-fire was to take effect in the three-week-old border war. Both sides have declared victory in the conflict.

ISRAELI PUSH: Israeli Prime Minister Yitzhak Rabin called on Palestine Liberation Organization chief Yasser Arafat to outlaw two militant Islamic groups, saying the PLO must fulfill a pledge to rein in anti-Israel violence. The groups, Hamas and Islamic Jihad, oppose the Israel-PLO peace process and have claimed responsibility for bombing attacks that have killed 56 Israelis since October.

ALSO: . . .Defeat of a Quebec separatist candidate in a key by-election slowed momentum for the Quebec independence movement just months before a referendum on the future of the French-speaking Canadian province. ... A high school principal has become the fourth intellectual killed in Algeria over three days. Muslim extremists are suspected. ... A large chunk of metal — first reported to be a Japanese general's $480 million World War II treasure — is actually a rusty lump of cast iron worth less than $600.

Liberals assured Foster has support of administration

By Paul Bedard
THE WASHINGTON TIMES

The White House scrambled yesterday to assure liberal special-interest groups it stands four-square behind embattled surgeon general nominee Henry W. Foster Jr.

The effort came as feminists, homosexual-rights and other groups expressed concern that the administration would withdraw the nomination after enlisting their support to campaign for the 61-year-old obstetrician-gynecolo gist from Nashville, Tenn.

"Nobody in this community is going to stick their necks out for Clinton anymore," warned Steve Michael of ACT UP, the activist AIDS group. "We don't trust him."

The White House rejected suggestions that it is moving away from Dr. Foster, who raised a storm of controversy when he gave conflicting totals on the number of abortions he has performed and conceded that he had sterilized retarded women.

"I think this is a fight you take to a vote," said White House Chief of Staff Leon Panetta, who was traveling with President Clinton in California. Mr. Panetta said Dr. Foster "is not backing away. He has a sense of confidence that is reassuring."

He said appearances by Dr. Foster to defend his reputation had "helped turn some of the momentum around."

But Republicans said the nomination is doomed. To prove their point, the Senate majority whip's office is counting opposing senators.

An aide to a key Republican leader said that "if we've got 41 votes, the leadership is ready to move" and warned in a letter to the White House that the nomination is dead. It takes 60 of the 100 votes in the Senate to stop a filibuster.

Only a handful of senators have endorsed the nomination of Dr. Foster to replace former Surgeon General Joycelyn Elders, who was fired for her remarks on teen sex, legalizing drugs and masturbation.

Sen. John B. Breaux, Louisiana Democrat, meanwhile said there is "almost no" Republican support for Dr. Foster. The chief deputy Democratic whip also told the Los Angeles Times that, even among Democrats, "you'd probably have some that are not going to vote for it."

Dr. Foster plans to begin touring Senate offices today to make his case for getting the job as America's top doctor.

Mr. Panetta's strong message of support was echoed by Donna Shalala, secretary of health and human services, and Erskine Bowles, deputy White House chief of staff, at a private White House meeting with representatives of several interest groups.

"Everyone was hopeful that the administration would stand behind this nominee, and every indication was that they would," said Daniel Zingale of the Human Rights Campaign Fund, the nation's largest homosexual-rights lobby.

But other AIDS activists at the meeting expressed concern over Dr. Foster's lack of experience on AIDS-related issues and his flip-flop on supporting condom distribution. His acclaimed teen pregnancy-prevention program also endorses the distribution of condoms, but he said in a recent TV interview that he does not favor handing out condoms.

ACT UP was not invited to the meeting but distributed a letter opposing Dr. Foster. Mr. Michael said the group will fight Dr. Foster because of his opposition to condom distribution and because of reports that Nashville's Meharry Medical Center, where Dr. Foster was recently acting president, discouraged doctors from treating AIDS patients.



Dr. Henry W. Foster Jr. plans to lobby Capitol Hill for support.

One attendee said the meeting of 75 liberal activists "was a pep rally for Dr. Foster. But we didn't hear anything we haven't heard before," adding that the administration's "coalition for Foster is fragmenting."

The official of another AIDS activist group said the White House wants the groups to organize a news conference for today or tomorrow to voice support for Dr. Foster.

A White House official, however, said the meeting was called simply to let Dr. Foster address interest groups directly.

Miss Shalala told those gathered "not to believe what is in the press" about Dr. Foster, said an attendee.

White House officials said they expect Senate hearings to begin next month and that Dr. Foster's nomination will be voted on by the full Senate in late April.

Other groups that attended included Planned Parenthood, the National Organization of Women, the National Abortion and Reproductive Rights Action League, the American Association of University Women — which has led a grass-roots effort on behalf of Dr. Foster — several medical and religious associations and the National Education Association.

The Washington Times
★ WEDNESDAY, FEBRUARY 15, 1995

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Letters

What's at stake in Dr. Foster's nomination

In your Feb. 8 Page One article "Foster abortion-pill work puts confirmation in deeper doubt," Rep. Sheila Jackson Lee, Texas Democrat, was quoted as saying that Dr. Henry W. Foster Jr. is "having his character assassinated without a trial" and that "[t]his is not the time for a 1995 lynching."

Well, then what is the time for a "lynching"? Is it only when a pro-life person is nominated? Such as Clarence Thomas, for instance. Now, there's a guy who knows what it's like to be "assassinated without a trial."

As for Dr. Foster, his character is not being "assassinated," it is merely being tested. And so far, it's not holding up to scrutiny.

JANICE L. SCHELL
Sterling

■

Comments in your Feb. 7 news article regarding Dr. Henry W. Foster Jr.'s nomination for the surgeon general post illustrate two common fallacies of pro-abortion advocates ("Critics of Dr. Foster look beyond abortions," Page One).

The first fallacy is that a majority of Americans support a "right" to an abortion at any time for any reason; the second is that only pro-abortion advocates should express an opinion in a "pluralistic democracy."

Your article quotes Kate Michelman, president of the National Abortion and Reproductive Rights Action League, as saying, "This is just another effort at intimidation by a radical minority that wants to deny American women their right to choose." On the contrary, a recent Barna survey shows that only few support Ms. Michalman's idea of "right to choose." The majority support positions from "no abortion for any reason" to "in cases of rape or incest." Accordingly, "radical" would more accurately define *her* position.

Ms. Michelman continues, "This anti-choice McCarthyism is abhorrent and has absolutely no place in our pluralistic democracy." Really? How does she define "pluralistic"? The left typically sees any opposing view as inappropriate to be mentioned in a public forum. And classifying a senator's expressing concerns as "McCarthyism" is last-gasp, inflammatory rhetoric from a faction that is losing ground.

MARC SOULES
Herndon

■

You'd need a team of forensic experts to glean the facts from Cal Thomas' mendacious diatribe against Dr. Henry W. Foster Jr., President Clinton's nominee for U.S. surgeon general ("Reincarnation . . . and obfuscation?" Commentary, Feb. 8). Extremist ideologues such as Mr. Thomas are trying to label the views and philosophy of Dr. Foster as being on the fringe, when in fact they fall squarely into the American mainstream.

Dr. Foster, a highly respected physician, stands with the vast majority of Americans in recognizing that teen-agers make responsible decisions about relationships and sexuality when they have access to the facts.

Contrary to Mr. Thomas' assertions, Dr. Foster's comprehensive approach to the prevention of teenage pregnancy has turned young lives around for the better precisely because he helps teen-agers confront reality. That's why Dr. Foster's "I Have a Future" program, with its emphasis on job skills, sexual responsibility, education and self-control, was awarded a "Point of Light" by President Bush. Would Mr. Thomas characterize the former president as someone who condones behavior "detrimental to society"?

Mr. Thomas' attack on Planned Parenthood is equally misinformed. Each year, in nearly 1,000 health centers nationwide, Planned Parenthood helps women avert half a million unintended pregnancies that otherwise would result in abortion or unwanted birth. Our educators, counselors and health care providers talk to teens and listen to them about what works in their lives. Condom phobics such as Mr. Thomas are not protecting teens so much as enslaving them to ignorance.

It is the "Just Stay Ignorant" strategy that Mr. Thomas advocates that has failed to stem the tide of teen-age pregnancy in this country. Planned Parenthood will not allow a small group of extremists to dictate American health policy and endanger the future of the nation's children. That's why Planned Parenthood strongly supports Dr. Foster.

PAMELA J. MARALDO, Ph.D., R.N.
President
Planned Parenthood Federation of America Inc.
New York

■

Once again, the leading baby-killing organization in America, Planned Parenthood, has reached into its bag of well-groomed proselytes and selected an outstanding abortionist from its ranks (Dr. Henry W. Foster Jr.) to help it destroy one of America's most precious resources — children.

President Clinton is attempting to pay a political debt owed to the pro-abortion lobby by nominating one who now appears to be a not-so-well-groomed proselyte, a man who obviously has had trouble with his math for most of his adult life. (One, 12, 59, 700 — or was it 7,000 abortions, Dr. Foster?)

Dr. Foster, like many of his contemporaries, believes that the solution to teen pregnancy in America is abortion — abortion by vaginal suppositories, pill or the curette.

Dr. Foster has been groomed by Planned Parenthood for the opportunity Mr. Clinton has provided. Since Dr. Foster is black, Mr. Clinton and other abortion supporters hoped that white conservatives would not attack Dr. Foster's nomination too vigorously for fear of being called racists. Conservatives of all colors must strongly oppose the nomination of Dr. Foster.

Former Planned Parenthood President Faye Wattleton has lost her usefulness, Harvey Gantt didn't defeat Sen. Jesse Helms (in spite of Planned Parenthood's generous financial support), Joycelyn Elders was sent back to the minors, so now it's Dr. Foster's turn at bat. With the help of all those Americans who sent a message to President Clinton in November, Dr. Foster will strike out also.

The shedding of innocent blood, according to the Book of Proverbs, is what God hates. Dr. Foster's nomination must be defeated.

(THE REV.) GEORGE J. LUCAS
Petersburg, Va.

Affirmative action makes a federal career a non-starter for white men

Thanks for Jeffrey Hart's column on affirmative action ("Diminishing accent on the affirmative," Commentary, Feb. 9).

Mr. Hart's column put a much-needed spotlight on how Hubert Humphrey's and Martin Luther King's high-minded vision has been degraded into a reverse Jim Crow system in which white men are an officially disadvantaged class.

Mr. Hart struck a nice balance by showing how the system hurts whites and minorities alike — actively denying opportunities to deserving whites, while implicitly "devaluing" the real achievements of minorities. He makes the case, with admirable precision, that the practice is "self-evidently wrong."

The column by Mr. Hart connects well with a Dec. 27 Federal Report article, "Government's bad rap makes hiring good people difficult," which seems to have attracted little comment from readers. In that article, the reporter relayed government recruiters' worries that a poor media image might make it tough to attract the best college grades to government service. No doubt the reporter related accurately what recruiters said. Nevertheless, their claims that their main problems are inadequate information, a cumbersome application process and low salaries were a collective masterpiece of disingenuousness. Delicately left unmentioned were:

- Promotional freezes (except by special approval) for white men at the Department of Defense.
- Gay, lesbian or bisexual (GLOBE) groups' influencing personnel policy at some two-dozen agencies.
- Official affirmative action for gays at the Department of Agriculture.
- "Unqualified applicants only" notices for openings at the U.S. Forestry Service.
- Wholesale purging of senior white men from upper Civil Service grades.

Your Federal Report article quotes John Palguta, an official for the Merit Systems Protection Board, as saying, "It doesn't sound like a place you'd want to work." No kidding. With reports like the above leaking out regularly, the "straight," non-minority, male graduate could be forgiven for believing that a federal career might not hold much of a future for him. And with current policies in place, he would be right. Putting a lid on such reports will not, recruiters' wishes notwithstanding, make everything OK.

The deliberate "disadvantaging" of white men for federal service and the vigorous extension of these policies into the private sector was a major political blunder that, as Mr. Hart intimates, probably cost the Democratic Party control of the 104th Congress. The electorate's November 1994 "tantrum" (to use the phrase of ABC's Peter Jennings) was a warning shot across government's bow that the GOP — its erstwhile beneficiaries — would do well not to ignore.

Voters might cut Republicans a little slack on their much-publicized "Contract With America," but they are going to insist that this federally promoted anti-white-male campaign be stopped without delay. If that hasn't happened by late 1996, look for another political "earthquake" and yet another season of media mystification over what the voters might have "said." And look for this cycle to repeat itself until politicians finally (as the feminists say) "get it."

ELWOOD E. ZIMMERMAN
Wheaton

The Washington Times

★ WEDNESDAY, FEBRUARY 15, 1995

Unexpected complications that could prove fatal

KEN ADELMAN

Grand title; negligible staff; undefined responsibilities; 80- to 85-hour work week; small office; multiple application forms; several investigations; possible (likely) controversy, with reputation risked. Relocation to Washington without financial help. One-half past salary. Ability to take criticism without rebuttal essential.

Why would anyone apply? The latest Foster controversy sends three big messages: Washington remains brutal; abortion remains incendiary; and reach-back by black Americas remains unappreciated.

Granted, glaring incompetence of the Clinton administration accounts for most, but not all, of the woes of Dr. Henry W. Foster Jr. — just as it did for those of Vince Foster Jr., who took his own life because of White House stress. As Abba Eban once remarked, "politics is not for the fainthearted." But it's become unsuitable for the stouthearted, as well.

The Washington Vince and Henry Foster found differs markedly from the Washington found a quarter-century ago. Public service, once presumed noble, is now presumed ignoble. Suspicion pervades the city. Officials, now even nominees to become officials, are presumed guilty until proven innocent. The price is high on such a novice but obviously good individual as Dr. Henry Foster.

The price is even higher on our political system. It is no coincidence that such palpably good individuals as Dick Cheney, Dan Quayle, Jack Kemp, and Colin Powell refuse to pay the personal price to run for president. Place them among Abba Eban's "fainthearted," or call them normal humans who don't wish to subject themselves to today's culture of accepting (or even encouraging) abuse. They simply did not want to be painted as some distorted caricature, as has Dr. Henry Foster.

"Ever since Feb. 2, when President Clinton and Secretary [Donna] Shalala publicly called me to serve, the descriptions of myself and my work that I have read in the papers and seen on TV have cast an unrecognizable shadow of the man I really am," said Dr. Foster last week. That's sad.

It is most tragic that the ruckus over abortion, incompetence of the White House, and Dr. Foster's lack of hardball political experience overwhelms his example of reach-back.

Second, and nearly as sad, is the re-emergence of abortion as a wedge issue. The Foster nomination, especially the way it was handled, gave new jolt to the body politic already racked by the abortion issue for the past quarter-century.

It is particularly damaging to Republicans to have pro-life again become the litmus test for candidacy or confirmation. All single-issue politics are damaging, as James Madison clearly knew when writing Federalist 10, but one filled with religious and moral justification becomes even more so.

Had the issue finally receded, as many Republican leaders hoped, the party's past image of meanness and exclusivity would have receded as well. That abortion has again moved into prominence hurts the party and contributes to the overall cruelty of Washington politics.

Third, the Foster nomination turned out badly since it turned away from a celebration of an accomplished black American reaching back to others in his community.

Throughout U.S. history, successful Jews traditionally reached back to downtrodden Jews, as have Italians, Armenians, Vietnamese and other ethnic groups. Less evident (at least) and less prevalent (in fact) has been black reach-back.

Too few successful blacks do reach back. To take just one example, Michael Jordan did not reach back to take up a social cause even after his father's murder took him away from basketball. His successor, basketball star Charles Barkley, contends that he's no role model and has no desire to become one.

Black Americans' special (but not exclusive) obligation to help take care of their flock has a hero in Dr. Henry Foster. His nationwide "I Have a Future" program, to attack illegitimacy and laud abstinence, was precisely the right message to precisely the right target population.

Giving inner-city kids genuine heroes — black Americans who give of themselves, as well as their wallets — seems the best way to tackle our mammoth inner-city problems.

It is most tragic that the ruckus over abortion, incompetence of the White House, and Dr. Foster's lack of hardball political experience overwhelms his example of reach-back.

Conservative Republicans should thus blast the Clinton team's handling of this issue, reiterate their views about abortion, and then vote to confirm an obviously good man who furnished us a model of how a successful African-American should act.

Ken Adelman is a columnist for The Washington Times and is nationally syndicated.

inevitably would have been questions about the personal political impact of every legislative decision made by him while wearing the two hats of speaker and presidential candidate.

Gingrich certainly hasn't been hurt by the speculation that he might seek the White House next year, and indeed he has helped himself by saying he considered the move and not only decided against it but said so promptly. In addition to avoiding trouble with Dole, he cleared the air for the other sure 1996 starters, Sen. Phil Gramm and former Education Secretary and Tennessee Gov. Lamar Alexander, possible candidates Sens. Richard Lugar and Arlen Specter and Govs. Pete Wilson, William Weld, Tommy Thompson and any others thinking about running.

At age 51, Gingrich has plenty of time to dream of the White House while he chews the political mouthful he has already bitten off as a speaker bent on changing Washington.

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Senate rejects effort to exempt Social Security from future budget cuts By David Hess Knight-Ridder Newspapers

WASHINGTON The Senate rejected by a comfortable margin Tuesday an effort by Democrats to shield Social Security from future budget cuts that would be needed under a balanced-budget amendment to the Constitution.

Senators voted 57-41 to kill a proposal by Sen. Harry Reid, D-Nev., that would have exempted Social Security receipts and outlays from any calculations designed to balance the federal budget by 2002 and thereafter.

Senate Majority Leader Robert Dole, R-Kan., said after the vote that he hoped to bring the balanced-budget amendment to a final vote by Thursday. But Democratic opponents, led by ‡Sen.‼Robert Byrd, D-W.Va., could erect enough procedural roadblocks to continue debate, now in its third week.

The rejection of Reid's motion may make passage of the amendment which requires a two-thirds majority more difficult. A few senators, including Democrats Wendell Ford of Kentucky and Dianne Feinstein of California, have indicated they would oppose adoption of the amendment without the Social Security exemption.

But one key Midwestern Democrat said Tuesday he believes there will be enough votes to pass the amendment in spite of the GOP leadership's refusal to incorporate the Social Security exemption.

''I don't think the outcome on the Reid amendment is going to have any impact on the final vote," said the senator, who said he is still undecided himself and did not want to be identified. ''The way it looks now, I think the (balanced-budget) amendment will pass."

Vote-counters estimated there are about eight truly undecided senators all but one are Democrats. By their counting, it is still two or three votes shy of the 67 votes needed for passage if all 100 senators are present.

''We think we'll get most of them," said Sen. Orrin Hatch, R-Utah, chairman of the Judiciary Committee, ''but it looks like a real nail-biter. If you ask, is it going to pass, my answer is 'yes.' But we're not there yet."

The House passed the amendment last month by a wide margin. If the Senate follows suit, the amendment will be sent to the state legislatures for ratification. The amendment would be included in the Constitution if 38 states approved it.

In pleading for Senate support of his proposal, Reid said the vote to reject it would ''mark the death knell of Social Security."

Surpluses in the Social Security trust fund, he said, would be used to balance the budget in a way that could jeopardize future benefits. ''The reason they're after Social Security is because that's where the money is," he said.

But Republicans countered that huge yearly deficits in the federal budget and the mounting national debt now bumping $4.8 trillion are themselves the greatest danger to Social Security and every other federal program.

''If we don't get spending under control and end these deficits," Hatch argued, ''Social Security won't be worth a nickel. The balanced-budget amendment is not a threat to Social Security, it's a protection for Social Security."

Hatch and others also maintained that inclusion of the Social Security exemption in the balanced-budget amendment would have ''opened a gaping loophole" that future Congresses could use to justify continued spending on a wide range of social programs.

Congresses, Hatch said, could redefine Social Security to include other programs and thus defeat the purpose of the balanced-budget amendment.

The Senate has voted twice in the last 13 years on a balanced-budget amendment, passing it in 1982 and defeating last year. But never before has it had a better chance of adoption by both houses of Congress. So the stakes in the Senate vote, whenever it comes, are high.

(EDITORS: STORY CAN END HERE)

Though Republicans view the amendment as an article of faith and are devoted to its adoption, they also are relishing the prospects of
a defeat they can pin on the Democrats.

''We can't lose," said a Republican Senate staff expert on the federal budget. ''If it passes, we'll get all the credit. If it loses, we'll cremate the Democrats on the issue in next year's elections."

Public opinion polls indicate that a large majority of American voters want a balanced budget, though some in-depth soundings also show that support for it drops off sharply once voters realize how much it would cut into popular programs.

Senate Democrats tried last week to force the GOP's hand by insisting that Republicans reveal now how they would balance the budget, showing the breadth and depth of program cuts.

But that effort was spurned by the Republicans, who voted mostly along party lines to defeat a ''right-to-know" amendment offered by Minority Leader Thomas Daschle, D-S.D.

On Tuesday's vote on Social Security, 50 Republicans and seven Democrats voted to reject Reid's plan to exempt Social Security; 39 Democrats and two Republicans supported it.

White House insists it is solidly behind Foster nomination By Angie Cannon Knight-Ridder Newspapers

WASHINGTON The White House assured leaders from friendly interest groups Tuesday that it would not abandon its embattled choice for surgeon general despite President Clinton's record of withdrawing nominations that become controversial.

The Clinton administration summoned about 200 officials from medical, religious, education and abortion-rights groups to the White House complex for a private pep talk from Health and Human Services Secretary Donna Shalala and an address by the nominee, Dr. Henry W. Foster Jr.

''They assured us the White House was behind, in front

of, next to and completely on top of this nomination," said Rabbi Lynne Landsberg, associate director of the Religious Action Center of Reform Judaism. ``It was reassuring to us to know that the president was behind this candidate."

The White House message was comforting to some Democrats and Foster supporters who have been concerned that Clinton would dump Foster when the going got tough, as he has with such other nominees as Lani Guinier and Zoe Baird.

``They have a very strong commitment to this candidate, as I believe they should," said Carolin Head, field director of the American Association of University Women. ``He is highly qualified. It is unfortunate that some of the extremist voices have really tried to discredit him and engaged in a good bit of character assassination."

Foster's nomination has been imperiled because of his conflicting statements about the number of abortions he has done, revelations that he headed a research effort on an abortion drug, and disclosures that he sterilized severely mentally retarded women in the 1970s.

Doctors and the White House have said such involuntary sterilizations were acceptable medical practice at the time, although most states don't permit them today.

As part of the continuing White House defense, Foster is expected to begin calling on senators Wednesday. His first visits will be with Democrats Tom Daschle of South Dakota, who is Senate minority leader, and Patty Murray of Washington. No sessions with Republicans have been scheduled yet, the White House said.

During Tuesday's meeting, Shalala introduced Foster to the audience of about 200 people, according to participants.

Shalala, whose department has been criticized in the handling of the Foster nomination, pledged that ``the White House was going to do all they can because they believe in Dr. Foster and his qualifications," said Marjorie Tharp of the American Academy of Pediatrics.

(EDITORS: NEXT 3 GRAFS OPTIONAL)

``After today's meeting, I'm very hopeful," Tharp said, noting that her organization already has written letters to key senators and to the president. ``This was getting us all together in one room to work together. Some of us have already started working with our local grass-roots organizations."

``All of us came away from the meeting energized," said Rabbi Landsberg, who was representing the Washington office of the Union of American Hebrew Congregations.

Foster, she said, impressed the audience as an articulate, experienced, caring doctor who spoke about his vision. As an obstetrician-gynecologist for 38 years and founder of a Nashville program that urges teens to delay pregnancy, Foster has ``touched the lives of many underprivileged, left out, disaffected people for the better," she said.

(END OPTIONAL TRIM)

White House Chief of Staff Leon Panetta said the campaign for Foster has helped turned the momentum in his favor.

Speaking with reporters on Air Force One en route to California, Panetta insisted the administration would stick with Foster despite the furor.

``I think this is a fight you take to a vote," he said. And Panetta said Foster ``is not backing away. He has a sense of confidence that is reassuring." The chief of staff said more senators are ``keeping an open mind" on Foster's nomination.

But anti-abortion groups disputed that, citing comments by Sen. John Breaux, D-La., the chief deputy Democratic whip, who said ``you'd probably get no Republicans going for it." And among Democrats, ``you'd probably have some that are not going to vote for it."

``I suppose Mr. Panetta's comment is an attempt to create a perception of momentum rather than being based on tangible support from any key senators," said Douglas Johnson, legislative director for the National Right to Life Committee. He said that more needs to be aired about Foster's role in the abortion-drug study and his involvement with Planned Parenthood in Nashville.

Joel Bacon, a spokesman for Sen. Nancy Kassebaum, R-Kan., said calls to her office have been ``steady and even ... it seems to be really split." Kassebaum heads the committee that will consider Foster's nomination.

House farm chief says Lugar subsidy cuts undoable By Doug Palmer Knight-Ridder Financial News

WASHINGTON House Agriculture Committee Chairman Pat Roberts, R-Kan., Tuesday criticized a proposal made by his Senate counterpart to cut USDA basic commodity program spending by about $11 billion over five years as not ``very practical."

In an interview with Knight-Ridder Financial News, Roberts said he was unable to ``say at this point" that the farm program cuts approved by Congress this year would be less than $11 billion.

``That would just be conjecture," Roberts said, noting that there are many steps remaining in this year's budget process before Congress settles on a final number for cutting farm programs.

But Roberts made clear that he saw risks in cutting farm programs as deeply as Senate Agriculture Committee Chairman Richard Lugar, R-Ind., has proposed.

``I don't think it's a very practical or doable plan," Roberts said. ``You have to have some kind of flexibility to protect the food security of this country."

On Monday, Lugar told Knight-Ridder reporters and editors that he will recommend Congress cut USDA farm programs $11 billion over five years by reducing government-set target prices for wheat, feed grains, cotton and rice.

Lugar also said he favored eliminating most U.S. farm export subsidies, even though a new world trade agreement only requires the United States to reduce export subsidy spending by 36 percent over the next six years.

Lugar is expected to elaborate on his recommendations when he testifies before the Senate Budget Committee on Thursday.

But in general, Lugar said he expected his plan would persuade many farmers ``voluntarily" to leave the USDA program over the next several years as support rates are gradually reduced.

Commenting on that proposal, Roberts said Lugar obviously has a ``very strong desire, from a policy standpoint, to achieve what he would label 'free market agriculture.'"

That is a goal of ``virtually every farmer and rancher," Roberts said. But it is difficult to move a completely free market system because of the number of ``risks" ranging from weather to fluctuating exchange rates to foreign policy considerations that U.S. farmers face, Roberts said.

Lugar's testimony before the Senate Budget Committee on Thursday is one of the first steps in a budget process that will play out over the next several months and will coincide with work to rewrite the rules governing farm programs in the 1995 farm bill.

As both the House and Senate move towards a final figure for reducing the budget deficit over the next five years, they each will come up with their own target for

Christian Coalition's Janus Face

In his February 13 editorial-page commentary "Conservative Coalition Holds Firm," Ralph Reed optimistically claims that "the much anticipated 'holy war' pitting moderates against religious people in the GOP ended without a single shot being fired." The implication that being moderate and being religious are mutually exclusive is typically offensive fare from the Christian Coalition. But his swipe at religious moderates aside, Mr. Reed is simply wrong. Sure, there may be agreement among Republicans on much of Newt Gingrich's "Contract With America." But when Religious Right political groups turn their focus on curbing reproductive freedoms, pushing organized classroom prayer, defunding public television and depriving gays and lesbians of the basic rights of citizenship, Mr. Reed's peace declaration will be about as likely to ward off war in the GOP as Neville Chamberlain's umbrella.

Actually, the opening shots were being fired—by Mr. Reed himself—even before his Wall Street Journal article appeared. Just days before he used your paper to call for "unity" and "civil[ity] in disagreement" between economic and religious conservatives, Mr. Reed was drawing a line in the sand over abortion. If either the 1996 Republican presidential or vice presidential nominee favors a woman's right to choose, Mr. Reed vowed to a conservative gathering, his supporters would abandon the GOP ticket.

For those who may be confused, Mr. Reed's apparent about-face was just the most recent example of the Christian Coalition's good cop/bad cop routine. Good cop Reed tells the press he is promoting Rep. Gingrich's Contract as part of a broad "pro-family" agenda. But bad cop Reed tells his followers that working for the Contract is a tactical maneuver to force Republican Party support for the coalition's more divisive social agenda. Moreover, the escalating battle over the nomination of Dr. Henry Foster as Surgeon General—and Religious Right leaders' increasingly nasty rhetoric—are exposing as fallacy Mr. Reed's efforts to portray budgetary issues as his constituents' first priority.

So let's put the smiley buttons aside and look at the real Christian Coalition agenda, which is already emerging in Congress.

Mr. Reed backs the effort to junk the National Endowment for the Arts, the Corporation for Public Broadcasting and the Legal Services Corporation even as he fails to explain how cutting support for museums, educational children's television, and local music and dance groups would help the families for whom he expresses such concern. He pushes the discredited notion that public TV viewers are all wealthy, and asks why they should be spared when single mothers are asked to make sacrifices. Where is all that compassion when Mr. Reed calls for cutting the Legal Services lawyers who represent those mothers in seeking child support from deadbeat dads or challenging mismanaged child-welfare bureaucracies?

On education, Mr. Reed says, we need to "shift power and responsibility for educating children away from Washington and return it to local school boards and parents." Sounds reasonable, but the truth is that primary responsibility for educating children has never been in Washington; that responsibility overwhelmingly rests with parents, local boards and state education officials. The language of parental control used by Ralph Reed actually puts a populist veneer on a radically antipopulist goal: vouchers that would undermine public education by siphoning its resources to private religious schools—in many cases to so-called Christian academies originally created to avoid racial integration of the public schools.

Finally, Mr. Reed calls for Congress to "secure religious liberty and freedom of conscience for all citizens." Once again, he advances a noble-sounding goal to promote something far different. There is no need for a constitutional amendment to secure religious freedom. We have the First Amendment, which although constantly challenged by Mr. Reed and his mentor Pat Robertson, still is the greatest guarantor of religious liberty in the world today.

Those of us who are familiar with the Christian Coalition's strategy—putting a moderate face before the public while reassuring hard-core activists that patience will bring victory for the extreme social agenda—are adept at reading between the lines.

ARTHUR KROPP
President
People for the American Way
Washington

* * *

Mr. Reed has me very confused. Is the man who authored this piece the same man who, three days earlier (before a CPAC meeting in Washington), threatened the Republican Party with a "litmus test" for its national ticket? Did he not say that "pro-life and pro-family voters will not support a ticket that retreats from its noble and historic defense of traditional values or which has a national ticket or a platform that does not share Ronald Reagan's belief in the sanctity of innocent human life?"

Seventy-two hours later Mr. Reed was saying it is best to acknowledge disagreements over issues such as abortion forthrightly and "discuss them freely while stressing unity on the broader agenda." Mr. Reed would do his membership and registered Republicans nationally a great service by deciding whether he is the angry firebrand or the more moderate party builder.

The Christian Coalition is an important voice in a much larger choir. Recent figures show that the Christian Coalition's membership represents only 15% of registered Republicans nationally. And while the turnout of self-identified born-again evangelicals in the last election was commendable, it was still only 22% of the total Republican turnout.

Sen. Arlen Specter put it concisely when he said that Mr. Reed's remarks make "second-class citizens" out of any pro-choice Republican who may aspire to the party's nomination. "The Republican Party will not be blackmailed by any special-interest group. Our nominee will be selected in the Republican primaries."

I would encourage Mr. Reed to consider Gov. William Weld's remarks, as quoted in the Associated Press, that it is intellectually dishonest for conservatives to advocate less government "while keeping a foot on individual liberty."

MICHAEL CUDAHY
National Political Director
Republican Coalition for Choice
Washington

Wrong Spin on Ruling On Cellular Spinoff

Your Feb. 2 editorial "Justice's Air Ball," about our AirTouch decision, is out of touch with both the facts and the law.

First, we agreed with AirTouch that its new spunoff cellular business should be freed from many of the restrictions of the consent decree that broke up AT&T. We offered to support the company in a waiver request.

But AirTouch flatly turned us down and chose all-out litigation instead because of its objection to being labeled a "successor" to Pactel, its Baby Bell parent. Virtually all antitrust decrees contain provisions making them applicable to "successors" in order to prevent easy evasion by simply spinning off a new corporate entity to the same shareholders.

Second, our decision does not mean, as you imply, that every time a Regional Bell Operating Company sells a piece of real estate or a cellular tower, the purchaser is subject to the decree. Isolated asset sales are not the same as spinning off an entire business, as was the case with Pactel's cellular operations.

Finally, even though we disagreed with AirTouch on the applicability of the decree, we indicated we would not seek sanctions against it during the time it asks the court for a declaratory ruling. In short, we have been more than fair with AirTouch, while at the same time carrying out our legal responsibilities to enforce the consent decree.

We agree on one thing, however: on the need for federal legislation to set a national policy on telecommunications. But that legislation must also preserve the central role for real competition that motivated the AT&T case and breakup, events which have helped revolutionize telecommunications markets in the U.S. and kept our telecommunications industry ahead of the rest of the world. The administration will be working with the Congress this year to produce such legislation.

ANNE K. BINGAMAN
Assistant Attorney General
Antitrust Division
Department of Justice
Washington

THE WASHINGTON POST

SUNDAY, FEBRUARY 19, 1995

What Koop Wrought

Henry Foster and the Very Model of a Modern Surgeon General

By Abigail Trafford

NEWS FLASH! The doctor on the podium advocates sex education in kindergarten and condom ads on television. He says a pregnant woman infected with the AIDS virus ought to have the option of abortion. He reports there's no conclusive data on the possibly harmful effects of abortion on women.

Oh, you're thinking: This must be Henry Foster Jr., President Clinton's nominee for surgeon general, the Tennessee obstetrician who's in trouble on the issue of abortion. Or maybe it sounds like a replay from Joycelyn Elders, who was forced to resign last year, the "Condom Queen" who promoted sex education and talked about masturbation.

But no. It's the familiar voice of an old public health soldier, the legendary C. Everett Koop, surgeon general in the Republican administration of Ronald Reagan. Although Koop has been out of the government since 1989, his ghost still inhabits the office.

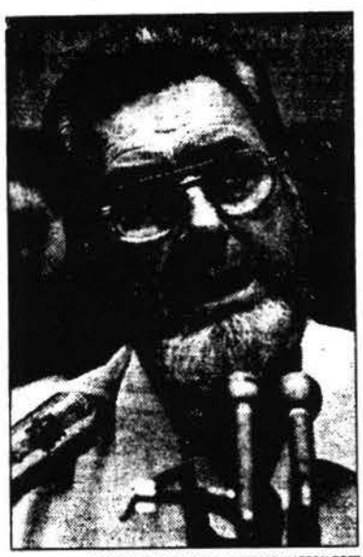
Before Koop, the surgeon general was largely a forgotten figurehead of the Public Health Service. After Koop, the surgeon general became a lightning rod in the struggle over the nation's values and character.

Controversy was his lode star. Inflaming critics was his style. The hotter the rhetoric, the more he flourished. How did Koop get away with being so controversial—and so effective?

Whatever happens to Foster's nomination, perhaps future surgeons general who want to pick up Koop's mantle as a national opinion molder on both health and social issues can learn something from the ghost of this surgeon general past.

Part of Koop's success was the force of his helizapoppin' personality. Part of it was the times—the emerging epidemic of AIDS gave Koop a focus. But part of it was the way he took on the job, turning the position of surgeon general into an independent voice that rose above partisan politics and moral prescriptions. His example helps explain why his successors have had so much trouble:

■ *Koop was a surprise as surgeon general.* He came to Washington from Philadelphia as a super-star pediatric surgeon, an evangelical Christian and arch foe of abortion. His nomination was embraced by the religious and political right, and it horrified liberal



JAMES K.W. ATHERTON—THE WASHINGTON POST

Democrats and many leading women's groups. Koop was nicknamed "Dr. "Kook" and his bitterly contested confirmation dragged on in the Senate for nine months.

But once in office, he astounded friend and foe alike. He horrified his conservative supporters with his statements about early sex education, abortion and AIDS. He delighted liberals and some Democrats who apologized to him for opposing his nomination. The turning point came in 1986 with his landmark AIDS report that called for an aggressive federal response to the disease and showed compassion and support for those infected. By establishing his independence, creating his own constituency and breaking out of the politics-as-usual syndrome, he became enormously popular with the general public.

The problem confronting potential surgeons general today is that no president wants a surprise in that sensitive position. Most high-profile political jobs are filled to satisfy a high-profile political need and garner support from a particular constituency.

The irony is that Dr. Elders fulfilled everyone's expectations as surgeon general—those of her supporters as well as her critics. She behaved just the way she had as director of the Arkansas Department of Health. She was warm, direct and eager to speak her mind on important health issues. This worked well for her back home but didn't translate onto the national scene. As long she acted predictably, critics could just wait for her to self-destruct with her ill-considered statements.

■ *Koop built up a bipartisan constituency.* He went out of his way to establish the position of surgeon general as a public servant responsible to all the people, not to any particular group or party. As he said in a 1987 interview: "I am the surgeon general of the heterosexuals and the homosexuals, of the young and the old, of the moral or the immoral, the married and the unmarried."

By comparison, his successors Antonia Novello and Elders tended to focus on the constituencies that supported them in the first place. Novello, the first Hispanic surgeon general, was hugely popular in the Hispanic community. Elders had a strong following among public health workers and in the African American community. Although very different as surgeon generals, they never transcended their original base of support.

■ *Koop successfully separated medicine from morals.* While he understood that the debate about AIDS was a debate about values, Koop did not tell people how to behave morally. He told them how to protect themselves from disease—and in unusually frank language. Koop's dictum was: "I am the surgeon general, not the chaplain of the public health service." But keeping morals out of the public discussion of medical issues and health policies may be more difficult in today's political climate, especially on the issue of abortion.

■ *Koop served as a counterpoint to President Reagan.* Many in the White House were critical of Koop and felt that he had betrayed conservatives. But Koop's popularity not only protected him against critics within the administration but helped neutralize public criticism that the Reagan administration was insensitive to the AIDS epidemic.

From the start, Koop established his independence from the White House and didn't clear what he said or did through the usual channels. At times, he seemed to be the polar opposite of the president. But in the process, the two older men balanced each other and solidified the middle. Koop, for all the controversy he caused, remained an asset to the Reagan administration.

If there's a reassuring message in the Koop story for Henry Foster and the Clinton administration, it's that he successfully endured those long dark months when his nomination was stalled in the Senate. Whether the Tennessee obstetrician-gynocologist will be confirmed is about politics. Whether he could follow in Koop's footsteps is about rising above politics.

Abigail Trafford is editor of The Washington Post's Health section.

THE WASHINGTON POST
MONDAY, FEBRUARY 20, 1995

IN THE LOOP

Reptilian Reference Riles Republicans

By Al Kamen
Washington Post Staff Writer

American Bar Association president **George Bushnell** ignited something of a furor last week when he said lawmakers who were opposed to the Legal Services Corp. were "reptilian bastards." The reptile reference apparently was seen as a play on House Speaker **Newt Gingrich**'s first name.

The remark did not sit well with some House Republicans, who fired off an angry letter to Bushnell calling for his "immediate resignation."

"A reprehensible and unforgivable insult" to Gingrich (R-Ga.) and a majority of Congress, Rep. **Michael P. Forbes** (N.Y.) and 81 other Republicans wrote.

"We work in a place where people disagree every day," they said. "But we are simply aghast at such an uncivilized comment from someone in the public eye who just happens to disagree with us on an issue."

Bushnell gave no indication he would step down. "It is regrettable," he said in a statement, that his remarks "have been misconstrued and overstated."

"I regret that some in Congress have taken offense at my remarks," he said. "But it would be more unfortunate" if legal services for the poor were slashed or eliminated.

Bushnell told the Associated Press last week that he was not being partisan. "Some Democrats are trying very hard to be reptiles too," he said.

Checking Out the Reform Bill Language

■ The environmental crowd was awestruck last week in its praise of the unknown person—they presume a lobbyist—who got key language into a massive regulatory reform bill approved by two House committees.

The language exempts certain manufacturers from the complicated regulatory process the Environmental Protection Agency would have to go through any time it wanted to put a limit on toxic chemical emissions.

Under the bill, any agency trying to issue regulations to protect the public's health would have to jump through hoops first, the enviros complain, but pesticide companies now wouldn't even have to wait in line in order to get approval. The enviros, bitterly opposed to the GOP-led reform effort, nonetheless marveled at the neat footwork it must have taken to get that language in there.

Foggy Bottom Faux Pas

■ A whopper of a faux pas down at Foggy Bottom. **Philip C. Wilcox Jr.**, head of the State Department's counter-terrorism office, responded last month to complaints from family members of those killed in the bombing of Pan Am 103 over Lockerbie, Scotland.

The family members wanted to know why Wilcox's shop had dropped the ball in not interrogating a key Libyan intelligence agent arrested in France in December. Wilcox wrote back Jan. 27 to explain that the French didn't invite their American counterparts to participate and that the French detained the agent only to find out about the 1991 bombing of UTA 772, "which involved no American citizens."

Turns out seven Americans, including the wife of the U.S. ambassador to Chad, were on the plane.

A State spokesman said Wilcox, alerted to the error, immediately sent out a letter of correction, calling the mistake "very unfortunate."

Dornan's Foster Plan

■ It's fallen to Rep. **Robert K. Dornan** (R-Calif.)—not heretofore known to be a fan of **Bill Clinton**—to come up with a plan to relieve Clinton and the Senate of a nasty battle over the nomination of Nashville physician **Henry W. Foster** to be surgeon general.

Dornan's suggestion? Abolish the surgeon general's office. This would save $1.4 million a year, he estimates. And it would get rid of what "has become primarily a platform to advance a liberal and offensive social agenda," Dornan said. The office was abolished in 1968 and the duties transferred to the assistant secretary of health, but was reestablished in 1987, he said. Time to kill it again, he says.

It's Official . . .

■ **Leslie Loble**, deputy assistant secretary of labor for policy and budget and last year the acting assistant secretary for policy, is getting the nod to be chief of staff to Secretary **Robert B. Reich**, replacing **Kathryn O'L. "Kitty" Higgins**, who moved to the White House. Loble, the driving force behind the effort last year to pass the administration's school-to-work apprenticeship initiative, had been at the National Governors' Association and before that for 10 years at the Communications Workers of America.

Securities and Exchange Commission Chairman **Arthur Levitt Jr.** has named Connecticut lawyer and former state representative **Christine M. Niedermeier** as deputy director of the SEC's office of consumer affairs.

At the National Security Council, **Susan E. Rice**, a rising star now in the global issues and multilateral affairs office, is moving up next month to become head of the African affairs office. She's to replace **Donald K. Steinberg**, who's getting an ambassadorship in Africa.

There's talk that former Oregon governor **Barbara Roberts** (D), who declined to run for a second term last time around, is a leading candidate to run the Institute of Politics at the John F. Kennedy School of Government at Harvard. Roberts would be the first woman to hold the job on a permanent basis.

Sharon Heaton, former senior counsel of the Senate Banking Committee and former chief counsel to former senator **Donald W. Riegle Jr.** (D-Mich.), is of counsel at Latham & Watkins.

Joseph P. Toscano Jr., former communications director for the House Democratic Caucus, has moved over to the Corporation for National Service as director of public affairs. **Lenny Glynn**, chief speechwriter at the Department of Transportation and formerly on the Clinton and **Michael Dukakis** campaigns, is going home next month to Boston to take a banking job.

(Optional add end)

In this small-scale competition, in which the outcome will be decided by only 150,000 or so voters, little things mean a lot, or seem to at the time. Thus Alexander's forces are still gloating over the fact that at a fund-raising dinner last week in nearby Carroll County Alexander's supporters showed up bearing signs boosting their candidate, while Gramm's backers had none.

Time also is measured in a different way in New Hampshire. Despite the 12 months remaining before the primary vote, Charles M. Arlinghaus, executive director of the state GOP, said Sunday as he gleefully toted up the proceeds from the 1,400 tickets sold at the $100-a-plate chicken dinner, ``Anybody who isn't already in, is late."

Yet this view may not be sufficient to discourage everyone. Charles Black, senior adviser to the Gramm campaign, said, based on his soundings among prominent Republian office holders, that he has become ``convinced" that California Gov. Pete Wilson intends to enter the race.

Such a move, given Wilson's base in the nation's largest state and his presumed ability to raise funds, would force all the other candidates to reassess their own positions, particularly Alexander, who has been striving to capitalize on the fact that he is the only contender with experience in a governor's mansion.

Foster Remembered Fondly in Tuskegee as a Giver of Life (Tuskegee) By Richard A. Serrano= (c) 1995, Los Angeles Times=

TUSKEGEE, Ala. Dr. Henry W. Foster Jr. saved the life of the mayor's infant son. He talked a scared and confused Joyce German out of an abortion. He ran a network of prenatal clinics that persuaded young, poor women to abandon their midwives. And he delivered babies.

``Oh, the babies," recalled his nurse, Thelma Walker-Brown. ``Lots of babies. Babies. Babies. Babies."

He was just out of medical school when he came to Tuskegee. Young, ambitious, trained in modern medicine. Among the poor, the uneducated and the sick living on the red clay soil of east-central Alabama, among the women who didn't know or couldn't afford to call
a doctor, Foster was the best they had.

This was Alabama in the 1960s, a time and a place unlike the world today, long before the president of the United States would summon Foster to become the nation's surgeon general.

So great is the contrast between the political maelstrom of Washington and this community and what Foster meant to it that people in Tuskegee find it hard to grasp how the life of the ``Dr. Hank" they grew to respect could be reduced to a question of how many abortions he may have performed in three decades of medical practice.

Indeed, the portrait of the young doctor that emerges in the recollections of old colleagues and others here serves as a sharp example of just how tortured the nation's struggle over abortion has become.

He is remembered in Tuskegee as the town ``baby doctor" who, before Roe vs. Wade, performed abortions only in the rarest emergency of having to save a mother's life. He was not, as former colleague Dr. Thomas Calhoun said, ``an abortionist who works in an abortion clinic and all he does is abortions, and is the guy the political right is out to get."

In the politics of this issue today, such distinctions tend to lose any meaning. Since Foster first acknowledged doing a small number of abortions, and later revised his estimate to 39, his chances of winning confirmation in the Senate next month have been in grave doubt.

Opponents do not argue that Foster did nothing good; those for whom abortion is an issue of uncompromisable morality believe that he was part of one thing so bad that nothing else matters. And some contend that the Clinton White House's bungling particularly its failure to give an accurate, forthright account of Foster's record at the outset has contaminated the nomination process beyond repair.

Those arguments may be the ones that determine Foster's fate as
a candidate for surgeon general.

But they seem remote to those who remember how he labored to open the rural poor to the advantages of preventive medicine. How, through his satellite clinics and other outreach programs, Alabama women learned to take better care of themselves and their unborn children.

When Foster was back in Tuskegee last year to address a conference on rural health care, he reflected on the work he and his staff had done.

``I spent nine years of my life here in this most unique community," he said. ``We were ahead of our time."

A native of Pine Bluff, Ark., who served in the Air Force as a medical officer, Foster came here in 1964 as the lone obstetrician-gynecologist at the John A. Andrew Memorial Hospital
a 180-bed, three-story brick facility on the campus of Tuskegee University.

He was a black doctor serving a black population. Tuskegee was about 87 percent black, (as it remains today) and so were the vast majority of cottonseed farmers and loggers in the surrounding Tuskegee National Forest east of Montgomery, Ala.

The median income when Foster arrived here was less than $2,500 a year. In the five-county rural area, families went without electricity, telephones and, in some cases, running water. Without jobs or education, how could you tell them modern health care was more important?

Foster took over for Dr. Joseph Mitchell, whom townspeople remember as overworked and stressed and who one day died of a heart attack.

``So Dr. Foster came in and he had all these pressures and he said he wanted to do it all," Walker-Brown said. ``He said he was young and he could do it all."

His average caseload ran into the hundreds. He sometimes delivered three babies a day. In truth, the number of infants delivered under Foster's care simply cannot be counted.

Louis Rabb, administrator of the hospital before it closed in 1987 when too many charity cases finally drained its resources remembered: ``It was a tremendous number of babies. Probably thousands of them."

(Begin optional trim)

Against this backdrop was the matter of race. The local hospital served only whites, except for a few black emergency patients that it took in and assigned to rooms normally used as closets. So the John A. Andrew Hospital became a mecca for Alabama blacks.

During Foster's time here, Tuskegee like much of the South gradually underwent a cultural metamorphosis.

There were civil rights demonstrations on the Tuskegee University campus. A young black man named Sammy Young was
shot to death by a white assailant at the town bus depot in an incident that sparked protest marches.
Voter-registration gerrymandering that shut blacks out of the polls was overturned by the Supreme Court.

Then the year before Foster left, Johnny Ford became the first black mayor of Tuskegee an office he still holds. In front of the stone-gray Confederate statue that for generations has graced the town square, he placed a red-white-and-blue sign proclaiming: ``Welcome to Tuskegee, Pride of the Growing South."

Ford said he also feels deeply indebted to Foster. The doctor saved his son's life.

Before he became mayor, Ford was working in New Orleans. His wife, Frances, who was pregnant with their first child, developed complications. They quickly returned to Tuskegee and Foster's care.

``She was bedridden for awhile because she was carrying the child low and if she stood up it would cause her to go into labor. It was a very delicate situation," Ford said.

``It turned out he had to deliver the child early, and it took his skill to know when to take the child at exactly the right time."

In her own way, Joyce German credits Foster with saving her child as well.

She was 20, a student at Tuskegee, unmarried and pregnant with her second child. She knew Foster from services at the Missionary Baptist Church here. One day she knocked on his door at the hospital.

``I didn't want to have another child," she said. ``I asked for an abortion, but he refused. He said this child was a blessing to me. He said to have the child and it would turn out all right. Today I have a beautiful daughter who went on to become the valedictorian at her high school."

When people in Tuskegee remember the good that Foster tried to accomplish here, it becomes all the more troubling when they see the furor that has arisen over his selection as surgeon general.

His uncle, William B. Hill, a 90-year-old retired farm extension service agent, saw his nephew come to Tuskegee and move on, and said he cannot understand what people would want in a surgeon general if not someone like Foster. Nor can his wife, 92-year-old Sadie Hill.

``We were all real poor people when Hank was here," Sadie said. ``We were just people who needed help. He helped us."

New NAACP Chairperson Has Many Challenges Before Her (New York) By Sam Fulwood III= (c) 1995, Los Angeles Times=

NEW YORK For Myrlie Evers-Williams, getting elected as chairwoman of the NAACP was the easy part.

Now she has to heal divisions that have nearly torn the venerable civil rights organization apart, hire an executive director who can broaden its membership, drive it back onto the main roads of national political debates and perhaps most challenging of all erase its estimated $4-million debt.

On her first full day in her new position, she made a start at all four. ``I think I can speak for each and everyone here and say that we are all unified today in terms of not only seeing that the NAACP survives but also that it thrives," Evers-Williams said Sunday during a news conference here.

It was her first opportunity to speak about her plans following the NAACP board's 30-29 vote Saturday to oust the controversial William F. Gibson as chairman and install her in his place. As she spoke, several members of her board stood by her side, nodding in affirmative solidarity.

That was not her only such gesture. The night before, when President Clinton called to congratulate her, she insisted on a conference call in which all board members her opponents as well as her supporters could hear and speak with the president.

``We were encouraged yesterday when President Clinton called the board members and spoke to us and said that we had a lot of work to do and that he looked forward to working with us," she said, adding that some of the board members appreciated the gesture. Evers-Williams quoted the board members as telling Clinton: ``We need your help too, Mr. President."

Among her first official acts was to announce the appointment of Earl Shinhoster as acting executive director. Shinhoster had been serving as an interim administrator since Benjamin F. Chavis was fired as executive director last August.

She also announced plans to attend a series of meetings in Washington this week sponsored by the NAACP's Washington office to oppose parts of the Republican ``Contract With America" and to organize support for surgeon general nominee Dr. Henry Foster.

To deal with the NAACP's internal troubles, she will organize a group of lawyers and accountants to study its finances. In the hours since her election, she said, the group had received promises of more than $60,000 in donations.

(Optional add end)

But while Evers-Williams' first public and private actions emphasized harmony, she inherited a set of internal and external problems that will challenge not only her personal leadership but also the NAACP's viability.

For the moment, she is being generous, offering bouquets to her supporter and olive branches to her rivals. On Saturday, for example, Evers-Williams acknowledged her supporters who were waving placards that read ``Clean House" by playfully asking the crowd ``Where's my broom?"

On Sunday, she said: ``I think we are well on our way to getting our house in order. I really don't think a broom as such is really going to be necessary."

Her magnanimity reflected political reality within the NAACP. Sources close to the board said Evers-Williams commanded a fragile majority of about 35 votes on the 64-member NAACP board.

Gibson, who remains a director, was conspicuously absent from the podium for Evers-Williams' unity news conference and still has
a strong contingent of supporters on the board, one source said. Gibson has been charged by other board members with mishandling NAACP funds, failing to account adequately for more than $500,000 in expenses.

Ben Andrews, who served as vice-chairman prior to Saturday's election, said the Evers-Williams-led board would continue to have strong personalities and contentious fights.

``That's not necessarily a bad thing," said Andrews, who switched sides to support the election of the new chairman. ``Bickering is part of debate when you have two sides."

Nevertheless, Evers-Williams has a secret weapon in her soaring support among the grassroots activists in the group's 2,200 branches across the country. ``The people who make up the NAACP were well-represented here yesterday
and they spoke and the board members listened," she said of the force that pushed out Gibson and paved her way to the chair.

Part of that stems from the residual respect within the group for her first husband, Medgar Evers, who was the

WASHINGTON

Clinton: No reason to disqualify Foster

President Clinton again defended his surgeon general nominee in an interview broadcast Monday, saying Henry Foster has done nothing that disqualifies him. On *CBS This Morning*, Clinton blasted "the extreme right wing of the Republican Party who believe that all abortions should be criminalized and that anybody who ever did one for any reason should be disqualified from holding high office."



USA TODAY

FOSTER: Fought teen pregnancy

Foster's nomination ran into trouble after the Nashville obstetrician-gynecologist said he'd done more abortions than the White House first revealed. Senate Majority Leader Bob Dole, R-Kan., said Sunday Senate Republicans are counting votes to see if the nomination can be rejected. "I'll pass the information on to the president," Dole said. "If he doesn't have the votes, I don't see any reason to bring up the nomination."

But White House officials say a vote count is premature. Senior adviser John Podesta said Monday: "We believe that when senators have a chance to hear Dr. Foster and understand what he's been able to accomplish as a doctor, an educator and a recognized leader in the fight against teen-age pregnancy, he'll have the votes to be confirmed — notwithstanding the belief of some that performing any legal abortions disqualifies him."

CHILD SUPPORT UP: The government collected a record $703 million in delinquent child support in 1993 by withholding money from tax returns. In a report today, the Health and Human Services Department says a 14% increase over 1992 collections aided almost 1 million families. "When absent parents are not paying child support, we need to take every appropriate step, including seizing the tax refund which the delinquent parent would otherwise receive," says HHS Secretary Donna Shalala.

Collecting child support has become a key issue in welfare reform because it holds both parents responsible for the support of their children. Experts estimate $34 billion in child support payments would be made, compared with the $14 billion actually paid, if enforcement were improved, legal awards were made in all cases, and awards were updated to match the non-custodial parent's income.

In its welfare-reform proposal submitted to Congress last year, the administration would have toughened child support enforcement measures such as withholding driver's licenses and attaching wages of delinquent parents. House Republicans also intend to crack down on enforcing child support payments in their welfare overhaul; they have not yet produced a proposal. — ***Leslie Phillips***

ELSEWHERE IN THE WORLD

Russian vows to 'catch all' Chechens

The head of Russia's paratroop forces vowed Monday to crush Chechnya's separatists, as Russian troops clashed sporadically with rebel fighters on the outskirts of the devastated Chechen capital of Grozny. "Now that we have upset the hive, we have to catch all the bees," Gen. Yevgeny Podkolzin said at a news conference after the lapse of a four-day cease-fire. In Moscow, a Russian parliamentary commission began its first day of hearings on the Chechnya crisis. President Boris Yeltsin came under renewed attacks by the commission for his handling of the conflict.



AP

ARAFAT: To reassess the process

MIDEAST PEACE: PLO leader Yasser Arafat, frustrated by the "impasse" with Israel, summoned the PLO's top decision-making body to Cairo today to reassess the Middle East peace process — hampered by a seven-month delay in expanding Palestinian self-rule beyond Gaza and Jericho to the rest of the West Bank. In Lebanon, Israeli planes blasted suspected pro-Iranian Hezbollah guerrilla targets in two raids Monday, the sixth and seventh air attacks into Lebanon in two days. The attack was made several hours after Hezbollah guerrillas attacked an outpost of Israel's surrogate militia, the South Lebanon Army, with machine-gun fire and grenades.

BOSNIA WAR: Rebel Serbs from Croatia and Bosnia-Herzegovina formed a joint military council, a sign that fighting in neighboring states could escalate into a single war. In Belgrade, Serbia's President Slobodan Milosevic told Russian envoy Andrei Kozyrev that Serbs won't accept the latest peace plan if U.N. sanctions remain in place. Recognizing Bosnia and Croatia, as well as Macedonia and Slovenia, is a condition for lifting sanctions imposed by the United States, Russia, Britain, France and Germany.

ISLAND DISPUTE: President Fidel Ramos of the Philippines says he's prepared to defend his nation's sovereignty against China's claim to the contested, mineral-rich Spratly Islands. Philippine legislators, bristling at Chinese occupation, approved a bill Monday to modernize the armed forces. The South China Sea islands also are claimed by Vietnam, Malaysia, Brunei and Taiwan.

SOUTH AFRICA TRIAL: A South Africa police commander accused of leading a terrorist campaign against ANC members and other anti-government activists pleaded innocent in a trial that could expose details of the white minority's attempts to retain power in apartheid's last days. Testimony at Eugene de Kock's trial may support charges by the African National Congress that the National Party of then-president F.W. de Klerk fomented violence even as it opened the way to the first all-race elections last April. De Klerk is a deputy president in the coalition government.

ALSO . . . Four months after deposed president Jean-Bertrand Aristide was restored to power, Haiti's provisional electoral council called for general elections in June. Elections were to have been held last December. . . . Germany's Green Party, once decried as a radical fringe group, has bolstered its role as the third force in national politics with solid gains in the Hesse state election. . . . Nicaraguan army chief Humberto Ortega will retire today in a move that should ease U.S.-Nicaraguan relations and remove a political thorn in the side of Nicaraguan President Violeta Chamorro. Many people from Managua to Washington will be celebrating the exit of the man viewed as the last vestige of the militant Sandinista government, which ruled the country during the 1980s and fought a U.S.-backed insurgency. . . . About 200 noisy animal-rights activists, including former French film star Brigitte Bardot, confronted police across barbed-wire barricades in Brussels, Belgium, as European Union farm ministers met to discuss ways to improve conditions for animals taken to slaughter.

NATIONLINE

Clinton labor plan met with opposition

President Clinton's plan to forbid federal contractors from hiring replacement workers during strikes met with Republican opposition Tuesday. His overture to organized labor as he prepares for a re-election campaign spurred Sen. Nancy Kassebaum, R-Kan., to threaten legislation to block it. The president shouldn't be "using executive orders to tip the scales in labor-management relations," said Kassebaum, who chairs the Senate Labor and Human Resources Committee. The proposed executive order will be issued in a few weeks, Labor Secretary Robert Reich said after visiting with AFL-CIO leaders meeting in Bal Harbour, Fla.



AP
KASSEBAUM: 'Tipping the scales'

ILLEGAL WORKERS: A 10-month Immigration and Naturalization Service investigation found about 10% of the 50,000 employment papers agents reviewed in Arizona were held by people who illegally entered the USA and obtained bogus work permits. "Every one of these unauthorized people represents a job that should be had by a U.S. citizen or an authorized alien," said Tony Esposito of the INS. Officials said the rate of fraud was significant and shows the need for a national registry of eligible workers.

BAN LIFTED: After 10 hours of mediation, Union Point, Ga., officials and merchants agreed to lift a ban that barred 21 blacks from downtown stores. The officials and merchants, who said they were trying to reduce crime and shoplifting, did not apologize. U.S. District Judge Duross Fitzpatrick, who was overseeing a lawsuit by 12 of the 21 people banned, said the city and merchants were not racially motivated. A proposed settlement had fallen apart last week over a demand that the city and merchants apologize.

CHILDREN RETURNED: A judge in Hillsboro, Ore., ordered state child-welfare officials to return five children — ages 2, 4, 6, 8, and 10 — seized Friday from a school Valentine's Day party as their mother, Diane Whitehead, fought to keep them. An 11-year-old, who the mother had spanked with a belt Thursday, could be returned to their home in Aloha after a meeting today. Whitehead and her husband, Capt. Gordon Whitehead, a Marine recruiting officer, suggested the agency seized the children in retaliation for her trying to help a relative whose children were taken away.

VOTING LAW: South Carolina asked a federal judge in Columbia to throw out a new law that says the state must register voters at agencies that provide services like welfare. "If it's such a good idea, why doesn't Congress offer to pay for it?" asked Ken Woodington, a state lawyer. California, Illinois and Pennsylvania also are not implementing the law. Federal officials, who asked the judge to order enforcement, said Congress has the authority to regulate elections.



CNN via AP
SIDDIG ALI: Aids prosecutors in case

BOMB PLOT: Yahya Abu Ubaidah Muhammad, who helped defense lawyers for Sheik Omar Abdel-Rahman and 11 other Islamic fundamentalists charged with plotting to blow up New York landmarks, was arrested on firearms charges. He already was a potential unindicted co-conspirator in the terrorism trial. Defense lawyers say he was arrested on tips from Siddig Ibrahim Siddig Ali, who pleaded guilty in the terrorism case and is aiding prosecutors.

CLEANER FUEL: EPA officials in Milwaukee today begin investigating complaints that a reformulated gasoline intended to help clean up urban smog is hurting mileage and performance and making people sick. Motorists complained at a public meeting Monday. The investigation should be completed by April 1, the EPA said.

BOY SCOUTS: A single mother who says she was barred from a Boy Scouts father-son dinner in North Bellmore, N.Y., says she will sue, charging sexual harassment and discrimination. Assistant scoutmaster George Facompre denies he forced Josephine Scatigno to leave the dinner when she arrived with her son, Vito, 10, but a scouting supervisor has told Facompre to write a letter of apology or resign.

ALSO TUESDAY . . .

▶ **BRIDGE PLUNGE:** Donna Flemming, 23, was charged with murder and attempted murder after authorities said she threw her two sons off a bridge into a channel near Long Beach Harbor, Calif. She also jumped, but survived. The 50-foot drop killed Craig Flemming, 22 months, and critically injured Michael Flemming, Jr., 3.

▶ **EXECUTION:** Samuel Hawkins, dubbed "the traveling rapist" and linked to 40 attacks in Colorado, Oklahoma and Texas, was put to death by injection in Texas for the 1977 slashing murder of a pregnant woman, Abbe Hamilton, 19, of Borger. Hawkins, 51, also murdered an Amarillo girl, 12.

▶ **HOMELESS CAN STAY:** Amtrak no longer can oust homeless people from New York's Pennsylvania Station based solely on their appearance, a federal judge ruled. Amtrak argued such a ruling would make it harder to provide a safe and comfortable facility for passengers.

▶ **BODY PARTS:** El Paso police charged James Patrick Bradley, 47, with murder in the death of his wife, Suzy, whose body parts, some painted bright gold and other colors, had been found in boxes at four sites in West Texas and New Mexico. She had been shot five times in the chest.

▶ **CLINIC FIRE:** Burning road flares were thrown onto the roof of the Choice Medical Clinic in Soquel, Calif., in an arson attempt, but only singed the roof, authorities said. Arson fires hit four other California clinics this month.

▶ **LIGHTNING STRIKE:** Lightning struck an American Airlines plane as it was being moved from a gate in Phoenix, injuring three workers outside the plane.

Foster thanks NAACP for its support

Embattled surgeon general nominee Henry Foster thanked the NAACP for supporting him. His nomination became embroiled in abortion politics after it was disclosed that he performed abortions during a 40-year career as an obstetrician-gynecologist. Foster, at an NAACP legislative conference in Washington, said his nomination fight is "a cakewalk" compared with his experience as the only black student in his class at the University of Arkansas Medical School. He graduated in 1958.



USA TODAY
FOSTER: Surgeon general nominee

Written by Paul Leavitt. With: Shannon Tangonan, Carrie Dowling, Rae Tyson and K.V. Johnson

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

THE NEW YORK TIMES

FEBRUARY 24, 1995

Searching for a Surgeon Politic

By Melvin Konner

ATLANTA

As Republican Presidential hopefuls 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 managed 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 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 preconfirmation 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 item on Dr. Koop's résumé: he was a doctor. He was a compassionate care 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.

> Henry Foster is the latest pawn in a 200-year-old game.

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 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 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 enemies. Dr. 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."

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 canceled 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 1970's; 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. □

Melvin Konner, a physician who teaches anthropology at Emory University, is the author of "Becoming a Doctor."

White House Seeks to Blunt New Questions on Nominee

By NEIL A. LEWIS
Special to The New York Times

WASHINGTON, Feb. 25 — The White House today tried to repel the latest assault on Dr. Henry W. Foster Jr., accusations that he played a marginal but knowing role in the infamous Tuskegee experiment in which 400 black men were denied treatment for syphilis to study their progress of the disease.

Dr. Foster, President Clinton's choice to be Surgeon General, emphatically denied the accusations that he knew the details of the medical experiment three years before it was publicly disclosed in 1972 in news reports. The charges were made by the Family Research Council, a conservative group that has been at the forefront of efforts to defeat the Foster nomination.

On Friday, the council circulated documents to Senators that its president, Gary Bauer, said showed that Dr. Foster was almost certainly informed of the Tuskegee experiment in 1969, when he was the chairman of the obstetrics and gynecology department at Tuskegee University.

John Podesta, a senior adviser to President Clinton, said today, "Once again, the nomination of Dr. Foster, a good, decent and dedicated physician, has entered the land of political distortion." Mr. Podesta described Mr. Bauer as "an anti-abortion extremist committed to stopping this nomination."

The Tuskegee experiment, or as it was formally known, "The Tuskegee Study of Untreated Syphilis in the Negro Male," was conducted by the United States Public Health Service for 40 years beginning in 1932. In the study, the subjects, almost all sharecroppers from the Tuskegee-Macon County, Ala., area, were denied treatment to study the disease.

In 1969, a much-acclaimed book, "Bad Blood" by James H. Jones (Free Press, 1981), said officials of the Public Health Service were deliberating over whether to end the experiment, especially since penicillin had been available for decades, making the experiment medically irrelevant.

Mr. Jones wrote that minutes of a meeting showed the senior officials were worried about the public's reaction to what they had done for years and that they had decided to seek the approval of the Macon County, Ala., medical society. Mr. Bauer said that at the time Dr. Foster was the vice president of the county medical society, which had fewer than 12 members, and thus he would have known of the meeting.

In a statement released late Friday through the White House, Dr. Foster said that he first learned of the Tuskegee experiment in 1972 when it was publicly disclosed. "I was outraged in 1972 when, as president of the Macon County medical society, I first learned the facts of the Tuskegee Syphilis Study. 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."

The latest accusations raise twin problems for Dr. Foster's nomination. In addition to the issue as to whether he acquiesced in allowing the Tuskegee experiment to continue, it raises again the issue of Dr. Foster's credibility.

The Washington Post today quoted

Opponents say Clinton's pick knew of a syphilis study.

the president of the county medical society at the time, Dr. Luther McRae, as saying he recalls the 1969 meeting clearly and is certain that Dr. Foster was there as well.

Dr. McRae, who did not answer his telephone today in Mount Vernon, Ga., was quoted in The Post as saying that he even recalled that Dr. Foster sat two seats away from him.

Mr. Podesta said White House officials talked to Dr. McRae and found his memory unreliable about events 26 years ago. "His recollections on a number of points ranging from how the meeting was set up to the nature of the study to Dr. Foster's role following the public disclosure of the study in 1972 are all inconsistent with the facts as established by the documentary evidence," Mr. Podesta said.

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

Mr. Jones, who teaches history at the University of Houston, said he has a letter from William J. Brown, who conducted the 1969 meeting with the Macon County medical society, in which Dr. Brown said that he obtained the cooperation of local doctors.

Gore Says U.S. Plans to Open Phone and TV To Foreigners

NATHANIEL C. NASH
Special to The New York Times

BRUSSELS, Feb. 25 — Seeking to accelerate deregulation of a global information network, Vice President Al Gore told ministers and business executives from Europe and Japan today that the United States planned to permit unrestricted foreign investment in American telecommunications markets this year, but only to investors whose countries have opened their telecommunications markets.

In a speech at the first meeting by Group of Seven major industrialized countries on global telecommunications, Mr. Gore put France, Germany and Japan, in particular, on notice that they would have a hard time entering certain areas of the United States market without letting American companies compete in their countries.

Once they open their markets, Mr. Gore indicated, they would have free access to buy American telephone or telecommunications concerns, with no restrictions on the percentage they could own.

"For more than 60 years, the U.S. has had limited restrictions on foreign investment in certain telecommunications services," Mr. Gore told the three-day conference, which opened Friday. "In this respect, we are going to change, and change this year. Whether by new law or new regulation, we intend to open foreign investment in telecommunications services in the United States for companies of all countries who have opened their own markets."

Mr. Gore explained later at a news conference that the United States was offering "more openness on a reciprocal basis."

He added that a broader goal of the Clinton Administration was to reach an agreement with "a critical mass" of America's trading partners by April 1996 for such open markets, at which time the United States would like to drop all barriers to all countries in telecommunications, regardless of whether they had open markets or not.

According to American officials at the conference, however, the United States would not consider such an open agreement unless France, Germany and Japan were part of it. The three countries are currently considered the most closed of America's major trading partners.

White House aides said the plan to open the American telephone markets did not alter current restrictions that prohibit foreign ownership of more than 25 percent of American radio and television stations.

In the United States Congress, two bills are being prepared on telecommunications deregulation. One bill, sponsored by Representative Michael G. Oxley, Republican of Ohio, would remove all restrictions on foreign investment in telecommunications and media. Another bill by Senator Larry Pressler, Republican from South Dakota, would call for markets to be opened on a national reciprocity basis, more akin to what Mr. Gore described today.

Currently, the Federal Communications Commission can reject bids to take substantial ownership interest in an American telecommunications company if the agency rules that it is not in the public interest. And in recent weeks, the F.C.C. chairman, Reed Hunt, has warned German and French investors that a proposed bid to buy into of US Sprint by Deutsche Telekom and France Telecom, the two countries' state-owned telephone monopolies, might not be approved because American companies do not have equal access to the French and German markets.

Opinion was divided today over whether the statement by Mr. Gore put that deal under even more of a cloud. Officials of A.T.&T., which is vigorously opposing the Sprint deal, said they thought it was a shot across the bow of European investors and could indicate a rejection of the German and French proposal by the F.C.C.

THE NEW YORK TIMES, SUNDAY, FEBRUARY 26, 1995

Foster Denies Knowledge of Controversial Project

(Washn)By Marlene Cimons and Doyle McManus= (c) 1995, Los Angeles Times=

WASHINGTON New questions arose Friday about the professional history of beleaguered surgeon general nominee Dr. Henry Foster Jr., and whether he was aware of the notorious Tuskeegee, Ala. study in which illiterate black men suffering from syphilis went untreated for many years.

Foster, then head of obstetrics in a Tuskeegee hospital, apparently was a member of a 10-person local medical society board in Tuskeegee that was briefed on the decades-long study in 1969 by an expert panel convened by the Public Health Service.

But Foster and the White House insisted Friday that Foster first learned about the project in 1972, the same year it ended.

''I was outraged in 1972 when, as the president of the Macon County Medical Society, I first learned the facts of the Tuskeegee Syphilis Study," Foster said in a 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," he added.

The new controversy was initiated by Gary Bauer, president of the Family Research Council, a conservative organization that has been waging an intense campaign against the Foster nomination.

Bauer, who served as a White House aide during the Reagan administration, circulated excerpts from a 1981 book about the research study that claimed the board had given PHS its approval for the work.

But Dr. S.H. Settler, who was the secretary of the county medical society at the time, stressed in a statement released by the White House that the medical society had no jurisdiction over the PHS project, and was not asked for its approval or judgment.

''It is my recollection that the subject of treating the participants was not raised at the meeting," he said.

Also, he said, he did not recall Foster being present at the session.

White House aide John Podesta said in an interview: ''It is clear that extremists in the anti-abortion movement, like Gary Bauer, will seize on this to distort the facts. We are confident that fair people will reject this distortion."

Earlier, Podesta said in a statement: ''Dr. Foster has stated unequivocally that he was not informed until 1972 that the federal government was conducting its study of untreated syphilis."

The study, sponsored by the Public Health Service, was begun in 1932 on 412 illiterate black men who were kept untreated so that scientists could see how the disease affected the body.

(Optional Add End)

Revelations of the study, which provoked national outrage, are considered responsible for the establishment of what is regarded today as major medical doctrine, the concept of ''informed consent,"and protections for research subjects.

Informed consent means full disclosure to patients and research subjects of the risks and benefits of a treatment or experiment. The doctrine was first established in 1974, and later codified into federal law in 1980.

Bauer conceded that the book,''Bad Blood," by James H. Jones, a history professor at the University of Houston, did not say that Foster was present at the meeting, but said it was sufficient that Foster was vice-president of the board at the time.

Showdown Over Spending Cuts Intensifies

(Washn) By Richard A. Serrano= (c) 1995, Los Angeles Times=

WASHINGTON House Republican leaders Friday predicted approval soon of more than $17.5 billion in spending cuts recommended this week by Appropriations subcommittees, but President Clinton warned them that he may use his veto power to stop the legislation.

The reductions, most coming in housing, food and youth programs, would be among the largest single packages of spending cuts in history and would serve as the first salute in a larger, looming war over deeper cuts to balance the budget by the year 2002.

Republican leaders said that the package of cuts, made in 10 separate Appropriations subcommittee meetings this week, will be considered by the full House Appropriations Committee next week. They predicted swift approval. The cuts should be considered on the House floor in March.

With Democratic leaders unable to stop the GOP cuts except to decry them as a ploy to aid the rich at the expense of the poor Clinton issued his warning: ''Unless I miss my guess, a bill doesn't become law unless I sign it or it passes over my veto," he said.

Referring to the GOP hierarchy, he charged: ''What they want to do is make war on the kids of this country to pay for the capital gains tax cut. That's what's going on."

But House Speaker Newt Gingrich, R-Ga., and other Republican leaders insisted that Democrats are missing the point. They argued that the cuts, while painful, are needed if Congress hopes to draw down the federal deficit.

''Some of them are going to be tough," Gingrich said of the cuts. ''It's not easy. I know people personally who are affected.... But what's at stake here is whether the American people win or politics as usual in Washington wins."

Like the President, Gingrich took a shot at his political opponents. ''The kind of tactics you're seeing," he said, ''are the desperate last stand of the old guard bitterly trying to defend a system that's dying. And the system's dying because it isn't working."

In grueling and sometimes late-night meetings, House Republicans voted to slash everything from child nutrition and housing programs, to projects that provide heating assistance to the elderly and summer jobs for youths. A House subcommittee capped the round of proposed reductions Friday by identifying $70.9 million in cuts from the General Accounting Office and other congressional agencies.

The future remains unsure for many government agencies, such as the Department of Housing and Urban Development, which would be gutted of many of its housing-assistance programs.

(Optional Add End)

On the Capitol lawn, a group of eight House Democrats and one independent stood in a chilly wind and accused the Republicans of tramping on the poor and middle class to make room in the budget for future tax cuts that would benefit those who are better off.

''They've gone after food and nutrition programs and heating programs. Now they're attacking another fundamental human need shelter," said Rep. Joseph P. Kennedy II of Massachusetts. ''It's

Clinton both defends affirmative action, orders review of such program By Robert A. Rankins Knight-Ridder Newspapers

WASHINGTON President Clinton unequivocally defended the principle of affirmative action Friday, even as he confirmed that he has ordered a White House review to see which ones effectively counter discrimination and which ones don't.

At a time when Republicans are suddenly threatening to end all race- and gender-preference programs in favor of ``color-blind'' law, Clinton scrambled to stake out a middle-ground position on the explosive issue.

``I believe that every American would acknowledge that there are affirmative action programs which have made a great deal of difference to the lives of Americans who had been disadvantaged, and who in turn made our country stronger,'' Clinton said.

The best examples are found in the U.S. military, Clinton said, where affirmative action programs have helped disadvantaged minorities ``rise as high as their abilities could take them'' so that ``the military today is a model that looks like America, and it works.''

But Clinton then said that affirmative action programs warranted a review.

``It is time to look at all these programs which have developed over the last 20 to 25 years and ask ourselves, `do they work, are they fair, do they achieve the desired objectives?' That is very different from trying to use this issue as a political wedge one way or the other,'' Clinton stressed.

Without accusing Republicans directly, the president three times warned against the danger of cynical politicians using the emotional issue of affirmative action ``to divide the American people.''

Casting himself as a responsible moderate by contrast, Clinton said, ``I think we need to have a national conversation, not only about affirmative action, but about what our obligations are to make sure every American has a chance to make it.''

The president's remarks came at a press conference concluding his two-day visit to Ottawa.

His first public acknowledgement that affirmative action now requires a critical analysis was a marked political shift for a Democratic president to make, for affirmative action remains a moral imperative to many core Democratic support groups, including blacks, Hispanics, women and liberals.

Even before Clinton spoke, the Rev. Jesse Jackson voiced skepticism about Clinton's review order, according to the Associated Press.

``I want to make sure that review does not mean retreat,'' said Jackson, a potential challenger to Clinton's renomination next year. ``People in the White House are reviewing polls, not principles.''

But Ralph Neas, executive director of the Leadership Conference on Civil Rights, a broad-based coalition and leading defender of affirmative action programs, voiced confidence in Clinton's position.

``The president has long held an unswerving personal commitment to affirmative action ... We're confident he's going to adhere to that. We think of course any review will result in what we've always said: Affirmative action works well. It is necessary. And it benefits all Americans. ``In my mind there is no question; he would not retreat on such a fundamental commitment he's made for such a long time,'' Neas said.

(EDITORS: STORY CAN TRIM HERE)

Leading Republican candidates for president, including Sens. Bob Dole of Kansas and Phil Gramm of Texas, have increasingly called for ``color-blind'' law. Gramm vows to repeal all affirmative action quotas, set-asides and racial and gender preferences in law by executive order if elected.

And both Dole and House Speaker Newt Gingrich of Georgia are working with GOP legal strategists on ways to overturn the 160 affirmative action provisions written into federal law and rules over the past quarter-century.

Most of those provisions tie strings around federal spending to require would-be private contractors or recipients of federal grants to expand the number of jobs held by minorities or women, or to set aside some portion of the money exclusively for subcontracting firms owned by minorities or women.

Opponents of those programs including some Democrats argue that such programs are unfair, have failed to help most underprivileged minorities, invite corruption and inflame social resentments. Defenders say they are necessary to help victims of past discrimination attain equal opportunities.

(EDITORS: STORY CAN TRIM HERE)

This week the House voted for the first time to kill an affirmative action program, one that reserved a tax break for broadcasters that sell their properties to minorities.

The case in question involved a $2.3 billion deal between Viacom Inc., the world's second largest media company, and InterMedia Partners and Tele-Communications Inc., a giant cable TV company.

The beneficiary of the affirmative-action tax break was the deal's ``investor of record'' one Frank Washington a former Carter administration attorney who designed the tax break in 1978.

The House voted to scuttle it 381-44. Only seven white Democrats joined black and Hispanic lawmakers to retain the preference program, while 154 Democrats joined unanimous Republicans in voting to kill it.

Conservative group charges Foster condoned Tuskegee syphilis experiment By Angie Cannon, Mary Otto and Brigid Schulte Knight-Ridder Newspapers

WASHINGTON President Clinton's embattled nominee for surgeon general faced a new problem Friday evening: a conservative group charged that he may have condoned a government experiment in which more than 400 black men were denied treatment for syphilis.

The sensational allegation was immediately rejected by the White House, which had been quietly investigating rumors linking its nominee, Dr. Henry W. Foster Jr., with the notorious 40-year experiment.

And Foster, in a statement released by the White House, categorically denied that he went along with or even knew about the secret syphilis experiments before they were made public in 1972 and subsequently halted.

Nevertheless, the chairwoman of the Senate committee considering Foster's nomination said she had ordered her staff to examine the charges.

``This experiment was one of the most tragic episodes in the history of the Public Health Service. I have instructed my staff to begin investigating these reports to determine what role, if any, Dr. Foster played in this experiment,'' said Sen. Nancy Kassebaum, R-Kan.

At issue is whether Foster, while vice president of the local medical society in Tuskegee, Ala., in 1969, was informed by

government officials of the secret syphilis experiments and sanctioned them.

A 1981 book written about the experiments states that the local medical society quietly went along with the syphilis experiments after being solicited for support by federal officials. The book, however, does not explicitly say Foster was involved.

Three physicians who served with Foster on the medical society told Knight-Ridder on Friday that the book was wrong. Dr. Howard Settler, an officer of the Macon County Medical Society at the time, said the medical society never sanctioned the experiments and, in fact, was essentially kept in the dark about them.

But the conservative advocacy group, called the Family Research Council, charged Friday that there was enough circumstantial evidence to suggest that Foster was told of the experiments while they were still under way.

``We have ... discovered that the Macon County Medical Society of which Dr. Foster was then vice president pledged its support and assistance in the completion of those experiments,'' Gary Bauer, president of the Family Research Council, wrote in a letter to President Clinton. Bauer was President Reagan's domestic policy adviser.

``Dr. Foster was an official of the group that assented to collusion in this monstrous violation of human rights. It is extremely unlikely that he would have been unaware of these events.''

The White House quickly moved to defend Foster, whose nomination already is in trouble because of misstatements about the number of abortions he has performed, revelations that he headed a research effort on an abortion drug and disclosures that he sterilized some severely mentally retarded women in the 1970s.

``Dr. Foster has stated unequivocally that he was not informed until 1972 that the federal government was conducting its study of untreated syphilis,'' said White House spokesman John Podesta.

``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 White House also released a statement from Foster: ``I have spent my life devoted to providing health care to those who might otherwise be denied such care. ``I was outraged in 1972 when, as president of the Macon County Medical Society, I first learned the facts of the Tuskegee syphilis study. 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.''

In the Tuskegee study, the U.S. Public Health Service studied the effects of untreated syphilis on more than 400 black sharecroppers in Macon County, Ala., where Tuskegee is located.

For 40 years, beginning in 1932, the men were never informed about the disease they had and given placebos to ``treat'' it. Doctors watched the effects: blindness, paralysis, dementia and early death. The men were not told about penicillin even after it was shown to be effective.

(EDITORS: STORY CAN TRIM HERE)

The study was revealed in 1972 by an Associated Press reporter, and public outrage halted the experiments. It was decried as the most notorious example of human experimentation in the United States.

In his 1981 book ``Bad Blood: The Tuskegee Syphilis Experiment,'' historian James H. Jones said federal doctors met with members of the Macon County Medical Society to win their approval of the project in February 1969 after some medical professionals around the country began raising ethical questions.

At that time, Foster was vice president of the medical society. He then was an obstetrician-gynecologist at the now defunct John A. Andrews Hospital in Tuskegee.

``Just as their white predecessors had done nearly four decades earlier, Macon County's black physicians promised to assist the PHS,'' wrote Jones, who teaches history at the University of Houston. He could not be reached for comment.

In his book, Jones quotes Dr. William J. Brown, a Public Health Service official who attended the meeting, as saying the Macon County doctors ``listened attentively and immediately `volunteered cooperation and approval and support''' and agreed not to give the men antibiotics.

A White House official said the 1969 meeting lasted only 15 minutes and said Brown ``conceded in 1972 that the (Macon County) doctors may not have understood the details of the study.'' Brown is now dead. The White House official said Foster did not recall being at the 1969 meeting.

The White House official, who asked not to be named, said: ``The question of the meeting in 1969 is completely gray. It is clear that the CDC (Centers for Disease Control) consciously knew they had a public relations problem. I think they were using these guys as cover.''

Settler, Foster's colleague on the Macon County Medical Society at the time, doesn't recall if Foster was at the meeting.

``As far as I can remember, there was a meeting of that society in which the state health department and people from the federal CDC ... came to the medical society, and they were telling us they had a study going on syphilis involving people in Macon County,'' he said. ``It was sort of a cursory visit. They don't really ask our permission to do things.''

Settler said when syphilis patients came to his office, they were told they had the disease. ``They were treated with penicillin,'' he said, adding that other doctors followed the same practice.

Fred Gray Sr., a Tuskegee attorney who represented syphilis patients in their lawsuit against the government, said local physicians were not involved in the study.

``Our investigation did not show that any local doctors had any involvement,'' Gray said. ``I can't tell what knowledge they had.''

(EDITORS: STORY CAN TRIM HERE)

Documents obtained from the Centers for Disease Control archives in Atlanta shed some light on the events surrounding the meeting.

In a Nov. 19, 1969 letter, Brown wrote that he had ``met with'' the county medical society and ``furnished each of its members with a list of surviving participants in the Tuskegee Study.'' He wrote that he had been ``assured of their cooperation.''

Earlier, on March 13, 1969, Dr. Ira Myers, then Alabama's state health officer, wrote to Brown listing the county health society's officers, including Foster, its vice president. ``You may make contacts directly with local officers,'' Myers wrote. Brown jotted notes at the bottom of Myers' letter that Myers already had contacted the society's president, Dr. Luther McRae. ``McRae was receptive to the idea of bringing the med. society `on board,' '' he wrote. McRae could not be reached for comment.

In an interview, Myers now says he does not remember whether he or Foster attended the subsequent May 19 meeting.

``I don't have a record of (Foster's) involvement at all,'' Myers said. ``The only thing I can tell you, in anything of importance, I would hope that all physicians in the area would have known about it.''

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MONA CHAREN

New cloud adrift over Foster

Dr. Henry Foster, President Clinton's nominee for surgeon general, is heading into a new firestorm that may overwhelm his earlier skirmishes over abortion and involuntary sterilizations.

Investigators from news organizations, private groups and the White House itself are right now combing the files of the Macon County, Ala., Medical Society in search of records that will shed light on the role Dr. Foster played in the infamous Tuskegee Experiment.

The Tuskegee Experiment was among the darkest episodes in American medical history. Begun in the 1930s by the United States Public Health Service, the experiment started as an effort to study the epidemiology of syphilis. Poor, black men from the rural areas of Alabama surrounding the Tuskegee Institute were recruited for the research.

At first, the study proceeded like any other medical research. But in the 1940s, it took a sinister turn when penicillin became available to treat syphilis. In a decision that defies understanding, the physicians and medical researchers who ran the Tuskegee Experiment decided not to treat 400 of the men in their cohort but simply continued to monitor the effects of the disease over the years. The subjects of the experiments were not told the nature of the study and were misled into thinking that they were being treated. In truth, they received only painful spinal taps (to measure the effects of the disease on the nervous system). Their symptoms were noted and recorded and simple burials provided when the disease had run its course.

In 1972, when the truth about the study came to light, the public outrage was enormous. Senate hearings in 1973 (chaired by Sen. Ted Kennedy) led to passage of the National Research Act, which codified strict rules about informed consent.

Dr. Henry Foster was a professor of obstetrics and gynecology at the Tuskegee Institute — the medical hub of the experiment — during the 1960s. He was also the vice president and later president of the Macon County Medical Society.

The Washington Times

TUESDAY, FEBRUARY 28, 1995

According to the book "Bad Blood: The Tuskegee Syphilis Experiment" by Professor James H. Jones of the University of Houston, the Macon County Medical Society was fully briefed about the Tuskegee Experiment in May 1969, three years before the experiment came to public light. Two Public Health Service doctors, Leslie Norins and Alfonso H. Holguin, "explained the experiment in detail to the society's members ... [who] listened attentively and ... volunteered cooperation and approval and support."

Indeed, according to "Bad Blood," the doctors were cautioned against treating any of the men in the study with antibiotics, lest they disturb the experiment. The Macon County Medical Society, 14 of whose 15 members were black, agreed to withhold treatment and asked for a list of names of the men in the study. Lists were provided to each physician.

In 1972, when the experiment had become a national scandal (though somewhat eclipsed by the news of Thomas Eagleton's withdrawal as George McGovern's running mate, which broke on the same day), Dr. Henry Foster, by then the president of the Macon County Medical Society, expressed a desire to help the subjects of the experiment in any way possible. But he made no reference to the meeting, three years earlier, at which the society had pledged its cooperation with the experiment.

Dr. Foster has told friends that he was not present at the 1969 meeting detailed in "Bad Blood." But even if that is true, was he not informed about it later? How often does a small county medical group get a visit from the Public Health Service? Did the vice president of the society not keep abreast of what happened at meetings he couldn't attend? Would the group's vice president be kept in the dark about something so important? Didn't simple gossip among the small group virtually ensure that Dr. Foster would have heard about it?

It was difficult to credit Dr. Foster's early claim that he had performed fewer than a dozen abortions and all had been in cases of rape, incest or life of the mother. That statement turned out to be, in the old Watergate phrase, inoperative. If Dr. Foster now pleads ignorance about Tuskegee, he may find his nomination "ambushed at credibility gap."

Mona Charen is a nationally syndicated columnist.

The Washington Times
TUESDAY, FEBRUARY 28, 1995

McCurry: Foster misspoke on whites

Democrats hurl racism charges

By Paul Bedard
THE WASHINGTON TIMES

The White House yesterday insisted that Dr. Henry W. Foster Jr. "misspoke" on Sunday when he said "white right-wing extremists" were trying to thwart his nomination as surgeon general to advance their own "radical" agenda.

"He intended to say 'right-wing extremists,'" said White House spokesman Michael McCurry. "I think it's pretty clear he misspoke. It was a slip of the tongue."

But then Mr. McCurry himself accused Republicans of planning to use the race issue to win white votes.

"There are plenty of instances in which Republican strategists and some Republican elected members indicate that they believe race could be a potent political weapon for them," Mr. McCurry said. "And there is certainly some indication that they believe that using race as a political issue has some benefit."

The spokesman singled out Senate Majority Leader Bob Dole of Kansas, who, he charged, talked "very directly about the fact that they've won a disproportionate share of the white-male vote in this country."

Tim Goeglein, spokesman for Sen. Daniel R. Coats, Indiana Republican and a leader in the campaign against Dr. Foster's nomination, rejected any suggestion the nominee's opponents are driven by racism.

"This nomination and whole process is truth-based and not race-based. It is unfortunate that that would be injected," he said. "Senator Coats' call for the nomination to be withdrawn has nothing to do with race."

He expressed surprise at the

see FOSTER, *page A14*

FOSTER

From page A1

White House defense that Dr. Foster merely slipped when he attacked white critics. "Imagine if we had done that," said Mr. Goeglein.

Administration officials for over two weeks have quietly accused Dr. Foster's Republican critics of opposing his nomination because he is black. White House officials are concerned that blacks and other minorities turned to Republican candidates in the past election and may continue to do so.

But only the Rev. Jesse Jackson and two Democratic members of the Congressional Black Caucus have gone public with the charges of racism in the debate over Dr. Foster.

"There is an underlying race agenda being driven by this Republican cadre, there is no question about that," Mr. Jackson said last week.

Democrats say the Republicans have raised credibility issues with the prominent physician to hide a racist and anti-abortion agenda.

"I don't think it's a racist debate. But for the purposes of many Republicans in pursuit of solidifying their base and reaching out to potential voters, the fact that Dr. Foster is a man of color and someone who has performed abortions is extremely helpful," said Alan Madison, a Democratic activist and occasional White House adviser.

"There is a powerful vortex called fear and resentment into which some in the Republican Party would pour anythying down to try to harvest votes," said Mr. Madison, a vice president at Powell-Tate communications.

The administration's charge that the Republicans plan to use the race card in the upcoming elections came a day after Dr. Foster said he was the target of racists in his uphill battle to win Senate confirmation as surgeon general.

Speaking Sunday at his church in Nashville, Tenn., the gynecologist said he is angry with "white, right-wing extremists that are using my nomination to achieve their radical goals."

His comments were directed at groups like the conservative, Washington-based Family Research Council, which said he served on a board in Alabama that was involved in experiments in which black sharecroppers were not treated for syphilis. The council did not return telephone calls seeking reaction to Dr. Foster's statement.

He made a similar statement in a recent speech to George Washington University students when he said that his practice "includes performing illegal abortions when it's necessary."

No one yesterday criticized Dr. Foster's injection of race into the debate on his nomination. Some Republicans remarked on the contrast of White House reaction of Dr. Foster's statement and the recent remark of House Republican leader Dick Armey of Texas, who referred to Rep. Barney Frank, Massachusetts Democrat, as "Barney Fag."

Instead, the participants in the debate over Dr. Foster have focused on charges from the White House that they are radicals.

"We are not 'right-wing extremists' as Vice President Gore and Dr. Foster smear us as, but thousands of concerned parents and pro-life women who question Foster's medical ethics and record," said Beverly LaHaye, president of Concerned Women for America.

She and dozens of other groups have expressed concerns over Dr. Foster's changing tabulations on the number of abortions he has performed over his 37-year medical career and his practice in the 1970s of sterilizing retarded women.

Colleague Says Clinton Nominee Learned of Syphilis Study in 1969

By NEIL A. LEWIS
Special to The New York Times

WASHINGTON, Feb. 27 — The former president of the medical society in Macon County, Ala., said today that he was certain Dr. Henry W. Foster Jr. was present at a 1969 meeting in which a small number of local doctors were informed of the infamous Tuskegee experiment, in which black men were denied treatment for syphilis in order to study the disease.

Dr. Luther C. McRae said in an interview that Dr. Foster, an obstetrician-gynecologist who is President Clinton's choice to be Surgeon General of the United States, learned some details of the experiment at the 1969 meeting. Dr. McRae said that like all the doctors present that day, including himself, Dr. Foster did not express any moral qualms about the study. At the time, Dr. Foster was chairman of the department of obstetrics and gynecology at Tuskegee University.

Dr. Foster has emphatically denied knowing anything about the experiment until 1972 when it was publicly disclosed.

White House officials have said they believe Dr. McRae's memory is flawed about the 26-year-old events.

Michael D. McCurry, the White House press secretary, said today that Dr. Foster's nomination would be sent to Capitol Hill soon, possibly this week, and that the physician would make more courtesy calls on senators on Wednesday.

On Sunday, Dr. Foster appeared at the First Baptist Church Capitol Hill and asked the congregation for prayers, "to fight the latest attack from the white right-wing extremists that are using my nomination to achieve their radical goals."

Mr. McCurry said today that Dr. Foster did not mean to include the word "white" in the speech.

The experiment, formally called "The Tuskegee Study of Untreated Syphilis in the Negro Male," was begun in 1932 by the United States Public Health Service. It involved approximately 400 black men, almost all sharecroppers from around Tuskegee and Macon Counties in Alabama, who were denied treatment so doctors could observe how the disease progressed.

Senator Nancy Landon Kassebaum, a Kansas Republican who is chairwoman of the Senate Labor and Human Resources Committee, which will consider the Foster nomination, has said that the Tuskegee experiment was, "one of the most tragic episodes in the history of the Public Health Service." She said she had instructed her staff to investigate "what role, if any, Dr. Foster played in this experiment."

Dr. McRae, who now practices obstetrics and gynecology in Mt. Vernon, Ga., said he was astonished that Dr. Foster had denied being at the meeting. Dr. McRae said he recalled the event in much detail because it was not held at the normal meeting place at Tuskegee University but instead at a restaurant a few miles outside Tuskegee. He said that Dr. Foster, who was the society's vice-president, sat two or three chairs to his left.

Dr. Foster railed against the experiment publicly when it was disclosed by press reports in 1972 and was instrumental in seeing that the subjects received immediate treatment.

Dr. McRae said that he was baffled, "in 1972 when Hank acted quote, outraged, unquote, about this because he had been at the meeting himself when we learned of it three years before."

An issue that Republicans say raises additional questions of credibility.

Dr. McRae said that Dr. Foster should have admitted being at the 1969 meeting and just said that he behaved like everyone else. "That would have been a better way to handle it," he said. Dr. McRae said that he often used Dr. Foster to consult on difficult cases and has always regarded him as a fine person and doctor who would make an excellent surgeon general.

Another physician who was at the meeting, Dr. Howard Settler, an ophthalmologist, said he was unable to say whether Dr. Foster was present. Dr. Settler said that no one objected to the Tuskegee experiment because the officials portrayed it in vague terms and did not ask for anyone's approval. "It was just like getting a report from a state health agency, a kind of update," he said.

Dr. John Hume, a surgeon who was an officer in the medical society, said he too could not recall if Dr. Foster was at the meeting.

The issue of whether Dr. Foster attended the 1969 meeting may be crucial in shaping the confirmation debate. Republican opponents of the nomination like Senator Don Nickles of Oklahoma said it further casts doubt on Dr. Foster's credibility. Dr. Foster had previously given varying answers as to how many abortions he had performed over his career.

Republican opponents are hoping the battle will be waged on the issue of credibility while White House strategists would rather it be directly on abortion.

White House officials have said that such an approach would put the Foster opponents in the position of objecting to the performance of legal abortions, a position they say is acceptable to most Americans.

According to the book "Bad Blood" by James H. Jones (Free Press, 1981), the Public Health Service began to worry in 1969 that the long-running experiment could be portrayed as inhumane. The minutes of one meeting, Mr. Jones said, showed that the service's senior officials thought that obtaining the approval of the local medical society would help buffer them from criticism.

224-3533

Message on spending cuts: Don't cross line

By Mimi Hall
USA TODAY

Budget-cutting Republicans in Congress can claim the approval of most people as they reduce federal programs from welfare to the arts.

But a majority urges caution as the GOP wields its knife against the deficit, especially when it comes to programs that affect children and crime.

And they don't want cuts in sacred health-care programs or Social Security.

"The bottom-line message is, 'The direction is fine; just don't go too far,'" says Republican pollster Neil Newhouse. "Americans do want the federal government to be cut back ... to make it more efficient."

A new USA TODAY/CNN/Gallup Poll finds more than three-quarters of Americans want to avoid "significant" cuts in Social Security and Medicare, the health-care program for the elderly.

Two-thirds also want Medicaid, the health program for the poor, protected.

But when it comes to welfare programs in general, nearly two-thirds say spending should be cut to reduce the deficit, unless the cuts hit kids.

Although Republicans debating welfare reform decided last week to save food stamps, most people polled, 60%, said that program could be cut.

But when asked about the school lunch program, which a House committee has recommended replacing with grants to the states, more than two-thirds said protect it.

"Americans are especially concerned about the vulnerability of kids," Newhouse says.

And about crime.

House Republicans have voted to eliminate $8.8 billion earmarked in last year's crime law for paying the salaries of 100,000 more police officers.

Instead, the GOP plans to offer communities $10 billion in grants to use as they wish for police or prevention. But 68% of those polled oppose major cuts in funds for police hiring.

"The Republicans now have a job cut out for them to explain how their program will mean more cops," says Stephen Hess of the Brookings Institution.

On defense, President Clinton has proposed modest cuts; 53% say cuts should be made to attack the deficit.

▶ Poll results, 6A



By Tim Dillon, USA TODAY

FOSTER: Says 'white right-wing extremists' remark was a 'slip of the tongue'

Poll: 48% favor Foster confirmation

Despite continuing controversy over the nomination of Henry Foster for surgeon general, 48% of Americans say he should be confirmed.

A USA TODAY/CNN/Gallup Poll finds 26% say the Senate should reject him.

The White House this week sends the formal nomination to Capitol Hill, where Foster needs confirmation by the Senate.

Foster first ran into opposition after acknowledging he had performed 39 abortions. Then conservatives charged that in 1969, he knew about, and did nothing to stop, a study that withheld treatment from black men with syphilis.

Foster denied the accusation and blasted "white right-wing extremists" for trying to sink the nomination.

Monday, White House spokesman Mike McCurry said Foster did not mean to use the word "white," calling it a "slip of the tongue."

The poll also found 80% don't think a doctor who has done legal abortions should be disqualified from becoming surgeon general.

Weighing the basics of a balanced budget

The proposed constitutional balanced budget amendment, facing a Senate vote today, has been called a formula for disaster by opponents and a panacea for deficit reduction by supporters.

Q: What does the amendment require?

A. It would create an iron-clad requirement that Congress and the president deliver a balanced budget each year.

Q: Why is this so important?

A. The federal government has been running a $200 billion shortfall every year, which has added up to a $6 trillion deficit. The government borrows cash in the form of treasury bonds to pay for the debt, and taxpayers ultimately must pay off the debt with interest.

Q: Why are many economists opposed?

A: They warn that a balanced budget amendment could block the nation's automatic "economic stabilizers," forces that keep the economy in balance.

Q: How do those work?

A. When the economy is slowing or in recession, the federal government spends more to help with things like food stamps and unemployment benefits. The government spending stops the freefall of the economy, helping, for example, to stave off personal bankruptcies and home foreclosures. But while the pain of recession is softened, the increased spending, coupled with less federal tax revenue, drives up the budget deficit.

Q: Doesn't the amendment provide for emergency spending?

A. Yes. In an emergency, such as a major economic recession, war or natural disaster, a three-fifths vote of Congress could authorize deficit spending. Supporters say this will maintain the economic stabilizers.

ON OPPOSITE SIDES



By John Duricka, AP



By Paul T. Whyte, USA TODAY

'NAY' AND 'YEA': Democratic Sen. Robert Byrd, D-W. Va., left, is among the main opponents of a balanced-budget amendment. Republican counterpart Orrin Hatch, R-Utah, is one of the chief sponsors.

Q: What do opponents say to that?

A. Many economists fear those automatic stabilizers might never be used, or would be applied too late to do any good, if the government had to wait for a difficult three-fifths vote of Congress.

Further, some experts warn that under a balance budget requirement, in times of recession Congress would have to cut spending and raise taxes to make ends meet. This could push the economy into an even deeper recession, they say.

Q: Is a constitutional amendment necessary?

A. Supporters argue that only a constitutional amendment can force Congress to make the tough choices in spending and taxes to bring down the deficit and balance the budget. Previous laws have failed to block deficit spending.

Q: What happens if it passes the Senate?

A: To be ratified, three-quarters of the state legislatures (38 states) must pass the measure within seven years.

Q: At that point, will there be other problems?

A. It's assumed that groups and individuals whose entitlements are cut to balance the budget will bring lawsuits challenging what Congress defines as a balanced budget. The budget process is not a science. It is built on myriad economic forecasts predicting the growth of the economy, anticipated tax revenues and expenditures.

TUESDAY, FEBRUARY 28, 1995 · USA TODAY

a score of amendment backers and their aides, engaged in animated conversation.

After about five minutes, the talks continued in the GOP cloakroom just off the Senate floor. From there, Conrad emerged and quickly entered the Democratic cloakroom.

As most senators milled about, about 45 minutes elapsed before the likelihood of reaching a compromise apparently faded and Dole asked for a recess until Wednesday morning.

Earlier in the day, veteran senators marveled at the looming cliffhanger taking shape a rare occurrence, they said, particularly since the amendment had been debated in excruciating detail for 116 hours over a month.

``The last time it was this close and this uncertain was on Clarence Thomas," said Sen. Christopher Dodd, D-Conn., referring to the Senate's 1991 vote on the Supreme Court nominee, whose confirmation was in doubt right down to the wire.

(Optional add end)

The day began with Sens. Sam Nunn, D-Ga., and John B. Breaux, D-La., announcing back-to-back that they would vote for the amendment, bringing amendment backers within one vote of passage.

The two senators said their decision came after the GOP agreed to include language to bar federal judges from ordering tax increases or spending cuts to enforce the amendment. The wording, Nunn said, allayed his concerns that unelected judges would intervene in budget disputes by ordering tax increases or spending reductions.

``It is enormously important we have a mandate in the Constitution of the United States to get this budget, get this fiscal house in order," Nunn said. ``Nothing else has worked."

The 11th-hour concession to Nunn and Breaux indicated to the GOP senators that theydid not have the votes to pass the amendment. For more than a month, Senate Judiciary Committee Chairman Orrin G. Hatch, R-Utah, the amendment's floor manager, had successfully fought off attempts to carve out any exemptions, arguing that it would set an unwise precedent.

Having made that concession, Hatch's resolve may be further tested by several other Democratic demands.

There has been a budget deficit every year since 1969.

House GOP Adds New State Provisions to Welfare Reform (Washn) (c) 1995, Los Angeles Times=

WASHINGTON Responding to pressure from Democrats and the Clinton administration, House Republicans revised their welfare reform measure Tuesday to force states to require more welfare recipients to hold jobs.

The newest draft of the sweeping reform proposal, being considered by the Ways and Means Committee, requires that 50 percent of a state's welfare population must hold jobs by the year 2003.

The version approved by the Ways and Means subcommittee on human resources required that only 20 percent be working by 2003.

Two new provisions were also added to the GOP welfare package.

One would increase a state's federal grant by 5 percent for reducing out-of-wedlock births provided abortions do not increase by the same amount.

Another would prevent states from showing bias in federally subsidized adoption or foster care placements. For instance, a social worker would be prevented from waiting for a black family to adopt a black child if a family of another race was ready to adopt the child.

Doctor Claims Foster Did Not Object to Syphilis Study in '69(Washn) By Marlene Cimons= (c) 1995, Los Angeles Times=

`WASHINGTON The physician who was president of the Macon County, Ala., Medical Society in 1969 insisted Tuesday that Surgeon General-designate Henry Foster Jr. was present at a meeting in which a controversial syphilis study was discussed, and said Foster expressed no opposition to the research at the time.

``I know he was there," said Dr. Luther C. McRae Jr. ``He just looked up at the ceiling, leaned back in his chair and kind of rolled his eyes it was clear he was dismayed by what he was hearing, but he voiced no objections."

When questions first arose about the study last week, Foster denied any knowledge of it before 1972, when it was publicly disclosed nd condemned as a breach of medical ethics. He said he shared the feelings of outrage over the experiment, which deliberately denied medical treatment to a group of illiterate black men suffering from syphilis so scientists could study the effects of the disease.

The White House also disputed McRae's recollections Tuesday, saying his account is contradicted by the facts surrounding the 1969 meeting. Both sides acknowledge, however, that minutes of the session have either been lost or destroyed.

Allegations that Foster gave tacit approval to the now-condemned study are the latest in a series of questions being raised about his record and veracity. Within hours of his nomination last month, he was forced to correct a statement that he had performed fewer than a dozen abortions over his 38 years as an obstetrician-gynecologist, acknowledging that the number was several times that. Shortly thereafter, critics challenged the practice, not uncommon in the early days of his career, of performing hysterectomies on mentally retarded women.

The nomination in peril, the White House has waged an unusual campaign, arranging speaking engagements and other public appearances for Foster in an effort to win favorable votes when his nomination is voted upon by the Senate.

McRae's allegation, first circulated on Friday, provoked an angry response from Foster, who, in a speech Sunday to the First Baptist Church Capitol Hill accused ``right-wing extremists" of attacking his nomination. McRae elaborated on his recollection of the meeting in a letter released Tuesday on his behalf by the conservative American Life League.

In a subsequent interview, McRae said he was surprised at Foster's denial and at his criticism of the study.

``I said to myself: `Gosh, Hank, why are you raising so much hell now when you could have raised hell at that meeting in 1969?' " McRae said.

The study, sponsored by the Public Health Service, was begun in 1932 on 412 men used as human experiments in the study of syphilis.

Revelations of the study in 1972 were pivotal in establishing the concept of ``informed consent," which requires full disclosure to patients and research subjects of the risks and benefits of a treatment or experiment.

(Optional add end)

John Podesta, an assistant to President Clinton, said that when McRae was first interviewed, his recollections ``on a number of points ... (were) all inconsistent with the facts, as established by documentary evidence."

Podesta said the White House was ``uncertain" of McRae's motives for disputing Foster's account. ``But it's not surprising that there's some confusion and mixing of memories after 26 years," Podesta said.

Foster had ``stated unequivocally" that he knew nothing of the study until 1972, he said.

```His whole life's work testifies to the fact that had he known about this study before that, he would have done what he did in 1972, which was to call for its end, and the immediate treatment of the men who were still alive," Podesta said.

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THE WASHINGTON POST
WEDNESDAY, MARCH 1, 1995

Foster Is Official Nominee as Papers Go to Congress

By John F. Harris
Washington Post Staff Writer

President Clinton yesterday sent the official papers nominating Henry W. Foster Jr. for surgeon general to Capitol Hill, a formality that will allow confirmation hearings to be scheduled—although Foster's appearance is likely to be a month or more away.

Sen. Nancy Landon Kassebaum (R-Kan.) said last month that she hoped Foster's confirmation hearing could take place before the Labor and Human Resources Committee, which she chairs, by mid-March. But a Kassebaum spokesman backed away from that date yesterday, and administration officials said they expect the hearing in late March or early April.

Although Clinton said a month ago that he planned to name Foster as Joycelyn Elders's replacement, it did not become official until the nomination papers were sent to Congress.

Nominations are not sent formally to Capitol Hill until FBI background checks are complete. Although administration officials were caught flat-footed by news that Foster—an obstetrician-gynecologist—has performed, by his estimate, 39 abortions, the official check apparently found nothing more to give them pause.

Antiabortion groups, meanwhile, are fuming at Kassebaum and other Republicans for their decision not to allow anyone but Foster and members of Congress to appear at the confirmation hearing. The decision means that opponents will not have a visible platform from which to fire away at Foster.

"I wonder exactly what the Republican majority in the Senate is trying to conceal," Judie Brown, head of the Virginia-based American Life League complained in a statement. "Is placating President Clinton and his fascination with abortion more important than listening to the representatives of millions of pro-life Americans during the confirmation hearings?"

Joel Brown, a spokesman for Kassebaum, said she was simply following tradition for the Labor Committee during nomination hearings.

Foster, according to White House officials, will head to Capitol Hill today for meetings with Sens. Tom Harkin (D-Iowa), Olympia J. Snowe (R-Maine) and Paul Simon (D-Ill.).

John Podesta, the administration official who is helping guide the nomination process, said the office visits with senators have helped soften some of the opposition.

"I think he has a great story to tell," Podesta said. "We would like an early hearing so we can wash away some of the distortions."

ON CAPITOL HILL

Judiciary Committee Sends Modified Amendment on Term Limits to House Floor

The House Judiciary Committee yesterday sent to the House floor a proposed constitutional amendment to limit congressional tenure to 12 consecutive years in each chamber, a Republican campaign promise that a leading sponsor conceded has "little chance" of being approved.

Several senior GOP members, including Judiciary Committee Chairman Henry J. Hyde (Ill.), indicated little enthusiasm for a term-limits amendment during a sparsely attended meeting where aides and reporters outnumbered two dozen spectators.

The constitutional amendment was sent to a floor vote later this month without a recommendation.

The Senate Judiciary Committee has endorsed a similar but stricter amendment that would impose a lifetime limit of 12 years in the House and 12 in the Senate.

Any such constitutional amendment would need a two-thirds vote in the House and Senate to go to the states for ratification.

The House committee added Republican-sponsored language making the limits apply only to consecutive terms—two in the Senate and six in the House. Rep. Bill McCollum (R-Fla.), the amendment's chief sponsor, complained that the change would allow "mischief," such as a lawmaker having a spouse run to interrupt consecutive terms.

A Democratic amendment to make the term limits apply to senior House members at the next election was narrowly defeated. McCollum said it was "a very definitely killer type of amendment" that would ruin "what little chance we have of prevailing on this issue."

Paul Jacob, director of U.S. Term Limits, denounced the revised amendment as a "complete fraud" because it would allow lawmakers longer tenure than 21 states have approved for their representatives.

—Kenneth J. Cooper

Medicare Voucher Idea Debated

■ Two health care economists clashed yesterday at a Senate Finance Committee hearing over how much the government could save by giving Medicare recipients vouchers and allowing them to buy coverage from private health maintenance organizations or through other insurers.

Former Medicare administrator Gail R. Wilensky argued that because private sector health plans are now outperforming Medicare in holding down cost increases, the government should opt for a voucher-like system.

Although from 1983 to 1991 private sector costs rose more rapidly than Medicare costs, Wilensky said, from 1991 to 1993 "Medicare has grown substantially faster, 6.5 percent versus 4.7 percent in real spending per capita." She said a recent survey "indicated that for all firms health care premiums declined 1.1 percent" in 1994.

But Commonwealth Fund president Karen Davis said the government should move gingerly before jumping into a voucher system. "In any one year, the numbers can jump around; it's better to take a look over a longer period," she said.

The voucher policy is favored by House Ways and Means Medicare subcommittee Chairman Bill Thomas (R-Calif.). He sees it as a way to reduce Medicare growth and help balance the federal budget by 2002.

Finance Chairman Bob Packwood (R-Ore.) has said $400 billion will have to be cut from Medicare and Medicaid over seven years to reach that goal and slow the rapid growth of Medicare, which is projected to go bankrupt.

Sen. Daniel Patrick Moynihan (D-N.Y.) said yesterday that new actuarial projections will put the bankruptcy in 2004 rather than 2001, the year generally cited.

—Spencer Rich

The Washington Times

WEDNESDAY, MARCH 1, 1995

Doctor disputes Foster claim on study

Double standard in media seen over Foster gaffe

By Rod Dreher
THE WASHINGTON TIMES

When is an unintentional slur news?

It depends on the race and politics of the slurrer and the slurred, say conservative media critics, who assert that Surgeon General nominee Dr. Henry Foster is benefiting from a media double standard.

In January, when House Majority Leader Richard Armey referred to his Democratic colleague Barney Frank as "Barney Fag," he called it a slip of the tongue and promptly apologized.

It was major news on the evening newscasts and in the major print media. Syndicated columnists chewed over the gaffe for days, and The New York Times editorial page even called for his ouster from his leadership post over the flap.

On Sunday, Dr. Henry Foster, speaking before a black church audience in Nashville, departed from his text and attacked "white right-wing extremists" for trying to stop his nomination.

The next day, White House spokesman Mike McCurry said Dr. Foster "misspoke" by adding the word "white" to his prepared remarks. "It was a slip of the tongue," Mr. McCurry explained.

The Washington Times gave the gaffe front-page play, but it did not get major attention in the media. The Washington Post and USA Today ran a short item inside. There was no mention in the New York Times.

Some conservatives consider the Foster remark incendiary because it drags race into the vitriolic fight over his nomination and implies that the Nashville obstetrician's opponents are driven by racist motives.

"They have been treated differently; I don't think that is unusual," said John Sheehan of the Center for Media and Public Affairs.

Mr. Sheehan said liberal black public figures can get away with remarks that would not be tolerated by the media if uttered by others. He noted recent statements by the Rev. Jesse Jackson and Rep. Charles Rangel, New York Democrat, likening their political opponents to Nazis.

"Jesse Jackson has been known to make comments that if



Dr. Henry Foster

others had said them ... would be considered anti-Semitic and racist. Yet his remarks are treated differently," he said.

Tim Graham of the Media Research Center said many reporters and editors grant blacks more leeway in attacking whites because whites are not a historically oppressed minority.

It's also likely, said Mr. Graham, that most reporters have a positive impression of Dr. Foster, a black physician who has been associated with Planned Parenthood and other favored liberal causes, and a negative one of Mr. Armey, a deeply conservative Texas Republican who is white.

"There's a feeling that Foster is basically a good guy, but Armey is a white Republican from Texas, so he must be a homophobe," said Mr. Graham.

Mr. Graham said the Jan. 27 episode of CNN's "Crossfire" shows what he's talking about. According to a transcript of the program, liberal Newsweek correspondent Eleanor Clift said the Armey slip "feeds into a larger impression about Congressman Armey, and that is that he gives mean-spiritedness a bad name."

Another guest, U.S. News & World Report's Michael Barone, said if House Democratic leader Richard Gephardt had made a similar remark, chances are the reporter he said it to would have pocketed the tape and not made it public, as the reporter who interviewed Mr. Armey did.

"If somebody pocketed the tape with Dick Gephardt, it wouldn't be because they were protecting Dick Gephardt," said Miss Clift. "It would be because they could not imagine him taking this kind of position."

Says nominee had no objection to not treating syphilis patients

By Joyce Price
THE WASHINGTON TIMES

A former head of an Alabama medical board yesterday disputed Dr. Henry W. Foster Jr.'s claim that he learned of a federal study in which hundreds of syphilis patients were left untreated only after the study ended in 1972.

Dr. Luther C. McRae Jr., now a family physician in Mount Vernon, Ga., said Dr. Foster, President Clinton's embattled surgeon general nominee, attended a Macon County Medical Society meeting on May 19, 1969, in which federal health officials discussed the controversial Tuskegee Syphilis Study and expressed their interest in getting permission to continue it.

Dr. Foster "voiced no objection to the continuation of the study," Dr. McRae said in a letter released yesterday.

Dr. McRae's disclosures could pose yet another roadblock for the Foster nomination, which the White House sent to the Senate yesterday.

White House spokesman John Podesta said, "We have nothing against Dr. McRae ... but his recollections about how the meeting was set up, the nature of the study and Dr. Foster's role following disclosure of the study are all inconsistent with documentary evidence."

In a statement Friday, Dr. Foster said he was "outraged" when he "first learned" of the study in 1972. He was president of the county medical society at that time.

"I was concerned and shocked to read in the papers in 1972 at how outraged Hank [Foster] was when he was asked about the study by members of the press. ... I was wondering why he was getting so upset then, when he was at the meeting three years before" where details of the study were disclosed, Dr. McRae, 61, said in a telephone interview.

In the study, conducted by the U.S. Public Health Service from 1932 to 1972, about 400 black sharecroppers with syphilis were denied medical treatment. They remained untreated even after penicillin became widely available because researchers wanted to see how the venereal disease progressed.

Dr. McRae recalled what went on in the 1969 meeting in a letter sent yesterday to Jerry Horn, reporter for the American Life League's pro-life magazine, Celebrate Life.

"At this meeting, we were apprised, myself and everyone there included, of the ongoing syphilis study that began in 1932 and [that] was to run over a 40-year-period," Dr. McRae wrote. "This study consisted of a double blind study of treated and untreated male syphilis patients."

The Public Health Service officials who made the presentation were "very upfront" about the research, Dr. McRae said in a phone interview. "We were very deeply shocked ... since no one [in the medical society] previously knew about this study."

The Georgia doctor's recollections confirmed information about the 1969 medical society meeting contained in a 1972 article in the Montgomery Advertiser, an Alabama newspaper, and a 1981 book, "Bad Blood," by Texas historian James H. Jones.

According to the book, two PHS officials, Dr. William J. Brown and Dr. Alfonso H. Holguin, informed members of the medical society about the study and won their full approval to continue with it.

As the book indicated, Dr. McRae said the federal officials provided a list of patients still remaining in the study and directed the doctors not to treat them for syphilis.

Dr. McRae said five of the persons on the list were his patients. He said he had personally treated three of them for syphilis during prior hospitalizations.

By 1992, 28 men in the study had died of the disease.

The New York Times and National Public Radio were first to report Dr. McRae's comments. The Times said it had reached two other members of the medical society — Dr. Howard Settler, an ophthalmologist, and Dr. John Hume, a surgeon — but they were not able to say whether Dr. Foster attended the meeting in question.

Dr. McRae said he was one of only two whites in the Macon County Medical Society in 1969.

The White House has suggested that Republican attacks on Dr. Foster, a black, are driven by racism. Dr. Foster characterized opponents of his nomination as "white right-wing extremists" in a speech at his church in Nashville Sunday.

But Dr. McRae said Dr. Foster knows "I'm not a racist." He pointed out that he "integrated the Macon Medical Society" and reeled off a long list of other organizations and activities in which he was the first white member or participant.

THE WASHINGTON POST
THURSDAY, MARCH 2, 1995

Willard Gaylin and Allan Rosenfield

Medical Morality: When Consent Is Not Informed

Every week seems to bring a new undocumented assault on the character of Dr. Henry Foster, the U.S. surgeon general nominee.

In response to the disclosure that in 1974 Foster performed a "small number" of sterilizations on severely retarded women (four seems to be the number), Charles Krauthammer asked whether it was "ethical to perform surgery and permanently sterilize women in no position to give consent" [op-ed, Feb. 17]. Krauthammer, who is not only a respected journalist but also a physician with a well-known interest in and sensitivity to moral problems in medicine, raised precisely the right question. Unfortunately he came to an uncharacteristically simplistic judgment.

Medical ethics in this most individualistic of all modern cultures has been "autonomy"-driven. Informed consent is at the heart of it. But with the seriously mentally impaired, consent itself can be immoral—if not impossible—to obtain. For example, one would not allow a significantly impaired person to sign away her fortune and her security. Nor, by the same token, should she be allowed to make major decisions that infringe on her health and survival. Whether she is to be subjected to an amputation, a coronary bypass or a sterilization procedure will all be decided by others.

In the case of the mentally impaired, we are forced to violate a cardinal principle of medical ethics: We abrogate her authority to decide for herself, assigning this right to others—the family or institutions of society and the state.

Sterilization procedures have traditionally aroused anxiety and distrust, particularly since the World War II horrors of Nazi "eugenics" and the complicity of German doctors in racial experiments. So strong was the fear of eugenics that even authentic research in genetic influences on behavior was viewed with distrust. As distinguished a biologist as E. O. Wilson was assaulted by some of his colleagues as a fascist for daring to present the data (suggesting that human beings, like insects, have genetic directives) that have since built his reputation as one of the great and humane scientists of our day.

Taking Exception

But in the 1970s a counter-trend emerged. The civil rights movement had become a model for many disenfranchised populations other than African Americans, among them the handicapped. Consumer advocacy groups were being formed. The rights of the mentally retarded were freshly reasserted by organizations formed to defend them, which questioned even the definition of retardation. Mainstreaming became the order of the day.

Oddly enough, this new attitude created an atmosphere in which such extreme measures as permanent sterilization for the retarded were discussed in terms of their beneficence and as promoting the rights of the individual. The argument was that they would offer retarded persons an opportunity to participate in the new sexual freedom, unfettered by fears of pregnancies and child-rearing, which they might not be able to manage.

All this is by way of pointing out that what was morally correct and incorrect had hardly been settled by 1974, when Dr. Foster performed his operations. The law was confused, the philosophical community was divided, and the medical community was uncertain. Even the advocacy groups for the mentally retarded were deeply divided.

So great was the confusion that in 1976 a grant was given by the National Science Foundation to the Hastings Center (a nonpartisan, nondoctrinaire research institute concerned with society, ethics and the life sciences) to convene a group of scholars and advocates to help sort out the moral contradictions in this complex area.

The nature of that ethical discourse is too extended to be encompassed in this article, but a number of variables obviously would determine moral justification for sterilization procedures: Who initiated it, the government or the individual's family? If the government, what section: the punitive branch of the Justice Department in a criminal case or some paternalistic (although not necessarily more to be trusted) institution of mental care?

Also to be considered: Things done to a person to serve her interest are judged by different standards from those done her in the interest of her family, other like individuals, the institution or the state. Moral dilemmas exist under all these conditions, and the proper resolutions in each case may be entirely different.

In that debate a distinguished liberal philosopher argued that sterilization of mentally retarded persons would be morally ***mandated*** if it would "enhance their position in the moral community" by facilitating their living together at home or in small communities outside traditional institutions. We do not have to accept that particular argument, but what is clear to those of us who were privy to these discussions is that the moral question was not settled then, as it is probably not settled now. It is particularly unjust to equate a doctor who performs sterilization procedures for therapeutic reasons—even if you feel he is misguided—with doctors who participated in radiation experiments on unconsenting, unsuspecting subjects during the Cold War years, let alone the obscene Nazi camp experiments.

Krauthammer argues that "sterilization of the mentally infirm is a morally problematic procedure"; with that we heartily concur. But it is clearly immoral (nothing problematic here) to impugn the ethical character of Henry Foster on the basis of sterilization procedures he has performed or, for that matter, on abortions he has performed.

People of goodwill and good heart are entitled to hold differing views on emotionally charged social issues (in-vitro fertilization, assisted suicide, organ transplants, genetic engineering or, for that matter, divorce, capital punishment and gun control) without being demonized. For the Senate to form a judgment on Dr. Foster's character on the basis of his having performed such procedures would be indefensible and indecent.

Willard Gaylin is professor of psychiatry at Columbia University and co-founder of the Hastings Center. Allan Rosenfield is dean of the Columbia School of Public Health.

The Washington Times
THURSDAY, MARCH 2, 1995

JOHN LEO

Foster furor bears a reminder

The nomination of Dr. Henry Foster is the best news in years for people who oppose abortion on moral grounds. To the amazement of both sides of this long dispute, it has revealed that a great many Americans really don't think an abortion practitioner ought to be surgeon general.

Especially since C. Everett Koop served in this office, it has become clear that the main function of the office of surgeon general is moral exhortation. On the basis of popular reaction to this nominee, the nation wants its medical preaching done by someone who comes to the job with cleaner hands than Henry Foster.

The public's resistance to Dr. Foster is based on a very simple premise: that an administration stacks the deck in favor of abortion when it names an abortionist to a job known primarily for its moral preaching.

Proponents of abortion have been blindsided by this, largely because they came to believe their own press releases that only a tiny fringe of "out of the mainstream," "anti-choice" zealots still resist the hardening pro-abortion consensus.

What the pro-choicers rarely acknowledge is that the nation is much more troubled than that about abortion. Depending on how the pollsters frame their questions, up to 75 percent of Americans have moral objections to abortion on demand. Because Donna Shalala and her staff don't seem to know any of these people, they think what everyone in their circle thinks: Abortion is a non-issue now.

This is a bit like the embarrassment suffered by The Washington Post when it failed to notice a huge anti-abortion rally a few blocks away because nobody on staff seemed to know anyone who planned to attend. In some tight little circles, it takes a huge act of imagination to notice what the rest of America thinks.

The public's resistance to Dr. Foster is based on a very simple premise: that an administration stacks the deck in favor of abortion when it names an abortionist to a job known primarily for its moral preaching.

This reaction has been obscured, in part, by Dr. Foster's apparent inability to come clean on the number of abortions he has performed, and by the news that he performed some other ethically dubious operations before 1974: the sterilization of four healthy but mentally retarded women.

But this has just reinforced the strong feelings about Dr. Foster: It has associated abortion with furtiveness, evasiveness, and an apparently casual attitude about involuntary sterilization.

Dr. Foster is not going to be surgeon general, but his nomination has accomplished two things: It assures us that the next surgeon general will be someone who has no record of performing abortions, and it opens the door to the use of stigma as an organized anti-abortion tactic.

Stigma doesn't get very good press in America. The left keeps insisting it is an attempt by the powerful to assail the behavior of the powerless. But the left conducts stigma campaigns of its own all the time — against smoking tobacco and wearing wearing fur, for example. We are on the brink of a broad effort to restigmatize easy divorce and the intentional bearing of children out of wedlock. Why not a campaign to stigmatize something even more dubious: solving a problem by killing a developing form of human life?

Some anti-abortion activists have been pursuing a stigma policy by publicizing the names of abortion doctors. Nothing wrong with that, unless the effort veers over into the harassment of families and threats against doctors' lives. It's probably true that many doctors have stopped performing abortions out of fear of quasi-terrorist tactics against them. But many more doctors are shying away because of the stigma.

The truth is that abortion is generating a generally bad odor in the medical profession, in large part because doctors understand very well that it is a morally dubious procedure. Dr. Ralph Hale, executive director of the American College of Obstetricians and Gynecologists, estimates that more than half of the group's 35,000 members have performed abortions in the past, but only a third are doing abortions now. That would be roughly 5,000 OB-GYNs who have stopped doing abortions. Some are older doctors with patients past their childbearing years. But these older doctors are not being replaced by younger ones as eager to do abortions. Is this because they are all terrified of anti-abortion violence, or is the shame of performing this operation beginning to take a heavier toll?

The current effort by pro-choicers to force medical students to learn how to perform abortions is a way of saying that the money to be made in performing abortions is not drawing enough doctors into the field.

Anti-abortion forces would be better off abandoning harassment at the clinics and the futile efforts to get an anti-abortion amendment or Supreme Court ruling. What we need is steady moral pressure, built around stigma, to reduce the number of abortions and to depict abortion as a primitive form of violence that society will eventually outgrow, just as it outgrew infanticide and slavery.

This would mean no state funds at all for abortion, and no more state-supported abortion festivals like the population conference in Cairo. The state would have to stay totally neutral, and not pretend, as it did in the foolish Foster nomination, that the issue is somehow behind us.

John Leo is a contributing editor of U.S.News & World Report and a nationally syndicated columnist.

WINNERS & LOSERS



JEFF SLOCOMB—OUTLINE

MAYA ANGELOU
Her 1970 *Caged Bird* bio begins third year as Inauguration-propelled best seller

CATSUP
Condiment newly prominent as Dems hit G.O.P. school-lunch plan

KELSEY GRAMMER
Frasier ratings hit new high; underage-sex allegations tossed out

JIMMY CARTER
Br-r-r-r! September's hero gets a chilly response on his return to Port-au-Prince

THE 1980S METS
Article portrays them as chemically dependent underachievers

CBS TELEVISION
Another poke in the Eye—its prez departs for greener pastures



RICK BOWMER—AP

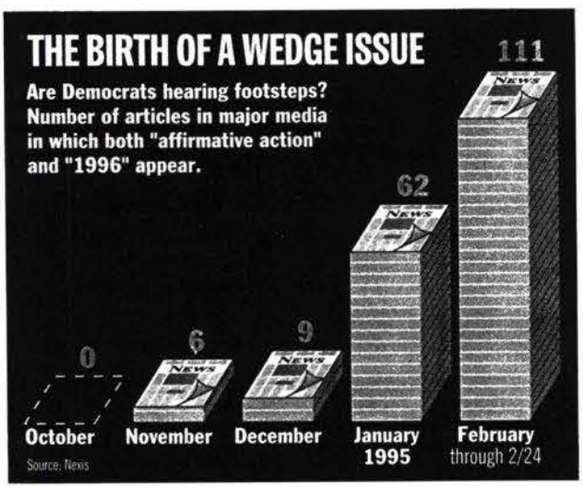
SMILE, YOU'RE ON CANDID CAMERA

"That guy was a homo as sure as you're alive."

—PAT ROBERTSON, DURING A COMMERCIAL BREAK OF A 1992 APPEARANCE ON *LARRY KING LIVE*, COMMENTING ON A CALLER'S CRITICISM OF HIS VIEWS ON AIDS; AS REVEALED IN A NEW DOCUMENTARY ON TV SATELLITE FEEDS

THE BIRTH OF A WEDGE ISSUE

Are Democrats hearing footsteps? Number of articles in major media in which both "affirmative action" and "1996" appear.

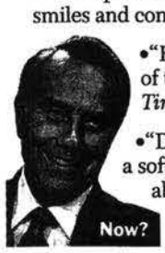


Meet the New Bob . . . Same as the Old Bob?

In national campaigns in 1976, 1980 and 1988, Bob Dole won an enduring reputation as an angry, bitter hatchet man. Now that the 1996 presidential campaign has unofficially begun, the media are full of reports of a "new" Bob Dole, a "kinder, gentler" Bob Dole, a "warm, cuddly, fuzzy" Bob Dole (to use, in the latter case, the Senator's own words). Sound familiar?

CAMPAIGN '88:

- "You're going to see a new Bob Dole." —Dole, quoted in *U.S. News & World Report*, 1/25/88
- "Dole is running mainly on his newly minted persona—softer, less biting ... All smiles and congeniality ... "—TIME, 11/16/87
- "He has shed the meanness of the past ... "—New York *Times*, 11/15/87
- "Dole's recent speeches show a softer side. He talks more about himself ... "—*Christian Science Monitor*, 11/10/87



DENNIS BRACK—BLACK STAR (2)

CAMPAIGN '80:

- "Bob Dole was able to erase part of the hit-man image of his 1976 campaign, which is his purpose."—William Safire, New York *Times*, 1/7/80
- "Bob and Elizabeth Dole are asked about the new Bob Dole by people who seem to have no trouble remembering the old one."—*Wall Street Journal*, 8/22/79
- "Bob Dole portrayed himself as a ... candidate who intended to curb his sharp tongue ... "—New York *Times*, 6/3/79



took turns bashing Bill Clinton and trying to distinguish themselves from one another.

More Questions for Foster
Surgeon General nominee Dr. Henry Foster staved off claims that he knew about a controversial experiment that gave placebos, rather than antibiotics, to black men with syphilis. Foster reportedly was an officer of a local medical board that was briefed on the federal project in 1969; he said he had no recollection of attending that meeting and first heard of—and criticized—the project in 1972, the year it ended. The Washington *Post*, however, cited a doctor who recalls seeing Foster at the 1969 briefing.

Affirmative-Action Review
With a broad range of affirmative-action programs—some of them in place for more than three decades—under fierce attack by the Republicans, President Clinton put his finger to the wind and ordered "an intense, urgent" review to determine which ones work and which ones could be abandoned. One G.O.P. presidential candidate, Phil Gramm, has vowed to end certain major set-aside programs on—he hopes—his first day in office.

In Trouble Again
One of Ronald Reagan's most contentious Cabinet members, James Watt, was served with a 25-count perjury indictment by the independent counsel investigating corruption at the Department of Housing and Urban Development. Watt, a former Interior Secretary, had served as a HUD consultant after leaving the Administration. He denied all charges, saying, "I am trusting God that justice can arise and will prevail."

A Widow Once More
Three days after she was elected chairwoman of the N.A.A.C.P., Myrlie Evers-Williams, widow of civil rights activist Medgar Evers,

WASHINGTON

Foster denounces 'right-wing' agenda



USA TODAY

FOSTER: Under 'extremist' attack

Surgeon general nominee Henry Foster went on the offensive Sunday, accusing "right-wing extremists" 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 without substance," Foster said.

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 untreated syphilis, and that he did nothing about it. Foster said he first learned of the experiment in 1972, was outraged and pressed to get proper treatment for the men.

TRACKING DEADBEATS: President Clinton will sign an executive order today to improve communications between states and the federal government so federal workers, about 105,000, who are dodging child-support bills cannot slip through the cracks in overlapping jurisdictions.

FAVORING BLOCK GRANTS: A Republican proposal to repeal the federal school lunch and other nutrition programs falls slightly shy of being endorsed by a majority of the nation's governors. According to a survey by The Associated Press, among those strongly backing a House bill transferring nutrition and child-care programs to states were 18 Republicans and one Democrat. Ten Democrats were strongly oppsed. The remaining 21 governors expressed uncertainty, avoided the question or demurred.

USA SNAPSHOTS®

A look at statistics that shape your finances

Shrinking budget deficit

The federal government ran a $15.1 billion surplus in January, 0.9% less than the January 1994 surplus. The first four months of fiscal 1995, the deficit shrank 23%.



Source: Treasury Department

By Elys A. McLean, USA TODAY

Much of the work is done

House Republicans pledged to vote on the 10 points in their Contract with America within 100 days of taking office. Today is day 55, and more than half the work is done:

CONTRACT WITH AMERICA UPDATE

▶ **Balanced budget amendment**: The Senate votes Tuesday after four weeks' debate, and the outcome is in doubt. The House passed its version, 300-132, last month; 38 states also must vote to amend the Constitution.

▶ **Line-item veto**: The House voted 294-134 this month to give the president new power to cut spending and tax breaks. The Senate considers competing versions soon.

▶ **Unfunded mandates**: A measure limiting the imposition of federal mandates on state and local governments without funding has passed the House 360-74, the Senate 86-10. It's pending in a conference committee.

▶ **Crime**: The House this month passed six bills amending a $30 billion crime package signed by President Clinton last year. They would increase funds for prisons, reduce funds for police and prevention, restrict death-row appeals, loosen evidence rules and promote tough sentencing. The Senate may take up one bill; Clinton may veto it.

▶ **Defense**: The House this month approved a measure, 241-181, placing restrictions on U.S. participation in U.N. peacekeeping missions and establishing a commission to review defense policy. No action in Senate.

▶ **Regulatory reform**: The House last week voted 276-146 to freeze new federal regulations this year. Another measure requiring federal agencies to assess their risk and cost is up next. No Senate action; Clinton may veto.

▶ **Legal reform**: A key House panel last week approved product liability and legal reforms, setting the stage for House debate early next month on overhauling the justice system to stem civil litigation. No action in Senate.

▶ **Welfare reform**: House leaders watered down tough approach to welfare last week, deciding to keep the federal food stamps program. Committee votes are scheduled this week on the bill, which restricts welfare eligibility and forces recipients to work. No Senate action yet.

▶ **Tax cuts**: Republican leaders this week may unveil their plan to pay for $200 billion in tax cuts, including a $500-per-child tax credit and a 50% cut in capital gains taxes. The tax and spending cuts would be voted on simultaneously in early April. Support is waning in the Senate.

▶ **Term limits**: Measures limiting Senate terms to 12 years and House terms to six or 12 stand the least chance of passage. The contract promises votes on both versions.

Call 7

The measure of a man

In all the controversy, the real Dr. Henry Foster has been lost

Avon Williams III is a commercial banker, a Presbyterian, a conservative Republican who passionately opposes abortion. Yet when it comes to Henry Foster Jr., President Clinton's embattled nominee for surgeon general, Williams is hard pressed to find a word strong enough to capture his outrage. He knows Foster as a family friend, as the obstetrician who delivered his daughter Caroline, as the jovial man who, when Williams was growing up in Nashville, offered to take him for airplane rides. Williams cannot recognize the man he knows in the two-sentence newspaper quotes, the 30-second television spots and the shouts of "liar," "ghoul" and "abortionist." "I'm disgusted by the way Hank Foster's being treated," he says. "Nobody is given the benefit of the doubt for an instant. There's no humanity in it anymore."

Foster may or may not ever become surgeon general; if the abortion issue fails to derail his nomination some new controversy may arise. But among people who know him, among blacks and whites, in small towns and large cities, the viciousness of the past month, the sense that an honorable man has been treated dishonorably, has already added to the growing disgust with the political system and the national press.

"You've got to watch what you say in Washington these days, I guess," says Wayne Summerall, a retired postal worker in Pine Bluff, Ark., where Foster grew up. "By the time they get through with him, he'll look like Satan incarnate—I guess anybody would." Says Nelson Andrews, a Nashville businessman and Foster friend: "It's one more chink that destroys your faith in the armor."

Washington politics has never been polite. But the bungling, distortion and witch-hunt mentality of past weeks have been startling, even in Washington. There is plenty of blame to go around:

■ **The Clinton administration.** The White House appeared totally unprepared for the possibility that an obstetrician-gynecologist might be asked tough questions about abortions, or might even, in the course of a long career, have performed some. Caught by surprise, the administration left its nominee dangling perilously, then was slow to back him up.

■ **The opposition.** Antiabortion groups, armed with computers and fax machines, fed 20-year-old documents to the press and to lawmakers eager to tag Foster with hot-button words such as "abortionist" and "sterilization." Last week, anti-abortion activists generated accusations that Foster approved of the notorious Tuskegee experiments, in which Public Health Service researchers infected black men with syphilis in the 1930s, then left them untreated. They offered no evidence that Foster knew about, much less approved of, the experiments. But the charge found its way onto the network news, leaving Foster once again guilty until proved innocent.

■ **The media.** Anxious not to be beaten on a breaking story, news organizations publicized statements attributed to Foster, sometimes without putting them in context or determining their relevance; they worked harder to chase rumors and dig up tidbits that might make news than they did to assemble a complete, fair and accurate portrait of the man and his work. *U.S. News* shares the blame.

■ **The nominee.** Foster himself seemed dazed by his sudden bath in the limelight. Asked how many abortions he had performed, he offered a number from memory, then revised it after consulting hospital records—a moment of uncertainty opponents instantly turned into a "credibility" issue.

Lost in this process was any real picture of who Foster is or how well his abilities fit the job description of surgeon general. The public has been left to pick its way through a thicket of innuendos, accusations and selective evidence—Foster performed questionable hysterectomies on retarded women; he supports groups that promote masturbation and pornography—with no yardstick by which to judge them.

The yardstick many people in Nashville use is the man they know, a longtime resident, a distinguished physician and a family man who attends the First Baptist

CHICK HARRITY—USN&WR



Speaking out. *The nominee addresses students in Washington.*

Church, Capitol Hill. He is active in the community, but not in politics, flies an airplane—and he delivers babies.

The words people in Nashville use to describe him are remarkably similar: unassuming, focused, compassionate, a consensus builder, a fine physician. They talk about his ready smile, his ability to put people at ease, his talent for making a point without being confrontational. Says businessman Andrews: "He's not off in the wild blue yonder. . . . He doesn't get distracted by things that are so idealistic they might not happen."

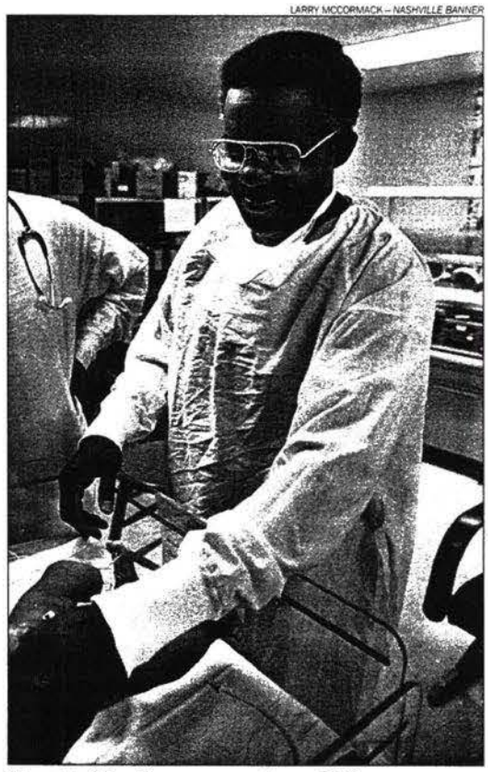
Foster's legacy to Nashville is the now famous "I Have a Future" program designed to help teenagers learn skills needed to start a business or get an education, and to point out the consequences of teenage pregnancy. But he is also remembered for his role in forging a merger between Meharry Medical College, where he was dean and later acting president, and Nashville General Hospital. The negotiations, say participants, were racially charged. It was often Foster's humor that defused tense meetings. "He is a great mediator . . . the kind of person who sees beyond race to broader issues," says Dr. David Satcher, former Meharry president, now director of the Centers for Disease Control and Prevention in Atlanta.

Foster has his faults. Associates say he sometimes tries to do too much too fast, and his reviews as a Meharry administrator are mixed. But even some who oppose his nomination are loath to attack him personally. "The issue is not whether he is a good doctor or a good administrator or even a fine individual," says William Baumgartner Jr., president of the Christian Action Council of Middle Tennessee. "The issue is that the man is in favor of murdering children."

In Pine Bluff, many people find this a strange characterization. Relatives and family friends remember him as a plump, friendly, gifted little boy they affectionately called "brother," a kid who always had work to do before he could go out in the evenings. Even as a small boy, says his 92-year-old aunt, Mary Foster Cheatham, Foster had big plans: At 3, he pointed to an airplane in the sky and said, "Auntie, see that thing up in the air? I'm going to fly one of those someday." He kept his word, filling his room in the neatly kept white, wood-frame house on Ohio Street with model airplanes, and at 19, he took flying lessons.

Pine Bluff, 40 miles from Little Rock, resembles other small towns squeezed by 1990s realities: Drugs and guns have become familiar problems. But Foster grew up in a different world. "Getting in trouble in those days meant talking in class or chewing gum," says Lawrence Davis, chancellor of the University of Arkansas at Pine Bluff, who was a few years behind Foster in high school.

LARRY MCCORMACK—NASHVILLE BANNER



At work. *Checking on a newborn, 1986*

Those who know him best say he tries to save every baby he can.

Like many parents then, Foster's father was a strict disciplinarian. He was also a positive thinker who taught his children to work hard, go to church and get an education. Education could take you out of Pine Bluff, away from the cotton fields where a 16-hour day yielded $2 in pay, beyond life as a black person in the segregated South, where you rode in the back of the bus, sat in the balcony at the movie theater and waited in line behind whites at the department store. Henry Foster Sr. was a respected man in town, the football coach who led Merrill High to two national championships—a feat still talked about in town.

Foster did well at Corbin High School on the University of Arkansas at Pine Bluff campus, where students benefited from small classes, individual attention and the examples of black doctors, lawyers and professors. Says Dr. Emory Mazique, a Houston internist and Foster's best friend in high school: "We never questioned that we would go to college, only where we would go."

Foster followed in his father's footsteps, graduating from Atlanta's Morehouse College in 1954 and later from the University of Arkansas at Little Rock medical school. His choice of a career, Foster's friends say, may have been influenced by his childhood physician, Cleon Flowers, then one of Pine Bluff's few black doctors. But soon Foster was a role model himself. Sterling Roaf, a Pine Bluff gynecologist, remembers watching Foster lug his books to the bus stop. "We saw he could do it and that meant we could do it, too," says Roaf.

Years later, at J. A. Andrew Memorial Hospital in Tuskegee, Ala., Foster taught Roaf that every patient deserves to be treated "like your wife or your mother or your grandmother." Following the lesson drilled into him from childhood—if you do well, you give something back—Foster went to Tuskegee to offer obstetrical services in an area of rural poverty.

In Tuskegee, that sometimes meant delivering three babies a day, caring for hundreds of patients who often could not pay. Joyce Carter German was a college junior, married and pregnant for the second time. She wanted an abortion. Foster refused. "This is not the right choice," he told her. The baby "is a blessing to you." German is now a medical technician; her daughter is in graduate school. She is glad Foster said no, and like others, she is puzzled that his fate may hang on how many abortions he has performed.

Those who know him say Foster saves every baby he can. He is, in fact, the kind of man many who oppose his nomination might want their children to become. Says a Pine Bluff doctor: "Everybody's so concerned with symbols that they miss the nucleus of the evaluation: What is the measure of this man?" If the frenzy dies down, the nation may yet learn the answer. ■

BY ERICA GOODE IN NASHVILLE AND PINE BLUFF WITH KATIA HETTER AND BETSY WAGNER

338-2334

The Washington Times
FRIDAY, MARCH 3, 1995

Letters

We need to know about Dr. Foster's agenda

In his Feb. 16 column, Tony Snow not only provided a superb assessment of medical ethics but also performed a public service by bringing to national attention the fact that abortion, in vitro fertilization and sterilization are all part of eugenics.

The history of Margaret Sanger's Planned Parenthood is rooted in eugenics. Sanger and her cronies had great success in spreading this concept to the United States, Great Britain and Germany. From 1910 into the 1930s, the United States and Great Britain adopted the shameful policy of sterilizing retarded women. The Weimar Republic followed this trend too, but it was Adolf Hitler's Germany that practiced eugenics in its most extreme and horrible form, namely through the extermination of Jews and others to "improve the Aryan breed."

Today, we face the possibility of having a surgeon general who has had a very lengthy association with Planned Parenthood and has himself often applied or recommended some of the tools of modern eugenics — contraception, sterilization and abortion.

Since the surgeon general's job is essentially to use his or her position as a "bully pulpit," the public has a right to know Dr. Henry W. Foster's views on eugenics. Does Dr. Foster know about Planned Parenthood's association with eugenics? Are his views on contraception, sterilization, in vitro fertilization, abortion, etc., based on bringing the latest acceptable medical technology to those expressing a need (i.e., choice), or are they part of a de facto national eugenics policy, which might also include new tools such as fetal experimentation and euthanasia? What criteria does Dr. Foster (and presumably Planned Parenthood) use in determining recommendations on the application of the various tools of eugenics?

Because of Dr. Foster's past actions, his misstatements of his past record and his long association with Planned Parenthood, the public has a right to obtain truthful answers to these and a host of other questions.

JAMES S. GRICHAR
Vienna

Emotional attacks on 'Bell Curve' show that critics lack evidence

I read your Feb. 24 news article " 'Bell Curve' author defends IQ testing" with much interest, especially since I have read "The Bell Curve."

In his book, Charles Murray raises some very compelling issues when he discusses the role of intelligence in society. It is evident that he has done his research carefully and exhaustively.

The charges of his critics notwithstanding, Mr. Murray has not made any claims in his book that particular ethnic groups are superior to others. Indeed, he disputes that notion and calls for individuals to be judged on their own merits. Further, he argues against discrimination against people of lower "cognitive abilities," repeatedly pointing out that the vast majority of those individuals are productive members of society.

Mr. Murray's critics would do well to come up with real, verifiable evidence if they expect to refute Mr. Murray's findings. Perhaps their insisting on vicious personal attacks demonstrates that they lack any means for engaging Mr. Murray in a true debate.

DON SUTHERLAND
Baltimore

If Republicans want to win in '96, they had better change their tone

Adam Wolfson makes some very timely recommendations on steps toward reconciling differences that threaten to divide economic and religious conservatives ("Toward a governing GOP philosophy," Commentary, Feb. 18).

I speak not as a Republican — nor am I ever likely to be so classified — but as one who, nonetheless, sees in the Grand Old Party a genuinely serious effort being made to come to grips with significant fiscal issues that have been too long ignored or glossed over. I suspect that next year's presidential election represents a watershed opportunity for the national Republican ticket to capture my vote and that of many others who are looking for courageous, innovative approaches to living and governing within our national means.

A word of caution: Problems lurk if the San Diego convention becomes a replay of 1992 in Houston in one important respect. If we again witness a hostile, in-your-face, revival-meeting-type of response on divisive values issues, expect a real turn-off for a large bloc of voters currently up for grabs.

One man's truth is another man's extremism. It's time for cooler heads and calmer voices to prevail — in both major parties, for that matter.

DAVID M. LEWIS JR.
Springfield

3/4/95
WASH. TIMES

Foster visits battered youths, urges them to abstain from sex

By Paul Bedard
THE WASHINGTON TIMES

Embattled surgeon general nominee Henry W. Foster Jr., flanked by two armed federal agents, yesterday visited a Washington home for battered youths to defend his record and make a case against teen sex.

"Stay on a steady track. Do what's gonna make you better. You'll be the beneficiary," Dr. Foster told a group of 17 youths at the Sasha Bruce House on Maryland Avenue NE.

In a brief encounter with reporters later, Dr. Foster declined to retract a charge made Sunday that he is the target of "white right-wing extremists" who are trying to thwart his nomination because he performed abortions.

The obstetrician-gynecologist also declined knowledge of charges made by a former colleague who said Dr. Foster knew about a government study that left black men with syphilis untreated.

"I haven't heard them," Dr. Foster said of charges made by Dr. Luther McRae.

"If we want to prevent teen pregnancy, we must offer young people more."

Dr. McRae was president of the Macon County Medical Society in Alabama when it was briefed on the syphilis project in 1969. At the time, Dr. Foster was the vice president.

Dr. Foster has been quoted as saying he didn't know of the project until 1972, when it became public. He also has rejected Dr. McRae's charges, even though he said yesterday that he was not aware of them.

During his visit to the Sasha Bruce House, Dr. Foster met with the 17 youths who are receiving counseling and protection there.

"Our ultimate goal is to keep families alive," said George Johnson, director of the project.

Program Director Deborah Shore said the White House requested the visit. She said Dr. Foster's "I Have a Future" teen program in Nashville, Tenn., is similar to the Sasha Bruce program.

Dr. Foster, who may face Senate confirmation hearings later this month, stressed abstinence in his remarks to the youths and representatives of several local youth programs.

He suggested that inner-city youths have little to distract them from having sex and that contraception "is not enough." He said that more programs like the Sasha Bruce project are needed and that youths should be offered field trips to see life outside housing projects.

"If we want to prevent teen pregnancy, we must offer young people more," he said.

Dr. Foster arrived in a two-car motorcade that included armed U.S. marshals. An administration official declined to comment on security threats to Dr. Foster but said the protection is "commensurate [with the] risk."

EDITORIALS

Let's hear it

Don't withdraw this nomination

There are those who would abolish the post of surgeon general of the United States because they don't like the policies of those appointed to it. They underestimate the shock value—and educational value—of having the medical fashions of our condomized culture stated openly and examined clearly.

Joycelyn Elders' nomination as surgeon general and moral exemplar gave Americans an opportunity to openly consider some of the more characteristic assumptions of our time. For example, the usefulness of abortions in eliminating birth defects like Down's Syndrome (as well as those people who would be born with it); the distribution of condoms even less effective than usual without telling their users; and the general ineffectiveness of sex classes in lowering the rate of teen pregnancy. (The results evidently were so poor that government no longer supplies comparable statistics—so that current rates of teenage pregnancy in Arkansas cannot be meaningfully compared to those of the past.)

The upcoming hearings on the nomination of the next surgeon general could prove educational, too. The latest nominee—Henry Foster Jr.—deserves an opportunity to explain his record and the questions it has raised in a forum that could attract millions of viewers, and have the American people discussing issues of life and death.



Dr. Foster's has been a remarkably representative career that touches on a variety of ethical issues in medicine. To mention only a few: abortion as an accepted form of birth control, the comeback of eugenics as an accepted way to eliminate the "unfit," and experimentation on human beings without their informed consent—as in the notorious Tuskegee Project and Dr. Foster's sterilizations of the mentally retarded. It is time such practices were discussed openly, and their ethical ramifications explored. All of us might have to take an unblinking look at just what we have been condoning in recent decades.

Unfortunately, such a hearing may never be held. The president already has sent the clearest of signals that he may withdraw Dr. Foster's nomination: He has said he wouldn't. Those who recall the fate of nominees like Zoe Baird, Kimba Wood, and Lani Guinier at Bill Clinton's hands will understand just what this president's firm declaration of support means.

A detailed look at the rise of Henry W. Foster Jr. might encourage some introspection on the part of the rest of us, or even inspire the question: What practices do we commonly accept in 1995 that some future, better age will look back on with horror and disbelief? Just as we now view the Tuskegee Project or the sterilization of the retarded.

Let the hearings begin.

The Washington Times
TUESDAY, MARCH 14, 1995

White House defends Foster as opposition grows in Senate

By Paul Bedard
and Nancy E. Roman
THE WASHINGTON TIMES

Senate Republicans yesterday indicated that surgeon general nominee Henry W. Foster Jr. faces an increasingly uphill confirmation fight as the White House again dubbed the doctor's critics "extremists."

White House spokesman Michael McCurry said Republican presidential candidate Sen. Phil Gramm of Texas was using the nomination issue to push an anti-abortion agenda. Dr. Foster is a gynecologist who performed abortions as part of his practice in Nashville, Tenn.

"It would be unfortunate if extremists in the Senate took a view on choice, made it a litmus test and prevented the nomination from going forward on that basis," said Mr. McCurry.

On Sunday, Mr. Gramm threatened to block the nomination with a filibuster.

While not a surprise, the announcement keeps the pressure on Senate Majority Leader Bob Dole, who is competing with Mr. Gramm for the Republican presidential nomination.

Mr. Dole is being lobbied by pro-life groups, who vociferously oppose the Foster nomination, and committee aides said there is no reason for Mr. Dole to allow the nomination to come to the floor unless he can kill it.

"The most likely scenario is that things get very bad and the nomination is defeated," said one committee aide. "Then Dole pushes legislation to abolish the office. It's more difficult to do that when somebody is nominated for that position."

Rep. Robert K. Dornan, California Republican, has introduced a bill to abolish the office of the surgeon general.

Sen. Nancy Kassebaum, Kansas Republican and chairman of the Labor and Human Resources Committee, before which Dr. Foster will appear, has set March 24 as the deadline for written testimony to be submitted.

Mrs. Kassebaum would like to hold the hearings in early April. However, spokesman Michael Horak said that until the testimony is in, the committee will not know whether there is time to hold the hearings before Easter recess, which begins April 7.

"Kassebaum has been realistic in her belief that Dr. Foster's nomination is going to be very, very difficult," said Mr. Horak.

Republican Sens. Daniel R. Coats of Indiana, John Aschcroft of Missouri and Slade Gorton of Washington are the only three senators on the committee to publicly oppose the nomination.

Administration AIDS czar Patricia Fleming went to bat yesterday for Dr. Foster, urging representatives from medical groups, state and local government officials and AIDS activists to support the black former head of Meharry Medical College.

At a meeting in the White House Roosevelt Room, Ms. Fleming distributed a letter from Dr. Foster in which he encourages the sexually active to use condoms. He had earlier downplayed discussion of condom use.

He also stresses abstinence in his March 10 letter to Ms. Fleming.

Dr. Foster said the surgeon general must teach Americans that "the surest way to avoid the sexual transmission of the HIV is to abstain sexual activity. And it means continuing to spread the word to those who are sexually active that the correct and consistent use of latex condoms is highly effective in preventing HIV transmission."

Dr. Foster said spending on AIDS research should not be pitted against spending for other diseases. But he stressed that AIDS "must remain a special concern because it is an infectious disease that is fatal, that has no cure, and that typically strikes people in the prime of life."

Riley kills panel of overseers

Grass-roots objections to federal school standards prevail

By Carol Innerst
THE WASHINGTON TIMES

Education Secretary Richard W. Riley yesterday for the first time publicly acknowledged the passing of a politically charged panel created by Congress to certify national and state education standards.

Participating in a meeting of the National Education Goals Panel, Mr. Riley said establishment of the National Education Standards and Improvement Council (NESIC) "would hinder the development of academic standards."

At the same time, he said, "It is essential that we be able to provide information on standards-setting to states requesting it."

NESIC was to have worked with the Goals Panel in approving or rejecting proposed national standards developed in core subject areas, and voluntary standards proposed by states seeking a share of the federal money set aside for education reform under the Goals 2000 legislation passed last year.

But grass-roots opposition grew to this federal imprimatur for state and local education efforts. It was fueled by a public outcry over proposed national history standards that critics said denigrate Western civilization.

Both the House and the Senate introduced legislation to kill off NESIC, setting off a scramble in the bipartisan Goals Panel to devise some palatable means of pushing states toward higher education standards.

With NESIC's future dark, President Clinton never appointed the 19 panel members called for in the legislation.

The Goals Panel, meanwhile, began considering the creation of a private body or some other mechanism outside the federal government that would review education standards.

The plan to establish an "ersatz version of NESIC" drew fire from Chester E. Finn Jr., education analyst and fellow at the Hudson Institute, an Indianapolis-based research group.

"The private or semiprivate creation of an entitity or entities that would in any way resemble ESIC will strike much of the country as even more ominous than the public NESIC-authorized by Goals 2000," Mr. Finn wrote in a Feb. 8 letter to Indiana Gov. Evan Bayh, a Democrat and chairman of the Goals Panel.

With the furor over history standards and the perception that NESIC would become a national school board threatening the whole effort to raise academic standards, the Goals Panel agreed yesterday that it made sense to shift to the states the focus of the improving standards.

"Maybe this ought to be a National/State Education Goals Panel because people think we're federal," said Michigan Gov. John Englar, a Republican.

Colorado Gov. Roy Romer, a Democrat, urged the group to "jump start" before the next Goals Panel meeting June 14 and before the House and Senate start reworking the Goals 2000 and Elementary and Secondary Education Act sometime this summer.

"We're going to take more responsibility at the state level," Mr. Romer said. "We need more state leadership."

Noting that only four sitting governors were at the 1989 education summit in Charlottesville, Va., where the National Education Goals were set, Mr. Romer proposed that subgroups of the Goals Panel begin working with business executives and state legislators, who have been resistant because "parents . . . voters are not for it."

State Rep. Robert Connor, Delaware Republican, saw it as a public relations problem. State Rep. Anne Barnes, North Carolina Democrat, observed that "state legislators were originally left out of everything that had 2000 on it."

DOUG BANDOW

The easy part is over. House Republicans have passed their "crown jewel" of a tax cut. Now they must slash spending, both to pay for tax relief and balance the budget.

Since the Democrats will undoubtedly continue to play the demagoguery game, Republicans need to develop an effective counterstrategy. They should demand that every federal program, from the arts to foreign aid, be measured against Social Security.

In fact, it makes no sense to ignore the largest single federal program. However, politics often doesn't make sense. The GOP might as well take advantage of the Democrats' promise to shield Social Security from any cuts, since the only way to fund the elderly's retirement in the face of steadily worsening demographics is to cut every non-essential expenditure. Let's be blunt: Democrats who refuse to prioritize outlays are risking Social Security's solvency.

If Democrats oppose cutting expenditures that clearly are not essential, they guarantee that Congress will eventually turn on Social Security.

Today the national debt stands at $5 trillion, almost as much as the U.S. gross domestic product. If the Clinton administration has its way, that ocean of red ink will rise by $200 billion annually into the next century. By the year 2000, interest will run $446.5 billion, making it the largest single federal expenditure.

So awful are these numbers that even many liberal legislators admit that we need to curb Uncle Sam's insatiable fiscal appetite. But where to cut? If Congress doesn't get to work saving money, legislators are eventually going to have to take after Social Security. In short, Democrats need to choose between pornographic artists, foreign dictators and a raft of other special interests and the elderly.

For instance, there's $11 billion in nonmilitary spending currently lodged in the Pentagon — such as $5.4 million for Hawaii's Small Business Development Center, $3 million for urban youth programs, $15 million to develop electric cars, $10 million for U.S.-Japanese management training and $57 million for AIDS research. Between 1990 and 1994, defense appropriations for nonmilitary purposes more than trebled. Ultimately, Democrats need to choose between such false military outlays and Social Security.

Even less defensible is foreign aid. International spending, depending upon how one defines it, runs upward of $22 billion a year, most of which goes for "foreign aid." Yet what expenditure more deserves slashing? The deteriorating remains of old projects litter Africa. Democrats must decide between overseas autocrats and American seniors.

This year, American taxpayers will be forced to lavish more than half billion dollars on the National Endowment for the Arts, the National Endowment for the Humanities and the Corporation for Public Broadcasting. For Democrats, the question should be: Which would you prefer to cut —seniors' retirement or subsidies to the culture industry? Providing NEA money to artists who submerge crucifixes in jars of urine and performers who enjoy sticking vegetables into various body orifices should be treated as less important than caring for retirees who've worked all their lives.

These programs are just a start. If anyone doesn't understand why Uncle Sam has a budget problem, he hasn't seen the Government Assistance Almanac, which lists 843 pages of federal pork, along with detailed instructions on how to grab a slab or two. The departments of Agriculture, Commerce, Education, and Housing and Urban Development are particularly flush with ludicrous special-interest giveaways. Thus, the targets are many for legislators genuinely committed to fiscal responsibility — and protecting seniors.

Obviously, advocates can offer an argument on behalf of every federal program. But good intentions are no longer enough. Legislators should answer three questions. Is it right to take taxpayers' money for this? Can we afford to do so? Is it more important than other priorities, like Social Security?

Finally, Congress should sell assets, which the federal government has in abundance. For instance, Uncle Sam owns nearly one-third of all the land in America. Most of these holdings have no environmental value. Washington should start selling off its excess property. This is as close to a free lunch as one can get: better management for less money. Again, Democrats need to be held accountable: Do they believe it is more important to control vast tracts of range than to protect Social Security?

Budget-cutting is always painful, since there are losers as well as winners. Congress' task today is particularly difficult, since both parties have committed themselves to exempting Social Security from scrutiny. To do so requires a willingness to slaughter a whole herd of sacred cows.

Thus, Republicans need to make the point that to not exhibit budget courage is ultimately to attack retirees. If Democrats oppose cutting expenditures that clearly are not essential, they guarantee that Congress will eventually turn on Social Security.

Doug Bandow, a senior fellow at the Cato Institute, is a nationally syndicated columnist.

Ten reasons to sink the Foster nomination

By Thomas L. Jipping

Dr. Henry W. Foster Jr., President Clinton's nominee to be surgeon general, and his White House handlers live in a simple world.

Name-calling is their means of addressing — or rather dismissing — Dr. Foster's critics. White House press secretary Mike McCurry calls them extremists. Dr. Foster calls them racists. But no amount of petty name-calling can avoid the many disturbing issues raised by the Foster nomination. Here's the Top 10 list.

First, Dr. Foster's professional career is inextricably tied to abortion. His supporters' response that abortion is a legal medical procedure is irrelevant. Smoking cigarettes is legal, yet the Senate would hardly confirm a smoker as surgeon general.

Second, Dr. Foster changes his tune about abortion and other topics to fit his audience. He said on "Nightline," "I abhor abortion," but he told an audience at George Washington University, "I believe in a woman's right to choose." He has told black audiences that "white right-wing extremists" were opposing him and minority nominees "are certainly being attacked," but he told USA Today that "this is not about race at all." Will the real Henry Foster please stand up?

Third, Dr. Foster and his handlers have been dishonest about his abortion record. The White House first said Dr. Foster performed one abortion; Dr. Foster then said "less than 12"; and the White House again changed the number to 39. They want to reduce the entire debate to a squabble over numbers.

The latest figure, for example, is the number of abortions he performed in one hospital where he was the "physician of record." Dr. Foster won't count anything before 1973, when most abortions were illegal in Alabama, where he practiced medicine. He won't count the 59 abortions resulting from his research study to develop an abortion suppository because, he says, these women were not "private patients." Why all the hair-splitting? Maybe the nominee and his spin doctors have something to hide. To them it is a debate over numbers, but everyone knows the issue here is honesty.

Fourth, while Dr. Foster claims to abhor abortion, he seems perfectly willing to lay aside his convictions for the right amount of money. For example, Dr. Foster explained his willingness to conduct the abortion suppository research by saying that Meharry Medical College had a research grant from the Upjohn Company for the work. It was "a part of keeping our program accredited. . . . 20 percent of all universities survive on grant funds." Were there no other grants for other types of research? Apparently, Dr. Foster was quite willing to put aside his convictions about abortion when the grant check arrived.

Fifth, Dr. Foster and his handlers have been dishonest about his close ties to abortion advocates. He has been a member of the national board of the Planned Parenthood Federation of America (PPFA), the largest abortion provider in the country, and served on the leadership committee of PPFA's Campaign to Keep Abortion Safe and Legal, which opposes any abortion restrictions. The official White House biography deleted any such affiliations when Mr. Clinton first announced his intention to nominate Dr. Foster on Feb. 2. Sen. Bill Frist, Tennessee Republican, attended that announcement but later said he had not been informed of Dr. Foster's close ties to abortion advocates.

Sixth, the White House has falsely portrayed Dr. Foster as holding more moderate views than his predecessor. Mr. Clinton supposedly fired former Surgeon General Joycelyn Elders after she said that masturbation should be taught to school children. PPFA, with whom Dr. Foster has been closely associated for nearly 20 years, endorses the Sex Education and Information Council of the United States, which indeed advocates masturbation education for young children.

Seventh, there is evidence that Dr. Foster lied about his acquiescence in a notorious research project that denied necessary medical care to black men with syphilis. A long-term federally funded research project studying black men with syphilis withheld necessary treatment without the participants' knowledge. In May 1969, federal officials briefed the Macon County, Ala., medical society, of which Dr. Foster was vice president. Dr. Foster claims he missed that meeting and objected to the study years later. Dr. Luther McRae, the medical society's president, is willing to testify under oath that Dr. Foster did attend the meeting but raised no objection to the syphilis study.

Eighth, Dr. Foster sterilized retarded women without their consent from 1965 to 1973. While his supporters claim this practice was common at the time, columnist Tony Snow writes that most states had outlawed the practice by that time and "doctors and philosophers had mounted a furious debate about the propriety of performing such operations even with the consent of the person involved." Do you think that someone who had supported segregation before the Supreme Court's Brown vs. Board of Education decision in 1954 would have a chance of being confirmed as, let's say, a federal judge?

Ninth, Dr. Foster may not have been the successful academic administrator that he and the White House have claimed. In fact, the obstetrics-gynecology residency program at Meharry Medical College permanently lost its accreditation in 1990 while Dr. Foster headed the department and was dean of medicine.

Tenth, reality may not match the hype about Dr. Foster's efforts at combatting teen pregnancy. Information about Dr. Foster's "I Have A Future" program in Nashville is disturbingly scarce. The program's director refused to provide The Washington Times with documentation that the program lowered pregnancy rates, and non-profit organizations seeking the same information have similarly been rebuffed. According to The Times, neither the White House nor the Department of Health and Human Services has cooperated. Even members of the Tennessee legislature have been turned away when they have tried to determine whether Dr. Foster's program is successful.

Dr. Foster and his White House handlers want to say that the debate is only about how many abortions he has performed. That is cynical, simplistic and demeaning. No, Dr. Foster's nomination is, and should be, in serious jeopardy for many more substantive reasons — none of which can be dismissed as racist or extremist.

Thomas L. Jipping, a lawyer, is director of the Center for Law & Democracy at the Free Congress Foundation.

The Washington Times
WEDNESDAY, APRIL 12, 1995

Reno Assails Parity in Drug Crime Penalties

Punishment Depends On Form of Cocaine

By Toni Locy
Washington Post Staff Writer

Prosecutors, led by Attorney General Janet Reno, are urging Congress to reject proposed changes in federal sentencing guidelines that would treat defendants convicted of crack cocaine and powder cocaine offenses equally.

Reno, in a statement issued Friday, said the Justice Department recognizes that there should be some reduction in the difference in severity of punishment, in which a first-time offender must sell 100 times more powder cocaine to get the same sentence as a person selling crack cocaine.

But Reno said any adjustments to penalties must reflect the dangers of crack, which has been blamed for much of the violence in inner-city neighborhoods. "I strongly oppose measures that fail to reflect the harsh and terrible impact of crack on communities across America," Reno said.

Critics say the disparate sentences are racially motivated. The vast majority of crack cocaine offenders are black.

On Thursday, the U.S. Sentencing Commission voted 4 to 3 to recommend the changes to sentencing guidelines that are used by judges to determine punishment. While approving equal sentencing for offenses involving the two drugs, the commission attempted to address concerns by proposing increased penalties when weapons are used or injuries occur during drug crimes.

The recommendations are far more definitive than those contained in a 220-page report submitted to the House and Senate Judiciary committees last month. Then the commission said it could not support harsher penalties on crack dealers, and did not offer remedies to the disparity in the sentences.

The American Civil Liberties Union and other groups that wanted equal sentences for powder and crack cocaine offenses criticized the report. The commission also received several thousand letters some of them charging that harsher sentences for crack offenses are racially motivated.

In its report, the commission, however, found no evidence of intentional racial bias in the crack mandatory minimum sentence laws passed in 1988. But it said it is concerned that 88 percent of crack defendants are black, while powder cocaine defendants are about 30 percent black. Whites and Latinos make up 32 percent and 39 percent, respectively, of defendants in powder cocaine cases.

Under current sentencing guidelines, a dealer caught selling 50 grams of crack faces a mandatory minimum sentence of 10 years in prison. A dealer in powder cocaine must be caught selling 100 times as much to get the same sentence.

The commission plans to have guideline amendments ready for consideration by May 1. Congress has 180 days to act. If it doesn't, the amendments go into effect.

While Michael Stiles, chairman of an advisory committee of U.S. attorneys, called the decision "a serious mistake," it was hailed by defendants' rights advocates.

"I'm thrilled that the commission has ended this irrational disparity in its sentencing guidelines," said Nkechi Taifa, legislative counsel for the Washington chapter of the American Civil Liberties Union. She said Congress should accept the commission's decision "to remedy what is . . . a national drug policy that is, without a doubt, racist."

Jo Ann Harris, head of the Justice Department's criminal division and a non-voting member, said the commission failed to consider the "harmful impact" of drugs like crack on poor neighborhoods in its quest to ensure that one group is not unfairly punished.

Dole Opposes Foster As Surgeon General

Majority Leader May Block Senate Vote

By Gary Lee
Washington Post Staff Writer

Senate Majority Leader Robert J. Dole (R-Kan.) said yesterday he will oppose the nomination of Henry W. Foster Jr., President Clinton's choice to be surgeon general.

During videotaping of NBC's "Meet the Press" in Dole's hometown of Russell, Kan., the senator urged the White House to withdraw Foster's name, which Clinton put forward after firing Joycelyn Elders from the post.

The announcement by Dole, a candidate for the Republican presidential nomination, cast fresh doubts over whether Foster, an obstetrician-gynecologist from Nashville, could gain approval of a majority of the Senate.

While Democrats and a few Senate Republicans have said that they are impressed with Foster, more conservative GOP lawmakers have stated their opposition to him, mainly based on his abortion record.

Another presidential candidate, Sen. Phil Gramm (R-Tex.), said last month that he would block the nomination by filibustering if it reaches the floor. Dole said in the interview to be broadcast today he did not believe the nomination would clear a Senate committee but if it did he might not bring it to the floor for a vote.

In reaction to Dole's announcement, the White House expressed continued support for Foster. "We're confident that when senators review Doctor Foster's 38 years of helping mothers and babies and working to improve public health, they will agree with the president that this is a high-caliber nominee who should be the nation's surgeon general," a Clinton spokesman said late yesterday.

Foster is well-known in Tennessee as an obstetrican who delivered thousands of babies and as head of a Nashville program to prevent teenage pregnancies. But his nomination has drawn criticism, mostly from GOP lawmakers and antiabortion activists, since soon after it was announced because Foster has performed 39 abortions, according to a White House review. He also supervised a drug trial in which 55 women terminated their pregancies. Foster initially said he had performed fewer abortions.

During the interview in a middle school auditorium, Dole also said he regretted having suggested that Clinton was not "a real president."

"I must say that if [I could] I would go back and state that differently," he said yesterday. "I made a mistake. I shouldn't have said that."

Dole said last month that the proposed balanced budget amendment failed a Senate vote because Clinton had abdicated his responsibility by not backing it. The outcome might have been different "if we had a real president in the White House," Dole said at the time.

In yesterday's interview, he explained that the remark was made in jest. "I was smiling," he added.

based on a promise to enter an officer training program, but later dropped the deferment, and never entered the program, after draft calls fell.

His opponent in 1992, then-President Bush, accused Clinton of dishonorable behavior both for joining an antiwar demonstration on foreign soil and for avoiding the draft.

But some Democrats discounted the political significance of the issue this time.

``Judgments about him in 1996 are going to have much more to do with the kind of president he has been than anything else," said Democratic pollster Harrison Hickman, who worked for the rival 1992 presidential campaign of Sen. Bob Kerrey, D-Neb. ``I think people for whom Clinton's Vietnam experience matters already have a judgment about him that isn't going to be changed."

4/15/95

Foster Keeps Low Profile as Unseen Struggle Shapes His Fate By Marlene Cimons and John M. Broder= (c) 1995, Los Angeles Times=

WASHINGTON Eleven weeks after the announcement of his nomination as surgeon general, Dr. Henry W. Foster Jr. has become the new Jean-Bertrand Aristide of Washington a low-profile figure, living quietly in a rented apartment here, while larger powers struggle behind the scenes over his fate.

The battle over Foster raged hot and bitter only a few weeks ago, with Foster seemingly on the brink of a humiliating fall. But now the atmosphere is ominously quiet, as both sides exercise a certain caution over the volatile abortion and race issues at the core of the debate and save themselves for the decisive conclusion, which is scheduled to begin unfolding in a Senate committee hearing room May 2.

The White House continues to express optimism that its nominee for the post the second since Clinton took office ultimately will be confirmed.

``Once Dr. Foster has a chance to appear before the committee and talk about his life work in obstetrics and gynecology and the problems of teen-age pregnancy, he will be well-received by the committee," said John Podesta, the White House aide who has been Foster's shepherd through the nomination process.

But observers on both sides privately concede that Foster still faces an extraordinarily difficult struggle. There is no clear evidence that the quiet White House campaign on his behalf has swung crucial Republican support on the Senate Labor and Human Resources Committee in his direction.

Three GOP senators remain publicly undecided although the White House hopes that it eventually will win the support of the two it needs to put the nomination before the full Senate. But threats by Texas Sen. Phil Gramm to filibuster the nomination still could doom it to oblivion.

``Gramm will never let it get to the floor without a major fight," one Senate source said.

Although White House officials remain optimistic that they will be able to muster 51 votes to confirm Foster, they acknowledge that it would be almost impossible to raise the 60 votes they would need to end a filibuster.

``People who've added the math think it will be close to impossible to get him confirmed," said one Senate source.

No one disagrees that the initial furor primarily over abortions he had performed inflicted terrible damage on his chances by raising questions about his veracity. Conversely, no one can be sure whether the current lull in public attention over Foster coupled with the long delay before his confirmation hearing will work to the nominee's advantage or to that of his opponents.

While one source argued that the relatively long period between his nomination in February and the start of confirmation hearings will allow ``level heads to prevail," a Democratic strategist on Capitol Hill warned: ``Time is never a friend if you're a nominee."

As with Aristide the Haitian president deposed by a coup who spent months in Washington as the administration sought support for his return to Haiti Foster has spent recent weeks making unpublicized good will visits to key senators while White House officials work to pull in the critical Republican votes they need to secure his confirmation.

Foster also has been making selective public appearances designed to focus on his medical credentials as he participates in White House-conducted hearing rehearsals.

``This role-playing is very disconcerting for a nominee but he's doing quite well," said one administration source. ``He's a very confident guy who's concerned that he has been misrepresented so far. He wants to set the record straight."

The controversy over Foster's nomination began almost as soon as he was named by President Clinton to replace Joycelyn Elders, whom Clinton had fired. At first, questions arose about whether he had deliberately understated the number of abortions he performed while a physician years ago in Alabama. Although he initially numbered them as less than a dozen, he later said that he had failed to carefully check his records and acknowledged
that a more accurate figure was three times that.

Questions also were raised about his performance of hysterectomies decades ago on unconsenting mentally retarded patients and whether he knew about a decades-long syphilis study that withheld treatment from black men.

The administration has contended that the criticism against Foster, who is black, has been fueled by conservatives beholden to anti-abortion groups. The administration intends for Foster, if he is confirmed, to concentrate on programs to curb teen pregnancy.

(Optional add end)

Understandably, the administration's primary focus in its campaign to win confirmation has been on the committee.

Sen. Bill Frist, a fellow physician and Tennessean, James M. Jeffords of Vermont and Committee Chair Nancy Landon Kassebaum of Kansas are considered the critical ``swing" votes.

An aide to Jeffords, who favors abortion rights, said that the senator believes the discussion about Foster ``should be about qualifications, period."

``We're in good shape with Jeffords, we're in pretty good shape there," one White House official said.

Frank Boehm, head of maternal and fetal medicine at Vanderbilt University Medical Center, a friend of Foster and an acquaintance of Frist's, predicted that Frist who opposes abortion except in certain circumstances will support his fellow Tennessean.

``I've talked to him. I've told him it makes sense to sit back and not commit himself (until after the hearing)," Boehm said. ``But I think when it comes down to a vote, he will vote to confirm. He hasn't told me that. But he knows how many people in this community and in this state want Hank to be confirmed. It's hard for me to believe he will vote against him."

Kassebaum, as head of the committee, must remain uncommitted, her aides said.

``Sen. Kassebaum will keep the hearing focused on Dr. Foster's background and credentials for the job," said Mike Horak, a spokesman for the Kansas senator. ``Our philosophy is to give him a fair hearing. "

One Senate source suggested, however, that the question of Foster's credibility his seemingly contradictory recollection of how many abortions he actually performed could become an excuse for some senators looking for a way to satisfy their anti-abortion constituents, without making abortion the issue.

``It's a lot easier to vote against a nominee because he's been untruthful or misleading than it is to vote against someone for performing a legal medical procedure which is supported by a

large percentage of the American public," he said.

Clinton Officially Enters Presidential Race (c) 1995, Los Angeles Times=

WASHINGTON It's official: Bill Clinton is running for president again.

Clinton took his first formal steps toward seeking re-election on Friday, quietly filing papers with the Federal Elections Commission to set up a campaign staff.

The organization, formally called the Clinton-Gore '96 Primary Committee Inc., will attempt to raise almost $34 million to pay for Clinton's political travel, polling and advertising over the coming year.

On Monday, Clinton is sending a letter to ``one million of his closest friends," spokesman Mike McCurry said, telling them why he's decided to run and including a return envelope so they can send back a check.

``My message to you is that I need your partnership once again to succeed in the most challenging campaign I will ever face," Clinton says in the letter.

``Americans are understandably frustrated and eager for change, but there are no mandates to support the dangerous and short-sighted measures" of the Republican Party, the letter says. ``The 1996 elections will be a referendum on how we want to live together, work together and prosper together in America."

Clinton will make a gala formal announcement of his candidacy later this year, but Friday's formalities were necessary so that his committee could begin raising money.

No other Democrats have announced plans to contest the nomination, although former Pennsylvania Gov. Robert Casey has said he is considering a run.

White House spokesman McCurry, asked to assess Clinton's chances of re-election despite his shaky standing in public opinion polls, responded briskly and loyally.

``Splendid," he said with a smile.

GAO Supports Closure of Long Beach Naval Shipyard By Richard A. Serrano= (c) 1995, Los Angeles Times=

WASHINGTON The government's General Accounting Office announced Friday that the Navy is justified in recommending closure of the Long Beach (Calif.) Naval Shipyard, a finding that could doom the huge facility when a federal commission makes its decision on base closures later this year.

The Long Beach yard, which so far has stayed off the growing list of bases scuttled since the end of the Cold War, is the largest facility recommended for closure this year.

The GAO concluded that the Navy used ``generally sound" reasoning in determining that the World War II-era installation has become excess dock space for a naval fleet that has dropped from 450 to 340 ships in the last two years.

In a separate finding, however, the GAO refuted the Navy's decision to exclude other smaller California bases from the closure list and sharply questioned the Navy's belief that the state has been hit exceptionally hard by base closings in the past.

Rather, the GAO found that other states actually have suffered worse economic fallout from base closings, and it suggested that the Defense Base Closure and Realignment Commission, which makes the final decision on base closures, ``may wish to more closely examine the Navy's decisions regarding the consideration of job losses in California."

The commission is scheduled to hear from GAO investigators Monday in a formal presentation in Washington of its 150-page report. It will then hold a series of public hearings in the western states before ruling on which bases should be abandoned.

The panel takes up Long Beach and other California installations recommended for closure on April 28 in San Francisco a scene that could provide the last chance for supporters of the base to press their arguments for saving the 52-year-old installation.

(Optional add end)

Bill Gurzi, chairman of the 9-year-old Southern California Save Our Shipyard Committee, said his group will bring a contingent of technical officials and national experts on military force structure to the San Fransisco hearing to knock down the contention that the shipyard has outlived its usefulness.

The Long Beach installation employs 3,100 civilian and 20 military personnel on an annual operating budget of $282 million. Its supporters estimate that the base's demise could cost the regional economy $757 million a year.

``We will conclusively show that the Navy not only erred in putting it on the list, but that it would be a blatant violation of United States law to shut it down," Gurzi said.

While declining to reveal too much of their argument for saving the base, he said his committee will challenge the law setting up the base-closing panel and will point out that locking the gates at Long Beach will leave the Navy with no non-nuclear, conventional shipyard space on the West Coast.

The Navy has said that the conventional ship repair work done now at Long Beach can be handled at naval yards in San Diego. Wade Nelson, chief spokesman for the base closing panel, said the GAO report could be a tough obstacle for local supporters to overcome.

Hometown Welcomes Dole After First Campaign Swing By Ronald Brownstein= (c) 1995, Los Angeles Times=

RUSSELL, Kan. In a dramatic conclusion to his presidential announcement tour, Senate Majority Leader Bob Dole returned to his windswept Kansas home town Friday for an enthusiastic rally that remembered his darkest hours and anticipated much brighter days ahead.

Under cloudy skies, in a stiff wind that flapped the flags so loudly they sometimes drowned out the speakers on the podium, the local Veterans of Foreign Wars chapter presented Dole with a monument commemorating the wounds he suffered in Italy in the waning months of World War II 50 years earlier to the day.

Remembering the cigar box that residents put out to raise funds for Dole's hospital bills during his long months of recovery after the war, the town also presented him with a new wooden cigar box filled with more than $7,000 in contributions for his presidential campaign.

That gesture caught the spirit of the day. For the thousands of friends and supporters who gathered at a VFW post here, and for Dole himself, the morning felt less like a memorial than a celebration. The past was heavy in the air. But almost everyone in Russell appeared to have their eyes on the future. Public opinion polls show Dole leading his competitors for the 1996 GOP nomination and beating President Clinton in tests of strength for the general election.

``Nobody knows what will happen in the next 12 months," Dole told the crowd. ``But ... it feels different this time around. ... It just seems to me that it's out there."

Dole's appearance in Russell capped a week that gave him every cause for optimism. There may be many turns ahead in his quest for the prize that eluded him in 1980 and 1988 bids for the nomination, but his campaign aides were glowing this week about the strong start of his third drive for the

2/2

ACCUSATIONS AND ANSWERS

House Speaker Newt Gingrich denies any ethical violations in his fund-raising. Here's what Democrats charge, and his responses:

TV COLLEGE COURSE

▶ **Charge:** That a televised college course he teaches is a partisan activity, promoted by GOPAC, his political action committee, and shouldn't qualify for tax-deductible donations.

▶ **Response:** Gingrich acknowledges that GOPAC and course organizers "shared office space and equipment" but "strict accounting measures" kept GOPAC and course expenses separate.

GOPAC staffers, Gingrich says, "inadvertently or ill-advisedly" used fax machines and stationery to raise cash for the course, actions the House speaker calls that "superficial and irrelevant."

ILLEGAL GIFT

▶ **Charge:** That Gingrich accepted an illegal gift when Jones Intercable, which wants Congress to rescind cable rate regulation, aired his course for free. House rules ban taking gifts from anyone with issues before Congress.

Democrats say the 20 hours of air time devoted to Gingrich's course is worth $150,000 to $200,000. They also note that the firm's owner, Glenn Jones, has expressed interest in buying the Public Broadcasting System. Gingrich wants to end federal subsidies for PBS.

▶ **Response:** Gingrich says the free air time for his course is no more of a gift than whenever members of Congress appear on TV. He doesn't distinguish between news, interviews and airing an entire lecture series.



By Andrew Innerarity, AP

THE TEACHER: Newt Gingrich at Reinhardt College in Waleska, Ga.



AP

GIFT QUESTION: TV magnate Glenn Jones of Jones Intercable, which aired Gingrich's college course for free

POLITICAL ADVISER

▶ **Charge:** That Gingrich's political adviser Joseph Gaylord is doing congressional work although he's not on the public payroll. Federal law bars using private funds for official expenses.

Federal Election Commission reports show that Gaylord received $462,779 in the last two years from Gingrich's political organizations.

Democrats say Gaylord attends Gingrich staff meetings and is often in his office.

▶ **Response:** Gingrich says Gaylord gives him "outside political advice" and "explicitly does not perform official functions in my office.'

Documents filed with the ethics panel show that when Gaylord was arranging satellite transmission of Gingrich's course, a video company wrote to Gaylord as Gingrich's "chief of staff."

President Clinton also uses outside advisers, such as James Carville and Stanley Greenberg, who are paid by the Democratic National Committee, not the White House.



By Tim Dillon, USA TODAY

FOSTER: Confirmation in Senate is unlikely

Senate's Boxer demands vote on Foster

By Mimi Hall
USA TODAY

Sen. Barbara Boxer, D-Calif., on Monday threatened to prevent the Senate from conducting its business if Majority Leader Bob Dole, R-Kan., refuses to bring the nomination of Henry Foster for surgeon general up for a vote.

"To prevent a vote in this case would be a serious breach of faith with the American people," Boxer wrote to Dole.

If Dole refuses to allow a vote, Boxer said, she will use a procedural maneuver, objecting to each order of business as it comes up, to tie up the Senate indefinitely.

That could be a headache for Dole, who under Senate rules must rely on "unanimous consent" to conduct business.

But even if Boxer could tie up the Senate, she could not force a vote on Foster.

He's not expected to win confirmation in the GOP-majority Senate anyway, but Democrats clearly want to force Republicans to vote on the Nashville obstetrician-gynecologist, who supports abortion rights and is a leader in the battle against teen pregnancy.

Sunday, Dole threatened to derail Foster's nomination by refusing to allow a full Senate vote, even if the committee holding a May 2 hearing on the nomination approves Foster.

Dole is the front-runner for the Republican presidential nomination. His threat was widely seen as an appeal to the GOP's right wing and an effort to prevent Sen. Phil Gramm, R-Texas, also running for president, from taking credit for blocking Foster's confirmation.

Foster, 61, has come under fire for twice understating how many abortions he'd done.

He also has been criticized for sterilizing mentally retarded women in the mid-1970s and presiding over the study of an experimental abortion drug.

USA TODAY · TUESDAY, APRIL 18, 1995

Dr. Foster Deserves His Day in 'Court'

LA TIMES, 4-18-95

Dole may block surgeon general vote by Senate

Bob Dole, the Senate majority leader and candidate for the Republican presidential nomination, has announced that he will not vote to confirm Dr. Henry W. Foster Jr. as U.S. surgeon general, assuming the question ever comes to a floor vote. That's suddenly a big assumption, because Dole is also hinting that if the Foster nomination clears committee he might refuse to let the full Senate decide on the controversial physician's fate.



Dole has Foster in cross-fire.



Dole has the power under Senate rules not to schedule a floor vote. Such a move would block the nomination and force President Clinton to begin searching for a new candidate for the nation's top public health post, presumably one whose professional background—Foster is an obstetrician and a gynecologist—would present fewer problems. Smothering the nomination this way would of course boost Dole's standing among those who are unforgiving toward any doctor who has ever performed abortions, as Foster has. It would also moot the threat by Dole's currently strongest rival for the GOP nomination, Sen. Phil Gramm, to organize a filibuster to prevent a floor vote on the nomination.

All this may be not-unexpected presidential politics, but it's important that Americans not lose sight of the central issue. The central issue is not the nomination prospects of the hopefuls from Kansas and Texas but rather Henry Foster's right—and beyond that the right of the President and of the American people—to have his fitness judged by all 100 members of the Senate, on a recorded vote, as the Constitution intends. To sacrifice that right on the altar of presidential politics may, under Senate rules, be permissible, but it would be neither fair nor responsible.

The Senate Labor and Human Resources Committee has scheduled hearings on Foster in two weeks' time. Dole suggests the nomination may never make it out of the Republican-dominated committee. Whether that view reflects his own vote counting or is aimed at pressuring uncommitted committee Republicans to bury the nomination isn't clear.

The White House's handling of the Foster nomination, as we have remarked before, will never be taught in schools of government as a model of skillful political preparation or presentation. The Administration failed to do its homework and failed to brief Foster adequately on how to handle the inevitable abortion questions. The result was that his credibility quickly was damaged, even though he is yet to testify about his background and beliefs. He deserves that right, and the full Senate should have the chance to pass on his fitness, whatever the presidential ambitions of Dole and Gramm.

The Math Is Haywire

Almost 194,000 federally licensed gun dealers, only 200 compliance agents

The arrest of a Temecula truck driver last week on charges of being involved in an illegal gun-dealing operation that supplied hundreds of cheap firearms to gang members and others in Orange County is an example of effective police work. This kind of work deserves a lot of praise. It also deserves greater support by those who write federal laws.

Here's what we mean. According to the Federal Bureau of Alcohol, Tobacco and Firearms, there are about 969 federally licensed gun dealers for every federal agent assigned to ensure compliance with the law. With only about 200 inspectors for 193,924 licensed dealers, violations tend to slip through the cracks. And when they do, the burden of cleaning up the mess usually falls on law enforcement in the field. In this case, authorities say, the mess was created by James Larry Simmons and two accomplices, who allegedly were able to acquire quantities of weapons on the cheap and then sell them to all comers.

About 1,700 firearms reportedly were traced to Simmons. Guns were said to have been sold without proper federal paperwork, the requisite criminal background checks and the 15-day waiting period required under California law. Authorities say the flow of weapons was broken only when a firearm used in a shootout between a gang member and a Santa Ana police officer was traced.

According to federal authorities, the full effects of Simmons' gun selling are still unknown. As it now stands, guns sold by Simmons' merry band have been found in six states, authorities say. Simmons' lawyer says it's all a tempest created by the suspect's sloppy paperwork.

Congress last year increased licensing fees and required gun-dealer applicants to comply with state and local laws before they could receive a license. That's fine, as far as it goes. But 194,000 gun dealers are still more than the government can possibly keep track of. And if Congress fails to further tighten the licensing requirements, thereby making it tougher to qualify as a gun dealer, no one should wonder why the slaughter goes on and on.

Administration Says It Will `Go to the Wall' for Foster By Marilyn Milloy= (c) 1995, Newsday=

WASHINGTON The Clinton administration said Monday that it will ``go to the wall" to win the nomination of Dr. Henry Foster for surgeon general despite a threat by Senate Majority Leader Bob Dole to doom it by blocking a vote on the floor of the upper chamber.

On Capitol Hill, meanwhile, Sen. Barbara Boxer, D-Calif., warned Dole that blocking full and fair debate might prompt her to stop legislation from moving through the Senate her prerogative as a senator.

While refusing to speak about the propriety of Dole's threat, made Sunday on NBC-TV's ``Meet the Press," Health and Human Services spokeswoman Avis Lavelle said the administration believes Foster will make an excellent case for his confirmation when his hearings begin May 2. She also said the White House is working aggressively with him to ``make sure he's as ready as he can be."

But the comments by Dole the most concise he has been on the matter greatly imperil Foster's chances, even if the Labor and Human Resources Committee votes to confirm him. Not only is the threat a reminder of just how much authority rests with the Republican leader, but it also is a telling sign of the Kansas senator's determination to avoid a fiery abortion-dominated debate in the middle of a presidential election, in which he is a contender.

Foster, 61, an obstetrician, has been plagued by his abortion record from the start. White House officials said at first that they believed he had performed one abortion procedure in his 38-year career. Then Foster said he recalled performing ``fewer than a dozen," and later said he determined that the correct figure was 39. In addition, Foster has acknowledged supervising other doctors in a hospital trial of a vaginal suppository that induced 55 abortions.

Anti-abortion activists have pressured senators heavily ever since, and the White House has seized on the fervor of this movement to describe opponents as spineless, political captives. In his comments Sunday, Dole signaled what a no-win, divisive issue it is: When asked whether as president he would support a constitutional amendment outlawing abortion, he sidestepped an answer, saying he would reserve judgment rather than ``split our party."

Instead, Dole attempted to portray the problem with Foster, whom he called ``a very, very nice person," as a problem of honesty and of credibility, saying ``things dribbled out about Foster's past record that have nothing to do with abortion."

Dole may have been referring to one other issue, highly publicized in recent weeks, that could prove troubling for Foster during his hearings, as well. It involved his membership in a county medical society in Alabama in May 1969 when at a meeting the U.S. Public Health Service solicited the group's support for a federal study of untreated syphilis in black men.

Foster has said he had no knowledge of the study until it became public in 1972. But a former colleague has submitted written testimony to the committee swearing that Foster indeed was there.

(Begin optional trim)

No record of the meeting is available, however, and others among the group have been far less certain about Foster's attendance.

The questions around that incident, said one Senate aide, ``may be the cover" some senators need to oppose the nomination, and to that extent, the ``Tuskegee Experiment" may end up being more significant than attention to it may indicate.

Still, there is no question that the abortion issue towers above the rest as the hottest, most political. One measure: Most of the statements from individuals and organizations submitted to the committee in preparation for the hearings deal ``specifically with the abortion issue," and the opinions run the gamut, a committee spokesman said.

(End optional trim)

In a letter to Dole, Boxer said that carrying out his threat to block debate ``would be an affront to millions of Americans who support a woman's right to choose."

``Should you exercise your prerogative as majority leader to prevent a vote, please be aware that I reserve my right as a senator to object to unanimous consent requests on other Senate business," she said.

CIA Denies Destroying Terrorist Files By David Kocieniewski, Peg Tyre and Knut Royce= (c) 1995, Newsday=

WASHINGTON The CIA Monday denied FBI allegations that the agency destroyed crucial computer evidence against terrorist suspect Ramzi Yousef.

If such evidence was destroyed, it did not happen while in CIA custody, the agency said.

``The notion that the CIA deleted such material intentionally or unintentionally is absolutely groundless," CIA spokesman Mark Mansfield said. ``The agency has discussed this issue with prosecutors and FBI officials and we are continuing to cooperate with them fully."

Newsday reported Sunday that the FBI believes that files on a computer hard drive and three floppy disks found in Yousef's apartment in Manila, Philippines, were altered or destroyed while in the custody of the CIA.

The CIA would not comment further Monday. But White House sources familiar with the CIA's position say some computer files were destroyed while Filipino authorities had them.

Marvin Smilon, a spokesman for the U.S. Attorney's Office in Manhattan, said federal prosecutors in New York had heard ``a rumor" that files were deleted, but contends that there is no truth to it.

Monday, defense lawyer John Jacobs, who represents one of Sheik Omar Abdel-Rahman's co-defendants in the ongoing federal terrorist trial in New York, asked the judge to turn over the computer evidence so he could ascertain whether anything had been destroyed or altered.

The FBI had no comment. But law enforcement sources said when the CIA turned over the actual computer and disks, Justice Department experts determined that at least three separate computer deletion programs had been used to erase some of the data. The computer and disks, along with explosives and documents, were seized during a Jan. 6 raid on the apartment Yousef had rented under an alias.

The CIA had provided the FBI with a summary of the files, indicating that they contained detailed information about Yousef's co-conspirators in the United States and overseas, including their names, addresses and in some cases even their phone numbers.

One of Yousef's associates mentioned in the files is reportedly an airline pilot who was planning to attack U.S. targets with bomb-laden planes, according to Filipino authorities.

THE WASHINGTON POST
THURSDAY, APRIL 20, 1995

Will Dr. Foster Have His Day?

THANKS TO A not-ready-for-prime-time performance by Dr. Henry Foster and the White House, President Clinton's choice to be surgeon general was already dangerously adrift even before his name formally reached the Senate. Now the Foster nomination is reeling under the double impact of Republican opposition and presidential politics. The latest Republican presidential candidates to line up against Dr. Foster are fellow Tennessean Lamar Alexander and Senate Majority Leader Robert Dole. Another GOP presidential hopeful, Sen. Phil Gramm, already had threatened to filibuster the Foster nomination if it reaches the Senate floor. What matters more at the moment, however, is that Sen. Dole appears to be toying with the idea of denying the Senate a vote on Dr. Foster's fitness to serve. That would be unfair.

Sen. Dole has weighed in against Dr. Foster even before the nominee has had a chance to say a word in his own behalf in hearings. Contrast that with his February statement, "We shouldn't shoot down somebody before they've even had a hearing." That, however, was before Sen. Gramm publicly broached the idea of filibustering the Foster nomination ("Gridlock is sometimes a good thing").

Sen. Dole now says that even if the Foster nomination clears the Senate committee, he still may not allow a floor vote. That stance may trump Sen. Gramm's talkathon threat and perhaps please GOP lawmakers who would just as soon take a pass on debating a woman's right to choose, or maybe earn applause from antiabortion activists and the religious right. But it is not the way for the U.S. Senate to exercise its own obligations.

President Clinton promises to go to the mat for his embattled nominee, calling him "a good man with a good record. . . . He is qualified, he should be confirmed." That will be the question when Sen. Nancy Kassebaum's Labor and Human Resources Committee holds hearings early next month. The president decries the likelihood of Dr. Foster's getting caught up in presidential politics. Of course the nomination itself was made with an eye to politics; there's no point in denying it. In deciding on the next surgeon general, however, it should be the committee, and the facts developed about the nominee's fitness during the hearings, that determine how the Senate ultimately works its will on Dr. Foster—and the hearing should go forward. If opponents of Dr. Foster believe they have a strong case against him, they shouldn't be afraid to make it.

Why Another Bathhouse in D.C.?

AT LAST COUNT, something on the order of 7,000 people in metropolitan Washington had died as a result of AIDS. By all accounts, the area has an AIDS epidemic on its hands. So why, in the name of common sense, is the city negotiating the terms of a permit for a new "social" facility called the Crew Club in which casual, anonymous homosexual liaisons have reportedly occurred repeatedly on the premises. Jim Graham, the administrator of the Whitman-Walker AIDS clinic sees the hazards in allowing such a facility to take hold in this city. "In the midst of an epidemic, I am disappointed this is part of the landscape in this city," he said. "It is a bathhouse *au courant*—a bathhouse for 1995." That makes it one of the last things this AIDS-plagued city needs.

According to Post staff writer Amy Goldstein's story "Gay Social Club in D.C. Raises Health Concern," research data now suggest that the HIV infection rate among gay men is on the rise again after years of relative stability. Promiscuous and unsafe sexual liaisons loom large as one reason for the upswing. A facility such as the Crew Club—in which lights are low, naked male dolls are shown in erotic poses, safe-sex posters serve as club decorations and patrons are required to wear only towels beyond the weight room—may qualify as the Washington area's latest AIDS breeding ground. It's bad enough that the city still has bathhouses that are holdovers from the pre-AIDS era. But to open a new one in the face of the current crisis is nonsense.

The city apparently isn't oblivious to the club's potential public health threat. The Department of Consumer and Regulatory Affairs has already responded to a complaint of sexual activity in the Crew Club. City regulators are negotiating a consent decree with the club's operator that places sexual activity of any nature off limits. The city should be prepared to vigorously enforce the prohibition on public health grounds.

Undoubtedly some people will view strict enforcement as an infringement on the civil liberties of the people who patronize gay men's clubs. That's the wrong way to look at the situation. Any government-licensed club in the nation's capital—whether it caters to homosexuals or heterosexuals—should be prohibited from allowing its premises to be turned into a site that fosters deadly behavior. There is plenty of room in this city for new businesses, but not for clubs that are killers.

PHOTOCOPY
PRESERVATION

34TH STORY of Level 1 printed in FULL format.

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March 02, 1995, Thursday, Final Edition

SECTION: OP-ED; Pg. A21

LENGTH: 1033 words

HEADLINE: Medical Morality: When Consent Is Not Informed

BODY:

Every week seems to bring a new undocumented assault on the character of Dr. Henry Foster, the U.S. surgeon general nominee.

In response to the disclosure that in 1974 Foster performed a "small number" of sterilizations on severely retarded women (four seems to be the number), Charles Krauthammer asked whether it was "ethical to perform surgery and permanently sterilize women in no position to give consent" [op-ed, Feb. 17]. Krauthammer, who is not only a respected journalist but also a physician with a well-known interest in and sensitivity to moral problems in medicine, raised precisely the right question. Unfortunately he came to an uncharacteristically simplistic judgment.

Medical ethics in this most individualistic of all modern cultures has been "autonomy"-driven. Informed consent is at the heart of it. But with the seriously mentally impaired, consent itself can be immoral -- if not impossible -- to obtain. For example, one would not allow a significantly impaired person to sign away her fortune and her security. Nor, by the same token, should she be allowed to make major decisions that infringe on her health and survival. Whether she is to be subjected to an amputation, a coronary bypass or a sterilization procedure will all be decided by others.

In the case of the mentally impaired, we are forced to violate a cardinal principle of medical ethics: We abrogate her authority to decide for herself, assigning this right to others -- the family or institutions of society and the state.

Sterilization procedures have traditionally aroused anxiety and distrust, particularly since the World War II horrors of Nazi "eugenics" and the complicity of German doctors in racial experiments. So strong was the fear of eugenics that even authentic research in genetic influences on behavior was viewed with distrust. As distinguished a biologist as E. O. Wilson was assaulted by some of his colleagues as a fascist for daring to present the data (suggesting that human beings, like insects, have genetic directives) that has since built his reputation as one of the great and humane scientists of our day.

But in the 1970s a counter-trend emerged. The civil rights movement had become a model for many disenfranchised populations other than African Americans, among them the handicapped. Consumer advocacy groups were being formed. The rights of the mentally retarded were freshly reasserted by organizations formed to defend them, which questioned even the definition of retardation. Mainstreaming became the order of the day.

Oddly enough, this new attitude created an atmosphere in which such extreme measures as permanent sterilization for the retarded were discussed in terms of their beneficence and as promoting the rights of the individual. The argument was that they would offer retarded persons an opportunity to participate in the new sexual freedom, unfettered by fears of pregnancies and child-rearing, which they might not be able to manage.

All this is by way of pointing out that what was morally correct and incorrect had hardly been settled by 1974, when Dr. Foster performed his operations. The law was confused, the philosophical community was divided, and the medical community was uncertain. Even the advocacy groups for the mentally retarded were deeply divided.

So great was the confusion that in 1976 a grant was given by the National Science Foundation to the Hastings Center (a nonpartisan, nondoctrinaire research institute concerned with society, ethics and the life sciences) to convene a group of scholars and advocates to help sort out the moral contradictions in this complex area.

The nature of that ethical discourse is too extended to be encompassed in this article, but a number of variables obviously would determine moral justification for sterilization procedures: Who initiated it, the government or the individual's family? If the government, what section: the punitive branch of the Justice Department in a criminal case or some paternalistic (although not necessarily more to be trusted) institution of mental care?

Also to be considered: Things done to a person to serve her interest are judged by different standards from those done her in the interest of her family, of other like individuals, the institution or the state. Moral dilemmas exist under all these conditions, and the proper resolutions in each case may be entirely different.

In that debate a distinguished liberal philosopher argued that sterilization of mentally retarded persons would be morally mandated if it would "enhance their position in the moral community" by facilitating their living together at home or in small communities outside traditional institutions. We do not have to accept that particular argument, but what is clear to those of us who were privy to these discussions is that the moral question was not settled then, as it is probably not settled now. It is particularly unjust to equate a doctor who performs sterilization procedures for therapeutic reasons -- even if you feel he is misguided -- with doctors who participated in radiation experiments on unconsenting, unsuspecting subjects during the Cold War years, let alone the obscene Nazi camp experiments.

Krauthammer argues that "sterilization of the mentally infirm is a morally problematic procedure"; with that we heartily concur. But it is clearly immoral (nothing problematic here) to impugn the ethical character of Henry Foster on the basis of sterilization procedures he has performed or, for that matter, on abortions he has performed.

People of goodwill and good heart are entitled to hold differing views on emotionally charged social issues (in-vitro fertilization, assisted suicide, organ transplants, genetic engineering or, for that matter, divorce, capital punishment and gun control) without being demonized. For the Senate to form a judgment on Dr. Foster's character on the basis of his having performed such

procedures would be indefensible and indecent.

Willard Gaylin is professor of psychiatry at Columbia University and co-founder of the Hastings Center. Allan Rosenfield is dean of the Columbia School of Public Health.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: March 02, 1995

75TH STORY of Level 1 printed in FULL format.

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February 14, 1995 Tuesday, CHICAGOLAND NORTH EDITION

SECTION: NEWS; Pg. 4; ZONE: N

LENGTH: 479 words

HEADLINE: WHITE HOUSE GOES ON OFFENSE FOR SURGEON GENERAL NOMINEE

BYLINE: Knight-Ridder/Tribune.

DATELINE: WASHINGTON

BODY:

After a week of fumbling on its nomination for surgeon general, the White House is fighting back by attacking congressional Republicans as captives of the anti-abortion movement.

"There are extremists within the right-to-life movement who now have hooked the Republican Party in Congress by the nose, and they're dragging them around," White House press secretary Mike McCurry said Monday.

Vice President Al Gore echoed Monday's tough line. "We're not going to let the extremists win," he told reporters.

President Clinton did not engage in the tough rhetoric, leaving that to his lieutenants. He said he expects the nominee, Dr. Henry Foster Jr., to be confirmed "by a fair-minded Senate."

In a hastily arranged trip to Nashville on Monday, Gore accompanied Foster to an impoverished housing project where Foster's "I Have A Future" program operates. The program urges teens to abstain from sex and builds self-esteem as a way to delay pregnancy.

"Anybody who wants to see fewer abortions in this country ought to applaud the nomination of Dr. Henry Foster," said Gore, a former Tennessee senator. "He has devoted his life . . . to making abortion less necessary."

Foster's nomination has been jeopardized by his conflicting statements about the number of abortions he has done, disclosures that he headed a research effort on an abortion drug and that he sterilized severely mentally retarded women in the 1970s. Although such involuntary sterilizations are no longer permitted, the White House and doctors have said they were an acceptable medical practice at the time.

In taking on anti-abortion groups, the White House is attempting to go on the offensive and shift attention from Foster's conflicting statements. The strategy appears designed to try to drive a wedge into the Republican Party between supporters of abortion rights and abortion opponents-a division that some Republicans would like to finesse.

GOP political consultant Glenn Bolger criticized the White House strategy.

"For McCurry to make that kind of attack, obviously sanctioned by the chief of staff and presumably the president, shows a lack of an ear for the

Republican caucus in the Senate," he said. "It fails to pay any attention to the concerns of pro-choice Republican senators who have raised their doubts not about the abortion issue but the honesty standard."

While most presidential nominees are rarely heard from before their confirmation hearings, Foster has done a national television interview, visited with some members of the House, given a speech at George Washington University Medical School and written an article in Monday's Washington Post.

He will call on senators in the middle of the week.

The Senate, which will consider his nomination, plans to hold hearings in mid-March. "We have our work cut out for us," McCurry conceded.

GRAPHIC: PHOTOPHOTO: Vice President Al Gore speaks out on behalf of Surgeon General nominee Dr. Henry Foster on Monday at a Nashville housing project where Foster's "I Have A Future" program operates. AP photo.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 14, 1995

DATE: APRIL 24, 1995

CLIENT:
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LEVEL 1... 4

2ND STORY of Level 1 printed in FULL format.

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February 13, 1995, Monday, Final Edition

SECTION: NEWS, Pg. 1A

LENGTH: 629 words

HEADLINE: Clinton will try to cast Foster foes as radicals ,
Shift in strategy stresses woman's right to abortion

BYLINE: Todd S. Purdum, The New York Times News Service

DATELINE: WASHINGTON

BODY:
The White House angrily defended its nomination Sunday of Dr. Henry Foster Jr. as surgeon general and sought to paint his critics as right-wing extremists.

With some prominent Republicans vowing to oppose the nomination and many Democrats openly contemptuous of initial missteps by the Clinton administration in explaining how many abortions Foster had performed, the White House unleashed its most vigorous support yet for the nominee and prepared to escort him to courtesy calls on Capitol Hill today.

Sunday, the White House chief of staff, Leon Panetta, said President Clinton was committed to fighting for the nomination, which Panetta insisted was under attack from ''the extreme right, who are basically saying, 'We want to make illegal a woman's right to choose.' ''

Speaking on NBC's Meet the Press, Panetta conceded the White House had made mistakes in its handling of the nomination. But Panetta insisted that the focus should not be on how many abortions or other procedures Foster had performed, or on the White House's mistakes, but on his overall career as an obstetrician and gynecologist who sought to prevent teenage pregnancy by counseling abstinence.

''This isn't a vote about White House process, this is a vote about the qualifications of this surgeon general,'' he said.

Sen. Phil Gramm (R-Texas), an abortion opponent who is seeking his party's presidential nomination in 1996, predicted that Foster could not win Senate confirmation and said that he was too controversial to succeed Dr. Joycelyn Elders, who was dismissed by Clinton in December after a string of outspoken statements on sexual issues.

''I think that in the wake of Dr. Elders that it's been too divisive a position, and I think people are ready for a Dr. Welby, M.D., who can work with every element of American society,'' Gramm said on ABC's This Week.

The White House chose Foster, the acting director of Meharry Medical College in Nashville, precisely because it hoped that background would enable him to lead a nationwide crusade against teenage pregnancy.

But at the same time, the administration Sunday appeared eager to engage the Republicans in an open fight over abortion rights, a debate it had seemed intent on avoiding by initially focusing on the small number of abortions Foster said he had performed and by emphasizing that he had performed them mostly in cases of rape or incest or to save the life of the woman.

''It's a debate about abortion,'' the secretary of Health and Human Services, Donna Shalala, said Sunday, also speaking on This Week.

''This is about a woman's right to have an abortion in this country, to make the most private of decisions.''

Shalala acknowledged the administration had erred in first saying Foster had performed only one abortion, then fewer than a dozen, and then coming to a final tally of 39, plus supervising a study on abortion drug.

But after the confusing numbers game, the White House has apparently decided that it would be better off arguing that Foster had done nothing wrong and portraying his opponents as extremists.

The administration has been coming under sharp criticism not only from abortion opponents but also from some abortion rights supporters, who faulted Foster for lack of candor and Clinton for seeming to waffle in his support for a procedure that has been constitutionally protected since 1973.

At the same time, Republicans like the Senate majority leader, Bob Dole of Kansas, who had adopted a wait-and-see attitude about Foster's prospects, were under intense pressure from Gramm and others to take a harsher stance.

LOAD-DATE-MDC: February 14, 1995

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4-4	Cross Stats Office Building	46	46
5-1	Gallatin Road Fire Hall	43	300
5-2	McFerrin Park Center	30	67
5-3	Meigs Jr. High School	82	137
5-4	Cleveland St. Park Center	17	105
6-1	Kirkpatrick Center	19	23
6-2	East Nashville Head Start	37	335
6-3	Holly Street Fire Hall	28	371
7-1	Cora Howe School	42	345
7-2	Inglewood School	85	187
7-3	Metro Health Center	23	273
7-4	Bailey School	46	290
8-1	Lockeland School	61	365
8-2	Rosebank School	53	404
8-3	Stratford School	61	336
8-4	Dalewood School	84	655
8-5	Cornelia Fort Air Park	53	444
9-1	Jere Baxter School	45	470
9-2	Dan Mills School	74	561
9-3	Inglewood Library	80	790
9-4	St. Joseph School	45	295
10-1	Stratton School	31	345
10-2	Amqui School	36	395
10-3	Nashua Road Jr. High	66	600
10-4	Madison Park Center	23	327
11-1	Gateway School	33	317
11-2	Goodlettsville Center	102	983
11-3	Little Creek Center	64	426
11-4	Union Hill School	31	382
11-5	B & W Service Station	19	218
12-1	Old Hickory Center	108	1104
12-2	Lakewood City Hall	30	398
12-3	Andrew Jackson School	51	419
12-4	Du Pont High School	206	647
13-1	Dodson Chapel School	23	171
13-2	Bakers Grove Church	75	304
13-3	Una School	132	886
13-4	Percy Priest Lake Center	47	293
13-5	Tenn. School For Blind	18	287
14-1	Donelson Elementary School	88	488
14-2	Hermitage School	116	650
14-3	Donelson Jr. High School	38	305
14-4	Hickman School	27	384
15-1	Margaret Allen School	36	273
15-2	Stanford School	85	690
15-3	Two Rivers Jr. High School	78	588
15-4	Donelson Library	107	836
16-1	T.P.S.	28	232
16-2	Glenview School	44	332
16-3	Glengarry School	58	474
16-4	Vultee Church of Christ	33	323
17-2	Napier School	20	65
17-3	Cameron School	44	148
17-4	Fall-Hamilton School	24	249
18-1	Fehr School	12	81
18-2	Headquarters Fire Hall	27	83
18-4	N.E.S. Building	20	32
19-1	Wharton School	81	123
23-4	Brookmeade School		
24-1	McCabe Park Center		
24-2	Bowen Park School		
24-3	Marrs Vaught School		
24-4	Charlotte Avenue Fire Hall		
25-1	Woodmont School		
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25-3	Christ The King School		
25-4	Stokes School		
25-5	Green Hills Library		
26-1	Earth School		
26-2	Metro Police Center		
26-3	Hillsboro Fire Hall		
27-1	Waverly-Belmont School		
27-2	Murrell School		
27-3	Eighth Avenue Fire Hall		
27-5	Belmont College Barn		
28-1	Sevier Park Center		
28-2	Berry Hill City Hall		
28-3	Turner School		
28-4	Woodbine School		
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29-2	Glencliff High School		
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29-4	Wright Jr. High School		
30-1	Norman Binkley School		
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31-1	Apollo Jr. High School		
31-2	Una-Antioch Fire Hall		
31-3	Grace Cole School		
31-4	Cane Ridge Center		
31-5	Mt. View School		
31-6	Cane Ridge Center		
32-1	Granbery School		
32-2	Crieve Hall School		
32-3	McMurray Jr. High School		
32-4	Tusculum School		
32-5	Tusculum School		
33-1	Hillsboro High School		
33-2	Moore Jr. High School		
33-3	Robertson Academy		
33-4	Glendale School		
34-1	Belle Meade City Hall		
34-2	Julia Green School		
34-3	Percy Priest School		
34-4	Parmer School		
34-5	Percy Priest School		
34-6	Richard Jones Fire Hall		
35-1	Hillwood Jr. High School		
35-2	Gower School		
35-3	Bellevue High School		
35-4	Harpeth Valley School		
35-5	South Harpeth Club		
35-6	St. Henry's School		
35-7	Old Bellevue School		
	METRO TOTAL		

Moral Majority magazine article is spu

By Bill Snyder
Banner medical writer

A report by the Moral Majority that claims Meharry Medical College is using "poor blacks" to test abortion suppositories is "without foundation," Dr. Henry Foster, chairman of obstetrics and gynecology at the predominantly black college, said today.

The report, published in the Aug. 24 issue of *Moral Majority Report*, implies that the Meharry study — and other efforts at "promoting" permissive abortion — have many blacks concerned that they are the target of "genocide."

"I really don't think the perpetrators of this article are genuinely concerned for poor blacks," Foster said. "Women such as those treated at Meharry run a four- to five-time higher risk of dying during delivery" than the general population.

Babies born to poor women "run a three-times greater risk of dying during the first year," he said. "I think their concern of genocide is spurious."

The "investigative report," by reporter Dexter Duggan, cites a study of a hormone-containing suppository produced by Upjohn Co. of Kalamazoo, Mich., that is being tested at Meharry and other U.S. medical institutions.

The suppository contains prostaglandin, a natural hormone-like substance that stimulates uterine contractions.

By placing the suppository in the vagina, women can start a menstrual period, thereby terminating the pregnancy.

Foster said the suppository could free women from the expense, surgical risks and hospitalization required by conventional forms of abortion.

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24-1	McCabe Park Center	134	362
24-2	Sylvan Park School	93	682
24-3	Martha Vaught School	142	457
24-4	Charlotte Avenue Fire Hall	24	211
25-1	Woodmont School	179	419
25-2	West End Jr. High School	175	448
25-3	Christ the King School	184	362
	Stokes School	158	431
	Green Hills Library	153	384
	Eakin School	93	135
	Metro Police Center	97	173
26-3	Hillsboro Fire Hall	186	261
27-1	Waverly-Belmont School	85	178
27-2	Murrell School	108	177
27-3	Eighth Avenue Fire Hall	51	88
27-4	Belmont College Barn	126	100
28-1	Sevier Park Center	152	388
28-2	Berry Hill City Hall	23	176
28-3	Turner School	35	434
28-4	Woodbine School	10	226
29-1	Whitsitt School	33	370
29-2	Glencliff High School	23	284
29-3	Paragon Mills School	102	537
29-4	Wright Jr. High School	27	334
30-1	Herman Binkley School	142	688
30-2	Haywood School	108	612
30-3	Haywood Lane Fire Hall	28	245
30-4	Herman Binkley School	94	437
31-1	Apollo Jr. High School	97	713
31-2	Una-Antioch Fire Hall	58	469
31-3	Grace Cole School	188	843
31-4	Cane Ridge Center	84	345
31-5	Mt. View School	200	792
31-6	Cane Ridge Center	39	223
32-1	Granbery School	168	874
32-2	Crieve Hall School	175	816
32-3	McMurray Jr. High School	30	185
32-4	Tusculum School	45	320
32-5	Tusculum School	130	517
33-1	Hillsboro High School	160	648
33-2	Moore Jr. High School	91	408
33-3	Robertson Academy	208	768
33-4	Glendale School	144	747
34-1	Belle Meade City Hall	151	644
34-2	Julia Green School	158	548
	Percy Priest School	180	608
	Parmer School	87	316
	Percy Priest School	115	484
	Richard Jones Fire Hall	118	430
35-1	Hillwood Jr. High School	74	334
35-2	Gower School	85	704
35-3	Bellevue High School	261	816
35-4	Harpeth Valley School	58	261
35-5	South Harpeth Club	18	133
35-6	St. Henry's School	220	840
35-7	Old Bellevue School	141	514
	METRO TOTAL	11965	58578

[illegible] while votes were tallied in Metro the massive defeat on a last-minute desegregation court order that has delayed the opening of schools, Schools Director Charlie Frazier said, "I would be less than realistic if I did not accept it as a message that some people are of the opinion public education is not utilizing the dollars we have wisely."

The final vote count was 56,326 against the tax hike to 11,965 for it. Only two of the county's 169 precincts voted for the tax — the Belmont College Barn, which went 126-100 in favor of it, and the predominantly black McKissack School area, where it passed by a 99-94 vote.

Turnout was tiny in the black precincts, which had been expected to go for the referendum if any would. Blacks who did go to the polls generally voted against the tax increase, but by a smaller margin than in most other areas.

Voting was heavy in the suburban precincts where past and proposed school closings have heightened tensions. But at Bellevue Junior High School, which was downgraded from a high school last year, the 3-1 margin against the tax hike surprisingly was less than in the county as a whole.

While overall turnout was low — 70,491, or about 29.5 percent of the county's 239,000 registered voters, went to the polls — it was higher than many observers had expected and higher than school tax supporters privately had hoped for.

"We're not making excuses around here," said Rick Scali, campaign coordinator for the pro-tax Reach for Excellence Committee. "We think events kind of caught up with us. We started with an uphill fight and it got harder."

School board member Ted Riddle said he is not sorry the board, exercising a right granted to it by [illegible] law, in

Riddle said board members in calling the referendum had made all of the usual adjustments that accompanies the opening of school, so put pressure on a tax increase. The disruption caused by the 6th U.S. Circuit Court of Appeals' decision to stay implementation of a desegregation plan pulled the rug out from under them hours, Riddle said.

"If schools were in session, I don't think the margin would be anywhere near this much against us," he said. "I think the Metro Council will realize that in the long run."

But Frazier said a combination of [illegible] opposition to taxation for any purpose, the sluggish and inflationary economy, and a widespread belief that public schools do not have the quality they should.

"If many [illegible] people are saying, 'Inflation is impacting on my budget so therefore you should cut your budget and we will be satisfied with less services,'" Frazier said.

"One of the tragedies of these results is we weren't going for a wish list. We were going for a minimum amount of revenue to maintain the level of service," the schools director said.

About $2.7 million of the $8.8 million that was to be raised by the tax hike involves cuts in existing services, with special education and vocational education being hit the heaviest. Those cuts already have been made with the expectation that they would be restored if the tax hike passed, Frazier said.

But the schools' money problems will be compounded by the fact that $1 million of the $138.4 million appropriated by the Metro Council was to come from sales of surplus school property.

e article is spurious, Meharry doctor says

suppository produced by Upjohn Co. of Kalamazoo, Mich., that is being tested at Meharry and other U.S. medical institutions.

The suppository contains prostaglandin, a natural hormone-like substance that stimulates uterine contractions.

By placing the suppository in the vagina, women can start a menstrual period, thereby terminating the pregnancy.

Foster said the suppository could free women from the expense, surgical risks and hospitalization required by conventional forms of abortion.

The Moral Majority article, entitled *Abortion to be easy as aspirin*, includes subtitles such as "Probe shows suppository tested on poor blacks" and "Blacks believe abortion is used as genocide against them."

The article's claim that the research was conducted on poor blacks apparently was based on a comment by an unidentified "local physician" who was reported to say, "If it's at Meharry, you've got to have a lot of blacks."

No statistics on the number of patients, white or black, who participated in the study were given in the article because "Meharry nor Upjohn would comment to me on the race of the subjects being tested in this research," the reporter wrote.

However, Foster said he talked to a reporter from the Moral Majority paper three months ago and was not asked about the number of black women participating in the study.

So far, 105 women have participated in the abortion study, and 33 percent of them were white, he said. Only 2 percent of all obstetrical patients treated at Hubbard Hospital are white.

An additional 150 to 200 pregnant women have tested the suppository, Foster said.

Foster said he would have no further response to the article.

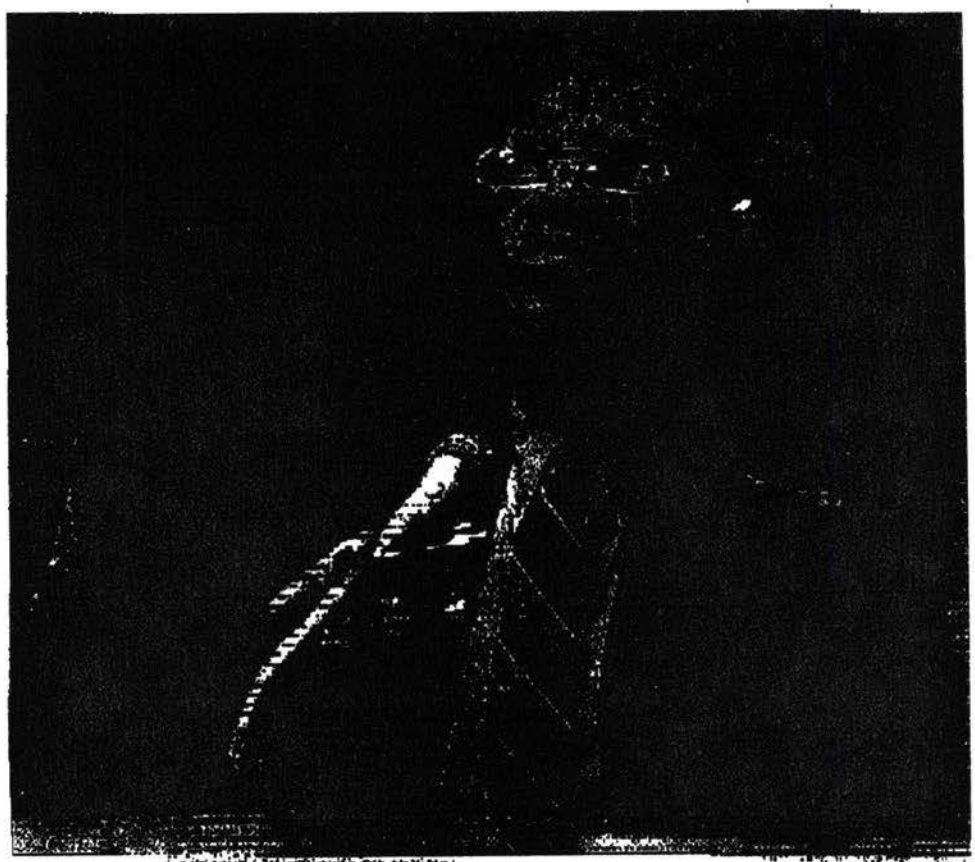
"They have a right to their opinion, but we have a responsibility to do constructive research," he said.

Abortion "is a very distasteful subject to anybody, but in the kind of culture we live in people must have equal access."

"When restrictive abortion laws exist it penalizes unfairly the access of the poor," Foster said.

Seattle Post-Intelligencer
THE VOICE OF THE NORTHWEST SINCE 1863
A HEARST NEWSPAPER
Thursday morning • May 4, 1995

Foster gains ground at hearing



Dr. Henry Foster adroit points yesterday as he sought confirmation of his appointment to the job of U.S. surgeon gen

Hopes rise for surgeon general pick

By Christopher Hanson
of Washington Correspondent

WASHINGTON — Surgeon general nominee Henry Foster gained ground at his confirmation hearing yesterday, winning the backing of one Republican member and highly supportive comments from a second.

And he gave as good as he got under sharp questioning from conservative critics.

After three months of bitter controversy over the nominee's record of performing abortions, the White House at last saw a glimmer of hope that Foster might prevail in the GOP-dominated Senate Labor and Human Resources Committee and even on the Senate floor.

Panel member Jim Jeffords, R-Vt., said he has concluded the White House has enough centrist GOP and Democrat backers to get the 60 votes needed to break a filibuster and confirm Foster — assuming Senate Majority Leader Bob Dole allows a vote. Dole, R-Kan., has been threatening to kill the nomination by refusing to do so.

The committee has 18 members and will vote on Foster within a few weeks. Its seven Democrats support the nominee. Foster, who needs two Republican votes to win a majority, made good progress yesterday toward getting them.

First, Jeffords announced he would vote for Foster. Jeffords had sharply questioned the nominee on the effectiveness of the "I Have a Future" pregnancy reduction program that Foster leads in Nashville, Tenn. But yesterday, the senator said he was satisfied with the nominee's answers and said Foster had done "an incredibly good job."

"I am confident that you ought to be approved by the committee," Jeffords declared. His vote means at least an 8-8 tie, enough to prevent the nomination from dying in committee.

Second, Sen. Bill Frist, R-Tenn., a doctor, unloaded a series of statements and questions aimed at battering Foster against various charges.

Frist rejected as unreliable

See FOSTER, Page A15

No John Doe 2 yet — but John

By Tom Hayes
The Associated Press

OKLAHOMA CITY — For a while this week, Nick Morgan, Australian tourist in Canada, became John Doe 2, the most-wanted man in America — and Canada.

Morgan, 27, and his girlfriend were about four hours later.

■ Two weeks later: Bombing probe nets suspects, characters, questions. Page A8

When the girlfriend, Louise Kamp, called home, "She was in a state," said her mother, Pat. "She said, 'Nick was just

Land, at least a chub version of the man in th fellow drifter Robert Jo Tuesday by heavily a cheap motel in Missou leased 18 hours later speculation that Land whose likeness was b

Foster: Dole now under pressure

From Page 1

study that found the "I Have A Future" program had failed to stop teen pregnancy. He knocked down a suggestion by Rep. Bill Coats, R-Ind., that Foster, a gynecologist, failed to disclose an abortion performed in the 1960s.

In fact, Frist pointed out, Foster had performed a hysterectomy on a woman suffering from cancer and only later discovered she had been in the early stages of pregnancy. That was not an abortion, Foster said.

Frist, like a skilled defense attorney, also asked Foster a series of questions aimed at rebutting accusations that the nominee breached medical ethics in sterilizing four mentally retarded teenage girls in the 1960s. Frist said it was done with parental consent and was in keeping with standard medical practice of the time.

Still, Frist said he was not ready to announce his vote.

But Jeffords said he assumed Frist would back Foster. That would make the vote 8-7 and send the nomination to the Senate with a favorable recommendation.

Moderate committee Chairwoman Sen. Nancy Kassebaum, R-Kan., declined to disclose how she will vote, but said: "I felt it went well. Both yesterday and today he did well in his presentation."

She also said that, by her count, there were enough Senate votes to break any filibuster against Foster.

Dole is under mounting pressure to back off from his threat to prevent the Senate from voting.

The Foster nomination has been snagged in presidential politics, as Dole and Sen. Phil Gramm of Texas are vying for the GOP nomination. After Gramm vowed to filibuster a nomination vote, Dole one-upped him with the threat to kill it outright by blocking a vote.

Panel member Chris Dodd, D-Conn., said at the hearing: "The idea that you mean to block consideration of this person from having a vote on the floor of the Senate is childish and wrong."

And Senate Democratic leader Tom Daschle of South Dakota told reporters that Democrats could retaliate by blocking any legislation through procedural moves if Dole kept the nomination bottled up. "Cooperation is a two-way street," Daschle warned.

Sen. Patty Murray, D-Wash., who has led the charge for Foster in the Senate, said the Democrats have several options for putting pressure on Dole but declined to provide specifics.

"I think (Foster) has done an outstanding job of answering all the questions . . . and I believe that both him and the committee deserve a debt of gratitude from the Senate," Murray said.

During the hearings, Foster, 61, has been at his best in conveying a passionate commitment to serving poor patients and in discussing how, with the help of loving parents and grandparents, he became a doctor and medical school teacher despite racial barriers against blacks during that period.

He has occasionally stumbled and failed to answer questions clearly or to defend himself forcefully when under tough examination by committee conservatives.

But yesterday, he fired back with rage and indignation. Coats, the Indiana conservative, raised the question of whether Foster had known about a notorious federal government experiment in which medical treatment was withheld from 400 blacks suffering from syphilis.

Foster has been accused of failing to intervene to treat patients after being informed of the experiment in 1968. The nominee has said repeatedly that he did not learn about the experiment until it was publicly exposed in July 1972.

Coats cited documents he said show doctors in Tuskegee, Ala., where Foster was vice president of the medical society, were briefed by federal health officials about the decades-long experiment, which took place in the Tuskegee area.

Sounding very skeptical, Coats said the documents raise "an extremely disturbing question." He implied Foster must have known of the experiment earlier than he admitted.

Foster exploded. "Of all the things that have transpired over the past three months, I find nothing more offensive . . . That (the experiment) was the most unbelievable thing that ever happened. I was outraged in 1972. I would have been equally outraged in 1971, '69, '68, '67. No one else in Tuskegee knew anything about it."

He said the experiments had been conducted and covered up by the federal government and that Coats was maligning "the black people of Tuskegee" by accusing them of complicity.

Raising his right hand as if swearing on a Bible, Foster thundered: "Under oath, incorrect, wrong, wrong, wrong, sir!"

Sen. Slade Gorton, R-Wash., a member of the panel who has said he will vote against Foster, was absent from the hearings yesterday, as he was on Tuesday.

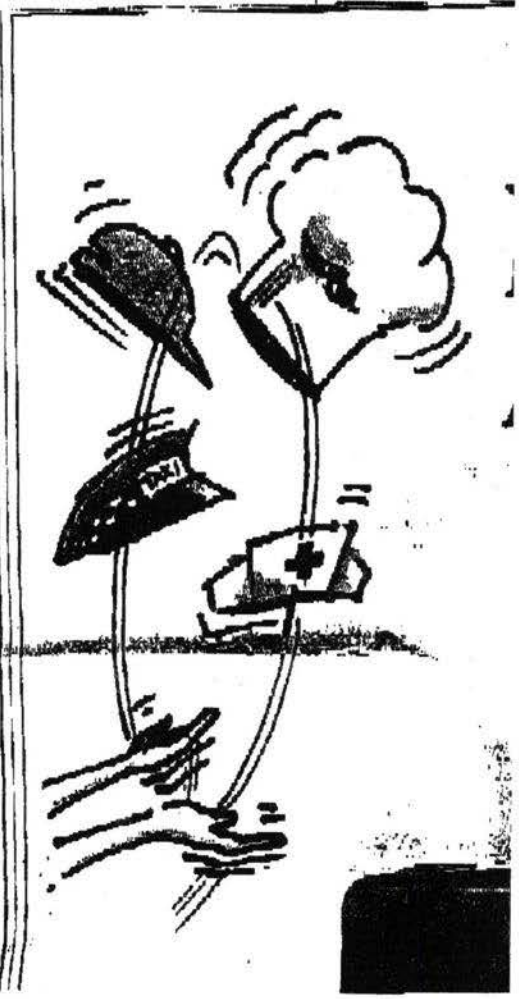
"It's reprehensible that Senator Gorton, who professes to be pro choice and comes from a pro-choice state where over half the population are women, did not go to the hearings where the nominee was able to present his case," said Karen Cooper, executive director of the Washington state chapter of the National Abortion and Reproductive Rights Action League, a liberal activist group.

But Gorton spokeswoman Heidi Kelly said the senator had no choice but to miss the hearings because duty demanded his presence on the Senate floor.

"The Senate is finishing up debate on Gorton's legal reform bill. It is his legislation, he is the floor manager, and is required to be on the floor to manage the bill," Kelly said.

Gorton says he opposes Foster because the doctor has used divisive rhetoric to attack foes of his nomination. That undercuts Foster's ability to build consensus, according to the senator.





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Wed. April 26, 1995

Dole plays the anti-abortion card

Lionel Van Deerlin

THE SAN DIEGO UNION-TRIBUNE

Bob Dole has the best of worlds. As a Republican presidential candidate, Dole needs to show how tough he can be against abortion. And so, as the Senate majority leader, he will use his considerable clout to bar an able African-American from becoming surgeon general of the United States.

The given reason? Although qualified by all professional standards for the post, Dr. Henry W. Foster Jr. is an obstetrician. Given the nature of his chosen medical field, Foster has had reason to perform therapeutic abortions. Maybe 40 times.

Dole probably would not have brought this matter up under normal circumstances. But what's normal about running for president? The doughty Kansan senses that a sizable number of Republican convention delegates may be unforgivingly pro-life when it comes to picking their candidate.

Politics can be a grubby business, and if Dole's presidential fortunes mean marring the career of a splendid public servant like Dr. Foster — well, too bad.

In the case of Bob Dole, it marks the second time he has played the anti-abortion card for political advancement. Indeed, Dole might not be in the Senate today except for his demonstrated willingness to destroy another physician more than 20 years ago.

It was during Dole's 1974 Senate reelection campaign. This, the first elections after Watergate, will be recalled as a banner year for Democrats. Dole knew he was in trouble when polls in the final weeks showed him trailing a two-term House member, Rep. William Roy, by 8 percent to 10 percent in the polls.

As a former Republican National Committee chairman, Dole already enjoyed a national reputation. Polls early in the year had shown him with a 32-point edge over the relatively obscure congressman.

But Bill Roy campaigned hard to persuade Kansans that while Dole had avoided personal involvement in the Watergate scandals, he should have used his party chairmanship to ferret out the wrongdoing.

Voters seemed to accept that logic and were turning to the challenger in increasing numbers. Facing defeat, Dole took drastic action. His campaign crew launched a telling last-minute attack depicting Roy as "an abortionist."

Now retired, Dr. Roy is an obstetrician/gynecologist who had delivered the babies of many Topeka families during his 20-year practice and had served as president of his county medical society. He was elected to Congress in 1970. One of two licensed physicians assigned to the Commerce Subcommittee on Health, Roy helped shape legislation establishing health maintenance organizations (HMOs), aimed at keeping doctor bills down for working families.

Few legislators had accomplished so much in so short a time. As Dole's first Senate term wound down, Roy, then 48, decided to run against him.

The last time, Dole's ad writers showed scant regard for facts.

Their campaign was uneventful until the last week. That's when the assault on Roy's medical ethics turned things around. Newspaper ads put Roy's picture alongside a skull and crossbones. Windshield fliers outside supermarkets tied the doctor/congressman to pictures of discarded babies on garbage piles.

As with other political hit pieces which have subsequently become commonplace in campaigns, Dole's ad writers showed scant regard for facts, including the most obvious: that just a year previously, the U.S. Supreme Court validated a woman's right to an abortion in the first trimester of a pregnancy.

In his Topeka practice, Roy had sedulously avoided performing such operations until the Kansas Legislature passed strict regulations in 1969. The statute legalized abortion "to protect the life or health of a mother." To assure that her need was genuine, the law required approval by two additional physicians before the procedure could take place.

No one claimed that Roy had not adhered faithfully to the Kansas law or the Supreme Court's Roe vs. Wade decision. Yet he became the target for assertions that would have been clearly libelous if leveled at a doctor who was not a public figure — one not in politics, that is.

A *New York Times* report shortly before the election showed Roy on the defensive:

"Roy was asked about it during a reception at Emporia: 'When I was an obstetrician in Topeka, I operated on one woman who had a tumor the size of your fist in her uterus. I removed the uterus to save the woman's life. But the uterus contained a fetus.

" 'The operation was performed only to save the life of the woman. And, I might add, it was performed at a Catholic hospital. It was an abortion technically. But it was necessary to save the woman's life.'

"Roy (a Methodist) looked at a priest standing at the rear of the crowd. 'Correct me if I am wrong, Father, but I think I am right in saying that this is permissible under Catholic teaching.' The priest nodded."

Yet Dole's ruse worked. Narrowly reelected, he went on to become Senate leader.

Now the replay. He says he opposes Henry Foster's nomination for surgeon general not because Foster lacks medical competence, nor because he has failed to establish an enviable record in the public health field. No, the case against Dr. Foster rests solely on the admission that he has performed thoroughly legal abortions for women in need of them.

The practice of obstetrics deals with a patient's most intimate problems. The Dole standard, if accepted, could mean that a man or woman choosing this specialty is forever precluded from holding the nation's top medical post.

It will remain for a majority of delegates to the next Republican convention to decide their party's position on abortion. But in the view of their leading candidate, one thing is clear: The right to life does not extend to political opponents.

VAN DEERLIN represented a San Diego County district in Congress for 18 years.

Monday, May 1, 1995

JACK ANDERSON and MICHAEL BINSTEIN

WASHINGTON MERRY-GO-ROUND

Foster calls Dole threat 'un-American'

By Jack Anderson
and Michael Binstein

WASHINGTON — Surgeon General-designate Henry Foster charges it would be "un-American" for Senate Majority Leader Bob Dole to prevent a vote on his nomination from reaching the Senate floor.

In the only interview he's granted in the 10 days before this week's confirmation hearings, Foster broke his silence on Dole's threat to deny him the basic fairness of a straight up-or-down vote before the full Senate.

"I don't think Senator Dole would do that ... because that would be so un-American," Foster told our associate Ed Henry in an interview at the White House. "I just don't think the senator would do that. I think he has too much integrity to do that."

Under Dole's Alice in Wonderland-style justice, Foster is facing sentencing before a trial. Dole has threatened to keep the vote off the Senate's schedule — effectively killing it — even if the nomination is given a favorable recommendation by the Labor and Human Resources Committee.

Foster feels, however, that Dole will back down. "I don't think he's going to go through with it is what I'm telling you," said Foster. "I think he's a man who believes in the American way ... I'm not taking it lightly, but people say things in the heat of battle (like) 'Read my lips!'"

Dole appears less concerned about sinking Foster than shoring up his support with the far-right wing of the GOP. He's not so much battling Foster as he is bowing to the true-believers who decide Republican primaries. Dole's accusation that Foster has a "credibility problem" rings hollow in the context of the Kansan's recent bow-tossing on issues ranging from taxes to affirmative action.

To be sure, the Clinton administration has supplied enough ammunition to anti-choice conservatives. Early on, officials kept revising the number of abortions Foster performed, prompting Dole to claim that Foster "didn't tell the truth." But since when was lying a disqualifying factor for winning Dole's vote?

Just seven months ago, Dole was posing with a perjurer named Oliver North, endorsing his Senate candidacy and writing out a $5,000 campaign check. North was convicted of lying to Congress and of two other criminal charges for his role in the Iran-contra scandal. (The three convictions were later overturned on a technicality.)

"I'm very proud of Oliver North and very proud to be here," Dole said at a campaign stop for North in Virginia. "I don't make any bones about that." Dole not only rode to North's rescue from Democratic broadsides, but proclaimed that wounded veterans like he and North "have to swallow hard" to accept President Clinton as their commander-in-chief.

"It's a wild stretch to suggest that support for the North Senate campaign requires support for the Foster nomination," Dole told us in a written statement. "The bottom line is that Dr. Foster has a here-and-now credibility problem, and it has nothing to do with the Republican Leader campaigning for a Republican nominee in a political race."

Like Foster, Dole is guilty of flip-flopping. Back in 1988, Dole called North "a loose cannon" who "overstepped his bounds" in the Iran-contra affair, and "is not a hero." But last year, Dole was almost apologizing for North.

"My view is, he made a mistake," Dole said in November. "He's made mistakes. He said so. So, what do you do?"

By that same standard, Dole should be able to judge Foster on his entire 38-year medical career. While Foster is the physician of record on 39 abortions since 1973, he has delivered over 10,000 babies. And his program to fight teen pregnancy was honored as one of President George Bush's Thousand Points of Light.

Win or lose, Foster will not heal overnight from charges by Dole and others that he says depict him as a "sleazy sort of person."

"I know what my credibility is," Foster said. "People can find reasons to justify what they want to do. If you really want to know about my credibility, why don't you go to the Nashville Academy of Medicine? Ask them why I am now serving my 30th consecutive year as a member of the ethics board there."

Dole unwittingly made the case for Foster last September, when he was campaigning for North. Deluged with questions by reporters about North's role in the Iran-contra affair, Dole retorted: "Well, I know there are a lot of allegations. But there are probably no perfect senators."

There are probably no perfect surgeon generals either.

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END MERRY-GO-ROUND 5-1-95

THE WHITE HOUSE

WASHINGTON

May 12, 1995

MEMORANDUM FOR JOHN PODESTA

FROM: **JUN JIN**

RE: **Summary of news clips on Dr. Foster**

Please note the following three documents on the Dr. Henry Foster confirmation hearing:

1) **REPUBLICANS SPEAK OUT:** A compilation of quotes from prominent Republicans on the nomination
2) **THE TURNING OF THE TIDE:** Quotes focusing on the improved chances for confirmation in the Senate
3) **NEWS CLIPS ON THE HEARING:** A collection of excerpts from news sources on the hearing

Please call me at 6-7845 if you have any further requests.

#1: REPUBLICANS SPEAK OUT:
PROMINENT REPUBLICANS CALL FOR FOSTER FLOOR VOTE

NANCY KASSEBAUM

- "...Mrs. Kassebaum, who remains uncommitted on the Foster nomination, said she wants it to go to the Senate floor and believes there are enough votes to override a filibuster." (*The Washington Times*, 5/4/95)

JAMES JEFFORDS

- "Pro-choice Sen. Jim Jeffords (R-VT) said that, based on discussions with GOP senators, he expects between 6 and 8 GOP votes in favor of the nomination on the Senate floor: *'I know there is a concern expressed by more than eight (GOP senators) that it might be counterproductive to try to hold it up.'*" (*Abortion Report*, 5/8/95)

BILL FRIST

- "*If he comes out of the committee successfully, I'd like to see a vote on the floor.*" (*Dallas Morning News*, 5/4/95)

JUDD GREGG

- "Even many of Foster's opponents say he deserves a vote on the floor. Sen. Judd Gregg said he recently spoke with Dole, and *'I just said I thought we should have a vote on him, that we might as well put it out and have a vote on it.'*" (*The Associated Press*, 5/9/95)

ARLEN SPECTER

- "*It'll be a sad day if he's defeated, but a very, very sad day if we don't give Henry Foster a vote on the floor of the United States Senate.*". (*PRNewswire*, 5/9/95)

ALAN SIMPSON

- "*It's about a person's reputation. It's like Bob Bork. You may not have liked Judge Bork, but at least he got to come to the floor for a vote.*" (*The Washington Post*, 5/4/95)

JACK KEMP

- "*(Republicans) shouldn't demonize him. He is a decent, honorable person. I'm pro-life. I think the Republican Party should remain pro-life....(But) I think it would be unseemly to filibuster this. As far as I'm concerned, it ought to go to a vote.*" (*The Washington Times*, 5/8/95)

BOB PACKWOOD

- "'*I'm going to support Dr. Foster unless there's some terrible skeleton that none has heard about yet.*' He said he would also vote to end a filibuster if it came to that." (*The Associated Press*, 5/9/95)

JOHN CHAFEE

- "'*I say, let's get on with it*,' said Sen. John Chafee (R-RI), one of the Senate's leading experts on health care, said Tuesday. '*I think that he's a person with suitable experience. He's made efforts in areas that I believe are important doing something about teen-age pregnancy. The fact that he's performed an abortion doesn't bother me. I guess the amazing thing is he's done so few abortions over such a long period.*'" (*The Associated Press*, 5/9/95)

BEN NIGHTHORSE-CAMPBELL

- "As for Nighthorse-Campbell, press secretary Alton Dillard said, '*He will support the nomination, and he doesn't favor any filibuster, any blockage of action, anything like that.*'" (*The Associated Press*, 5/9/95)

JAMES INHOFE

- "...freshman Inhofe of Oklahoma calls it '*shallow on courage*' to deny him his chance." (*The Wall Street Journal*, 5/5/95)

RICHARD LUGAR

- "*Even Foster opponent...Lugar...say(s) he deserves a floor vote.*" (*The Wall Street Journal*, 5/5/95)

JOHN MCCAIN

- "*Even Foster opponent...McCain say(s) he deserves a floor vote.*" (*The Wall Street Journal*, 5/5/95)

#2: THE TURNING OF THE TIDE:
PROSPECTS FOR CONFIRMATION IMPROVE AFTER HEARING

- **"His prospects of winning endorsement from the committee seemed greatly enhanced** with sympathetic statements from two of its Republicans who were regarded as undecided votes: James M. Jeffords (Vt.) and Bill Frist (Tenn.), a fellow physician." (*The Washington Post*, 5/3/95)
- "His two days of testimony **ended on an upbeat note** after Senator James M. Jeffords of Vermont became the first of the nine Republican members of the Labor and Human Resources Committee to publicly announce his support for the nominee." (*The New York Times*, 5/4/95)
- "Surgeon General nominee Foster **gained ground in his fight for confirmation**, as Vermont's Sen. Jeffords became the first Republican on the Labor and Human Resources Committee to declare his support for the doctor." (*The Wall Street Journal*, 5/4/95)
- **"Foster gains dramatically in his bid to become surgeon general**. Though Chairwoman Kassebaum remains noncommittal, the Labor Committee likely will send his nomination to the Senate floor. GOP senators increasingly oppose Dole's threat to block full Senate consideration." (*The Wall Street Journal*, 5/5/95)
- "ABC's McQueen: '**Against heavy odds, Dr. Foster's prospects are much improved** from where they were a week ago. Some of that is due to his own efforts.'" ("Wash. Week in Review," PBS, 5/5).
- "Dr. Henry W. Foster Jr.'s **prospects to be Surgeon General improved considerably** this week, his supporters say. Democrats are increasingly optimistic that Republican efforts to prevent a vote on his nomination will fail." (*The New York Times*, 5/6/95)
- "Al Hunt: 'Henry Foster **acquitted himself just sensationally this week**, and it's a win-win proposition for Democrats.'" ("Capital Gang," CNN, 5/6).
- "Democratic leaders are demonstrably upbeat about Foster's prospects--**a dramatic turnaround from two months ago** that reflects Foster's widely praised performance in the confirmation hearings and a developing schism among Republicans over stalling his nomination." (*The Washington Post*, 5/6/95)
- "In two days last week, Dr. Henry W. Foster Jr. demonstrated just how malleable political fortunes can sometimes be in Washington... **he seemed to wipe away the gloom that had settled over the nomination** just a few weeks ago." (*The New York Times*, 5/7/95)
- "Juan Williams: 'Previously, **the debate was about credibility, abortion, and I think it's now shifted in the public's mind to one 'Are you being fair to this nominee?'**" (*Abortion Report*, 5/8/95)
- "Margaret Carlson: 'Henry Foster is now the Republicans' problem because **he came across as reasonable and dignified**, as a doctor who saves babies. He's done more to prevent abortion than Operation Rescue. Now the Republicans have to show why they've demonized this person and why they don't want to bring him to a vote." (*Abortion Report*, 5/8/95)
- "Henry W. Foster Jr. **brought his nomination to be surgeon general back from the grave with a bravura appearance** before the Senate Labor and Human Resources Committee." (*The Washington Post*, 5/11/95)

#3: NEWS CLIPS ON THE HEARING
NOTABLE QUOTES ON THE NOMINATION

NANCY KASSEBAUM

- "*'Dr. Foster did very well,'* said committee Chairman Nancy Landon Kassebaum, Kansas Republican." (*The Washington Times*, 5/4/95)
- "Democratic strategists say the drive to block the nomination by procedural means is clearly faltering. And there is some evidence for their views: Senator Nancy Landon Kassebaum of Kansas, the Republican chairwoman of the Labor and Human Resources Committee, said this week that the nomination should go to a vote before the full Senate. She also said she believed it was possible to round up the 60 votes necessary to cut off a filibuster and move to a vote on the nomination, a process known as cloture." (*The New York Times*, 5/6/95)
- "Senator Nancy Kassebaum said Tuesday that although she is not yet ready to publicly state her position on the controversial nomination of Dr. Henry Foster as Surgeon General, she believes it will come to the floor for a vote, despite Majority Leader Robert Dole's threat to let the nomination die without a vote." (*The Hill*, 5/10/95)

ROBERT DOLE

- "Dole said Wednesday, '*We'll probably address it* (the fate of the nomination)' once the full committee acts." (*The Los Angeles Times*, 5/4/95)
- "Today Mr. Dole even praised Dr. Foster's performance before the Senate panel last week, but offered no hint about whether he would allow the full Senate to vote. '*I think he did a pretty good job before the committee, but I think there are still some very serious questions that ought to be answered,*' Mr. Dole said." (*The New York Times*, 5/8/95)
- "'*I think I should, before I make a final judgment, sit down and talk with him face to face. I think he's entitled to that. I don't have the reputation of holding up nominees.*'" (*The New York Times*, 5/8/95)
- "When asked if he would allow a vote if Dr. Foster made a favorable impression in their meeting, the Senator said: '*Well, I think it's always been in play. I said at the outset we may not bring it up, and we still may not bring it up. We're going to find out where the votes are, and then we'll make a judgment.*'" (*The New York Times*, 5/8/95)

JAMES JEFFORDS

- "Senator James M. Jeffords of Vermont became the first Republican on the committee to declare support for the obstetrician-gynecologist, saying Foster had done a '*superb job in taking care of the lingering, critical issues*' in his two days of testimony." (*USA Today*, 5/4/95)
- "A key Republican senator announced Wednesday he will support surgeon general designee Dr. Henry W. Foster, making it increasingly likely that the troubled nomination will survive committee action and be sent to the Senate floor for a vote. '*I am confident in my own mind that you should be approved by this committee,' said Jim Jeffords of Vermont.*" (*The Los Angeles Times*, 5/4/95)

- "Jeffords and committee Chairman Nancy Landon Kassebaum said they believe there are enough Republican senators willing to join Democrats to stop a filibuster." (*The Washington Post*, 5/4/95)
- "Fellow moderate Republican Jeffords says Foster could win with a '*significant majority*' that could reach 60 votes." (*The Wall Street Journal*, 5/5/95)
- "Pro-choice Sen. Jim Jeffords (R-VT) said that, based on discussions with GOP senators, he expects between 6 and 8 GOP votes in favor of the nomination on the Senate floor: *'I know there is a concern expressed by more than eight (GOP senators) that it might be counterproductive to try to hold it up.'*" (*Abortion Report*, 5/8/95)

BILL FRIST

- "'*If he comes out of the committee successfully, I'd like to see a vote on the floor.*'" (*Dallas Morning News*, 5/4/95)
- "Pro-life Sen. Bill Frist (R-TN) said on 5/5 that he will probably vote for Foster when the committee records its vote in the next couple of weeks." (*Abortion Report*, 5/8/95)

JUDD GREGG

- "Even many of Foster's opponents say he deserves a vote on the floor. Sen. Judd Gregg said he recently spoke with Dole, and '*I just said I thought we should have a vote on him, that we might as well put it out and have a vote on it.*'" (*The Associated Press*, 5/9/95)

ARLEN SPECTER

- "Senator Arlen Specter of Pennsylvania has started a clamor in recent days for an open floor debate on the nomination, which he supports. He has criticized both Mr. Dole and Mr. Gramm over their threats to block it." (*The New York Times*, 5/4/95)
- "'*It's (the nomination) all a smoke screen on abortion. Polls show 71 percent of Republicans agree with a woman's right to choose.*'" (*The New York Times*, 5/4/95)
- "Earlier this week, Pennsylvania Sen. Arlen Specter urged his leaders to permit an up-or-down vote on Foster's nomination. The nominee '*should not be railroaded out of the city*' without a fair shot before the whole Senate, Specter said." (*Knight-Ridder Newspapers*, 5/4/95)
- "'*It'll be a sad day if he's defeated, but a very, very sad day if we don't give Henry Foster a vote on the floor of the United States Senate.*'" (*PRNewswire*, 5/9/95)
- "Specter said that he has informed President Clinton that if Foster's nomination is held up solely on the grounds that the obstetrician-gynecologist performed abortions '*I'll go to the mat for him.*'" (*PRNewswire*, 5/9/95)

ALAN SIMPSON

- "'*It's about a person's reputation. It's like Bob Bork. You may not have liked Judge Bork, but at least he got to come to the floor for a vote.*'" (*The Washington Post*, 5/4/95)

BOB PACKWOOD

- "'*I'm going to support Dr. Foster unless there's some terrible skeleton that none has heard about yet.*' He said he would also vote to end a filibuster if it came to that." (*The Associated Press*, 5/9/95)

JACK KEMP

- "Jack Kemp discussing Henry W. Foster Jr., President Clinton's nominee for surgeon general, on "The Capital Gang": *'(Republicans) shouldn't demonize him. He is a decent, honorable person. I'm pro-life. I think the Republican Party should remain pro-life....(But) I think it would be unseemly to filibuster this. As far as I'm concerned, it ought to go to a vote.'*" (*The Washington Times*, 5/8/95)

JOHN CHAFEE

- "'*I say, let's get on with it*,' said Sen. John Chafee (R-RI), one of the Senate's leading experts on health care, said Tuesday. '*I think that he's a person with suitable experience. He's made efforts in areas that I believe are important doing something about teen-age pregnancy. The fact that he's performed an abortion doesn't bother me. I guess the amazing thing is he's done so few abortions over such a long period.*'" (*The Associated Press*, 5/9/95)

BEN NIGHTHORSE-CAMPBELL

- "As for Nighthorse-Campbell, press secretary Alton Dillard said, '*He will support the nomination, and he doesn't favor any filibuster, any blockage of action, anything like that.*'" (*The Associated Press*, 5/9/95)

JAMES INHOFE

- "Even Foster opponents Lunar and McCain say he deserves a floor vote; freshman Inhofe of Oklahoma calls it '*shallow on courage*' to deny him his chance." (*The Wall Street Journal*, 5/5/95)

Foster 'corrects' his story again

Letter to senator may hurt chances

By Nancy E. Roman
THE WASHINGTON TIMES

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President Clinton's nominee for surgeon general, Henry W. Foster Jr., has again shifted his position on his record, raising questions about his confirmation testimony and angering key Senate Republicans already skeptical about his credibility.

Senators on the Labor and Human Resources Committee, which held confirmation hearings earlier this month, are reviewing a letter from Dr. Foster to Sen. John Ashcroft, a committee member, that reveals the most recent shift — this one regarding his lauded "I Have a Future" program.

Republican members of the committee received a copy of the letter when they met with Senate Majority Leader Bob Dole on Tuesday to discuss the nomination.

In the letter to Mr. Ashcroft, Dr. Foster said he "misconstrued" one of Mr. Ashcroft's questions when he responded that a 1992 letter contained the latest statistical information about the program.

"I may not have given a complete answer," he wrote. "I am particularly anxious to clear up any misunderstanding."

Mr. Ashcroft said yesterday that

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the letter most certainly hurts the Foster nomination.

"The situation has deteriorated since the hearing as it relates to Dr. Foster," the Missouri Republican said.

Senators and senior committee staff said it has infuriated Republicans on the committee who already feel as though information from Dr. Foster and the White House has been slow in coming and unreliable on arrival.

"This is just one more piece in the puzzle of inconsistencies between the written and spoken words of Dr. Foster and the record," said Daniel R. Coats, Indiana Republican and Dr. Foster's most vocal critic. "We get vague, nongeneral answers, corrections and clarifications."

Mr. Coats said it is possible that the committee will send the nomination to the floor on an 8-8 vote with no recommendation. The committee's seven Democrats and Sen. James M. Jeffords, Vermont Republican, already have announced their support of Dr. Foster. A tie vote would mean that all remaining Republicans would have to vote against Dr. Foster, including Sen. Bill Frist, a Tennessee physician who worked in the same Nashville medical community as Dr. Foster and was supportive of him throughout the hearings.

Mr. Frist was unavailable for comment.

"Only last week, Senator Gregg thought it looked like the committee would send him to the floor with a favorable recommendation," said Kristin Hyde, spokesman for Sen. Judd Gregg, New Hampshire Republican. "Now it looks like it might be a tie. That's what Judd thought yesterday."

The I Have a Future program is aimed at building self-esteem in poor inner-city adolescents, Dr. Foster wrote. Before and throughout the hearings, Dr. Foster and White House officials said the program encourages teens to delay sex in favor of education. Both said the program was successful in encouraging abstinence and reducing teen pregnancy.

During the hearings, Chairman Nancy Landon Kassebaum, Kansas Republican, asked Dr. Foster about a 1992 letter from Dr. Lorraine Greene, deputy director of the program, showing little difference between the rates of pregnancy of teens who participated in the program and a control group who did not. In fact, it showed that teens in the program were slightly more likely to get pregnant.

"Were you concerned that the program was not only failing to discourage sexual activity, but possibly increasing it?" she asked Dr. Foster.

He replied that epidemiological studies are difficult and noted that of the most active program participants, only one got pregnant.

Mrs. Kassebaum then admonished him not to oversell the program.

Democrats on the committee said it was not fair to infer much from the 1992 report since it was dated, and because it was done at the early stages of the program, which began in 1988.

Later in the hearings, Mr. Ashcroft asked Dr. Foster if there was any more recent data on the program. Dr. Foster said there was not.

He clarified that position in the letter to Mr. Ashcroft, dated May 11.

"Speaking as a researcher, I answered based on the statistical evaluation we did of the program involving data collection over three points in time over a period of 30 months," Dr. Foster wrote.

"I want to make absolutely clear, however, that Dr. Greene's February 3, 1992, letter was an interim portion of that 30-month evaluation, and that there was a final report at the end of the process."

Dr. Foster enclosed the final report, which he described as "somewhat more positive than the interim letter."

Mr. Ashcroft said that to be more favorable than the 1992 study "does not make it a ringing endorsement."

"In the 1992 study, students were more likely to have had sex and no more likely to have used birth-control devices," Mr. Ashcroft said. "I don't know that this report is a vast improvement."

The main point, he said, is that the committee was told there was no more information when, in fact, there was.

"There has been a characteristic unreliability about information provided in this nomination process," Mr. Ashcroft said.

Meanwhile, Mr. Coats sent a letter yesterday to his colleagues detailing Dr. Foster's testimony that he was unaware until 1972 of a government study performed at the Tuskegee Institute in which 300 black men were left untreated for syphilis. Dr. Foster was chief of obstetrics at Tuskegee Institute, which provided services in connection with the study and whose physicians knew of the study. He was also vice president of the Macon County Medical Society in 1969, when the society was briefed on the study.

"It appears that as a result of media reporting of the hearings, there is a fairly widespread perception that Dr. Foster has satisfactorily answered the many disturbing questions surrounding this nomination," he said. "In several respects, I don't believe this is true."

Japan puts car case before world arbiter

Appeal may avert trade war with U.S.

By Willis Witter
THE WASHINGTON TIMES

TOKYO — Japan sought to avert a looming war over auto trade with the United States by lodging a formal complaint yesterday with the new World Trade Organization.

Tokyo's action came a day after the Clinton administration said it would impose massive tariffs on Japanese luxury cars, effectively cutting them out of the U.S. market.

Washington will make a final decision June 28 on the penalties, but they would apply retroactively to cars that enter the United States after 12:01 a.m. Saturday.

This means that, beginning Saturday, the 13 targeted models from Lexus, Infiniti, Acura, Mazda and Mitsubishi face a potential tariff of 100 percent of their import value, to be levied after June 28, instead of the current 2.5 percent tariff.

Washington last week notified the WTO of its own plans to file a complaint against what it contends is a protectionist Japanese market for automotive products.

The dispute gives the world body its first major test as a ref-

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eree of global trade disputes since it was created this year to succeed the General Agreement on Tariffs and Trade.

Japan's case alone is strong enough to defeat the sanctions, U.S. trade analysts said yesterday.

But the Clinton administration's expected complaint to the WTO, accusing Tokyo of "nullification and impairment" of legitimate trade, could prove damaging to Japan.

"The Japanese have solid ground for objecting" to Washington's unilateral sanctions, said Joe Cobb of the Heritage Foundation. But the U.S. filing, which will challenge Japan's systemic "crypto-trade barriers," will be more interesting, he said.

Greg Mastel of the Economic Strategy Institute agreed that "the Japanese are virtually certain to win their claim against U.S. sanctions."

But the American claim could expose Japan's entire trading system to WTO scrutiny, Mr. Mastel pointed out.

"Given the stakes involved, that's a huge risk for the Japanese," he said.

The severity of the sanctions stunned much of the world, including the 15-nation European Union and much of East Asia.

Washington cites Japanese barriers to U.S. sales of autos and auto parts as a key reason for Tokyo's $66 billion trade surplus with the United States. The auto industry accounts for nearly two-thirds of the imbalance.

Tokyo has said its markets are wide open and accuses Detroit's Big Three of making lackluster efforts to sell cars in Japan. American companies, for example, have been slow to cut prices to take advantage of the rising yen, which gives them a huge cost advantage. In Japan, a Ford Taurus still costs more than a Honda Accord.

Yesterday's reaction to the sanctions threat was tempered somewhat by a history of bilateral U.S.-Japan trade disputes. Typically, negotiators have managed to avert sanctions with last-minute agreements.

Most trade analysts said they expect the two nations to repeat the pattern, despite an earlier statement by U.S. Trade Representative Mickey Kantor that the final list "will not be altered significantly."

The 30-day public comment period to June 28 gives Mr. Clinton the chance to make a personal appeal to Japanese Prime Minister Tomiichi Murayama at the annual economic summit of seven leading industrial nations to be held in Canada next month.

The sanctions appear to enjoy broad bipartisan support in the United States. But the administration still faces inevitable pressure from tens of thousands of U.S. workers involved in importing and selling high-priced imports.

Officials of both nations sought to keep the rhetoric under control by emphasizing that the trade spat would not affect broader U.S.-Japan relations.

"We cannot let our entire relationship be wrecked by this," Mr. Clinton said.

In Tokyo, U.S. Ambassador Walter Mondale barely mentioned the trade sanctions when he spoke to a business group yesterday. By contrast, he praised Japan's cooperation with the United States on regional and global initiatives, including efforts to halt North Korea's nuclear weapons program.

Japanese officials hinted at possible retaliation if the United States makes good on its threat. But Japan clearly pinned its hopes on more talks.

"The Japanese side is quite open, and I believe the U.S. side is open to more negotiations," said Yoshihiro Sakamoto, a senior official of Japan's Ministry of International Trade and Industry.

• *Tony Munroe in Washington contributed to this report.*

Kirkland through, group says

16 unions seek new leadership

By David R. Sands
THE WASHINGTON TIMES

A week after going public with their challenge, a group of rebel union leaders claimed yesterday to have rounded up enough support to block longtime AFL-CIO President Lane Kirkland's bid for another two-year term as head of the 13-million-member labor group.

Gerald McEntee, president of the American Federation of State, County and Municipal Employees, the nation's largest union, announced that five more unions had pledged to join the first 11 in opposing the 73-year-old Mr. Kirkland.

The 16 unions represent on paper an estimated 53 percent of the votes that will be cast for president at the AFL-CIO's biennial convention in New York City in October, Mr. McEntee said.

"You don't have to be a rocket scientist to see that that's a decisive majority in the election process," said Mr. McEntee, who promised that more anti-Kirkland unions would come on board in the next few weeks.

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From page A1

"Lane Kirkland has had a great career, but we think his time is up."

The group did not say who the challenger will be.

Mr. Kirkland's fate has become the focus of a bitter and unusually public dispute in the ranks of organized labor. A group of 19 union presidents on the AFL-CIO' executive council have rallied to Mr. Kirkland's defense, charging that the dissidents have yet to offer either a candidate or a constructive agenda.

"Whatever their bold ideas are, they have never been presented to the executive council," American Federation of Teachers President Albert Shanker complained in a letter to his members last week.

Mr. Kirkland, who has never faced opposition since taking over the AFL-CIO in 1979, has vowed to run again. "This is what I do," he said last week. "I don't do anything else."

Kirkland supporters complain that a divisive internal fight can only hurt the labor movement at a time when membership is at historic lows, jobs in union strongholds are disappearing, and new Republican majorities in Congress have shown themselves indifferent or hostile to many of labor's top legislative priorities.

"We see this move as destructive and divisive to the interests of workers," said United Food and Commercial Workers Union President Doug Dority, a leader of the pro-Kirkland contingent.

Mr. McEntee did not offer many new details yesterday. He said the

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Editorials

Building consensus for a wall is an elusive proposition

If the Clinton administration wants to see a regional consensus over the building of a 1.3-mile-long wall between Anapra and Sunland Park, it's in for an indefinite wait.

The issue has been nothing if not divisive. Since Border Patrol Chief Silvestre Reyes announced his proposal to build the steel wall, consensus has remained impossible to reach. Neither side has made any headway at winning over the other.

Instead the debate has intensified, imbedding proponents and opponents deeper on their side of the line drawn in the sand. An April El Paso Times/News 7 poll reflects the almost even split down the middle with 55 percent supporting the wall.

CONTACT

To send or fax a letter to Doris Meissner, commissioner of the Immigration and Naturalization Service:

- **425 I St.** NW, Washington, D.C. 20536.
- **FAX:** (202) 514-3296.

Proponents have sought to convince taxpayers that a 10-foot-tall wall is crucial to effective border enforcement, arguing that the area has become the most popular crossing for undocumented immigrants since Operation Hold the Line, a human barricade of officers, went into effect. Wall supporters add that criminal activity in Sunland Park is up.

Opponents of the wall have waged a similar campaign, striving to convince taxpayers that a wall is the last monument El Paso, Las Cruces and Juárez need in an era of improving relations and increased economic ties between Mexico and the United States. Others say Operation Hold the Line might be the most effective, nonoffensive way to deter illegal immigration.

Doris Meissner, commissioner of the Immigration and Naturalization Service, gave opponents some hope this week. While in El Paso, she clarified the circumstances the INS would need before building the wall: "Fencing needs to come with community support," she said. While INS is considering the proposal, it is a "last resort."

If Meissner's word is good, the proposal should be shelved. Unless a better idea comes out of the Border Patrol or the INS, the Clinton administration has no business paying any mind to this one. Still the INS needs to listen to people on both sides of the issue. If officials read between the lines, they will see how diverting immigrants elsewhere will get society nowhere.

PHOTOCOPY
PRESERVATION

Foster deserves to be heard before denied chance to serve

By all indications, Dr. Henry Foster possesses all the qualifications to serve as U.S. surgeon general. He's intelligent, accomplished and prepared. The only obstacle in his way is politics.

But politics shouldn't bar him from presenting his case to the full Senate, where his nomination should be voted on.

For nearly 40 years, Foster has been a strong advocate for the medical needs of the poor and disadvantaged. He has delivered more than 10,000 babies and waged a war on infant mortality in Tennessee. He served as acting president of Meharry Medical College in Nashville and founded the "I Have A Future" program to curb teen pregnancies.

That won him a citation from former President Bush as one of his 1,000 points of light. It was well-deserved. Foster has worked on preventing teen pregnancy through counseling, education, job training, health services and family planning.

With such an impressive portfolio in hand, few should hold Foster responsible for the mistakes made by the Clinton administration in handling his nomination.

Foster should have been better prepared to answer the media's questions, especially in response to how many legal abortions he had performed. The numbers, however, never pointed to an abortionist, only a qualified physician who performed a legal medical procedure 39 times over his 38-year career.

Once abortion was mentioned, however, other unsubstantiated allegations followed. He has been accused of being involved in forced sterilization of retarded women and in a program that denied treatment to black men with syphilis. Politics overtook information and reason.

During his confirmation hearings before the Senate Labor and Human Resources Committee, he made such a good impression that Republican Sen. Nancy Kassebaum said Foster's nomination deserves a vote on the Senate floor. Even Sens. Bob Dole and Phil Gramm have softened their stands. Now they want to talk to him first, and they should.

As surgeon general, Foster would have little authority, but would be the president's national health advocate. Foster can do that well. He would promote proven strategies to prevent teen pregnancies and press the importance of early childhood development. He is an American who has dedicated his life to health care — just what a U.S. surgeon general should be.

PHOTOCOPY
PRESERVATION

ACM NEWS

ACOG 43RD ANNUAL CLINICAL MEETING

Surgeon General nominee thanks ACOG Fellows for their strong support

Henry Foster, MD, the obstetrician/gynecologist and controversial nominee for Surgeon General of the United States, made an unscheduled appearance at ACOG's opening ceremonies Monday and received a standing ovation from the large audience in attendance.

He thanked members of the College for support, saying, "From the depth of my heart, thank you for all your stalwart support, both individually and collectively. It has been a source of strength for my family and me during these rather arduous times."

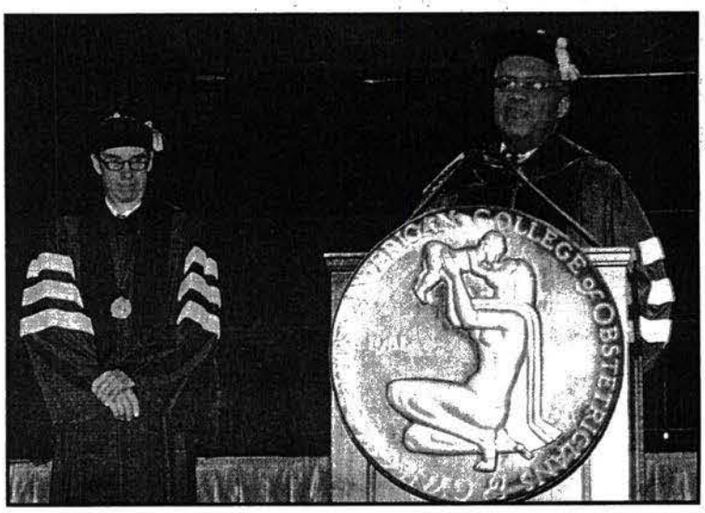
Dr. Foster noted that both the Clinton Administration and the Bush Administration have recognized that women's health issues have not received sufficient attention.

"Therefore, it seems totally cogent, in my judgment, that an obstetrician/gynecologist should be Surgeon General for this nation. My role as Surgeon General is that of educator and advocate, and I can advocate for a good cause."

He also talked about the Surgeon General's responsibility for the health of the commissioned officers in the Armed Services through the Public Health Service.

"I have a military background, as some of you know. I spent two years in the American Air Force, and I spent a year as an active reservist during some of my residency training in Massachusetts," he said.

"In parting, I can only tell you one thing, that irrespective of the final outcome of the position that I have been asked to accept by the President of this nation — successful or not — I will engage every opportunity and every activity as I have in all the previous parts of my professional and personal life, that is, with intelligence, energy, and integrity."



ACOG President William C. Andrews, MD, listens as Henry Foster, MD, addresses the fellowship.

Cosgrove lecturer describes benefits of estrogen therapy in menopause

Misinformation and uncertainty abound in the minds of the public and some physicians about the benefits and risks of hormone replacement therapy (HRT) for postmenopausal women. Sounding a keynote for the President's Program, Charles B. Hammond, MD, Professor and Chairman of Obstetrics and Gynecology at Duke University Medical Center in Durham, N.C., addressed those issues in his Samuel A. Cosgrove Memorial Lecture Monday morning.

"Fewer than 20 percent of postmenopausal women have ever had hormonal therapy prescribed," Dr.

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Clinicians urged to take active role in preventing osteoporosis

Obstetrician/gynecologists have a responsibility to let their patients know about the risks of osteoporosis in the postmenopausal years and the beneficial effects that estrogen therapy can have in preventing this disabling condition.

This is the recommendation of Robert Lindsay, MB, ChB, PhD, FRCP, professor of medicine at Columbia University. Speaking on "Osteoporosis and Menopause" yesterday as part of the President's Program, Dr. Lindsay said that because practitioners can diagnose the condition early and intervene effectively with diet modifications, lifestyle changes, and pharmacologic therapy, osteoporosis is preventable.

"It is incumbent on you as gynecologists to take appropriate care of the postmenopausal population, as you do for the premenopausal population, and educate them about the potential problem of osteoporosis and the benefits of intervention," Dr. Lindsay said.

This imperative will only intensify as the years pass and the population continues to age. Today there are 1.5 to 2 million fractures per year due to osteoporosis, Dr. Lindsay said, and that number will rise dramatically with more people living longer lives unless physicians' preventive efforts are successful.

"Once the process has proceeded to the point that the patient presents to us with fracture and the classical dowagers' hump, then we are faced with a true clinical catastrophe, someone who will have high morbidity for the remainder of her life," he said.

Clinicians should view osteoporosis in a similar way as they regard cardiovascular disease or adult-onset diabetes, focusing on identifying risk factors, predicting the likelihood of fractures, and preventing the condition's progression, Dr. Lindsay said.

Like cardiovascular disease and diabetes, loss of bone mass can be detected early with screening tests, and obstetrician/gynecologists should take advantage of these tests more frequently, especially for women who are estrogen-deficient and who have vertebral abnormalities.

To prevent osteoporosis and its effects, Dr. Lindsay advocated a stepwise approach, first focusing on risk factors associated with nutrition and lifestyle. Patients should have a cal-

See OSTEOPOROSIS, page 3

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PHOTOCOPY
PRESERVATION

New Optimism on Surgeon General Choice

WASHINGTON, May 5 — Dr. Henry W. Foster Jr.'s prospects to be Surgeon General improved considerably this week, his supporters say. Democrats are increasingly optimistic that Republican efforts to prevent a vote on his nomination will fail.

"I think there's a lot of support for Dr. Foster based on his testimony this week," said Senator Tom Daschle, the Democratic leader, referring to the Nashville doctor's two-day confirmation hearing before the Senate Labor and Human Resources Committee. "I think Republicans would look mighty silly keeping this vote from occurring on the floor."

For all of that, Senator Phil Gramm, Republican of Texas, reiterated his vow today to block the Foster nomination by all the procedural tools at his command. "We need someone who can bring the nation together to promote public health, and I don't think Dr. Foster can do that," Mr. Gramm said at a news conference. "I intend to do whatever I have to do, including a filibuster."

Dr. Foster's allies believe they can cut off a filibuster.

Dr. Foster's nomination generated controversy in large part because he had performed abortions. Conflicting answers earlier this spring about the number of abortions he had performed exacerbated his troubles. But his allies said they believed he had laid concerns about his credibility to rest this week.

Senator Bob Dole, the majority leader, said earlier this week that he might block floor action on the nomination, although he indicated a few days later that he had not yet made up his mind.

Still, Democratic strategists say the drive to block the nomination by procedural means is clearly faltering. And there is some evidence for their views: Senator Nancy Landon Kassebaum of Kansas, the Republican chairwoman of the Labor and Human Resources Committee, said this week that the nomination should go to a vote before the full Senate. She also said she believed it was possible to round up the 60 votes necessary to cut off a filibuster and move to a vote on the nomination, a process known as cloture.

Mr. Daschle also said in an interview today that based on his discussions with members of both parties, "Increasingly, I think we have the necessary votes to get cloture."

The Foster nomination still faces several other hurdles: in a few weeks, it will come to a vote in the Labor and Human Resources Committee. So far, seven Democrats and one Republican, Senator James M. Jeffords of Vermont, are supporting the nomination, setting up an 8-to-8 split. That leaves Dr. Foster one vote short of the majority he needs for his nomination to go to the floor with a positive recommendation.

Senator Bill Frist, a Tennessee Republican and a fellow doctor, is widely viewed as the most likely swing vote. Initially sympathetic to the nominee, Senator Frist grew silent in the face of attacks on Dr. Foster's credibility. But his supportive line of questioning during the hearings this week left the impression that he might ultimately back the nominee.

Still, even if the Foster nomination fails to get the votes for a positive recommendation, the committee could vote to send it to the full Senate without a recommendation.

Then, of course, Dr. Foster's allies would have to counter efforts to prevent a vote, which could come in many forms. And, once having won the right to have a vote, the Foster camp would have to make sure it gets the necessary Republican support to put Dr. Foster over the top. That would require the votes of five Republicans, assuming all the Senate's Democrats hold ranks.

But at that point, his allies say, they believe the votes will be there. "He deserves a vote, and when he gets one, we're confident that a majority of Senators will be for him," said John Podesta, the White House staff secretary.

Mark D. Gearan, White House communications director, said, "We always felt that if he had the chance to explain his life story, to answer questions that have been made in public about him, he could do so with candor and forthrightness, and put them in some context — which is a 38-year lifetime of achievement."

By week's end, the emboldened Democrats were trying to increase the pressure on the Republicans for a vote. "If some special interests want to oppose Dr. Foster, so be it," Mr. Daschle said in a letter to Mr. Dole today. "If some Senators agree with this view, that is their right. The Constitution gives the Senate final say on this matter, and we are prepared to accept its verdict."

THE ATTORNEY GENERAL

Reno Defends U.S. Conduct In Waco Raid

By TIM WEINER

WASHINGTON, May 5 — Attorney General Janet Reno tonight gave a strong defense of the Government's conduct in the disastrous 1993 raid on the Branch Davidian sect, rejecting the idea of "a moral equivalency" between that assault and the Oklahoma City bombing.

"Such reckless comparisons are despicable and out of bounds," she said in remarks prepared for delivery at a ceremony in Newark, honoring Federal law-enforcement officers.

The Federal Bureau of Investigation has said that Timothy J. McVeigh, the only suspect charged in the Oklahoma City bombing, was enraged over the raid on the Branch Davidian compound near Waco, Tex., on April 19, 1993, and that he may have sought revenge against the Government.

The bombing killed 164 people, including 19 children. It took place on the second anniversary of the Waco raid, in which about 80 people died, including 25 children.

"It is unfair, it is unreasonable, it is a lie, to spread the poison that the Government was responsible at Waco for the murder of innocents," Ms. Reno said. "That kind of language is unacceptable in a society that values truth."

"The one parallel with Oklahoma City is the heartbreaking number of children who were victimized as the result of human madness," the Attorney General added.

The Waco raid has become a symbol of Government tyranny for right-wing paramilitary groups.

The F.B.I. said after the raid that leaders of the sect set fire to their compound. Several surviving sect members said the fire started when kerosene lanterns were knocked over by tanks used in the raid.

Subsequent Federal investigations harshly criticized the conduct of the Bureau of Alcohol, Tobacco and Firearms, the Treasury agency whose agents made the initial raid on the Branch Davidian compound on Feb. 28, 1993, but largely absolved the F.B.I. for the 51-day siege that followed and for the fire that ended the standoff.

THE WASHINGTON POST
SATURDAY, MAY 6, 1995

House Bill Seeks End of NEA

Senate Shows More Support for Arts, Humanities Agencies

By Jacqueline Trescott
Washington Post Staff Writer

The National Endowment for the Arts received the support of two titans of the Senate yesterday—but two leaders of the House were busy planning to dismantle the agency.

Rep. William Goodling (R-Pa.), chairman of the House Economic and Educational Opportunities Committee, and Rep. Randy Cunningham (R-Calif.), a subcommittee chairman, introduced legislation that would eliminate the arts agency as well as the National Endowment for the Humanities by 1999.

In their bill, the budgets for the endowments in 1996 and 1997 would be 40 percent of 1995 budgets, those for 1998 would amount to 20 percent of the current levels, and funding would cease after that. In the latest version of the 1995 budget, the NEA is scheduled to receive $162.4 million and the NEH $172.4 million.

The bill also calls for 80 percent of federal arts spending to go to state agencies in block grants. Federal programs devoted to particular disciplines, such as dance and design, would be eliminated, and administrative costs capped at $5 million. Looking at that plan, NEA officials predicted they would have to cut staff by 80 percent.

"The endowment as anyone has ever known it would cease to exist—not in three years as this bill suggests, but beginning this October," Richard Woodruff, the agency's congressional liaison, told a meeting yesterday of the National Council on the Arts, the NEA advisory panel.

It wasn't clear how much support Goodling and Cunningham will find. House Democrats, according to congressional sources, will not support a bill eliminating the NEA, and a bipartisan group easily defeated an amendment to trim $15 million from the NEA budget earlier this year.

But House Speaker Newt Gingrich (R-Ga.) has advocated privatizing the endowments, and House Majority Leader Dick Armey (R-Tex.) opposes all funding for the NEA. Woodruff told the advisory panel that Goodling may actually be trying to help the endowments.

"The indication is that Mr. Goodling is fairly well boxed in by the House leadership," said Woodruff. "Mr. Goodling feels this is simply the best he can do."

In the Senate, the future of the endowments is currently in the hands of the Committee on Labor and Human Resources. Sen. Nancy Kassebaum (R-Kan.), the committee chairman, and Sen. Edward Kennedy (D-Mass.), the ranking minority member, gave the NEA advisory panel some room for optimism.

"I tend to believe there is support for the work of the National Endowment for the Arts," Kassebaum told the group yesterday. "Clearly we have to answer some constituent concerns that really do still question whether this is a function of federal government."

Kassebaum promised that a bill would move out of her committee by Memorial Day, even though the staff is still working on the final draft. The Senate bill is expected to continue funding at current levels. However, the fate of that bill on the Senate floor is unclear; Majority Leader Bob Dole (R-Kan.) said while announcing his presidential candidacy that he opposes federal arts funding.

"I think there is a change in the atmosphere from many of the challenges we were facing several months ago," Kennedy said. "I think we are on strong footing."

Democrats Upbeat on Foster Outlook

By Kevin Merida
Washington Post Staff Writer

Senate Minority Leader Thomas A. Daschle (D-S.D.) and a leading Republican moderate, Sen. James M. Jeffords (Vt.), said yesterday they believe Henry W. Foster Jr. has enough votes to be confirmed as surgeon general if his nomination is brought to the Senate floor.

But Foster's most vocal Republican detractor, Sen. Phil Gramm (Tex.), reiterated yesterday that he will use the Senate's rules to tie the nomination in knots. "I intend to oppose it vigorously," he said.

Despite such threats, Democratic leaders are demonstrably upbeat about Foster's prospects—a dramatic turnaround from two months ago that reflects Foster's widely praised performance in the confirmation hearings and a developing schism among Republicans over stalling his nomination.

"We have unanimous support of Democrats and all we need is a handful of Republicans, and I think we have that already," Daschle said in an interview. "I don't know of a Democrat that opposes Dr. Foster. I wouldn't be surprised if this vote were taken, we'd get 60 to 70 votes."

Jeffords said based on discussions with GOP senators he expects at least six to eight Republican votes for the Nashville obstetrician-gynecologist. If Daschle and Jeffords are accurate, Foster would have 52 to 54 votes for confirmation. More significant, Jeffords added, "I know there is a concern expressed by more than eight [GOP senators] that it might be counterproductive to try to hold it up."

Senate Majority Leader Robert J. Dole (R-Kan.) has threatened to prevent a vote on Foster's nomination, but has not made a final decision. Even some Foster opponents, such as Sen. James M. Inhofe (R-Okla.), one of the Senate's most conservative members, said they would prefer to see a vote on Foster.

Gramm said yesterday that regardless of what Dole decides he will employ tactics allowed under Senate rules to thwart Foster's bid. Those include staging a filibuster, putting a "hold" on the nomination and bringing up a motion to postpone the vote. "If the imagination is rich and the resolve is strong, there's almost an endless array of things that can be done," he said.

John Podesta, the White House aide shepherding the Foster nomination, predicted Gramm's tactics would backfire if he follows through on yesterday's threats. "The American public finally got a chance to see Dr. Foster this week and what they saw was a man of integrity who's a caring doctor," he said. "I don't think they're going to understand or stand for procedural gimmicks being used to hold up a vote on Dr. Foster."

Podesta wouldn't reveal the White House's vote count, but said the administration believes it's in "very good" shape with Democratic support and among Republicans."

An aide to Senate Majority Whip Trent Lott (R-Miss.) said there had not been a recent vote count, but an early count following President Clinton's selection of Foster turned up "minimal support" for the doctor. Lott said this week that he would support Dole should he decide not to bring Foster's nomination to a vote. And in any event, he added, the schedule of legislation prevented consideration of Foster's nomination before June or July.

The Senate Judiciary Committee plans to vote on Foster's nomination within the next three weeks and there seems to be little doubt that the panel will send it on to the full Senate.

Foster's critics have focused attention on inconsistencies in how many abortions he said he performed, hysterectomies he performed on four mentally retarded women in the early 1970s and whether he knew of a controversial syphilis experiment on black men in Tuskegee, Ala., before it was publicly disclosed in 1972.

Meanwhile, Daschle and Dole continued trading letters on the nomination. Responding yesterday to Dole's letter asserting that Democrats had prevented at least 161 GOP nominations from coming to the floor for a vote during the Reagan-Bush era, Daschle wrote that "history, like statistics, is full of half-truths."

"There is no doubt we could wage a battle of historical precedents back and forth until the issue of Dr. Foster's nomination has been made irrelevant by the passage of time," Daschle wrote, "but the bottom line is this: Why, if Dr. Foster is forwarded to the full Senate by the Labor Committee, should he be denied a vote? What purpose would that serve?

Staff writer John F. Harris in East Lansing, Mich., contributed to this report.

DOROTHY GILLIAM

The Doctor Shows Up The Senator

This is not a high moment in Sen. Bob Dole's presidential quest.

In fact, there's only one word for the Senate Republican leader's threat to let the nomination of Henry W. Foster Jr. to be U.S. surgeon general die without a vote on the Senate floor—well, maybe three words: unfair, unwise and undemocratic.

It's unfair because President Clinton's nominee for one of the nation's most visible jobs in the health field already has been made, in the words of Sen. Nancy Landon Kassebaum (R-Kan.), "a pawn in our abortion debates." Foster's confirmation hearings were delayed for months while criticism from both sides of the political aisle muddied his name, reputation and nomination.

In two days of hearings, Foster took the blame for some of the criticism because he intially underestimated the number of abortions he had performed during his decades as a practicing physician. He projected a strong and positive image. "There was never any intent to deceive," he told the Senate Labor and Human Resources Committee. He looked and acted so much like an old-fashioned, amiable Southern doctor that he won over many of his opponents, who complimented him on his personality and credibility.

Senate Democratic leader Thomas A. Daschle (S.D.) was right when he said Foster "deserves a full and fair hearing" in the Senate. Democrats noted that they allowed nominations of Republicans who were more controversial than Foster—including Supreme Court nominees Robert H. Bork and Clarence Thomas—to go to the Senate floor for a vote.

Dole defended his threat to prevent a vote on the floor in a letter to Daschle, saying Democrats had used the tactic when they controlled the Senate. He cited numerous judicial nominations and the controversial case of William Lucas, the Bush administration's nominee to head the Justice Department's Civil Rights Division.

What Dole's letter fails to point out is that judicial nominations are more likely to meet that fate because they often are caught up in politics and that Democrats often allowed contested nominations to come to the floor.

Dole's actions are motivated, in part, by his presidential duel with key rival Sen. Phil Gramm (R-Tex.), who has threatened to filibuster the nomination to death should Dole allow a floor vote. Antiabortion sentiment is strong among the Republican activists who vote in presidential primaries. Dole does not want Gramm to be able to claim credit for stopping Foster's

But if Dole caters to the far right by killing Foster's chances, he may be setting up a political backlash. "Dole is in a George Bush situation," said political scientist Linda Williams, of the Congressional Black Caucus Foundation. "He's never going to be the candidate of the ultra-right. He has a history that puts him closer to the center of the party.

"He pushed for creation of the Glass Ceiling Commission, and he's voted for civil rights before his recent anti-affirmative-action statements. Gramm will always be to the right of him. Meanwhile, if [Dole] doesn't bring the nomination

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GILLIAM, From B1

to a vote, he may alienate some of the center, or at least not pick up their support."

Kate Michelman, president of the National Abortion and Reproductive Rights Action League, said that blocking the Foster nomination would be a "dangerous ploy" and that Dole could expose a fault line within the Republican Party over the abortion issue.

"It is a primary presidential ploy, which could cause in the long run a general election backlash," Michelman said. "Dole is trying to win favor from and among the radical right of his party, which does indeed hold a great deal of power in the primary process. But if he defines himself as a right-wing supporter, that will cost him votes in the general election. George Bush lost 17 percent of the Republican vote [in the 1992 general election] because of the issue of choice."

It is a mark of their good sense and judgment that a growing number of Republicans are questioning Dole's tactics. Sen. James M. Jeffords (Vt.) said he had talked to six centrist Republicans who think Foster's nomination should come before the full Senate. Sens. Alan K. Simpson (Wyo.), John H. Chafee (R.I.), James M. Inhofe (Okla.) and Kassebaum—the Dole presidential supporter who has conducted exemplary hearings on Foster's nomination—also say he deserves a vote.

After millions of Americans read news accounts and viewed the Foster hearings, there is also a distinctly undemocratic ring to Dole's threat. Although the Senate can hide behind rules and precedent, most Americans basically believe that people deserve to have their day.

Moreover, it became clear during the hearings that Foster is a man who is respected by his own community, his medical peers and even a Republican president who gave him a "point of light" award for his "I Have a Dream" program to fight teenage pregnancy. In addition to expected questions about abortions and hysterectomies, there were questions about his program and about language he used in a medical journal article.

While some of that questioning was legitimate, at times it seemed to cross into grilling. The typical American sees a guy who wants to serve his government and who in most other forums would be lauded as a hero. At the hands of this panel, however, he is microscopically picked apart—all in the interest of high-stakes politics.

The rank hypocrisy displayed by some legislators was chilling. Sen. Dan Coats (R-Ind.) seemed especially disingenuous. Although Foster went to the South to help the poor, Coats asked whether he helped cover up the U.S. government's horrifying syphilis experiments on poor black men. Coats professed to be troubled, but there is nothing in his legislative history that would indicate deep care and concern about poor blacks.

Similarly, it was difficult to take seriously some senators' professed concern for the sterilization of four poor, black mentally retarded women when House Republicans have just voted to remove aid from as many as 600,000 severely disabled children, including those with Down's syndrome.

Through it all, Foster showed no rancor, bitterness or meanness.

Foster has demonstrated that he would be a strong surgeon general, a good spokesman for realism when it comes to such issues as teen pregnancy and disease prevention. It is good that the White House showed that it finally has learned something about pursuing difficult nominations and that it is willing to go to the mat for Foster.

While the fate of Foster's nomination is largely in Dole's hands, if he survives to become the nation's doctor, it will be largely due to the caliber of the man himself.

tragedy, his East Lansing appearance became a symbolic foray into the vortex of the anti-government movement. Two Michigan brothers, James and Terry Nichols, face charges of conspiring to build explosives at James Nichols' farm in Decker with Timothy McVeigh, the only person arrested so far in the bombing.

The brothers like McVeigh, harsh critics of the federal government attended meetings of the suddenly notorious Michigan Militia, but have been disavowed by the group.

Clinton used his speech Friday to both rebuke militias and offer a feel-good tonic for the state.

``If you appropriate our sacred symbols for paranoid purposes,'' he told militia members, ``and compare yourselves to colonial militias who fought for the democracy you rail against, you are wrong.''

Then the president brought down the house when he said the Michigan Militia ``is not the real Michigan. ... Real Michigan is Kellogg's Corn Flakes and the best cherries in the world. The real Michigan is the Great Lakes and the UP'' (Upper Peninsula in eastern Michigan).

Militia members seemed undaunted by the president's strong words.

``He's uninformed,'' said Militia spokesman Ken Adams. Adams said the group does not hate government, nor advocate violence or lawbreaking.

``We've got the best government in the world, but there are some people that abuse their authority,'' Adams said. ``We're looking for accountability, the same accountability that every American has to be responsible to.''

After the convocation ceremonies, Clinton spent 15 minutes shaking hands with graduates in front of the large stage on the field. Many in attendance said the president's speech just ``made me feel good.''

It was nice, they said, to have Michigan in the spotlight, to have network TV cameras trained on Michigan people who were wearing graduation gowns and cheering instead of wearing camouflage and carrying guns.

Betsy Felton of Charlevoix, whose daughter graduated, said she ``didn't expect him to say anything controversial. And he didn't. ... Yes, he's anti-militia. But I think we all are.''

(EDITORS: STORY CAN TRIM HERE)

Graduating senior Tanya Armitage of Rochester Hills, Mich., said she was pleased to have a big-name graduation speaker but ``he didn't really address the graduates so much as he tried to make a political speech for the next election.''

But Kathy Niemann, 41, of Kalamazoo, Mich., who got her second degree Friday, said it was ``a wonderful honor to have the president of the United States, especially having him remember the Oklahoma victims. I think that's really important now for our society to remember.

``We really do live in a great country. Michigan is a wonderful state to live in.''

Michigan Gov. John Engler, who attended both the ceremony and a private reception for Clinton with some 1,000 guests, said he welcomed Clinton's remarks about Michigan, in light of bad publicity stirred by the Oklahoma bombing.

``I had hoped he would say something positive, and he did,'' Engler said.

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U.S. Rep. Dick Chrysler, R-Mich., said Clinton ``should have spent
a little more time talking about what kinds of opportunities these kids are going to have when they walk out of this great university and
a little less time talking about paramilitary groups.''

But in the wake of Oklahoma City, Clinton's speech was comforting to graduate Kerry Adams II of Detroit, an advertising major.

``I honestly was worried about coming here today,'' he said, ``but then I thought it probably is the safest place in the U.S.''

Foster hearing a test on how Dole will handle party's right wing By David Hess Knight-Ridder Newspapers

WASHINGTON Henry Foster's confirmation hearings have posed the first major test of whether Sen. Bob Dole can risk affronting his party's right wing and still hope to prevail in the GOP presidential primaries.

Dole has two choices in the wake of Foster's widely praised performance at hearings on his nomination to be surgeon general. The senator could:

Follow through on his threat to block a Senate vote on Foster, a move that would help Dole shore up support among conservatives and anti-abortion activists adamantly opposed to the Nashville, Tenn., physician. But Dole would then face criticism from GOP moderates who say Foster deserves an up-or-down verdict.

Allow a vote, a move that would expose Dole to criticism from conservatives, particularly if Foster won confirmation an outcome that seemed highly unlikely just a few days ago.

The turn of events is good news for President Clinton, who had been under fire for nominating Foster in the first place. Now, White House aides say Clinton's judgment has been vindicated. And even if Foster fails to win confirmation, the White House can blame GOP politics for the defeat.

For a while this spring, it looked as though Dole, the Senate majority leader and front-runner for the GOP presidential nomination in 1996, would be spared the dilemma he now faces.

Thanks to White House fumbling and Foster's own naivete in facing the scrutiny of the national press and conservative advocacy groups, his nomination appeared to be self-destructing.

But Foster's supporters feel his performance during two days of hearings before the Senate Labor and Human Resources Committee established him as a well-motivated physician with the character and credentials to hold the post as the ``nation's doctor.''

Shortly after his nomination by Clinton, Foster was assailed by anti-abortion and conservative groups as a divisive figure unsuited for a job that should bring people together, not cleave them apart. Among other things, opponents cited conflicting statements by the administration on how many abortions Foster had performed.

Sen. Phil Gramm, R-Texas, Dole's chief rival for the GOP presidential nomination and a major bidder for the party's conservative voters, swiftly moved to station himself as the main obstacle to Foster's confirmation.

``I intend to do whatever it takes to defeat this nomination,'' Gramm declared, ``and that includes a filibuster, if necessary.''

Under Senate rules, it takes 60 votes to overcome a filibuster a daunting prospect for any controversial nominee.

Dole, worried that Gramm would preempt crucial votes for him in next year's primaries by catering to the party's right wing, then threatened to block any Senate consideration of the nomination even if the committee, as expected, moves it out to the floor later this month.

Blocking a vote would not only deny Gramm the spotlight as the champion of conservative causes but also establish Dole as a reliable ally on issues high on the conservative agenda.

But Foster's performance at the committee hearings appeared to dispel many misgivings about him and prompted

a number of Republicans
including panel chairman Nancy Kassebaum, R-Kan. to urge Dole to permit an up-or-down vote on Foster's appointment.

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``I certainly will want to see this nomination go to the floor," Kassebaum said. ``And I think there might be enough votes to overcome
a filibuster. At this point anyway, my hunch is that most senators feel like there should be a vote."

Sen. Arlen Specter, a moderate Republican from Pennsylvania who is also running for the presidential nomination, also called on Dole to permit a vote.

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So now Dole faces a division in his own ranks over how to handle the nomination. And he is being challenged by Democrats to behave like
a Senate majority leader, not a presidential candidate.

``Bob Dole is one of the fairest persons I've worked with," said Minority Leader Thomas Daschle, D-S.D. ``I think that fairness will ultimately be evident as he stands up to Phil Gramm and others who would like to taunt him into proving he's more of a right-winger than others who are running for president."

It is not clear which way Dole will go. In a letter sent Thursday night to Daschle, Dole recalled that scores of nominees mostly judicial proposed by Republican presidents to Democratic-controlled Congresses had been denied floor votes in the Senate.

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``According to the Congressional Research Service," Dole wrote, ``at least 161 Republican nominations were returned to the President from 1987 through 1992 ... when Democrats controlled the Senate."

The CRS also has reported that no cabinet-ranking or high-level executive branch nomination by a president has ever been denied a confirmation vote by the summary action of a Senate majority leader.

In the same letter, Dole did not categorically state that he intended to block a Foster vote, prompting Daschle to express the hope that the Republican leader would eventually schedule a vote. On Friday, Dole's office said the majority leader's current stance hadn't changed since sending the letter.

One option for Dole would be to allow a vote on Foster in exchange for concessions from the Democrats on major Republican legislative initiatives, such as legal and regulatory reforms.

Dole has been irritated for weeks about a Democratic slowdown on the GOP's agenda, and he could be using the threat of scuttling Foster's nomination as a lever to pry more cooperation from the president and his Senate allies.

Seniors' No. 1 priority: Preserving Social Security

By Charles Strouse Knight-Ridder Newspapers

WASHINGTON Seniors made their stand in the nation's capital Friday. They rejected cuts in Medicare or Medicaid, and demanded more money to fight Alzheimer's disease.

At the close of the three-day White House Conference on Aging, 2,000 delegates chose preserving Social Security as their top priority. Though past gatherings have proposed innovative and expensive programs such as Meals on Wheels and Medicare, this year's conclusions mostly aimed to fend off cost-cutters.

``Congress is on a rampage to destroy everything that we have built up in the last 60 years," said Al Afterman, 85, a delegate from Perrine, Fla. ``We are simply trying to stop them from dismantling what we have built for our children."

As the White House Conference on Aging wound up Friday, elderly people and their advocates cast ballots designed to influence aging policy for the next century.

The 50 proposals from the most significant gathering on elderly policy this decade will be forwarded to Congress and the president. Most involved only modest changes to present law. But a few were more ambitious. Among them:

Increasing Social Security for those over 80, who now have the highest poverty rate of any age group except children under 10.

Requiring pension plans of all employers, even for seasonal workers.

Opposing block grants of Medicaid dollars to states because it could divert money from the needy.

Delegates were warned by conference leaders, and by President Clinton, not to expect their recommendations to become law immediately. But many said they hoped their overall message would defend programs from the budget axe.

Even opponents of Medicare and Medicaid will grow old eventually, said Norma Lemberg, 77, a delegate from Coral Gables, Fla.

``Of course we understand that some of these things are going to take money," Lemberg said. ``But we believe eventually it can be found."

A proposal to ``maintain, strengthen and preserve the current structure" of Social Security won the most resounding support from the group. In second place was a proposal to preserve the Older Americans Act, a 30-year-old law that Congress must soon reconsider. Last year, the law provided 230 million meals for seniors, 40 million rides and more.

In third was an endorsement of Medicaid, which provides medical and home care primarily for the poor, many of whom are elderly.

``Long-term care has long been the one gap in our health care system," said Donna Shalala, U.S. secretary of health and human services and a conference leader. ``What this conference has shown is that it is something we must focus on."

Another top vote-getter was a plan to increase by 60 percent to $500 million the amount of money the federal government spends on Alzheimer's disease. The illness affects more than 4 million Americans.

But the vote likely to have the most immediate impact would ensure the future of Medicare, the principal medical program for the elderly. It was approved by almost three-fourths of the delegates. With the Medicare trust fund forecast to go broke in just seven years, Republicans have been sparring with Democrats over the program's future.

Clinton, in his opening speech to delegates on Wednesday, chided Republicans for trying to cut Medicare and use the proceeds to give a tax break to the rich.

Senate Republican leader Bob Dole of Kansas responded that he planned no cuts. The president is trying to ``engage in scare tactics and mislead America's seniors," Dole said.

In any case, the conference vote on Medicare is likely to echo in Washington for months as Congress works out a new budget, said Betty Friedan, a prominent author and delegate from New York.

``The message was united and militant," Friedan said. ``Older people won't allow cynical tampering with their programs."

Of Winning Streak, Clinton Finds One

By TODD S. PURDUM

WASHINGTON, May 6 — A bill to reshape the nation's legal system is on the ropes in the Senate. The President, so lately accepted as weak — or worse, irrelevant — brands it the "Drunk Drivers Protection Act" and it dies that afternoon.

Last Thursday was something of a rarity for Bill Clinton: a good day. Not only that, it was just one of a string of good days this President has had in the last few weeks, with Congress either away on spring recess or returning to Washington to face legislative issues much stickier than those House Republicans dispatched in the flush of their first 100 days.

From the cornfields of Iowa, where he staked out his ground on farm policy, to the hotel ballrooms of New York and Washington, where he has delivered rousing red-meat speeches on Mideast terrorism (to Jewish groups), abortion rights (to women) and Medicare (to the elderly), the President has adroitly moved to rally the traditional Demo-

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cratic voter groups, whose support he must not lose.

Mr. Clinton has also taken actions that were nothing more or less than Presidential, but that seemed unusually decisive and rhetorically charged for him. In the same weekend, he decried the effect of the Supreme Court's overturning a Federal law banning gun possession in schools and ordered a total trade embargo to further isolate Iran. Several days later, he upended 30 years of immigration policy on Cuba.

Part of Mr. Clinton's sudden reemergence has to do with a phenomenon that makes the White House queasy even to contemplate: the Oklahoma City bombing galvanized national attention on the man in the Oval Office in a way that was routine during the Cold War but is rarer now. A President comfortable from childhood with the liturgical idiom has flourished as pastor and choirmaster.

Part has to do with overreaching by Republicans, who have given the President ammunition by proposing tax and spending cuts so large that it will be difficult to carry them all out at once, and by raising the specter of cuts in Medicare — poison to the elderly, who vote so consistently. Indeed, the Senate bill attacked by Mr. Clinton would probably have passed if the Senator Bob Dole, the majority leader, had not tried to extend the limits on punitive damages it proposed for product liability cases to all civil suits, making it an easier target for counterattack.

But White House aides also contend that part of Mr. Clinton's lucky streak is the result of patient, grinding work by a staff reorganized months ago to reduce the number of Presidential appearances, give Mr. Clinton more quiet time each afternoon to think and read and make phone calls and to focus on the things that matter most.

[illegible] said last week. "I think it's the President's insistence that people here think harder about what he does, where he should speak, when he should speak, and why."

Carter Eskew, another Democratic strategist close to many people in the Administration, said of the President: "When he gets a focus and he gets on a roll, he's very powerful. The problem has obviously been in the past all sorts of diversions."

"But I think he's getting a team together, and I think he's getting himself together," he continued, "and he's truly comfortable in this posture of trying to find a 'third way' to do things." Mr Eskew defined this as splitting the difference between traditional Democratic and Republican ideas.

George Stephanopoulos, the senior Presidential adviser, put it a bit differently. He argues that on a range of issues, from the size of proposed tax cuts to cuts in Medicare, positions that Mr. Clinton's critics dismissed late last year as efforts to accommodate the Republicans have proved to be more like limitations on the starkest Republican proposals.

"I don't think he's particularly changed," Mr. Stephanopoulos said. "He's been saying these things, hitting similar themes for a long time. It's only as the hysteria of the first 100 days subsides and the reality sets in that people are listening more."

It is true that the President has lost a great deal of political ground and Mr. Clinton long ago abandoned his most ambitious goal: a sweeping health care overhaul. As the budget debate heats up in earnest, Congressional Republicans have plenty of power to make Mr. Clinton miserable, confronting him with painful choices to eliminate programs or hurt constituent groups and forcing him to sign the bills or veto them and risk override votes that could weaken him further.

But even potential losses cut both ways, as the nomination of Dr. Henry W. Foster Jr. as Surgeon General

Like a batter on a tear, Clinton strings some good days together.

shows. It may lose on the Senate floor, if only because Mr. Dole has threatened not to let it come up for a vote. But thanks in part to the solid staff work of Dr. Foster's White House shepherd, John Podesta, the confirmation hearings went well, the Labor and Human Resources Committee seems likely to forward his name, and the White House has won credit for fortitude with abortion-rights supporters.

On the other end of the political spectrum, Mr. Clinton has neutralized Republican efforts to paint him as a woolly liberal with his emphatic vows to crack down on terrorism with expanded F.B.I. surveillance powers, which have raised the hackles of civil liberties groups. Indeed, Mr. Dole and Speaker Newt Gingrich found themselves in the unusual position of defending the First Amendment lest the White House move too fast.

Congress's absence. "We've gotten some really good play on stuff we otherwise wouldn't have," one said. But the White House has also picked its shots carefully.

Like most achievements, the White House's latest good run has a thousand fathers either willing to claim a share of the credit or ascribe it to their favored friends in the West Wing. But an informal survey of a dozen senior aides produced a rough consensus that the management team topped by the chief of staff, Leon E. Panetta, and his two deputies, Harold M. Ickes (who handles politics and relations with the wider world) and Erskine Bowles (who handles internal organization) has finally borne fruit.

Mr. Panetta, the veteran chairman of the House Budget Committee, has insisted that the White House make the Republicans blink first in explaining how they would pay for their tax cuts and other big ideas. Mr. Ickes has sought to shore up the Democratic base and head off any challenge to renomination. And Mr. Bowles has clamped down on the President's schedule to insure at least a couple of hours each day for the reflection and brainstorming that Mr. Clinton relishes.

As a result, policy debates and discussions that once took place on camera now occur in camera and talking out of turn by the staff is at a minimum. Old and new voices are heard in the mix of what one aide described as "managed competition."

Dick Morris, the Connecticut pollster who helped Mr. Clinton's comeback victory in the 1982 race for Governor of Arkansas but now works exclusively for Republican candidates, has become an influential informal adviser, often in late-night telephone conversations. Bill Curry, the former Connecticut state comptroller and defeated Democratic gubernatorial candidate, is a new idea man without portfolio who has contributed some punchy speech lines.

Mark D. Gearan, the communications director, has been freed up to think ahead a week or two at a time, with the result that speeches and other public appearances, and the briefing books and fact sheets that back them up, are better prepared, aides say.

Aides also say that after months of disappointment and doubt after the Republicans' electoral rout last fall, Mr. Clinton is clearly feeling his oats.

"We're cursed with a President who actually knows what he's doing and everyone resents it," one adviser said of Mr. Clinton's propensity for casting aside prepared remarks, or broaching many topics at once. "This is a country without a consensus on almost any topic, and when a politician engages in that kind of colloquy in public, it's called zigging and zagging."

But, the adviser added: "If he just goes with his heart and everybody here goes with him, '96 is going to be fine."

The Doctor Heals Himself

By JERRY GRAY

WASHINGTON

IN two days last week, Dr. Henry W. Foster Jr. demonstrated just how malleable political fortunes can sometimes be in Washington — his own and President Clinton's. As he talked, laughed, wept and bristled his way through a Senate confirmation hearing on whether he will be the next Surgeon General of the United States, he seemed to wipe away the gloom that had settled over the nomination just a few weeks ago. Instead, he gave an uncomfortable jolt to those Republicans trying to derail the nomination on the grounds that during a 38-year medical career as an obstetrician he had performed some three dozen abortions.

Defining the Issue

Though the fate of the nomination is still far from certain, what seemed to be taking place was a dramatic turnaround for the President: By choosing to stick by this mild-mannered and personally appealing nominee on his record of helping prevent teen pregnancy and the legality of any abortions he performed, the White House appeared to have found a way to turn Republican strategy against itself.

By the end of the hearing, Dr. Foster seemed to have put the emphasis back on a goal everybody says they want — fewer out-of-wedlock children born to teen-agers — and to have marginalized the much more ideological debate over whether a doctor should be barred from holding office because he performed some abortions as part of a regular practice.

At the very least, the 61-year-old obstetrician-gynecologist walked away with a boost to a reputation that had been tarnished during one of the fiercest public debates over a Presidential nominee in recent years.

Whether or not Dr. Foster ever ascends to the bully pulpit of the Surgeon General's office, his nomination and the strong showing he put in last week during his confirmation hearing have placed Mr. Clinton in one of the strongest political positions he has enjoyed since the Republicans took power on Capitol Hill in January.

If Dr. Foster is confirmed, it would go a long way toward erasing an image of Mr. Clinton as a weak and indecisive leader. That image was colored in large part by a string of embarrassing retreats on other nominations and was highlighted by the near-disastrous White House bumbling that occurred during the early days of Dr. Foster's nomination.

But even if the nomination eventually comes to grief, the political effects for Mr. Clinton could be beneficial, since polls have shown that an overwhelming number of voters and the public in general support abortion rights, and it is clear that Republican efforts to derail the nomination can be cast as a play to the anti-abortion lobby.



Dr. Henry W. Foster Jr.

Dr. Foster's nomination is now expected to clear the Labor and Human Resources Committee within the next two weeks, but then must survive the crush of Republican Presidential politics.

Senator Bob Dole of Kansas, the Majority Leader and a candidate for the Republican presidential nomination, has threatened to block a full floor debate on Dr. Foster's nomination. If the nomination should reach the floor, Senator Phil Gramm of Texas, one of Mr. Dole's rivals for the Republican Presidential nomination, has threatened a filibuster.

But neither Mr. Dole nor Mr. Gramm is eager to stir up a debate over abortion so early in their campaigns, even though it is a defining issue for the conservative Republican voters on whose fidelity both men have staked their futures.

Majority Politics

Playing to the majority of Americans who support abortion rights, Mr. Clinton last week escalated his effort to depict the opposition against Dr. Foster as being based on his having performed legal abortions.

"We're not going to let this good man be put in a little box for somebody's political objective," Mr. Clinton said early in the week. "He deserves to be more than a political football in the emerging politics of the season."

JERRY GRAY

Croatia's Move

THE WAR IN Croatia has been on hold for three years but could now resume in full force and be joined to the continuing war in Bosnia. This is the special danger of the moment. There seems to be no prospect at all of helpful international intervention of a diplomatic or any other sort. This puts an extraordinary responsibility on local leaders who have shown themselves inadequate in the past.

Croatia got tired of waiting for the United Nations to help it get back its sovereign territory of Serb-held Krajina and decided to act on its own. Its attack, on a pocket commanding Serbia's crucial link with rebel Serbs in both Bosnia and Croatia, was short and wildly successful. Now some Croats dream of taking back the whole of Krajina by force. That is, of course, the recipe for all-out war with Serbia. Perhaps other Croats in the leadership will think better of it and instead try to use their new military success for negotiating leverage. Croatia could immeasurably help its cause if it stopped moving Serb civilians out of the newly won-back pocket and if it did not murder its 1,000 new Serb POWs.

In making its move, Croatia took a page out of Serbia's book and walked all over the United Nations, which, as usual, felt too lightly armed and unmandated to do much about it. The recent killings, most likely by all parties, of U.N. peacekeepers push their national providers, especially France, ever closer to shutting down U.N. operations in Bosnia and Croatia. Planning has begun to send 40,000 soldiers—the United States has promised a share—to perform the dangerous mission of escorting out the 40,000 peacekeepers. No one else is immediately available to take on the U.N.'s humanitarian and feeding missions. But otherwise there seems no good reason for the United Nations to subject itself to any further humiliations or losses on the ground.

The failure of the United Nations and its members to arrange a political settlement is bitter. The ebbing hope is that, without an international hand, the parties themselves will see to their own future. It won't be pretty. A deal between now-rivals Serbia and Croatia at the expense of—you guessed it—Muslim Bosnia is one grim possibility. If it happened, and if it was as unjust as it easily could be, then the United Nations, the NATO countries and concerned others could withhold their recognition of the results. This sort of lesser negative veto is the West's residual political tool.

Dr. Foster and the Kansans

DR. HENRY FOSTER finally got a chance to present his own case to be surgeon general of the United States, and he made the most of it. In two days of testimony before the Senate Labor and Human Resources Committee—during which his critics didn't pull their punches—Dr. Foster put his nomination back on solid ground by directly confronting, and we think persuasively handling, the charges that have been raised against his candidacy. In general, Dr. Foster came across as the open and dedicated practicing physician and medical educator that his supporters have made him out to be. Frankly, it took a performance on the order of last week's to overcome his disastrous White House-engineered introduction to the American people three months ago.

The committee now has the next two to three weeks to chew over Dr. Foster's responses to several key concerns. There is the credibility issue raised by the different answers he gave about the number of abortions he had performed (the discrepancies were due to lack of preparation and a faulty memory, not deceit, he testified), his knowledge of the infamous Tuskegee syphilis study before the story broke in 1972 (he maintains he never knew, even if others in small Macon County, Ala., did), and his sterilization of severely retarded women (within medical norms at the time, he said).

The committee's seven Democrats and at least one Republican, Vermont's Sen. James Jeffords, have made up their minds to support him. Committee chairman, Kansas Republican Sen. Nancy Kassebaum has yet to decide how she will vote but has said she has no interest in dragging out the nomination any longer. She wants to report Dr. Foster's nomination to the floor where the Senate can work its will.

Sen. Kassebaum's decision won't please social conservatives who would prefer killing off the nomination in committee or not letting it come to a vote on the floor. But Sen. Kassebaum, who is noted for her independence, fairness and integrity, made a call that is perfectly consistent with her well-deserved reputation. Dr. Foster is fortunate to have his nomination in the hands of the junior senator from Kansas. It's Kansas's senior senator, Majority Leader Bob Dole, who bears watching.

Sen. Dole is in a tight political spot of his own making. Since making known his presidential ambitions and at every turn, Bob Dole has been "jammed" by Phil Gramm, a chief competitor. The Texas senator's can-you-top-this? contest with Sen. Dole is part of their bidding war for support among social conservatives, who, unfortunately, have made Dr. Foster a cutting-edge issue. To slake their thirst, Sen. Gramm has promised to filibuster Dr. Foster's nomination. In an attempt to go him one better—or worse—Sen. Dole has threatened to bar a vote on the nomination. Sen. Dole needs to find a way out of that briar patch.

There are strong signs that many Republican senators would just as soon take a pass on engaging in an extended public donnybrook over a nominee of Dr. Foster's caliber and personality. The Clinton administration, having almost blown the Foster nomination at the starting gate and having watched his resurgence (despite White House involvement), is relishing the thought of Republicans' denying Dr. Foster a Senate vote. It may fall to Sen. Kassebaum, who conducted a splendidly fair and open hearing, and other moderate Republicans to speak with Sen. Dole about his plans. If Phil Gramm can succeed so easily in forcing changes on White House aspirant Bob Dole, he makes Kansas's senior senator seem to be more follower than leader.

THE WASHINGTON POST
SUNDAY, MAY 7, 1995

OCCUSION A PROMOTION

F.B.I. Choice For Deputy Is Criticized By Gingrich

By DAVID JOHNSTON

WASHINGTON, May 7 — Speaker Newt Gingrich said today that the Clinton Administration's counterterrorism legislation could be jeopardized by the recent promotion of Larry A. Potts to be the No. 2 official at the F.B.I. because of his role in the siege of the Branch Davidian compound in April 1993 and a stand-off with a white supremacist in August 1992.

Mr. Gingrich said the decision announced last week by Attorney General Janet Reno to appoint Mr. Potts to the deputy director's job, "will further slow down the terrorist legislation and will mean even greater concern over civil liberties, which I don't think is inappropriate."

F.B.I. officials would not comment on Mr. Gingrich's remarks, but Carl Stern, the spokesman for the Justice Department said: "All Americans, rural or urban, support the F.B.I.'s effort, spearheaded by Larry Potts, to apprehend the persons responsible for what happened in Oklahoma City. This is not the time for partisan politics."

Ms. Reno's selection of Mr. Potts was based on a recommendation by Louis J. Freeh, the Director of the Federal Bureau of Investigation.

Mr. Gingrich's comments came as investigators continued to pore over evidence in the bombing of the Federal building in Oklahoma City and pressed their search for the elusive John Doe No. 2, the tattooed man in a baseball hat who is the second suspect in the blast. So far, only Timothy J. McVeigh, a former Army sergeant, has been charged in the bombing.

Law-enforcement officials said today that they were working on a fresh lead to the man who shared Mr. McVeigh's anger against the Government and might have had contact with him when Mr. McVeigh was in Arizona in the months before the bombing. But the officials, who have been disappointed before after initially thinking they were on the trail of the second suspect, said they were far from certain about the new lead.

The promotion of Mr. Potts, Mr. Gingrich said in an interview on the NBC News program "Meet the Press," could have political repercussions. He said the appointment was prompting some lawmakers to express interest in hearings on the propriety of F.B.I. operations.

The Administration's anti-terrorism measures, hurriedly put together in the aftermath of the Oklahoma City bombing, have strong support in both political parties. Over all, the proposals would loosen restrictions on investigating extremist groups.

Criticism of top F.B.I. officials, who usually operate in the agency's bureaucratic shadows, is unusual, particularly from conservative Republicans who in the past have been among the agency's most ardent supporters.

"We have to understand that there is, in rural America, a genuine — particularly in the West — a genuine fear of the Federal Government and of Washington, D.C., as a place that doesn't understand their way of life and doesn't understand their values," said Mr. Gingrich, a Georgia Republican.

Complaints about the F.B.I. and the Treasury Department's Bureau have been increasing from both western conservatives as well as more extreme paramilitary groups, who are opposed to firearms laws that both agencies enforce. They have seized on the conduct of the agencies in Waco, Tex., and at Ruby Ridge, Idaho, incidents in which Mr. Potts was deeply involved as head of the F.B.I.'s criminal division.

Mr. Potts was among the officials at F.B.I. headquarters who approved the tear-gas assault plan at Waco on April 19, 1993, which ended with a disastrous fire and the deaths of more than 80 Branch Davidians. The incident is believed to have been a strong motivating factor behind the bombing of the Federal Building in Oklahoma City.

Mr. Potts was also a senior official during the stand-off with Randall Weaver in Idaho. After a shoot-out in which a Federal marshal and Mr. Weaver's son were killed, a specially trained unit of F.B.I. agents flew to the scene. A sharpshooter shot and killed Mr. Weaver's wife in what bureau officials said was a mistake but critics have said was a murder.

Mr. Freeh censured Mr. Potts and 11 other agents for their conduct during that stand-off, but he has steadfastly stood behind Mr. Potts, recommending him for a promotion at the same he disciplined him.

THE NEW YORK TIMES, MONDAY, MAY 8, 1995

Dole Says He'll Meet Nominee Before Deciding on Senate Vote

By ERIC SCHMITT

WASHINGTON, May 7 — The Senate majority leader, Bob Dole, promised today for the first time that he would meet with President Clinton's choice for Surgeon General, Dr. Henry W. Foster Jr., before deciding whether to bring the nomination to a vote before the full Senate.

Dr. Foster seemed to pick up support from some Republicans at a hearing last week of the Senate Labor and Human Resources Committee, putting pressure on Senator Dole, Republican of Kansas, to allow the full Senate to vote if the committee endorses the nominee.

"I think I should, before I make a final judgment, sit down and talk with him face to face," Mr. Dole said on the CBS News program "Face the Nation." "I think he's entitled to that. I don't have the reputation of holding up nominees."

Mr. Dole had suggested that even if the committee endorsed Dr. Foster's nomination and sent it to the floor, he might not allow the Senate to vote on it.

Dr. Foster, an obstetrician and gynecologist from Tennessee, has acknowledged performing several dozen abortions during his career. Some critics have opposed the nomination on these grounds, while others say that missteps by Dr. Foster and the White House in detailing his record call his credibility into question.

Mr. Dole is clearly caught between what he views as his responsibilities as majority leader and pressure not to be outflanked on the abortion issue by other Republican Presidential candidates like Senator Phil Gramm of Texas. Mr. Gramm has promised to lead a filibuster against any Senate vote on the nomination.

But some Republicans, including Senator Nancy Landon Kassebaum of Kansas, have promised to fight a filibuster and have predicted any attempt to block a vote would fail.

"I can't make my decision based on what Phil Gramm or Arlen Specter, Dick Lugar, or other colleagues who are running for President may think," Mr. Dole said today, trying to discount the conflicting pressures. "To be majority leader, I have to make a decision, and we'll make a decision on this issue."

Today Mr. Dole even praised Dr. Foster's performance before the Senate panel last week, but offered no hint about whether he would allow the full Senate to vote.

"I think he did a pretty good job before the committee, but I think there are still some very serious questions that ought to be answered," Mr. Dole said.

When asked if he would allow a vote if Dr. Foster made a favorable impression in their meeting, the Senator said: "Well, I think it's always been in play. I said at the outset we may not bring it up, and we still may not bring it up. We're going to find out where the votes are, and then we'll make a judgment."

THE NATION

GOP soft-pedals abortion question

By Jessica Lee
USA TODAY

House Speaker Newt Gingrich, R-Ga., said Sunday that enactment of a constitutional ban would not stop abortions in the United States.

"If all we did tomorrow morning was pass an amendment, you would have millions of women going into back allies having abortions," Gingrich said on NBC's *Meet the Press*.

Gingrich said he personally believes "abortion is morally the same as infanticide" and still supports the constitutional ban called for in the Republican Party platform.

But, he says, now is not the time: "You've got to go through a process of winning the argument ... trying to get people to some common agreement and begin a dialogue that minimizes the number of abortions."

As speaker, Gingrich has handled the abortion issue like a hot potato:

▶ He gave abortion a lower priority than the budget and congressional reform issues that consumed the first 100 days of House action.

▶ He warned the GOP to avoid focusing on abortion in opposing Henry Foster for the surgeon general's job.

Gingrich says the USA is "pro-choice but anti-abortion" — a paradox that threatens to split the Republican Party.

The issue is boiling up in the Senate, where abortion foes appear to be losing on Foster.

Sen. Majority Leader Bob Dole, R-Kan., who once suggested he might block a Senate vote on Foster, said Sunday he wants to meet with him.

"I think I should, before I make a final judgment," Dole said on CBS's *Face the Nation*.

The White House took encouragement from Dole's praise of Foster's appearance last week before the Senate Labor and Human Resources Committee.

White House chief of staff Leon Panetta said Foster performed so well that "once that vote comes, we're confident he'll be confirmed."

For weeks, Foster's nomination had appeared doomed to campaign-season politics. Sen. Phil Gramm, R-Texas, who is challenging Dole for the GOP presidential nomination, vows to filibuster.

Critics have accused Foster, an obstetrician-gynecologist, of lying about his abortion record.

"It's not a question of abortion, it's a question of credibility," insisted Dole.

The question is a political one, counters James Wagoner of the National Abortion and Reproductive Rights Action League: "If Dole blocks (a Senate floor vote), it's not just a partisan fight, it's a fight within the Republican Party over abortion."



By Tim Dillon, USA TODAY

FOSTER: Dole wants to meet him; Gramm vows to filibuster.

Gingrich questions FBI promotion

By Carol J. Castaneda
USA TODAY

House Speaker Newt Gingrich Sunday questioned the FBI's promotion of the agent who oversaw the deadly raids near Waco, Texas, and on Idaho white separatist Randall Weaver's home, saying the move could slow anti-terrorist legislation.

Appearing on NBC's *Meet the Press*, Gingrich said he respected the decision of FBI Director Louis Freeh to promote Larry Potts, 47, to deputy director.

But, he said, "We have to understand that there is, in rural America ... a genuine fear of the federal government and of Washington, D.C., as a place that doesn't understand their way of life and doesn't understand their values."

The April 19 bombing of the federal building in Oklahoma City came exactly two years after the fire that killed more than 80 people, including 17 children, at the Branch Davidian compound near Waco. It came three years after Weaver's wife, 14-year-old son and a federal agent died in a siege in Ruby Ridge, Idaho. Potts is overseeing the Oklahoma City investigation.

Both the Waco and Idaho incidents have become rallying points for anti-government activists who say authorities often abuse their power. Last month, Potts was censured for his role in the Idaho shooting.

Gingrich said the House subcommittee on terrorism would hold hearings on Waco this summer or fall.

"I don't think you can have 85 Americans killed and not at some point address and ask what happened and why," Gingrich said. "I think that Waco was clearly mishandled."

Some activists called Potts' appointment an attack on militia groups.

First, Potts is "reprimanded, now promoted. I find something very strange about that," says Mark Price, 44, of the anti-government Michigan Militia.

"There is a still question in the minds of Americans as to what happened at Waco and at Ruby Ridge," says Price.

But Athan Theoharis, who has written several books on the FBI, says Freeh's decision to appoint Potts was based on administrative abilities, not to get at the military militias.

"It sends a signal of how much he values Potts' abilities," Theoharis says.

Gingrich said the appointment could slow action on President Clinton's anti-terrorist bill. Clinton wants to make it easier for the government to investigate presumed terrorist groups. But concerns have been raised about possible abuse.

"You want strong enough police powers, but you want very strong safeguards for individual liberties in this process. When you have somebody ... with this much power, you ought to have people watching him," Gingrich said.



AP

POTTS: Oversaw Waco, Idaho raids

Dole may allow full Senate vote on Dr. Foster

But Gramm still plans filibuster

By Major Garrett
THE WASHINGTON TIMES

A1

Senate Majority Leader Bob Dole hinted yesterday that he would reverse himself to allow a floor vote on Dr. Henry W. Foster Jr., President Clinton's nominee for surgeon general.

A spokesman for Sen. Phil Gramm of Texas, a rival for the 1996 Republican presidential nomination, chided Mr. Dole and said Mr. Gramm stands firm in his resolve to filibuster the nomination if it reaches the floor.

This could set off the first campaign fireworks between the two men.

"I think I should, before I make a final judgment, sit down and talk with [Dr. Foster] face to face," Mr. Dole said on CBS-TV's "Face the Nation." "I think he's entitled to that."

If Dr. Foster leaves a favorable impression and it appears the votes are beginning to shift in his direction, Mr. Dole suggested he might allow the nomination to proceed and leave further opposition to others.

"I said at the outset we may not bring it up, and we still may not bring it up," Mr. Dole said. "We're going to find out where the votes are, and then we'll make a judgment."

Larry Neal, a spokesman for Mr. Gramm said the senator would filibuster the nomination no matter what Mr. Dole decides.

"He's prepared to oppose the nomination vigorously, regardless of whatever deal the leaders would make with the White House. Dr. Foster is the wrong person. He could be just as divisive and destructive as [former Surgeon General] Joycelyn Elders was."

"Those kinds of statements and a failure to be firm after making what everyone thought was a promise suggests the majority leader is looking for some wriggle room. This much is clear: Phil

see **FOSTER**, *page A26*

From page A1

Gramm's not going to cut any deals on the Foster nomination."

At the White House, Chief of Staff Leon Panetta greeted Mr. Dole's comments as a sign that Dr. Foster's prospects might be improving.

"I'm encouraged by Senator Dole's comments," Mr. Panetta said on CNN's "Late Edition." "It sounds like he at least is trying to give Dr. Foster, I think, the fair shake that he deserves after that hearing."

Many in the Senate concluded that Dr. Foster performed well at his confirmation hearing last week before the Labor and Human Resources Committee. The committee has yet to vote on the nomination, which can be brought to the floor with a positive, negative or neutral recommendation.

One Republican on the committee, Sen. James M. Jeffords of Vermont, has said he will vote for Dr. Foster, leaving only one more GOP vote needed for committee approval. Republicans have a 9-7 advantage on the committee.

Even with approval, Mr. Dole alone has the power to schedule Senate floor procedures, which has made his opposition to a floor vote crucial to Dr. Foster's fate.

"I think he did a pretty good job before the committee, but I think there are still some very serious questions that ought to be answered," said Mr. Dole, who has said the nomination was "very sloppily handled."

Senate supporters of Dr. Foster would have to collect 60 votes — known as cloture — to end a filibuster, which Mr. Panetta said he believed could be achieved.

"I'm pretty confident you could probably even get cloture if there was an attempt to filibuster," Mr. Panetta said.

Mr. Neal said Mr. Gramm, who like Mr. Dole is seeking the GOP presidential nomination, does not know if he can maintain a filibuster.

"We had been proceeding under the assumption that the majority leader, who has control of the floor, would not allow the Foster nomination to reach the floor," Mr. Neal said. "Increasingly, it's looking like otherwise and if that happens, we'll start talking to friends."

Despite these positive signs for Dr. Foster, no one knows if he would have a simple majority to win confirmation in a Senate made up of 54 Republicans and 46 Democrats.

Further, Mr. Dole questioned the efficacy of the surgeon general's role in leading a government campaign to educate the public on health care matters.

"My view is that this job isn't that important anyway," the Senate leader said. "It has a staff of six. It's a public-relations job. It's not some key, critical job that has to be filled."

Opposition among social conservatives to Dr. Foster first arose when he and the White House offered conflicting accounts of the number of abortions the obstetrician-gynecologist had performed.

It deepened after it was revealed that Dr. Foster performed hysterectomies on mentally retarded adolescents in the 1960s and 1970s.

Pro-choice groups and most Democrats have remained supporters of Dr. Foster. Sen. Barbara Boxer, California Democrat, has threatened to tie up all Senate procedures if Mr. Dole blocks consideration of the Foster nomination.

Senator Urges Dole to Allow Vote on Foster

Nominee Apt to Pass Committee, Gregg Says

By Kevin Merida
Washington Post Staff Writer

Sen. Judd Gregg (R-N.H.) said yesterday that although he will oppose surgeon general nominee Henry W. Foster Jr., he has urged Majority Leader Robert J. Dole (R-Kan.) to allow a Senate vote on the nomination.

"My counsel is that he bring it to a vote," Gregg said in an interview. "As a practical matter, it's not the biggest fish in the pond. We might as well get it behind us."

Gregg's comments are significant because he is both a member of the Labor and Human Resources Committee, which is considering the nomination, and a Northeast regional co-chairman of Dole's presidential campaign.

Gregg said that based on conversations with colleagues, he expected Foster to emerge from committee with a 9-to-7 vote in favor of confirmation. Speculation has centered on whether freshman Sen. Bill Frist (R-Tenn.), who was sympathetic to Foster during the confirmation hearings, will provide the key committee vote in support of the Nashville obstetrician-gynecologist. The committee will vote on the nomination sometime after May 17.

Dole, who has threatened to prevent a vote on the Foster nomination, is coming under increasing pressure from Republicans to allow a floor vote and has signaled in recent days that he may be softening his position.

On CBS's "Face the Nation" Sunday, Dole said: "I want to sit down before anything happens and visit with Dr. Foster. He's entitled to that."

One of Dole's presidential rivals, Sen. Phil Gramm (R-Tex.), has promised to use Senate procedures, including a filibuster, to stop the Foster nomination if it is brought to the floor.

Gregg told a group of reporters earlier yesterday that though he would vote against the nomination in committee, he was not certain which way he would vote on a filibuster. It takes 60 votes to cut off debate, and Labor and Human Resources Committee Chairman Nancy Landon Kassebaum (R-Kan.) has said she believes a filibuster would fail.

Gregg, who posed tough questions to Foster during the hearings, said one of the reasons he was opposing him was because of his answers on abortion. "He is more than pro-choice," said Gregg. "He is an activist."

Staff writer David S. Broder contributed to this report.

Senate GOP Again Scales Back Legal Reform Bill

By Helen Dewar
Washington Post Staff Writer

Senate Republicans leaders retreated again yesterday in hopes of salvaging a bare-bones legal reform bill, confining the legislation to product liability lawsuits and modifying proposed limits on punitive damages in these cases.

Key backers of the legislation, which is in its third week of contentious debate, said they now believe it will pass.

The latest compromise was offered after it became clear that the first retreat, a scaled-back version proposed Friday by Majority Leader Robert J. Dole (R-Kan.), was still too far-reaching to get the 60 votes necessary to limit debate and bring the bill to a final vote.

The scaling back was forced after the Senate loaded up a relatively narrow product liability bill with broader litigation curbs, including a proposal to limit punitive damages in all civil lawsuits, and then fell well short of the 60-vote mark. When Dole's Friday compromise came up for a vote late yesterday, it also fell far short, winning only 43 votes.

The new proposal is a far cry from the broad bill approved by the House earlier this year and closely resembles the product liability bill originally introduced in the Senate by Sens. Slade Gorton (R-Wash.) and John D. "Jay" Rockefeller IV (D-W.Va.).

As explained by Gorton, the latest version—hammered out in a day of bipartisan negotiations—had the backing of Dole as well as Rockefeller, who had been negotiating changes to win the support of a dozen or more Democrats, said he believed the measure would command enough votes to win final passage later this week.

But it posed potential difficulties for a House-Senate conference because the two houses are so far apart and the Senate demonstrated so strongly in debate on the measure that it has little wiggle room for compromise.

The latest proposal seeks to limit punitive damage awards only for lawsuits against manufacturers of allegedly faulty products. The Friday proposal would have limited punitive damages in all lawsuits against small businesses and people of relatively modest resources. The broader bill would have covered medical malpractice and other civil lawsuits as well.

At least in theory, yesterday's compromise would ease the monetary cap on punitive damages proposed in earlier versions. While juries would be limited to awards of two times other damages or $250,000, whichever is higher, judges could order higher damages if they found the jury award was "insufficient to punish the egregious conduct" or to "deter such conduct in the future."

But any defendant who had to pay judicially increased damages would be entitled to a new trial, and critics of the proposal said this would mean that few if any people would seek to have judges raise the damages. The limits on jury awards thus would be binding in reality if not in law, they said.

CAPITAL JOURNAL
BY GERALD F. SEIB

Best of Times, Worst of Times For Bob Dole

FOR BOB DOLE, these are the times that try a man's soul.

The three toughest jobs in Washington are running the Senate, running for president and being president. Sen. Dole has the first two jobs right now, and wants to get the third.

But that's not even the most trying part. The real problem is that Senate Majority Leader Dole just can't get the Senate to cooperate with his presidential ambitions. This isn't entirely surprising, considering that the Senate can make Britain's royal family seem predictable and well-behaved by comparison.



Still, consider where things are headed. A month from now, it's just possible that the Senate will have confirmed the nomination of Henry Foster as surgeon general despite Sen. Dole's misgivings; will have passed a legal reform bill that Sen. Dole had to dramatically water down to get passed; and will be operating under a budget resolution that doesn't include the tax cut Sen. Dole wants.

None of this would exactly be music to the ears of the Republican Party's conservative activists, whom Sen. Dole is wooing hard. If all this comes to pass, will conservative stalwarts:

A) Give Sen. Dole credit for at least fighting their good fight and securing some partial victories; or

B) Excoriate Sen. Dole for failing to deliver the whole bill of goods?

THIS, IN FACT, may turn out to be the most important question of the entire 1996 presidential campaign. For while it's true that the first primary election occurs next February in New Hampshire, Sen. Dole's first primary effectively occurs in slow motion over the next six months. That's when he has to deliver the Senate on the Republican Party's agenda, thereby buttressing his central contention that he's a proven leader who gets things done by the end of the day.

Never has the difficulty of this challenge been on clearer display than this week. First of all, Sen. Dole has been locked in a marathon battle to pass a bill scaling back lawsuit abuse, something conservatives want badly. He took a gamble on the issue; he seized a narrow bill limiting manufacturers' exposure to product-liability lawsuits and tried to broaden it to rein in lawsuits against doctors and small businesses as well. He personally offered an ambitious amendment capping punitive damages in all civil cases.



Sen. Bob Dole

Those changes would have brought the legislation more into line with an ambitious tort reform already passed by the House. But the gamble faltered when senators twice refused to bring the broader bill to a vote (with 10 Republicans abandoning their leader along the way). The effort then collapsed Monday, when senators refused to vote on a slimmed-down version. That left the Senate yesterday to try to pass an even narrower bill that largely limits manufacturer liability in defective-product suits, without a firm cap on punitive damages.

Meanwhile, Republican Sen. Pete Domenici of the Budget Committee yesterday unveiled a budget resolution that doesn't include the tax cut Sen. Dole has promised. And some Republicans are agitating for Sen. Dole to drop his idea of blocking the Foster nomination from reaching a floor vote.

ONE CAN SYMPATHIZE with Sen. Dole. He doesn't have a filibuster-proof margin in the Senate, even when all Republicans side with him. And the Senate is about the last place a presidential candidate, even the leading one, can expect much deference. Fully 13 current senators have themselves run for president at some time; four are doing so right now. It's a safe bet that the number who secretly think they should be president is more like four score.

So what's Sen. Dole to do? First of all, he probably needs to be more careful about over-promising on things he doesn't truly believe in or can't really deliver. The talk of blocking a Foster vote now seems ill-advised, for instance. Given the Senate's limitations, most Republicans will be satisfied if Sen. Dole simply makes good on most GOP spending and program cuts, wins some kind of tax cut and gets real welfare overhaul.

He also may need to crack the whip harder within the Republican caucus. But it's also worth remembering that running the Senate has advantages as well as burdens. Sen. Dole privately hints, for instance, that he now just might have in his pocket the one additional vote he lacked earlier this year to pass a balanced-budget amendment. If that's so, as leader he can pull that vote out at an appropriately dramatic moment later this year – and today's problems would become faded memories.

Foster gains support

Dr. Henry Foster now has the backing of at least five moderate Republicans in his battle to become surgeon general, giving him a majority of the Senate but leaving him still short of the support needed to surmount a threatened filibuster.

The major challenge for the Tennessee obstetrician-gynecologist appears to be finding a way to overcome the procedural obstacles that may be thrown in his path by opponents, including GOP presidential rivals Bob Dole and Phil Gramm.

Republicans who have indicated they plan to support Dr. Foster include recent GOP convert Ben Nighthorse Campbell of Colorado, presidential candidate Arlen Specter of Pennsylvania, James Jeffords of Vermont, Finance Committee Chairman Bob Packwood of Oregon and John Chafee of Rhode Island.

Widows target Daschle

The widows of three government doctors who died in a charter plane crash have filed an ethics complaint against Senate Minority Leader Tom Daschle over his efforts to reduce safety inspections of the charter company.

"The documentation, interviews and contacts clearly point to unethical behavior by this senator," the widows said in a letter to the Senate ethics committee. A copy of their April 4 letter was obtained yesterday by the Associated Press.

The three physicians were working for the Indian Health Service when the plane crashed in North Dakota in February 1994. It was later revealed that Mr. Daschle, South Dakota Democrat, was working to eliminate a Forest Service inspection program that had raised concerns about the charter company's safety.

Moving an embassy

Senate Majority Leader Bob Dole yesterday introduced legislation to move the U.S. Embassy in Israel from Tel Aviv to Jerusalem by May 1999.

The Kansas Republican said the measure, which authorizes construction to start next year, has bipartisan support.

"Placing the American Embassy in Jerusalem is an idea whose time has come," Mr. Dole said. "The fact is that Jerusalem has been and should remain the undivided capital of Israel."

California seat at risk

A House panel refused yesterday to dismiss a challenge to the November election that gave Democrat Jane Harman a second term from California's 36th Congressional District.

The three-member task force of the House Oversight Committee voted 2-1 along party lines to allow Republican Susan Brooks to submit additional evidence of alleged voter fraud, holding open the possibility of a committee vote to vacate the seat and require a new election.

Miss Harman was certified the

Gingrich answers

sponded to a Democratic ethics complaint yesterday, contending that he followed a long-established pattern when he gave House speeches promoting his college course.

Mr. Gingrich had specific approval from the House ethics committee to promote his course and, in effect, give his classroom lectures to the House, wrote Jan Baran, the speaker's private attorney, in papers filed with the committee.

He wrote that "during this century there is not, to our knowledge, any precedent of the committee sanctioning a member for any statement made on the floor of the House."

Just an overnight stay

The Senate joined the House yesterday in demanding that the administration change its policy and allow Taiwanese President Lee Teng-Hui to make a private visit to the United States.

The 97-1 vote took issue with a 16-year policy, adopted when the United States established diplomatic relations with the People's Republic of China in 1979, of barring all Taiwanese presidents from U.S. visits. Sen. J. Bennett Johnston, Louisiana Democrat, dissented.

Mr. Lee has been invited by his alma mater, Cornell University, to return to the Ithaca, N.Y., campus for a ceremony in his honor.

From wire dispatches and staff reports.

Embassy Row

By James Morrison

An army grows up

Bosnia's defense minister has watched his army grow from a ragtag lot in "T-shirts, blue jeans and sneakers" into a "well-organized" force capable of fighting Serbian rebels, despite an international arms embargo.

"Faced with the destruction of our country, lives, homes and families, we were born under the gun of brutal aggression," Brig. Selmo Cikotic said this week on a visit to Washington.

Brig. Cikotic, speaking at a Bosnian Embassy reception Monday, noted that his country had no army when the Serbian rebellion began three years ago.

The rebels were immediately aided and armed by Serbia, which inherited most of the weapons of the former Yugoslav army.

The Bosnian government was left to scratch together an army, relying on help wherever it could be found.

Iran is suspected as the Bosnian government's main arms supplier.

"Our brave boys took to the streets of Sarajevo, Tuzla, Brcko, Mostar, Zenica and other areas in T-shirts, blue jeans and sneakers for one purpose — the defense of our country," said Brig. Cikotic.

"We have since grown into what we see today, a well-organized armed force capable of

capable of the liberation of our homes throughout our territory.

[illegible] We are an army of morals, of rules and of respect for international standards."

Sarajevo, meanwhile, is in its fourth year of siege, he said. Serbian shells hit the Bosnian capital again yesterday.

Let's talk later

As a top reporter, Strobe Talbott was skilled at asking questions.

Now as a senior State Department official, he is becoming skilled at avoiding them.

Take the exchange on NBC's "Today" show when Bryant Gumbel tried to pin down the deputy secretary of state on the first day of the two-day Moscow summit.

Mr. Gumbel yesterday asked what will happen if Russian President Boris Yeltsin refuses to kill the nuclear reactor deal with Iran.

"I'd really rather not get into hypothetical speculation, Bryant," Mr. Talbott responded.

"How are you . . . and the administration prepared then to judge the relative success or perhaps even the relative failure of this summit?" he asked.

"I think we can expect that this is going to be a good summit," Mr. Talbott answered.

"We'll be glad that we had this chance for the two presidents to engage. We expect and we certainly hope for some progress on some issues."

Mr. Gumbel tried again.

"But on what grounds are you prepared to determine that success or failure?" he asked.

Mr. Talbott suggested, "Let's talk tomorrow."

Borderless diplomacy

The U.S. ambassadors to India and Pakistan are practicing a unique brand of cross-border diplomacy.

Frank Weisner, the envoy to India, yesterday met Pakistan Prime Minister Benazir Bhutto, completing a cycle begun a year ago when John Munjo, the ambassador to Pakistan, met Indian Prime Minister P.V. Narasimha Rao.

Neither ambassador is trying to act as an emissary on behalf of his host country, a State Department spokesman said.

Mr. Weisner is "well-placed" to present "the Indian view as the United States sees it" to Pakistan, and Mr. Munjo has done the same, the spokesman said.

Pakistani Foreign Minister Aseff Ahmad Ali, who also attended the talks, told reporters in Islamabad that Mr. Weisner's visit was "part of the exercise the U.S. ambassadors in Pakistan and India are undertaking to hold informal talks with leaders of both nations."

"This is an useful exercise."

Whether it will lead to anything is another matter.

Mrs. Bhutto told Mr. Weisner that her country is ready to hold talks with India on Kashmir on the basis of 1949 U.N. resolutions that call for a plebiscite in the disputed Himalayan state.

But she rejected the polls India plans to hold in its part of Kashmir under emergency laws and the presence of 600,000 troops, the officials said.

The two countries have fought three wars since their birth as independent states in 1947.

Two of the wars were over