

Rule Adopted To Prohibit Secret Tests On Humans

By MATTHEW L. WALD

WASHINGTON, March 28 — President Clinton has established new rules meant to preclude any more Government-financed secret experiments on unwitting human subjects using radioactive, chemical or other dangerous materials, the White House announced today.

Officials of the Departments of Justice and Energy also said they had made progress in settling some cases involving such experiments. In those cases, dating from the 1940's and 1950's, Government researchers injected civilians with plutonium or uranium without their informed consent.

Nearly all the subjects of the experiments, who were adults when the doses were given 40 years ago, are long dead, and the settlements have taken the form of payments to their families, generally in the hundreds of thousands of dollars. Scores of other victims or their families are still trying to collect damages.

"Compassion and concern are at the core of our response to human radiation experiments," Energy Secretary Federico F. Peña said in an announcement at the White House.

Sixteen cases have been settled; one is in the late stages of settlement; one family declined to participate, and one subject could not be found, Government officials said. That means, Mr. Peña said, that the Government is nearly finished with what he called the most egregious cases, the ones in which the experiments had been kept secret from the public and the victims "for the purposes of avoiding liability or embarrassment to the Government."

But the Government is still defending at least five lawsuits, with about 80 victims identified and hundreds of others who may come forward.

Under the new rules, Mr. Peña said, informed consent will be required; the sponsor of the experiment will be identified to the subject; the subject will be told the experiment is classified, and permanent records will be kept. The advisory committee also wanted external reviews, and that process is being developed, Mr. Peña said. Government agencies will report annually on whether such experiments are in progress; none are now, "as far as we can determine," he said.

The cases that are still outstanding include studies at Oregon State Prison and at Washington State Prison from 1963 to 1971, in which prisoners' testicles were irradiated to learn what doses made them sterile. They also include experiments involving mentally retarded children at the Walter E. Fernald State School in Waltham, Mass., who, from 1946 to 1956, were told that they were joining a "science club," and were given radioactive material in cereals.

Another lawsuit involves Vanderbilt University, where 820 pregnant women were given small doses of radioactive iron from 1945 to 1947. And during the 1960's and 1970's, subjects at the University of Cincinnati and three other universities were exposed to radiation over their entire bodies to measure the effects.

The latter case, which extended into the early 1970's, includes 45 "active living plaintiffs," said E. Cooper Brown, a lawyer who represents them, and another 45 yet to be discovered.

Government officials divided the experiments into three categories: studies like the ones with retarded children and pregnant women, in which researchers added traces of radioactivity to foods or minerals so they could study metabolism or organ function; radiation studies like the one in Cincinnati in which researchers may have thought the exposure would benefit the patient, as well as providing valuable military information on the effects of radiation exposure, and injection experiments, which could not conceivably benefit the subjects, but might help Government officials set exposure limits for workers in nuclear bomb plants and related industries. It is this last category that the officials now say they have put behind them.

But Mr. Brown and others put some of the irradiation experiments in the category of exposures that could not help the patients, because doses were not delivered to parts of the body where patients had cancers.

Mr. Peña, announcing the new rules, said they adhered closely to the recommendations of an advisory panel on human radiation experiments that Mr. Clinton appointed in 1994, after Hazel R. O'Leary, the Energy Secretary then, announced that she would declassify millions of pages of documents on the experiments.

The steps were taken by an inter-agency working group, including the Departments of Health and Human Services, Defense and Veterans Affairs, the Central Intelligence Agency and National Aeronautics and Space Administration.

The New York Times

SATURDAY, MARCH 29, 1997

Clinton Considers Pushing Election Panel on Soft Money

By ALISON MITCHELL

WASHINGTON, March 28 — President Clinton is considering whether to petition the Federal Election Commission to use its regulatory power to forbid the large, unregulated donations to political parties that became so controversial in last year's Presidential and Congressional elections.

The idea has been under examination in the White House for about a month, as Mr. Clinton has been looking for ways to push an overhaul of the campaign-finance laws even as he has been buffeted by reports of how he and his campaign pushed fund-raising at least to the very limits of the law in 1996. The President considered advocating the move in a Saturday radio address earlier this month, aides said, but then held back.

Mr. Clinton's aides say that such a petition would complement the continuing drive to put a ban on unregulated contributions to political parties in place through legislation sponsored by Senators John McCain, Republican of Arizona, and Russell D. Feingold, Democrat of Wisconsin.

And with the legislation facing an uphill struggle in Congress, some White House officials argue that such a high-profile push by the President could be a second way to stop unregulated, or soft money, contributions. They compare the idea to Mr. Clinton's recent call for the Federal Communications Commission to require free air time for candidates.

"It's another way of pushing reform," said Rahm Emanuel, a senior adviser to the President.

Mr. Emanuel said the White House had found that executive action "adds pressure, spurs legislative action and brings focus on the matter at hand."

Mr. Clinton's aides say that while the President is interested in the idea, the White House is still weighing how much support the action would receive from Democrats and whether it could backfire and undercut the push for legislation. Some White House aides have also questioned how effective such a step would be, given that rule-making procedures can take years.

"We don't want to give anyone an out on this," one White House official said.

By turning to the Federal Election Commission, Mr. Clinton would be trying to change the thinking of an agency that some argue first opened the door to the soft money contributions to political parties. After Congress passed post-Watergate limits on donations and spending in Federal campaigns, the commission ruled in 1978 that a state political party could use donations that were legal under state, but not Federal, law for a voter drive that would benefit both state and Federal candidates.

Since then, through changes in law and F.E.C. regulations, the uses of soft money have expanded. In the

1996 Presidential election, Republicans and Democrats alike put millions of dollars into political advertisements for their respective Presidential candidates that were not considered subject to the spending limits of the law. The advertisements stopped just short of outright calling for the election of Mr. Clinton or his Republican opponent, Bob Dole.

Under the plan being debated by the White House, Mr. Clinton would ask the F.E.C. to draft new rules putting in place all the same restrictions on soft money envisioned by the McCain-Feingold bill, essentially banning such contributions. Mr. Clinton would ask that the agency bar national political parties, Federal office holders and candidates from soliciting, receiving or spending any funds that are not subject to the limits and reporting requirements in the Federal election law.

The F.E.C.'s six commissioners — split between the two major political parties — are independent of Mr. Clinton and would not have to follow his recommendation. And they would first have to judge whether his request was within their statutory authority.

Some White House officials say a petition from Mr. Clinton would put the commissioners under a spotlight and make it difficult for them to vote to reject the request.

Other allies of the "White House" were less sure. Mr. Feingold today called it "important to explore all constitutional options aimed at curbing abuses in our system of campaign finance."

But he added: "There is no way, however, to predict what action the F.E.C. would take on such a petition. In the past, the F.E.C. has been deadlocked on controversial matters and unable to act on this type of matter."

Fred Wertheimer, the president of Democracy 21, a nonprofit group that advocates an overhaul of campaign financing, said that for such a move to be effective, Mr. Clinton would have to be willing to shake up the election commission by using his appointment power to make a wholesale change in the panel's makeup.

While the President in theory can name all six commissioners, in practice Presidents have selected two commissioners and allowed Congressional Democrats and Republicans to divide up the remaining four spots.

"I think the White House's motivations in doing this are to try to help push the issue," Mr. Wertheimer said. "I don't believe there is any realistic way to believe that the Federal Election Commission would on its own change its mind unless you had a wholesale change in the kind of commissioners sitting on the commission."

The New York Times

SATURDAY, MARCH 29, 1997

Justice Department Criticizes Shapiro for 'Poor Judgment'

FBI Counsel Cited for Role in Files Controversy

By Pierre Thomas
Washington Post Staff Writer

A Justice Department investigation of FBI general counsel Howard M. Shapiro sharply criticizes him for contacting the Clinton White House during a congressional inquiry into the FBI background files controversy, but said the "poor judgment" exhibited fell far short of professional misconduct.

Shapiro's actions, described as a "serious mistake" and "horrific blunder," "exacerbated a political problem by contributing to the appearance that the FBI, and particularly Shapiro, was not sufficiently independent of the White House," the Justice Department's Office of Professional Responsibility found. In addition, the report concluded that Shapiro's action could have interfered with the work of Whitewater independent counsel Kenneth W. Starr.

Shapiro in a telephone interview termed the report "fair in its assessment." In a written statement, he expressed gratitude that department investigators found "no misconduct or wrongdoing, and that I was not motivated by any personal ambitions nor by any political agenda in my actions."

Sources close to Shapiro said he has begun entertaining job offers from law firms and universities, setting the stage for the departure of one of FBI Director Louis J. Freeh's longtime friends and closest advisers.

The report's release comes as the White House and the traditionally independent FBI continue to grapple over how the two should communicate and work together. Just this week, President Clinton expressed concern about the bureau's reluctance to provide the White House details on China's alleged efforts to influence political campaigns in the United States.

The Justice Department's investigation centered on Shapiro's actions during a House Government Reform and Oversight Committee investigation of the Clinton administration's questionable acquisition of hundreds of confidential FBI background summaries of persons who no longer worked at the White House, including well-known Republicans.

Congressional Republicans demanded Shapiro be fired last summer after they learned that he had tipped off the White House that a potentially damaging memo concerning former White House security aide Craig Livingstone was being turned over to the investigating committee. The memo suggested that Livingstone had been recommended for his job by Hillary Rodham Clinton. She had denied any role in Livingstone's hiring.

Shapiro, concluding that he was caught in the middle of a partisan battle between the White House and congressional Republicans, decided to release the document to both sides, sources said. The move backfired, with some critics suggesting he was too close to the White House.

The irony is that Shapiro was not particularly beloved at the White House and had left Clinton administration officials infuriated over his handling of the bureau review of the files controversy, law enforcement sources said.

In determining that Shapiro's actions were not designed to seek the administration's favor, the 29-page Justice Department report reminded that Shapiro had offered stinging criticism of the White House for requesting the FBI background files. Shapiro's description of the the White House's request for files as "without justification" and as constituting "egregious violations of privacy" showed he was not disposed "to benefit the White House," the report concluded.

Shapiro's supporters expressed sadness that an otherwise successful stint at the bureau had been marred because he found himself in the midst of cross-fire between the White House and Capitol Hill. Shapiro is credited with building the bureau's general counsel office, helping oversee the Oklahoma City bombing and Unabom investigations, and improving relations between the FBI and the CIA.

"I found Howard to be one of the most able and conscientious lawyers in federal government," said Jeffrey H. Smith, former general counsel for the CIA.

Outgoing Deputy Attorney General Jamie S. Gorelick said, "this should be put in perspective." She added, "It is one lapse in judgment in a long career of dedicated public service."

The report has been referred to the FBI Senior Executive Service Board for review and consideration of possible disciplinary action. Freeh has recused himself from the review and the deputy attorney general's office will decide what action is required, if any.

The Washington Post

SATURDAY, MARCH 29, 1997

U.S. Moves to Shield Subjects Of Human Medical Research

Payments Made in Radiation Cases, Pena Says

By Joby Warrick
Washington Post Staff Writer

The Clinton administration, unveiling what it hopes will be the lasting legacy of Cold War-era human radiation experiments, yesterday announced new measures aimed at preventing Americans from ever again becoming unwitting guinea pigs for government medical research.

Energy Secretary Federico Peña also disclosed new cash settlements in cases involving some of the worst abuses, and announced plans to expand eligibility for compensation to hundreds of uranium miners exposed to radiation in mines that supplied raw material for making atomic weapons.

"We stand here today to make our government accountable to our citizens," said Peña, speaking at a White House news conference, "and to ensure the American people of our commitment do the right thing."

President Clinton signed an order yesterday directing all federal agencies to post new rules for research that protect rights of test subjects, Peña said. The order also puts in place a new system of checks and safeguards to help prevent future abuses.

In addition, he said, the government will be required to give an annual accounting of any classified research projects that involve human subjects, regardless of whether radiation is used. At the moment, no such experiments are believed underway, Peña said.

The initiatives were part of the administration's formal response to a 1995 report on human radiation experiments by government-funded scientists in the early years of the atomic era. A presidential commission recommended apologies and cash compensation for the families of 18 people injected with plutonium without their knowledge. Another person injected with radioactive uranium was later added to the list.

Peña announced yesterday that government attorneys had settled 17 of the 19 cases for \$6.5 million. Most of the settlements were announced in the fall.

Of the two remaining cases, one test subject was never found, and the family of the other refused compensation. All but one of the 19 subjects now are dead.

Both Clinton and former energy secretary Hazel R. O'Leary issued formal apologies to the 19 families

to close what Clinton called a "dark chapter in our nation's history." The experiments, intended to help scientists understand effects of radiation on humans, "failed both the test of our national values and the test of humanity," the president said.

There is no direct evidence that any of the subjects suffered physical harm, although there were "clearly ethical violations," Peña said.

In addition to the 19, thousands of other people—including retarded children, pregnant women, prison inmates and terminally ill patients—took part in a broad array of experiments that involved small doses of radiation.

In most cases the subjects were willing participants, although many apparently were misled about the nature of the experiments and the extent of the risks.

In yesterday's report, the White House announced actions aimed at "righting past wrongs" for those test subjects as well as for tens of thousands of soldiers, workers in military production plants and uranium miners exposed to radiation in the years following detonation of the first atomic bomb. Among them were:

- Continuing efforts to reach settlements in five class-action court cases involving subjects or radiation experiments. Some of the experiments were faulted by the presidential commission for using controversial methods that exposed subjects to risk without providing a clear medical benefit.

Many of the cases involved private or university physicians with limited financial assistance from the government.

- Proposed legislation that would expand eligibility for compensation for uranium miners who develop cancer. The measure builds on a 1990 law that allowed thousands of ailing miners to receive payment if they could meet strict eligibility requirements.

- Pressing ahead with studies to determine if atomic bomb experiments caused cancers in thousands of soldiers, Pacific islanders and residents of communities downwind of the military's former nuclear testing grounds in Nevada.

- Proposing legislation that would provide free health screening for some military veterans who received nasopharyngeal radiation, a standard treatment for ear infections in the 1940s and 1950s.

The Washington Post

SATURDAY, MARCH 29, 1997

Gingrich asks China to aid donations probe

Did Beijing 'renegades' fund Democrats?

By Charles Hutzler
ASSOCIATED PRESS

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CHINA

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BEIJING — House Speaker Newt Gingrich asked China's vice prime minister yesterday for help in discovering whether Chinese money was used to influence the 1996 U.S. elections. He suggested the culprits could have been "renegades" acting without Beijing's direction or knowledge.

Chinese leaders have denied allegations that the government made illegal contributions to President Clinton's campaign or to congressional Democratic candidates. During Vice President Al Gore's visit to China this week, U.S. Ambassador James Sasser said officials told him they are angry and offended by the allegations.

Chinese Foreign Ministry spokesman Cui Tiankai demanded that the United States investigate how such "irresponsible" reports got out, suggesting they were planted by China's enemies.

Prominent Chinese executives and organizations whose names have surfaced in American media reports in connection with the donations have also denied any wrongdoing, the state-run Xinhua News Agency said yesterday.

Xinhua accused the U.S. media of groundlessly dragging China into the scandal. "They are taking aim at the Chinese government," Xinhua said yesterday.

Mr. Gingrich, however, said he told Vice Prime Minister Zhu Rongji — after Mr. Zhu raised the issue — that if China's denial is true, then rogue Chinese might have made donations in defiance of Beijing's leaders.

"We would appreciate their help as we seek to determine who the renegades are, and we know that since they must be renegades, they would be eager to help us find out who was engaged in this act they were opposed to," Mr. Gingrich told reporters.

Mr. Zhu was noncommittal, said

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the Georgia Republican, who is on his first trip to China. Mr. Gingrich did not broach the subject in later meetings with President Jiang Zemin and Prime Minister Li Peng.

While declining comment on Mr. Gingrich's allegations, two senior Clinton administration officials, speaking in Washington on the condition of anonymity, said they might not be as far-fetched as they might seem.

One of the officials cited a case last year when China denied selling missile parts in violation of an anti-proliferation agreement. After protesting vigorously, China later acknowledged that a state-run enterprise had arranged the deal without the knowledge of top leaders.

During the talks, the House speaker and the Chinese leaders courted each other as they sought to build on improving relations between Washington and Beijing.

Mr. Jiang discussed U.S. support for Taiwan, seat of the rival Nationalist government and a rebel province in Beijing's eyes. He urged the U.S. Congress not to support independence for the island, Xinhua reported.

While maintaining a diplomatic presence in Taipei, the United States ended formal ties with Taiwan in 1979 and opened diplomatic relations with Beijing.

Mr. Gingrich, who travels to Taiwan next week, said he assured the officials that he will tell Taiwanese leaders that Congress believes the island is a part of China.

Even on Hong Kong, the British colony that will revert to Chinese

rule on July 1, Mr. Gingrich said he found the Chinese receptive to his views. China has accused Congress of meddling by threatening trade sanctions if the transition goes sour.

Mr. Gingrich said he and the 11 other members of Congress in his delegation found the Chinese leaders "very respectful."

"They were very serious and they were very friendly. Their interest is in building a relationship," he said.

Mr. Jiang told Mr. Gingrich that Chinese-U.S. ties are now like the "first blue skies after a rain," Chinese media reported. The president said he hopes that "Congress will play a constructive role in developing Chinese-U.S. ties."

Their positive remarks follow the generally sunny assessment Vice President Al Gore made of bilateral relations. Mr. Gore, who left China yesterday after a four-day visit, said he found Mr. Jiang, Mr. Li and other Chinese leaders more receptive than in the past to U.S. concerns on human rights and access to China's fast-growing but highly isolated market.

A year ago, relations between Washington and Beijing were at their most tense this decade. Congress, and Mr. Gingrich, inflamed the tensions.

As China lobbed test missiles and held war games off Taiwan, the United States moved warships off the island, a Cold War ally. Mr. Gingrich called the Chinese actions terrorism.

Since then, Mr. Gingrich has been politically humbled by the stalling of his Republican revolution and by his reprimand in the House for admitted ethical lapses.

The Washington Times

SATURDAY, MARCH 29, 1997

Rules set to protect human subjects

Secret experiments stirred indignation

By Warren P. Strobel
THE WASHINGTON TIMES

President Clinton yesterday announced new steps to protect Americans involved in secret government experiments from abuses like those inflicted on the subjects of Cold War-era human radiation tests.

At the same time, the administration said it has made progress in compensating Americans who, as experiment subjects or nuclear workers, were made ill as they helped build and test the U.S. nuclear arsenal.

Energy Secretary Federico F. Pena said the administration is proposing legislation that would expand current law and compensate roughly 600 uranium miners who developed lung cancer.

And he announced that the federal government has "essentially settled" with the families of another 17 individuals who were injected with plutonium and, in one case, uranium, in secret government tests. Those settlements totaled \$6.5 million.

"Today's announced actions are designed to increase public trust, to ensure public accountability, and demonstrate this administration's continuing commitment to openness in government," Mr. Pena said at a White House briefing.

In October 1995, the Advisory Committee on Human Radiation Experiments issued a massive report, recommending that many test subjects be compensated and that steps be taken to prevent further abuses. At the time, Mr. Clinton issued a public apology to affected individuals and their families.

Yesterday's announcement represented the administration's response to the recommendations, particularly in the area of preventing future abuses.

Assistant Secretary of Energy Tara O'Toole said an interagency panel studying the issue could find no current classified government experiments of any kind using human subjects.

But, she said, the government has accepted the advisory panel's recommendations that, in the future, patients' informed consent never be waived; subjects know who the sponsoring agency is; subjects be told that an experiment is classified; and that permanent records be kept of all classified experiments.

The government also will institute a special review process for classified human-subject experiments, and will issue an annual public report on what research is taking place.

The 14-member panel that issued its report 17 months ago determined that most of the 4,000 human radiation experiments involved minor amounts of radioactive materials that did not present a longtime health risk.

Advocates for test subjects sharply dispute that.

E. Cooper Brown, a member of the executive committee of the Task Force on Radiation and Human Rights, said the government has no "proactive program" to find and warn the thousands of Americans subjected to human radiation experiments.

Mr. Brown characterized his reaction as one of "anticipated disappointment" because, he said, the interagency group pledged to listen to outside advice but failed to act on it. "As far as we can tell, our input didn't have any impact," he said.

He welcomed the proposed legislation compensating uranium miners who develop lung cancer, but said it is too narrow, leaving out, for example, Navajo miners who suffer from kidney failure.

The proposed legislation, which is supported by members of both parties, would give the 600 miners or their survivors a total of \$50 million over 15 years.

Efforts to compensate victims or their survivors have been hampered by the lack of records of the experiments, many of which took place in the '40s, '50s and '60s.

The Washington Times

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RClinton toughens federal protections for human guinea pigs

WASHINGTON (AP) President Clinton today took steps to protect those who participate in secret, government-sponsored experiments from mistreatment and assure they are fully informed of the risks.

The administration also said it is settling for an undisclosed sum claims by four more families of victims of radiation experiments conducted in the 1940s.

The plans for giving greater protection to research participants were prompted by recommendations made more than a year ago by a presidential commission that investigated the government's use of humans in radiation research during the Cold War years.

The advisory panel warned that past excesses might be repeated unless there are new safeguards.

The White House said today that Clinton had signed a memorandum strengthening the rights and protections afforded individuals who agree to be subjects of secret, government-supported research.

The White House said a review by an inter-agency task force uncovered no government-supported classified human research at this time. But officials acknowledged that formal accounting for such research needs to be improved.

Meanwhile, the White House said it had settled claims with 16 families of individuals who were given plutonium injections as part of experiments in the 1940s. Two other victims have not been identified and their families have not come forward. The government in November announced a settlement with 12 families totaling \$4.8 million.

The government has said it is prepared to provide compensation to the families of 52 other individuals who the advisory commission had said were believed to be subjected to improper radiation experiments. The identity of those 52 are not known, and so far no families have come forward.

Under the new presidential directive on human research, agencies must develop new rules that clearly require scientists to obtain informed consent from all potential subjects of secret experiments. Currently such consent may be waived under some circumstances.

The president also ordered that any research subject be told the identity of the sponsoring agency and whether the experimentation is classified. The new rules also would require the head of the agency to approve such research and develop a more independent review process than currently provided.

Also in response to the October 1995 findings by the Advisory Committee on Human Radiation Experiments, the president plans to:

Ask Congress to broaden a 1990 law that allows compensation to underground uranium miners who became ill because of exposure to radiation. Under the current law, hundreds of miners are not eligible for compensation.

Propose legislation to make veterans' health care benefits available to airmen and sailors who were subjects of radioactive nasal treatments more than 50 years ago. The treatments were to prevent broken eardrums during flight or in submarines.

Seek broader epidemiological studies to determine the long-term health impact of nuclear bomb testing during the Cold War to military personnel and civilian populations near the test areas.

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Payments to Make Amends For Secret Tests of Radiation

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By PHILIP J. HILTS

The Federal Government has agreed to pay \$4.8 million as compensation for injecting 12 people with radioactive plutonium or uranium in secret cold war experiments.

Energy Secretary Hazel R. O'Leary, who announced the settlement yesterday in Manhattan, said it was part of a continuing effort to make amends for the many unethical experiments carried out by Government doctors, scientists and military officials from 1944 to 1974.

Before the end of the year, President Clinton will announce further action to compensate the subjects or their survivors and to make sure such experiments are not repeated, Secretary O'Leary said in a telephone interview.

Yesterday's announcement followed 18 months of investigation and hearings by the President's Advisory Committee on Human Radiation Experiments, which concluded last year that many of the Government-sponsored radiation experiments were unethical and that participants or their survivors should be compensated.

The financial settlement announced yesterday will end several court cases involving injections of radioactive material into 12 people in experiments in Rochester, N.Y., and elsewhere from 1945 to 1947. Most of the people were being treated for existing illnesses at hospitals when they were asked to participate in research, which Federal officials now admit had nothing to do with their disorders.

Lawyers for families in the 12 cases settled yesterday said that all the subjects suffered some ill effect, including cancer and immune disorders, that might have resulted from the experiments, though there was no medical proof. Government officials said they could not be sure that any of the illnesses were caused

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by the experiments. Of the 12, the only one still alive is Mary Jean Connell, 74, of Avon, N.Y. Mrs. Connell and the families of the 11 others will each receive an average of \$400,000, with the money to be distributed by agreement among the family members.

Mrs. Connell said yesterday: "I feel wonderful about this. I feel very relieved."

She was 23 at the time of the experiment, and went into the hospital at the University of Rochester for problems with her metabolism. She was asked whether she wanted to participate in an experiment. She said that she declined, but was injected with radioactive uranium without her knowledge.

Now, she said: "I just want to get it all over with, so I can forget it. I hate to keep going over and over it, reliving it day after day."

Secretary O'Leary, in a meeting of the American Public Health Association yesterday in Manhattan, said, "This settlement in no way fully compensates families for what they have suffered and for what they haven't known about their suffering."

She said Government officials should make a commitment "that never again will the Government of the United States perform tests on our citizens and do so in secrecy."

What the Government needs, she said, "is a high level of humility" and a "moral compass as we go about our daily business."

Secretary O'Leary began the extensive inquiry into the radiation experiments after reports about them were made public in a Congressional hearing 1992 and later in articles in The Albuquerque Tribune.

The experiments in question yesterday were only a few among thousands of different kinds of experiments that were part of a long campaign to find out how the use of atomic weapons might affect soldiers and civilians in a nuclear war. The President's committee found more than 4,000 experiments were conducted on as many as 20,000 individuals.

E. Cooper Brown, a lawyer who is a leader of the Task Force on Human Radiation Experiments in Washington, a coalition of families of the subjects and advocates seeking redress for the experiments, said: "A lot of credit is due to Secretary O'Leary and the Clinton Administration for being responsible and carrying through on these issue in a way that the government has never done before. A lot has been accomplished."

But he added, "Having said that, we still want to make sure that all of the other victims are not forgotten."

The experiments ranged from marching soldiers through nuclear explosion sites, without informing them of possible risks, to directly injecting people with radioactive substances, again without their knowledge.

The cases of those injected directly with radioactive plutonium or uranium were counted as among the most egregious by the President's Committee. Government records show that 18 people were subjects of those experiments.

Before yesterday's settlement, the Federal Government had reached agreement with the family of only one other subject, also for about \$400,000. Of the families of the remaining five subjects, four are still negotiating with Government lawyers. The family of the fifth has yet to be located, said Dr. Steven Galson, the Energy Department's chief medical officer.

Numerous claims from other experiments have also been filed against agencies and officials of the Government and the private institutions where the experiments were carried out, other department officials said. They are in negotiations and some may produce settlements soon.

One proposed settlement with the subjects of radiation experiments carried out at the University of Cincinnati would give subjects or their families \$50,000 to \$70,000 each.

Ray Heslin, a lawyer involved in the settlement announced yesterday, said that he was pleased that the families could be compensated, but said that the Government "still refuses to release names of other victims of the experiments, or to notify their families," adding, "That is outrageous."

One issue is that the Government has so far decided not to mount a campaign to get the names of all those in the experiments and to notify them that they were subjects of radiation experiments. The effort would be expensive and time-con-

suming, since government records in most cases do not list the names or addresses of the subjects of the experiments.

Instead, the National Archives has placed all the hundreds of thousands of pages of records produced by the President's committee in files accessible to the public.

Secretary O'Leary said she learned of the experiments for the first time three years ago and determined to open up Government files to find out what happened. The department was quickly flooded with 34,000 calls asking about the experiments.

She said that with three years of effort and its attending publicity: "I can't believe there are many people who have not been contacted. Our effort now is to focus on the people who come to the table with claims, while still being alert to the possibility that some families may come forward later."

She said it would be necessary for subjects to come forward with claims.

Additional information on some experiments has come to light since the President's committee reviewed the experiments, particularly on experiments in which radioactive rods were inserted in the noses of people to damage and shrink adenoids experimentally for purposes like preventing infection.

Dr. Stewart Farber, director of the Radium Experiments Assessment Project in Boston, a nonprofit research group looking into the experiments, estimates that about 7,500 military men and more than 200 civilian children were given high doses of radium in the initial experiments in the 1940's and 1950's. More may have been put in experiments later.

Among the other experiments in which claims may be made, were ones in which patients hospitalized at the University of Cincinnati and three other universities were exposed to radiation over their entire bodies, mainly to see the effects of the radiation rather than treat the illnesses; one at Vanderbilt University in which 820 pregnant women were given small doses of radioactive iron; and the case of the miners who dug out the uranium for the military who were never told of the hazard and never given protective gear.

Dr. Ruth Faden, the chairwoman of the President's committee, said of yesterday's settlements, "I hope this represents a beginning, and that many more steps will be taken by the Government, both to compensate subjects and make sure these abuses don't occur again."

The New York Times

WEDNESDAY, NOVEMBER 20, 1996

AIRLINES IN ACCORD ON DISASTER PLANS

7 U.S. Carriers to Provide Lists of Those in Crashes Abroad

A1 By BARRY MEIER

The State Department and seven major United States airlines have reached an agreement intended to provide for the speedier notification of victims' families in the event of air disasters abroad.

The agreement, a memorandum of understanding signed on Monday, finally puts into effect a provision of a 1990 Federal law that called on the nation's airlines to provide the State Department a list of passenger names within three hours of such a crash.

Under the agreement, the State Department and industry officials are to share other information as well in the aftermath of a crash and to take part in joint crisis management training.

The long-delayed accord follows pressure from groups representing crash victims' families, which have often waited many hours, and sometimes days, to learn the fate of those aboard doomed jetliners.

"This will finally expedite the sharing of manifest information," said Hans Ephraimson-Abt, chairman of a group that represents families of the 61 American citizens who were among 269 people killed when Korean Air Lines Flight 007 was shot down by a Soviet fighter plane 13 years ago after the airliner had strayed closed to a Soviet military installation.

The agreement is only a first step — and, if a newly proposed Federal

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rule is adopted, should prove a relatively modest one — in a continuing Government effort to provide speedier information to the families of crash victims.

Where the memorandum of understanding signed on Monday requires the carrier to provide Federal officials only an unverified passenger list bearing each traveler's name, the new rule, proposed by the Department of Transportation, would require the carrier to provide

those officials not only a "complete and accurate compilation" of each traveler's name but also the passport number and the name of a relative to contact. This information would have to be provided within an hour after the accident or, if that was not technically feasible, within three hours.

James Casey, deputy general counsel of the Air Transport Association of America, a trade group, said that the organization had voiced some criticism of the proposed Transportation Department rule but was generally supportive of it.

"We filed comments within the past two weeks that we would comply with the rule," said Mr. Casey.

As for the agreement reached on Monday, the carriers that have signed it so far are American Airlines, Continental Airlines, Delta Air Lines, Northwest Airlines, United Airlines, Trans World Airlines and USAir. Mr. Casey, the trade group official, said foreign carriers could also sign the agreement should they choose.

The accord was struck only four months after Trans World Airlines had come under particularly heavy criticism from Mayor Rudolph W. Giuliani of New York and others for having taken up to 12 hours to verify passenger identities and notify victims' families in the aftermath of the crash of Flight 800 off Long Island.

Phyllis Young, a spokeswoman for the State Department, said it was not immediately clear how the agreement would have affected the notification of victims' families after that crash had the accord then been in effect. While that was an international flight, the plane went down in domestic waters, and the State Department handles only those accidents involving American travelers aboard.

The notification of victims' families in domestic airline accidents is proceeding on a separate track. Under a law recently passed by Congress, the National Transportation Safety Board was given prime responsibility for coordinating a system to speed up those notifications.

In the wake of the bombing of T.W.A. Flight 103 over Lockerbie, Scotland, Congress passed the Aviation Security Improvement Act of 1990 requiring United States carriers to provide the State Department complete passenger lists on international flights that crashed outside the country. The law also required airlines to match up every bag on an international flight with a passenger before a plane could take off.

But while the bag match requirement went into effect, the passenger list mandate did not, in part because of opposition by airlines.

Momentum to get the process started again began in March not long after a hearing to address the notification issue at the Transportation Department. Mr. Ephraimson-Abt said he and M. Victoria Cummock, who lost her husband in the Flight 103 disaster, met with Transportation Secretary Federico F. Peña. Meetings were also held with State Department and industry officials, but Mr. Ephraimson-Abt, for one, credited Mr. Peña with pushing the parties forward.

The New York Times

WEDNESDAY, NOVEMBER 20, 1996

Date: 11/19/96 Time: 16:23

RGovernment Pays \$4.8 Million for Experiments on Human Guinea Pigs

NEW YORK (AP) The U.S. government will pay \$4.8 million for injecting 12 human guinea pigs with uranium and plutonium without their knowledge as part of a Cold War-era radiation experiment.

"Never again," Energy Secretary Hazel O'Leary said in announcing the settlement Tuesday. "Never again should tests be performed on human beings."

O'Leary said \$400,000 apiece will go to the families of the 11 victims who are now dead, and a woman still living in upstate New York. Doctors believe the deaths of the 11 were not directly related to the experiments.

"This settlement goes to the very heart of the moral accountability the government owes its citizens," the outgoing energy secretary said at a meeting of the American Public Health Association.

Lawyers for the plaintiffs said the government has yet to compensate about 20,000 other people used for biochemical experiments in the 1940s, '50s and '60s.

The 12 victims in the settlement were injected in the 1940s 11 with plutonium, one with uranium to see how the human body would react to an atomic bombing. The tests sprang from efforts to develop atomic weapons.

At the time, scientists claimed that the people were terminally ill anyway and would not survive 10 years, but a number of them lived longer.

Autopsies on the patients injected with plutonium revealed bones "that looked like Swiss cheese," said Raymond Heslin, a lawyer for the plaintiffs.

Nine of the victims received the injections at Strong Memorial Hospital in Rochester as part of a research project conducted by the University of Rochester and the U.S. government. The three others were injected in Illinois, California and Tennessee.

"It was a rotten thing to do," said Luther Schultz, whose mother, Eda Schultz Charlton, was injected in 1945 at Strong Memorial. Mrs. Charlton received a dose of radiation 43 times the amount an average person absorbs in a lifetime, but she lived another 38 years to age 85.

"If people had been notified and knew what they were doing, it would be a different thing," Schultz said. "But this was just picking people out and shooting poison into them I'm pretty bitter about that."

The only survivor among the 12 is Mary Jean Connell, who is now in her 70s and lives near Buffalo. Her lawyer said she had no comment.

The 12 were among thousands of people used in experiments by the U.S. government between 1944 and 1974.

Last year, President Clinton appointed a panel that is now drafting a report on human radiation experiments to be released within two months. The panel experts have found that it was not uncommon for doctors to use patients as test subjects without their knowledge in the 1940s.

"We are grateful to the families for the tough lessons they have taught us about trust, responsibility and accountability between the government and the people," said O'Leary, who made the issue a centerpiece of her tenure.

In addition to the 12 cases, another plutonium claim was settled last summer and a few other such claims are still being negotiated

by the government.
APNP-11-19-96 1624EST

b Wednesday, February 28, 1996

LAS VEGAS SUN 9A.

NUCLEAR ISSUES

Radiation victims seek relief

By Bill Stroob

CINCINNATI POST

"WASHINGTON - Victims of federally sponsored radiation experiments, stung by a White House report they consider weak, are pressing federal agencies to provide stronger relief.

Specifically, the victims want the federal government to pick up their medical expenses, an issue that was not mentioned in a report issued by the Advisory Committee on Human Radiation Experiments last year, and perhaps consider criminal sanctions against those who would use humans as guinea pigs in further radiation studies.

"Generally, what I've been

hearing from the individual organizations is they're not happy," said Cooper Brown, an attorney representing radiation victims. "They feel the victims are being overlooked and they're not happy with the record. It didn't go far enough and there's growing concern that there's not a real commitment on the part of the administration to resolve these issues."

Federal agencies have, however, begun the process of listening to victims and their representatives. A two-day workshop that ended Tuesday drew suggestions from victims on how to implement the recommendations offered by the White House advisory committee.

The problem, according to

Fred Allingham of Weaverville, Calif., an official with the National Association of Radiation Survivors, is that many affected by the Cold War-era experiments feel the measures don't go far enough.

"We're in the position of them asking us to help make the implementation of plans we don't agree with," Allingham said. "To us, we weren't allowed to take part in the decision-making process. So the recommendations shouldn't come out printed in cement."

The advisory committee, a panel of experts led by Dr. Ruth Faden, a medical ethicist at Johns Hopkins University, toiled for more than 18 months to provide advice to governmental

officials on scientific and ethical issues related to biomedical experiments involving ionizing radiation.

The federal government helped fund many of the experiments during the nation's nuclear buildup. President Clinton formed the panel on the advice of Energy Secretary Hazel O'Leary with an eye toward addressing the victims.

From the start, victims complained that they were unrepresented on the advisory committee. And they were bitterly disappointed when the final report limited the number of individuals who could receive compensation from the federal government for being used in the experiments.

Phil Caplan/
Joni Azem
FYI
Anne Elliott

Date: 12/06/95 Time: 22:27

RLawsuit: Radioactive Experiments On Retarded Kids To Benefit Company

(Boston) -- A 60 (M) million dollar lawsuit claims 15 children were fed radioactive cereal in a product test for Quaker Oats.

The suit was filed on behalf of the children who lived at a Massachusetts state home for the retarded in the 1940's and 50's. It names Quaker Oats, several doctors and the Massachusetts Institute of Technology.

A lawyer claims much of the research was done to gauge the benefits of Quaker Oats compared to Cream of Wheat.

According to the lawsuit, the children were told they were part of a science club to trick them into participating. The suit says some were exposed to more radiation than federal limits allow, though there have been no ill effects.

The president of M-I-T and President Clinton have apologized for the way the experiments were done.

APNP-12-06-95 2225EST

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

1726 M Street, N.W., Suite 600

Washington, D.C. 20036

202-254-9795 (Phone)

202-254-9827 (Fax)

OCT 13 P1:33

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Ruth Faden (Melissa)

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10/13

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Post Article

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MESSAGE:

The Consensus That Fostered Failure

By Lance Taylor
and Jonathan Schlefer

WASHINGTON WILL play host this week to both Mexican President Ernesto Zedillo and delegations to the annual World Bank/International Monetary Fund meeting. It would be a good occasion for all these visitors to rethink the "Washington Consensus," a set of ideological free-market poli-

Lance Taylor is a professor of economics at the New School for Social Research. Jonathan Schlefer, former editor of "Technology Review," is a graduate student at MIT.

cies that the IMF and World Bank require in exchange for loans. Mexico and many other developing nations have willingly accepted the consensus, only to learn its grave perils.

In Mexico, the Washington Consensus was implemented in 1982 and was being hailed as a "miracle" by the late 1980s. This "miracle" led directly to the collapse of the peso late last year which, in turn, required a \$50 billion bailout organized by the United States and plunged Mexico into a deep recession that is punishing poor people and driving the middle-class into the streets to protest.

See MEXICO, C1, Col. 1

MARY McGRORY

ing Peace to Peoria

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campaign appearances to come. Peace is not a top topic now, but it always has vast potential. Nuclear peace, no matter what the Republicans, the Pentagon and the weapons laboratories say, is a winner. Thirty years ago in Utah, President John Kennedy was bowled over by the response he received to his mention of a partial test ban. President Clinton talks so little about the nuclear test ban treaty as to suggest he doesn't understand its punch. Maybe he will when Republican senators venture to resist its ratification. In the meantime, someone may persuade him that submerged issues rapidly surface when a president talks about them, and that size should be an

See McGRORY, C5, Col. 3

MARY McGRORY

Selling Peace to Peoria

McGRORY, From C1

element in speech choices. For some reason, he prefers wonky references to obscure subsections of pending bills.

In Clinton's audience on Tuesday was Energy Secretary Hazel O'Leary, the administration's leading test-ban advocate. O'Leary was responsible for the gathering in the Executive Office Building. Her portfolio at the Energy Department includes the nuclear weapons program, and those who expected her to go along with the nuclear establishment have received several nasty jolts since her appointment.

O'Leary startled the young lions of the White House staff and everyone else when she boldly plunged into the radioactive area of the Cold War experiments on human subjects. Besides bringing a measure of simple human justice to long-hidden victims, she was suggesting that the Cold War is over and that excesses committed in the name of national security could not be forgiven or forgotten.

O'Leary followed up the first disclosures two years ago by persuading the president to set up the Advisory Committee on Human Radiation Experiments. A distinguished panel of doctors, ethicists and scientists, headed by Dr. Ruth Faden, was assembled.

They were in attendance on Tuesday. So were a few of the surviving victims—including Fred Boyce, a man in his mid-forties who as a teenage student at the Fernald School in Cambridge, Mass., had been served radioactive Quaker Oats for breakfast. Wise men from Harvard, MIT and the Quaker Oats high command thought it might answer some of their questions.

E. Cooper Brown, the attorney for some 30 groups representing victims and their survivors, was thrilled by the president's speech—at the depth and breadth of the apology, to victims, their families and the country. (The committee had recommended apologies only to a select few.) But Brown thinks that medical follow-up and removal of the government's claim of sovereign immunity against court action would help even more.

Rep. Edward J. Markey, (D-Mass.), who in 1986, at the height of the Reagan arms buildup, released a report about the human radiation experiments and saw it completely ignored, promised that Congress would set about drafting legislation for compensation.

Clinton acknowledged O'Leary's contribution to the new sad sunshine for the sufferers and

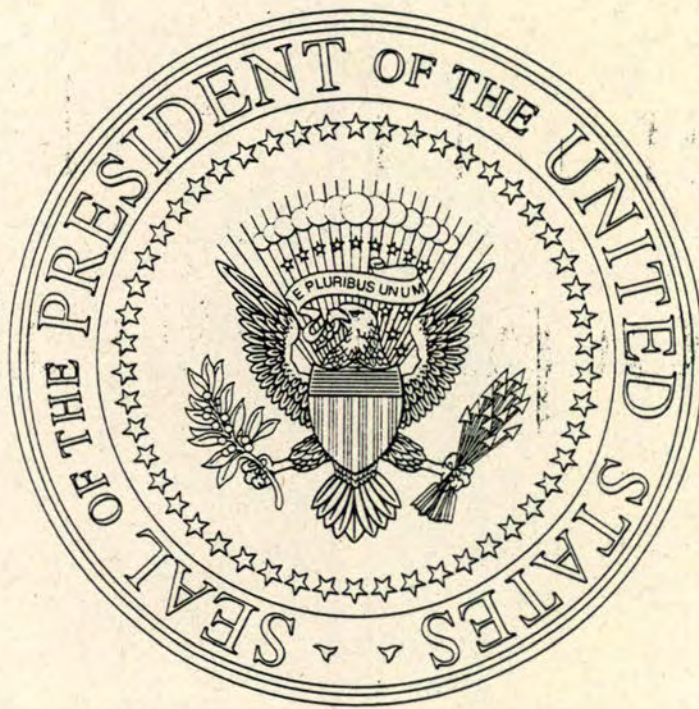
of her critical advocacy for a nuclear test ban treaty, "which we believe we will achieve next year in no small measure (thanks to [her] support." Throughout his remarks, Clinton repeated his most breathtaking promise—that people can "trust the American government to tell the truth and to do the right thing." He can expect to be held to that as the campaign unfolds.

Clinton held out a hope that any politician would find difficult to redeem. "Let these pages [of the committee's final report] serve as an eternal reminder to hold humility and moral accountability in higher esteem." Holding humility in any esteem would be stunning progress here. Accountability is something Clinton has often sought to out-run.

The next day Clinton went to New York and greeted Pope John Paul II, the self-described "pilgrim for peace," with the words of St. Francis of Assisi: "Lord, make me an instrument of Thy peace."

It's a line that could play very well in Peoria. Maybe Clinton has found his identity for his reelection campaign: the peace candidate. He need not worry about competition from any of his declared rivals. Their attitude is that the Cold War is not over, and they will build the weapons to prove it.

White House News Report



Todd Stern
GFL WW

Wednesday, October 4, 1995
Produced by the Office of News Analysis
Room 161 OEOP (Ext. 6-5694)

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WHITE HOUSE NEWS REPORT
Wednesday, October 4, 1995

AP Daybook.....1

- 8:30 a.m. Commerce Department reports September leading economic indicators.
- 10:00 a.m. Commerce Department reports September factory orders.
- 10:00 a.m. The National Association of Manufacturers, U.S. Chamber of Commerce and other business groups hold a news conference to discuss Medicare reform. HC-5, Capitol.
- 10:00 a.m. The National Taxpayers Union Foundation holds a press conference to release its Bill Tally for the 104th Congress. National Press Club.
- 12:30 p.m. NATO Secretary General Willy Claes addresses a National Press Club luncheon on the evolving role of NATO.

Newspaper	Monday Lead	Tuesday Lead	Wednesday Lead	Thursday Lead	Friday Lead
Washington Post	NYC Bombing Verdict	OJ Simpson	OJ Simpson		
New York Times	NYC Bombing Verdict	OJ Simpson	OJ Simpson		
LA Times	NYC Bombing Verdict	OJ Simpson	OJ Simpson		
USA Today	NYC Bombing Verdict	OJ Simpson	OJ Simpson		
Washington Times	NYC Bombing Verdict-AP	OJ Simpson	OJ Simpson		
Network	Sunday Night	Monday Night	Tuesday Night	Wednesday Night	Thursday Night
ABC	NYC Bombing Verdict	OJ Simpson	OJ Simpson		
CBS	NYC Bombing Verdict	OJ Simpson	OJ Simpson		
NBC	Pre-empted	OJ Simpson	OJ Simpson		

TV News Headlines.....

Wire Report.....

New York Times.....

Washington Post.....

Wall Street Journal.....

USA Today.....

Los Angeles Times.....

Washington Times.....

Chicago Tribune.....

Knight-Ridder.....

Journal of Commerce.....

Dallas Morning News.....

HRC Column (Chicago Sun-Times, 10/1)..

Newsday.....

ABC World News Tonight

- 1 OJ Simpson Acquitted Of Murder
Aaron Brown Los Angeles 2:45
- 2 Legal Expert Discusses Surprise Verdict In OJ Case
Peter Jennings New York 0:55
- 3 A Look At Families, Lawyers On Both Sides & Their Reactions
Aaron Brown Los Angeles 4:50
- 4 Simpson Attorney Shapiro Slams Other Defense Lawyers
Barbara Walters New York 2:50
- 5 Civil Suits Have Been Filed Against OJ
Tim O'Brien Washington 1:40
- 6 Clinton Says OJ Verdict Must Be Respected
Peter Jennings New York 0:10
- 7 Many Blacks, Whites Divided In Reactions To OJ Verdict
Bill Redeker Los Angeles 2:40
- 8 Longs Distance Calls Drop 58 Percent During OJ Verdict
Peter Jennings New York 0:20
- 9 Across The World People Listened, Reacted To OJ Verdict
Jim Wooten Washington 1:50
- 10 Louisiana Residents Hit By Hurricane Opal
Peter Jennings New York 0:20
- 11 Panel Says 30 Radiation Experiment Victims Should Be Compensated
Peter Jennings New York 0:30
- 12 Assassination Attempt Leaves Macedonian President Wounded
Peter Jennings New York 0:20

CBS Evening News

- 13 OJ Found Not Guilty; Says He'll Pursue Nicole's Killers
Bill Whitaker Los Angeles 5:20
- 14 OJ Returns Home, Celebrates With Family And Friends
Sandra Hughes Los Angeles 1:55
- 15 Juror Says They Did The "Right Thing"
Dan Rather New York 0:50
- 16 LA Has No Plans To Re-Open Simpson-Goldman Murder Case
Dan Rather New York 0:25
- 17 Defense Attorney Cochran Discusses The Race Issue, OJ Case
Dan Rather New York 2:30
- 18 Reactions To OJ Verdict Were Largely Black And White
Jerry Bowen Los Angeles 2:20
- 19 OJ's Future Uncertain; He May Face A Civil Court Fight
John Blackstone Los Angeles 2:00
- 20 Clinton Urges Americans To Respect OJ Jury's Decision
Dan Rather New York 0:15
- 21 The Whole World Was Listening To The "Not Guilty" Decision
Bob McNamara Dallas 1:30
- 22 How The Simpson Trial Captured And Held Onto Americans
Richard Threlkeld New York 2:20

NBC Nightly News

- 23 Jury Finds OJ Simpson Not Guilty In Double Murders
David Bloom Los Angeles 5:35
- 24 Simpson's Friends Holding A Party For Him To Celebrate
Maria Shriver Brentwood, CA 1:00
- 25 Jury Members Have Avoided Talking With Press
Kelly O'Donnell Los Angeles 1:55
- 26 Interview With Simpson Defense Lawyer Barry Scheck
Tom Brokaw New York 1:45
- 27 Poll Finds 2/3 Of Americans Thought OJ Got Fair Trial
Tom Brokaw New York 0:25
- 28 Legal Analysts Discuss Verdict, What Happens Next
Tom Brokaw New York 3:40
- 29 A Look At Simpson's Financial Future
Fred Francis Los Angeles 2:00
- 30 A Look At Reactions To The OJ Verdict Around The Nation
Roger O'Neil Denver 3:20

Hourly News Summary

Around the World, Around the Clock...with United Press International.

-0-

For the first time in more than 400 days, O.J. Simpson is spending the night in his home in the Brentwood section of Los Angeles. The "trial of the century" has ended with a not guilty verdict for Simpson.

As for what comes next for O.J. Simpson Nicole Simpson's family has indicated it will not fight him for custody of his two small children, Sydney and Justin. But there are civil wrongful death lawsuits filed against Simpson by Nicole's estate, by Ronald Goldman's biological mother, and by Goldman's father.

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Emergency management officials from Alabama to Florida are telling people to batten down the hatches. Hurricane Opal is now packing winds of more than 115 miles an hour and is expected to make landfall late today along the Florida panhandle.

There is concern being voiced about faithful Jews who may not be aware of the oncoming storm because they are not listening to the radio or watching television as part of their observance of Yom Kippur.

-0-

A judge in Everett, Washington, has ended an experiment in tribal justice by ordering two 18-year-old Alaskan Indian men returned from banishment on remote islands to start their prison sentences. The two were given credit for a year spent in exile for beating and robbing a pizza delivery man in August 1993.

-0-

A group of Oklahoma news organizations has filed a motion asking a federal judge to unseal many of the records in the Oklahoma City bombing case. Michael Tigar, the lead attorney for bombing suspect Terry Nichols, says he is willing to meet with press attorneys to discuss which files should be made public.

-0-

University of Washington researchers say up to 35,000 American men over 45 die each year from a circulatory condition that might be prevented by getting more of the vitamin folic acid. Researchers have preliminary evidence that folic acid helps cut down on a blood imbalance that may trigger deaths from coronary artery disease.

-0-

By Diane Kepley (UPI)

**** filed by:UPI(--) on 10/04/95 at 05:05EDT ****
**** printed by:WHPR(162) on 10/04/95 at 05:33EDT ****

The Reidys, All 11, Reflect On a Faith Proudly Lived

By FELICIA R. LEE

One Catholic Family

Awaiting the Pope

To William J. Reidy, an Irish-Catholic father of nine, Pope John Paul II operates in the world in much the manner Mr. Reidy operates his large household in the affluent Riverdale section of the Bronx: offering guidelines and hoping his flock will believe.

"It's like a father," said Mr. Reidy, who was educated in Catholic schools from kindergarten through college and attends Mass every Sunday. "He talks first, makes a lot of noise, and you have guidelines." As a father, Mr. Reidy knows well that it's not at all certain how the message will be received.

"There is the presumption that the central voice is the universal voice," said the 54-year-old Mr. Reidy, adding, "but I am not sure what Catholic means."

Still, every last Reidy child — from Tim, 20, to Gavin, 3 — is a proud Catholic, and all are looking forward to the Pope's arrival today, each in his or her own way.

Ask Marcia Reidy, their mother, who spends much of her time taking care of her 10-year-old handicapped son, what Catholicism means to her, and she says: "It's an impossible

question. It means to be a Christian. It means taking care of the children."

To 12-year-old Michael Reidy, an altar boy at St. Gabriel's in the Bronx, the Pope represents "the closest thing we have to God on earth." But already, his 14-year-old brother, Owen, also an altar boy, isn't so sure. "He's the Pope," he said. "I sort of find that just a name. How closer to God can he be than lay people? It's not like God is going to walk into his living room."

And then there is the Reidy's oldest, Tim. From the church, he learned that homosexual acts are sinful, but at Princeton, where he is a junior, he met openly gay people for the first time and has tried to fit them in with his idea of Catholicism.

Like so many area Catholics, the Reidys will be personally touched by the Pope's visit this week. Owen and his sisters Marcia, 16, and Anne, 17, will attend his Mass on the Great

Lawn at Central Park with their schools Saturday. Their parents were able to get tickets to an evening prayer service in Yonkers on Friday. But mainly the visit is a chance to think in a quiet, personal way about a religion that so permeates their lives that they have rarely had the chance to step back and consider it.

At Anne's school, Dominican Academy, a Catholic girls' school on the Upper East Side of Manhattan, there was a special assembly on Monday to discuss how the students should dress and conduct themselves at the Central Park Mass. At the Reidy's church, St. Gabriel, there has been a special collection to help support the cost of the Pope's visit. After a recent Sunday afternoon Mass, family members sat around the large kitchen table and discussed which Reidys should attend the Central Park Mass if they won the church's ticket lottery.

The Reidy children's Catholicism has been shaped by seeing early and dramatically that life is neither fair nor easy. Their 10-year-old brother, Niall, who suffered two strokes after an operation at age 5 to correct a heart defect, uses a wheelchair. He cannot speak, and relies on a computer to communicate. Mr. Reidy contracted polio as a child and uses leg braces and crutches.

He was in a wheelchair for a decade of his early life, but after his father died he inherited Reidy's, a popular East Side restaurant where he put in 12 to 16 hours days despite his handicap. The business, which he recently sold, provided a good income, giving the parents the means to spend \$65,000 a year on their children's tuition — mainly for Catholic schools.

The children say such challenges taught them patience and to stick together.

"My Dad has said, 'Get mad at me, get mad at your mother, but don't get mad at God,'" recalled Bill, the 19-year-old son who is now at sophomore at the College of the Holy Cross in Worcester, Mass.

"Dad has said to me that Niall's situation makes us a great family, but I hate that. I don't think God is looking down and saying this will make us better Catholics."

For Tim, the Princeton junior,

questions of faith and religion demand introspection. He believes the Pope and the church must change. A slight young man, he is unwilling to take a stance on abortion because he feels that no man can make such a decision for women. His female friendships at Princeton have led him to support the idea of women in the priesthood.

"The most I became aware of my Catholic identity was when I came here" to Princeton, said Tim, who saw the Pope in Denver in 1993. "In the Bronx, everything was structured around the parish."

"I've enjoyed Mass here because it's with people my own age," he continued. "It's a reminder that everyone is going through similar

In a family of 11, one religion is seen through many prisms.

struggles. The basis of my faith is to see people as brothers and sisters, more than any other doctrine of the church."

Tim believes that John Paul II is too much a "a man of his time."

"I think we need a Pope of our time," he said. "The church is more than Italy, it's more than Europe, and a lot of people who are the strength of the church are third-world people."

In many ways, Anne, still in the bosom of her family, her parish and Dominican Academy, is more certain of things than Tim. Anne is against the ordination of women, abortion, contraception and premarital sex. She has no problem with the Pope, commenting that the church is not a democracy.

"He's not removed," she said of her conception of God. "He's part of our everyday lives. It's getting up in the morning and saying, 'How will I recognize God today?'"

Last weekend, Mr. Reidy drove Anne to visit her brother Bill at Holy Cross, her first choice for college. Bill said that he began looking for his answers when he left home, and he suspects Anne may do the same.

Bill has already altered his Catholic views on premarital sex, after one of his dearest friends fell in love

Continued on Page B6, Column 1

212

With the Reidys

Later articles will follow the Reidy family through the week of the Pope's visit.

and began an intimate relationship. Bill now believes that sexual expression within a loving relationship is acceptable, and acknowledges the need for contraception. But unlike his brother Tim, who believes that abortion is a "complex issue," Bill still considers it the destruction of life.

"When I go home, everything makes sense," he said. "Here, I stay up nights, take walks, and ask myself questions. When I go home I don't ask questions, because things make sense. Anne is a product of that.

"I think I have very similar views with my family," he continued. "I think they're right a lot of the time. I think my father is one of the single smartest people ever to live. Maybe I'm copping out with this contraceptive thing, but I don't think so."

Bill said that he and Tim were "struggling" with their Catholicism, though neither planned to leave the Church. He would probably be surprised to learn that his parents aren't sure to what extent the children will follow Catholicism.

One recent Sunday, as 14-year-old Owen took Gavin, 3, and Copor, 6, to buy lollipops for their good behavior during Mass, Mr. Reidy said: "Catholicism has worked for Marcia and me — I don't see any reason to grow beyond it, but the children might very well."

"It's just a way for me to follow my beliefs," Mrs. Reidy said a few days ago, as she waited for the children to return home from school. "I don't stand up and say to Michael or Anne or Owen, 'This is what I believe.' I just do what I do every day."

The Reidy teen-agers at home, including Owen, a freshman at Regis High School on the Upper East Side, and Marcia, a junior at The Ursuline School in New Rochelle, work particularly hard at sorting out their own beliefs from those of their parents.

"We were always taught the Pope was the father of the church on earth," Marcia said as she sat on the patio, watching the three youngest children play. "I think the same

thing. I grew up with 11 years of religion and that was the definition.

"You sometimes think, why one particular person?" she said. "But I believe he was chosen. I think it'll be great to actually experience Mass with him."

Although neither one of her parents supports the ordination of women, Marcia calls it a great idea. She is against abortion, but does not believe the church should prohibit the use of contraceptives. And while she does not foresee a sexual relationship for herself outside of marriage, she does not condemn such relationships.

Owen, an altar boy who serves every Sunday, initially seemed blasé about the Pope's visit but became more enthusiastic as his sisters talked about their plans and the Pope's itinerary dominated the news. He is at the age where he easily switches from awe to contempt about anything at all.

"The Pope represents Jesus, probably," he said one evening after dinner, as the children began going their separate ways to do homework or study. "The whole infallible thing, I find it kind of cool."

Still uncritical is Michael, an altar boy with a spray of freckles across his nose. He is preparing for the sacrament of Confirmation this spring.

Michael has shared a room with Niall all his life and is perhaps most responsive to the subtle gestures and needs of his handicapped brother. He responded immediately to Niall's smiles, head motions and the flick of his fingers this past week after Niall's computer malfunctioned. The other night, after 3-year-old Gavin was helped to make the sign of the cross and say a blessing at dinner, Michael offered his assessment of the Pope.

"I think a lot of people aren't Catholic because they don't have someone to talk to, to shake hands with, like the Pope," he said.

Anne told her parents the other day that she was concerned that some of the excitement about the Pope's visit was rooted in fan worship, not religion.

"I don't know how they'll react," she said of the tens of thousands of young people expected in Central Park for Mass. She paused. "I don't know how I'll react, either," she said.

A.M.A. Has Objection to Limits On Fees in G.O.P. Medicare Plan

By ROBERT PEAR



WASHINGTON, Oct. 3 — After months of public silence, the American Medical Association expressed deep concern today about Republican proposals to redesign Medicare, saying that new limits on payments would make the program unattractive to many doctors.

James H. Stacey, a spokesman for the medical association, said today that doctors in the standard Medicare program were facing not just a cut in the growth of Medicare payments, but an absolute reduction in payment for many services under the Republican plan.

"This causes real problems for the A.M.A.," Mr. Stacey said in response to a question. "It would be a major blow to the traditional fee-for-service Medicare program."

The doctors' concerns echo comments from the Clinton Administration and Democrats in Congress, who say the Republicans would cut payments to doctors so severely that many doctors would decide not to treat Medicare patients. As a result, they say, patients would be forced to obtain care through health maintenance organizations and other private health plans, even though the Republicans insist that beneficiaries will always be free to keep traditional Medicare coverage.

Until today, the American Medical Association had generally refrained from criticizing the Republican proposals on Medicare. Indeed, it has praised some of those proposals, including one that would relax anti-trust laws for doctors and another that would limit payments to victims of medical malpractice.

By contrast, in the battle over President Clinton's health care plan in 1993 and 1994, the American Medical Association regularly made itself heard. It supported Mr. Clinton's goal of guaranteeing health insurance coverage for all Americans, and it initially supported his proposal that all employers be required to buy such insurance for their employees. But the association later urged Congress to consider alternatives to the "employer mandate," and many doctors said Mr. Clinton's health plan envisioned too big a role for Government.

The specific points raised today concerned the fee schedule Medicare has used since 1992 to pay doctors. Each physician service is assigned a numerical value, and this

\$34.60 for all doctors' services. By contrast, there are now three conversion factors: \$39.45 for surgical services, \$36.38 for primary care like office visits to a family doctor and \$34.62 for other doctors' services. Senate Republicans would set the conversion factor at \$35.42.

James F. Rodgers, director of the Center for Health Policy Research at the American Medical Association, said that the Medicare conversion factor used in paying doctors would decline to \$30 or less in 2002 under both House and Senate proposals. But he said, "Practice costs, including the cost of office staff, equipment and rent, are rising every year."

The comments of the American Medical Association came as Administration officials criticized the Republican proposals on another score, saying they would hinder Federal efforts to combat fraud and kickbacks in the Medicare program.

The Republicans have repeatedly vowed to crack down on fraud and abuse. But June Gibbs Brown, Inspector General of the Department of Health and Human Services, said today that their plan would "cripple the efforts of Federal law-enforcement agencies to control fraud and abuse in Medicare and Medicaid" by, for example, increasing the burden of proof for the Government in civil and criminal cases.

Frustrated by the Republicans' refusal to hold additional hearings on the Republican Medicare plan, House Democrats today staged their own hearing, where Ms. Brown and Donna E. Shalala, the Secretary of Health and Human Services, itemized their objections.

Under current law, Ms. Brown said, doctors can be cited for violating Federal law if they do not exercise "reasonable diligence" to make sure that their Medicare claims are true and accurate. The Republican bills, she said, would relieve doctors of this duty. Doctors would be held responsible for submitting false claims only if they acted in "deliberate ignorance" or "reckless disregard" of the truth or falsity of the information, she said.

Gerald M. Stern, a Justice Department lawyer, said the Republican proposals would make it significantly more difficult for the Government to prosecute hospitals and other health care companies that pay kickbacks to doctors for the referral of patients.

Ms. Brown said the Republican bills would "overturn court decisions" that make it a crime to pay kickbacks if one purpose of the payment is to induce referrals of patients under Medicare or Medicaid. The Republicans, she said, would set a higher standard, "threatening the Government's ability to prosecute

all but the most blatant kickback arrangements."

Speaker Newt Gingrich said that the Republican proposals "attack waste, fraud and abuse in a serious and responsible way."

But Secretary Shalala said that the Republican plan would sharply curtail spending for the standard Medicare program, so many beneficiaries would have to join health maintenance organizations.

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number is multiplied by a fixed amount of money to determine how much the doctor is paid for the service. For example, an office visit might have a relative value of 1, whereas a coronary bypass operation might have a value of 80, because of the work required. If the standard dollar amount, known as a conversion factor, was \$35, then Medicare would pay \$35 for an office visit and \$2,800 for a coronary bypass.

The conversion factor in the House Republican bill for 1996 would be less than the amounts used this year.

The House Republicans propose just one conversion factor for 1996:

With a Veto, President Tries To Nudge G.O.P. on Spending

By ALISON MITCHELL

WASHINGTON, Oct. 3 — In an act that carries more political symbolism than practical effect, President Clinton today vetoed a bill that pays for Congress's administrative expenses. He said he would not approve the lawmakers' budget while the other spending measures needed to pay for the Federal Government were "incomplete, unresolved and uncertain."

Mr. Clinton's rejection of the \$2.2 billion measure made good on a threat he issued over the summer, when he said, "I don't think Congress should take care of its own business before it takes care of the people's business." It was only his third veto since taking office, and the first of a long series he has threatened in the budget battle.

Michael D. McCurry, the White House spokesman, suggested the veto would put more pressure on the lawmakers to pick up their pace on the remaining spending bills. "Maybe when members of Congress face their staffs in the coming days there might be renewed enthusiasm for resolving the budget issues that must be resolved," he said.

But Republicans were quick to call the President's gesture hollow political theater. They noted that the veto would have no immediate effect since Mr. Clinton had already signed into law a compromise stopgap spending measure to pay for the Government — Congressional staff salaries included — for the next six weeks while he and Congressional Republicans thrash out their differences over the 1996 budget.

The Republicans accused Mr. Clinton of being a big spender, since the bill he vetoed had cut spending on Congressional operations by \$200 million, or 8.6 percent.

"Instead of sending an important signal to the American people that spending cuts will start right here on Capitol Hill, President Clinton has sent the wrong message," Speaker Newt Gingrich and Senator Bob Dole, the majority leader, said in a joint statement. "This certainly won't make it any easier for Congress to deal with this White House."

The day's posturing was only a minor skirmish compared to the real battles still ahead as more and more of the 13 spending measures needed to keep the Government running reach Mr. Clinton's desk. The Republican Congress seems set on sharply reducing or abolishing spending on a host of programs dear to Democrats and the Clinton Administration appears just as intent on protecting the programs. The President has already threatened to veto half a dozen of the spending measures.

It is far from clear that a compromise can be reached by Nov. 13, when the six-week stopgap financing for the Government expires. And two days later, on Nov. 15, an even more ominous confrontation looms when the Federal Government is expected to reach its current legal borrowing limit. A number of Republicans, including at one point Mr. Gingrich, have threatened to block any increase in the public debt if the President hasn't agreed to their budget priorities by then, even at the risk of a Government default.

So far, although the new fiscal year began Oct. 1, the Congress has sent Mr. Clinton only 2 of the 13 spending bills — the measure he vetoed and an \$11.2 billion measure to pay for military construction projects.

While expressing disappointment that Congress has approved more money than the Administration had

Republicans see a hollow political gesture.

requested, Mr. Clinton today signed the military construction measure into law.

Although some lawmakers had expected Mr. Clinton to veto this measure as well, he used it instead to lobby for the line-item veto, a part of the Republican Contract With America that passed both houses in different forms before stalling.

"Most of the unrequested appropriations are for legitimate defense requirements," the President said, in a statement. But he singled out \$70 million of the projects as unnecessary. "The taxpayers deserve protection from this kind of wasteful spending," he added, "and if I had the line-item veto I would use it to strike this \$70 million."

The White House spokesman's comments about the projects were less diplomatic. "You might describe them as pork," Mr. McCurry said. "And they will oink appropriately."

Despite the day's rhetoric, Mr. Clinton did indicate that he was likely to go along eventually with the Congressional spending bill as well. In his veto message he said it was "in fact a disciplined bill, one that I would sign under different circumstances."

That led Tony Blankley, Mr. Gingrich's spokesman, to tartly note that "Bill Clinton is the first President to veto a bill he agrees with."

PREPARATIONS

From Newark to Manhattan An Elaborate Choreography

A Papal Route Is Mapped and Checked

By JAMES BARRON

From Interstate 280 and the New Jersey Turnpike in Newark, which will be closed while his motorcade whizzes by, to a town house on East 72d Street in Manhattan, where he will spend the next four nights, the preparations drew to a well-organized conclusion yesterday on the eve of Pope John Paul II's first visit to the New York area since 1979.

The Pope is to arrive in Newark this afternoon for a visit that will include a meeting with President Clinton, prayers in John Cardinal O'Connor's official residence at St. Patrick's Cathedral in Manhattan and a speech to the United Nations General Assembly.

As construction workers in hard hats lumbered past joggers in bandanas and park rangers in Smokey Bear-style hats, Cardinal O'Connor went on an inspection tour of Central Park. The Great Lawn looked much as it would before a rock concert, with bulldozers that went beep-beep-beep as they shifted into reverse to smooth the dirt in front of the portable stage.

But this time, it will support an altar instead of musicians and their instruments, and the amplification system will carry words of inspiration to worshipers up to a quarter-mile away.

The arrangements are no less elaborate in Newark, where more than 700 police officers and hundreds of F.B.I. and Secret Service agents will be on duty today when the Pontiff lands at Newark International Airport. He is to be greeted by President Clinton before leaving for Sacred Heart Cathedral, which is at the center of a two-mile square that will be closed to traffic from about 11 A.M. until dark. The police will start ticketing and towing cars inside a smaller, 32-block zone at 7 A.M.

"A full-court press is on," the police director of Newark, William R. Celester, said. "We are pressing into service everything that we have."

The heaviest traffic delays in Newark will be between 3 P.M., when the Pope's plane is due to land, and 7 P.M., when he is expected to leave for Manhattan. Traffic will be stopped on Interstate 280 and the New Jersey Turnpike while the Pope and the President are on the way from the airport to the cathedral.

In New York, city officials issued a four-day gridlock alert for Manhattan. To encourage motorists not to drive into Manhattan while the Pope is in town, street cleaning rules will be suspended in Brooklyn, Queens and the Bronx today through Sunday in the hope of freeing up parking spaces. The Transportation Depart-

ment urged motorists who live outside the city to park in those three boroughs and take subways or buses to Manhattan, where, it said, several areas had "particular potential for congestion," including the East Side from the Battery to 125th Street. The Pope will be staying at the residence of the Vatican's representative to the United Nations, on East 72d Street.

Transportation officials warned that traffic congestion may spill over to the West Side tomorrow and Saturday. For Friday, when the Pope is scheduled to say Mass at Aqueduct Race Track, the Transportation Department advised drivers to avoid the Belt Parkway, the Van Wyck Expressway, the Nassau Expressway and Rockaway Boulevard.

Preparing for and protecting the Pope is expected to cost New York City \$5 million to \$7 million in police overtime and another \$1 million in what Mayor Rudolph W. Giuliani called "incremental costs." Newark has set aside \$300,000 for police overtime and \$2.3 million for equipment, including boats that will patrol the Passaic River during the Mass at Sacred Heart.

But officials in the two cities said there would be a payoff from the Pontiff's trip. Mr. Giuliani and city economic development officials have estimated that the visit will generate about \$65 million in direct and secondary spending in the city, including hotels, souvenirs, food and transportation. That would produce about \$2.13 million in city tax revenues, the city's Economic Develop-

A clear path for the Pope — less so for the layman.

ment Corporation estimated. City Hall officials also noted that the Federal Government reimburses the city for most of the costs of protecting foreign dignitaries, including the Pope.

The police command and control center, at Police Headquarters in lower Manhattan, will coordinate 18 city agencies and 17 police units. How many officers will be involved is a closely held secret: the chief of department, Louis R. Anemone, would say only that "thousands" of officers will be on duty.

"I'm looking for that balance between access and the Pope's safety," Chief Anemone said. "It's a fine line we're walking."

Chief Anemone said that the police had received "a couple" of "off the wall calls to 911," but that there had been no serious threats.

Referring to the last papal visit in 1979, Chief Anemone said security this time would be tighter. The Pope will not ride in an open-air limousine, and the public will be kept farther away. "The world is different," he said. "He himself has been a target already."

This time, the authorities will have high-technology help: a police helicopter with a video camera will hover above all events, feeding live video to the command center. But they will also be in constant touch with police officers on the street, including the contingent assigned to one particular street — East 72d, between Fifth Avenue and Madison Avenue.

At least one officer has been stationed on the block for the last six weeks, residents said. Yesterday, officers took up posts at the entrance of each building on the block after removing the mailbox at the corner of 72d Street and Madison Avenue. (The police told residents they will bring it back after the Pope leaves.)

Parking was prohibited on both sides of the street, and by nightfall barricades had been put up to block traffic. Neighbors have been notified that once the Pope arrives, they will have to be escorted by the police. But they will not be asked for identification; people who say they are going to an address not on that block will be asked to take another route. Two groups of about 50 police officers each were briefed yesterday on who lives where on the block.

The Roman Catholic Archdiocese of New York was working to accommodate hundreds of reporters who will want to record the Pope's every action — and who will undoubtedly have questions about his papacy past and present. The Quinn Library at Fordham University was put on alert to provide answers. "I told everyone, 'Brush up on your encyclicals,'" said Linda LoSchiavo, the director.

But despite the anticipation, the preparations and the publicity, not everyone was aware that the Pope was coming to New York.

"What's going on?" asked Helena Vrinera as she walked on a path around the Great Lawn yesterday with a camera dangling from her neck. "I don't know. I'm a tourist from Argentina."

Pope's Impact Overshadows Shifts in Catholic Thinking

By PETER STEINFELS

For 17 years, Pope John Paul II has been a forceful occupant of the Throne of St. Peter, projecting the papacy onto the world scene with enormous energy, flair and intellectual ambition. So strong is his personal impact that it has obscured a major shift in Catholic thinking about the nature of the papal office itself.

Only four months ago, for example, a prominent Roman Catholic theologian called for a re-examination of papal "primacy," the place of honor and authority the Pope enjoys in Catholicism. And a best-selling Catholic thinker recently reminded his readers that every bishop — not just the Pope — can claim the exalted title Vicar of Christ. This writer went on to say that even the simple name Christian ultimately carries more meaning than the Pope's most ancient and fundamental title, Bishop of Rome.

In each case, the person making these statements was Pope John Paul II himself: in the very first chapter of his book "Crossing the Threshold of Hope" and in the encyclical on Christian unity, "Ut Unum Sint" ("That They May Be One"), that he issued last May.

Assessments of the place of the papal office in the life and structure of the church — as opposed to assessments of the Pope himself — are usually carried out quietly in theological journals and interchurch dialogues. So far, that rethinking has had a much greater impact on theological theory than on actual Vatican practice. But as John Paul II makes his journey to the United States this week, the trip is sure to provide material to raise the volume of the discussions about the evolving nature of the papacy — and whether the Pope's manner of carrying out his office is in line with the new understanding of it that he, among many others, has voiced.

It was once taken for granted by Catholics that Jesus made Peter the first Pope and that this position was then passed on through an unbroken chain of successors in Rome.

Today, most Catholic scholars find that account to be vastly oversimplified as history, if not completely inaccurate, according to the Rev. Richard P. McBrien, editor of a new one-volume Encyclopedia of Catholicism (HarperCollins).

The scholars hold fast to the idea that early in the church's history the Bishop of Rome emerged as a final authority in resolving disputes. And theologians who believe that the evolution of Catholicism was divinely guided, even when its institutions cannot be directly attributed to Jesus, must take account of these developments, including the solemn declaration by the First Vatican Council in 1870 that the Pope has "full and supreme power" over the church.

A century ago, in fact, leading churchmen did not hesitate to speak of the Pope as virtually God on earth. St. John Bosco, the 19th-century Italian educator who founded the Salesian order of priests, wrote that Jesus had set the Pope "above the angels" and "above the prophets."

Two 19th-century forces — technology and Napoleon — combined to make the papacy even stronger. Even though Napoleon was responsible for imprisoning and humiliating two Popes, he inadvertently cleared

John Paul's style obscures changing views of the papal office itself.

the ground for their successors to consolidate power by destroying many medieval church-state relationships and local practices that had governed the selection of bishops throughout Europe. And 19th-century technologies like the telegraph, railroad and steamship made central direction of the Catholic Church truly effective.

Beyond that, the papacy became both a practical and a symbolic rallying point against a world that Catholics found increasingly hostile.

Not until the Second Vatican Council held between 1962 and 1965 was this process of papal centralization reversed, at least on the level of church teaching. Although that gathering of the world's bishops affirmed the earlier declarations of papal primacy, the council also emphasized the power of bishops not only to govern their own local dioceses but also, acting together and in concert with the Pope, to govern the whole church.

The Pope was envisioned as the head of the "college" of bishops and morally obliged to attune his leadership to the whole body. Although the Pope may name a bishop to a particular diocese, it was understood that the bishop's authority comes from God; it is not simply a delegation of papal power.

The council also pictured the church as a community and a "people of God," images that tempered the earlier emphasis on legal structure, hierarchy and papal supremacy.

The newer views of the papacy reject the widely held but never official image of the Pope as an absolute ruler who delegates authority in the Catholic Church to the bishops. They also reject a more modern view of Catholicism as a kind of multinational corporation with the Pope as C.E.O. and the bishops as branch managers.

The Rev. J. Augustine DiNoia, the theological adviser to the National Conference of Catholic Bishops, said he believes that this movement away from the image of the Pope as absolute monarch has actually increased the influence of the papacy.

"That model of the papacy seemed to limit it," he said, "to isolate the Pope and limit the papacy's capacity to inspire people." Now the papacy is free to be "a religious symbol that transcends boundaries," he added, and "a sign of God's promises for all humanity."

The Second Vatican Council's encouragement of greater unity with Protestant and Eastern Orthodox Christians also initiated a search among theologians for ways of thinking about the papacy that might be acceptable to all branches of Christianity.

One such concept was "Petrine ministry." Although theologians might differ on the details, they could agree that Peter had a special

A Catholic editor sees the Pontiff's travels as a 'symbol of worldwide unity.'

place of authority among the first apostles, aimed at keeping churches in different parts of the world united, safeguarding and strengthening their faith.

Today, significant groups of Orthodox, Anglican and Lutheran thinkers agree with Catholics that Christianity would benefit from some sort of Petrine ministry, although they disagree about whether the papacy in Rome, even in a greatly altered form, could carry out the task.

"Some time ago, you wouldn't have found Lutheran or Anglican theologians saying that sort of thing," said Dr. Robert Jenson, a Lutheran theologian who teaches at St. Olaf College in Northfield, Minn. "Of course, it is a long way from there to acceptance by their churches of papal primacy."

So far, very little of the newer understanding of the papacy has been translated into the Catholic Church's institutions.

Synods of bishops from around the world meet regularly in Rome to examine major issues in Catholic life. But the Vatican usually sets or shapes the agendas, controls the deliberations and appoints a good number of the delegates. The outcome is invariably a papal statement that may or may not reflect the synod's concerns.

Likewise, Pope John Paul II and his close collaborators, in their efforts to restore tighter discipline to church ranks, have often ignored or reached over the heads of national bishops' conferences, intervening in local situations or appointing outsiders to bishoprics with little consultation.

Nonetheless, the new views of the papacy, affirmed in principle by the Pope himself, exist as a standard against which his policies are measured. To some Catholics, for example, Pope John Paul's constant travels, which inevitably focus attention on a single individual, are part of the centralizing trend in church governance challenged at the Second Vatican Council.

Other Catholics, including some who generally reject concentration of power in Rome, feel that Pope John Paul's travels are perfectly in order.

"It will be important for the Bishop of Rome to show the flag," Father McBrien said. "He will be an earthly symbol of worldwide unity."

Dr. Jenson, the Lutheran educator, agreed, saying, "A Pope who conceived of his job more as universal pastor than as universal administrator would travel."

IN ROME

For Pope, Busy Day at Vatican Before Leaving for U.S.

By CELESTINE BOHLEN

ROME, Oct. 3 — Msgr. Timothy Dolan, rector of the Pontifical North American College here, had been worried that the preparations for Pope John Paul II's visit to the United States, which begins on Wednesday, might overwhelm the Pope's schedule today, forcing him to cancel a planned meeting with 22 recently ordained American deacons.

But the ceremony took place as scheduled, in Clementine Hall, just off the Apostolic apartments on the third floor of the Vatican. The 75-year-old Pontiff mingled for 15 minutes with the young deacons and members of their families, and gave them his blessing.

"It was a magnificent audience," said Monsignor Dolan, who said the Pope looked "robust and smiling" and made a point of telling three deacons from the New York area, "I go there tomorrow."

Also this morning, Pope John Paul met with members of an international congress of anti-abortion movements, sponsored by the Vatican, whom he urged to tackle the issue of abortion on all fronts.

"It's clear to everyone that the defense of life is a commitment that belongs not only in the private moral

sphere but also is a social and political question," said the Pope, speaking in the Vatican's Paul VI Hall. "More than that, it should be the very reason for the existence of political society."

In an encyclical issued last March, Pope John Paul had again set out his unwavering opposition to abortion, artificial contraception, euthanasia and all forms of artificial fertilization, anything that he has defined as a violation of the sanctity of life.

By repeating the same calls for resistance to what he has called the "culture of death," he signaled that his message to American Catholics on those issues will be as uncompromising as ever, no matter how difficult that may be for some of those who come out to greet him this week.

This day in the Apostolic apartments began like most others. The Pope rose before dawn at 5:30 A.M., and celebrated Mass two hours later in his private Vatican chapel. After breakfast, he met with the Vatican Secretary of State, Angelo Cardinal Sodano, and his deputy, Msgr. Giovanbattista Re, presumably to discuss both his meeting on Wednesday with President Clinton in Newark and his speech on Thursday to the United Nations.

The 75-year-old Pontiff mingles with 22 recently ordained American deacons.

In remarks to the new deacons — men ordained to serve local churches and perform some, though not all, of the liturgical duties usually carried out by priests — Pope John Paul referred to his visit to the United Nations, the cornerstone of his trip. He asked them to pray for an organization that he said "needs to be able to meet the ever-increasing demands being made on it in the service of world peace and development."

At 11 A.M., after a rest, he received more visitors — the Apostolic Nuncio, or Vatican diplomatic representative, to Australia, an Archbishop from Poland, and a Vatican envoy to the African countries of Cameroon, Gabon and Equatorial Guinea.

If he had private guests for lunch, the Vatican would not say who they were, except to list his personal sec-

retary, Msgr. Stanislaw Dziwisz, who has been at his side since he was Archbishop of Cracow in Poland. The rest of the afternoon was set aside for reading, personal visits including another meeting with Cardinal Sodano and Monsignor Re, evening prayer, dinner, and bed by 10:30 P.M..

On his last Sunday in Rome before his dizzying four-day trip to the United States, Pope John Paul beatified 64 martyrs from the French Revolution, 45 priests, nuns and faithful killed in the Spanish Civil War, and a 16th-century Italian. Beatification is the penultimate step to sainthood in the Roman Catholic Church, requiring evidence of one miracle attributable to the beatified person, who is designated "blessed."

On Monday, the Pope issued a message of condolence to the Xaverian missionary order over the murder in southwestern Burundi of two priests and a Catholic laywoman who had assisted at the mission as an aid worker. The Pope termed the murders of the three Italians in Burundi a "barbaric killing" and called for a "peace founded on justice and reconciliation" in the heavily Catholic country, where tens of thousands of people have been killed in the civil war.

For Gay Republicans, the Ideological Sniping Comes From Both Camps

By DAVID W. DUNLAP

A small but growing number of homosexual politicians are publicly acknowledging their Republicanism, as difficult as that may be.

Gay Republicans said they sometimes faced greater hostility from other homosexuals than from other party members, although attention has recently focused on Republican leaders' antagonism.

"I've been accepted in many ways better by my Republican colleagues," said Chuck Carpenter, who was elected last year to the Oregon House of Representatives from a district that includes parts of Portland and farmland to the west.

"Granted," Mr. Carpenter said, "they may disagree with me and not be too happy with the fact that I'm gay, but there's a willingness to work with me, whereas in the gay community, people looked at me for a while as the Jew working for the Nazis."

That is not to suggest that Mr. Carpenter and other fiscal conservatives who are openly gay have won widespread acceptance within the Republican Party.

That was made clear in August when Senator Bob Dole's Presidential campaign returned \$1,000 from the Log Cabin Republicans, a gay group, saying its agenda was fundamentally at odds with the Senator's. The move was seen as an effort to distance Mr. Dole from an group that is anathema to many of the conservative voters he is courting.

Gay conservatives stand uneasily in two worlds.

"The conflict is squarely within the Republican Party," Mr. Carpenter said. "But let's remember that 20 years ago, it was within the Democratic Party. The lines are moving."

Among the voters who identified themselves as lesbian, gay or bisexual, 34 percent cast ballots for Republicans in the 1994 Congressional election, according to one exit poll. The Log Cabin group says it has more than 10,000 members. And 1 member in 10 of the Gay and Lesbian Victory Fund, a political action committee, is Republican.

On Capitol Hill, a bill to protect homosexuals against employment discrimination is sponsored by 13 Republicans, including Representative Steve Gunderson of Wisconsin, the one openly gay Republican member of Congress. (The bill is also sponsored by 144 Democrats and 1 independent.)

And the most recently enacted statewide bills banning bias against homosexuals, in Rhode Island and Minnesota, were signed into law by Republican governors.

Gov. William F. Weld of Massachusetts spoke at a benefit earlier this year for the Human Rights



Bill Gillingham for The New York Times

Chuck Carpenter, a gay legislator in Oregon, says he is more accepted by his fellow Republicans than by other homosexuals.

Campaign Fund, the nation's largest gay political group. "The truth is," Mr. Weld told the crowd, "traditional Republican values — small government, libertarianism, the right to privacy — are all on your side."

When Representative Gerry E. Studds, Democrat of Massachusetts, learned of Governor Weld's remark the next day, he said: "That's true. But most Republicans aren't."

Therein lies an essential conflict. Gay politicians concede that their

brand of Republicanism is a far cry from that of Patrick J. Buchanan or Senator Phil Gramm of Texas.

"I think it's important for the party to remain open to all viewpoints," said Mayor Bill Crews of Melbourne, Iowa, 35 miles northeast of Des Moines, who made his homosexuality public two years ago. "So I try to be a voice in the wilderness. But it's pretty discouraging."

Many social conservatives say the ideological gap cannot be bridged. For example, Robert H. Knight, the director of cultural studies at the Family Research Council, wrote recently that the fiscal policies of Log Cabin Republicans did not change the fact that they were part of a "small group trying to harness government power to force affirmation of unhealthy, immoral and destructive behavior."

Ron St. John of Tucson, Ariz., a gay Republican who plans to run for a seat in the Arizona House of Representatives next year, said this ideological struggle was one more reason for a libertarian, as he is, to remain in the party.

"It would be a tragedy if people dropped out of the Republican Party and left it in the hands of the authoritarian wing," Mr. St. John said.

But ideology is not the only thing on which elections turn.

After 11 years as Mayor of Melbourne, Mr. Crews will face an opponent in November for the first time. He said curbside recycling would probably emerge as the main issue.

Among his constituents, Mr. Carpenter said, he neither hides nor

haunts his homosexuality. "I'm not throwing pink triangles at the Farm Bureau convention," he said. "I talk to them about pesticides."

And what prompted Jon T. Spampinato to run for the City Council in Cambridge, Mass., was not civil rights but a development issue.

But in a crowded field, Mr. Spampinato may be served by his dual identity. "Even if I wanted to," he said, "I couldn't get people to separate gay from Republican because that's what makes me newsworthy."

An open question is what will happen to Republican officials who do not want their homosexuality made public, particularly as the Presidential campaign advances and social issues come to the fore in Congress.

In August, Representative Barney Frank, a Massachusetts Democrat who is gay, told The Bay Windows newspaper of Boston that it would be his "patriotic duty to make a list of all the closeted gay Republicans" in Congress if Republicans tried to overturn President Clinton's order barring the denial of security clearances because of sexual orientation.

Mr. Frank said later that because legislative prospects had receded, there was no need for a list.

But Mr. Dole's return of the Log Cabin donation in August may unleash a campaign of "outing," as such involuntary disclosure is called.

"The religious right would love to do it and so would the gay left," said Richard L. Tafel, executive director of the Log Cabin group. "People will be 'outing' everybody. All the campaigns are glass houses."

U.S. Agents in Chicago Track

By DON TERRY

CHICAGO, Oct. 3 — Using computers and shoe leather, a team of investigators from the Centers for Disease Control and Prevention has been following a trail of mass death for the last three months. The trail winds not through a distant rain forest haunted by an exotic plague but the brick and concrete valleys of this city.

The team has been studying the living and the dead of Chicago to determine why at least 500 people, perhaps more than 700, perished in a short but brutal invasion of high heat and humidity in July, one of the deadliest periods in the history of a city that has survived snow storms, fires, gangsters and skyscraper-bending winds.

"It was an extraordinary event," said Dr. Joel Selanikio, a member of the Federal team. "Routinely, there are very hot summers in Chicago, but you don't have 600 people die. We're trying to find out what made this distinct."

Indeed, health experts say, the staggering number of deaths is finally drawing the nation's attention to their long-ignored warnings: Heat is a public health hazard that is deadlier than most people realize, and many cities are inadequately prepared to fight it.

The centers' investigators estimate that heat has killed more than 5,000 Americans in the last 15 years, and they expect that figure to rise as they re-examine deaths originally attributed to natural causes.

In the last three months, Chicago has been transformed into a sprawling laboratory for the study of this health threat. Investigators examining the heat-related deaths here in July — now put at 536 to 733 — are focusing on areas where the city's emergency system may have fallen short. There is no Federal definition of a heat-related death, in which experts say the heat wears down the bodies defenses. A standard method used here was a body temperature of 104 degrees or more.

Until the deaths began to mount last summer, Chicago had a heat plan; it had air-conditioned shelters but no way to get vulnerable residents to them, and hospital emergency rooms in the working-class and struggling neighborhoods of the South Side were overwhelmed far sooner than those elsewhere.

Whatever the findings of the current inquiry, one thing is already clear to health experts. "Big cities ought to be looking at heat as a potential natural disaster," said Dr. Thomas P. Houston, director of preventive medicine and environmental health for the American Medical Association. "What happened in Chicago could happen anywhere."

It already has. No other city in recent memory has suffered as many heat-related deaths over such a period of time, but in 1980, 1,265 deaths around the nation were attributed by health officials to a "heat storm" that took the lives of dozens of people in St. Louis and Kansas City, Mo., alone. In the wake of this year's disaster, the Chicago Public Health Department began reviewing old mortality figures and discovered an additional 232 deaths in the 1988 heat wave and an additional 885 deaths in July and August of 1955, previously the hottest summer on record here, that they now believe were heat related.

"It's happened before, here and in

a Subtle Health Hazard: Heat

other cities," said Jennifer Neary, executive director of Metro Seniors in Action, an advocacy group. "A city the size of Chicago should have been better prepared."

Many here agree, and now the National Weather Service, a committee of the Illinois Senate and the city are all investigating whether deaths could have been avoided with better planning and policies — or perhaps simply more awareness.

In the early days of this year's heat wave, many people here, including Mayor Richard M. Daley, denied the medical examiner's numbers. They were too high, the skeptics said; winter is the season of danger here.

But as the death count grew, the doubts melted and the finger-pointing began.

"No one is blaming the city administration for the heat," said State Senator Robert M. Raica, a Chicago paramedic and the chairman of the Public Health and Welfare Committee, which is conducting an investigation. "But the city got caught off guard. The Mayor's office originally laughed about the heat."

The siege broke records and hearts. Like the Cook County morgue, funeral homes were almost overwhelmed by heat-related deaths. One funeral home, A.A. Rayner & Sons on the South Side, had to order extra coffins, cancel employees' days off and hold services late into the night.

Paul W. Dailey, of the Chicago office of the National Weather Service, said: "We knew it was going to be really nasty outside, but none of us dreamed that we would experi-

ence the number of deaths that we did. It's just one of those rare events you're really not prepared for. You think you are, but you're not."

The city had several public "cooling centers," air-conditioned rooms in office buildings, but, Senator Raica said, few people knew about them.

Ms. Neary said many elderly people did not use the centers because they had no way to get to them. The

A city becomes a lab for fighting a deadly threat.

city did not provide transportation and made no coordinated effort to contact the elderly.

"The problem," Ms. Neary said, "was there was no plan."

Many of the victims of the heat were elderly people who were found dead in their homes, the windows locked or sealed shut, apparently because they were too afraid to open them and risk being robbed. When the police arrived to take the dead away, they often said the apartments felt like ovens.

"Had people been removed from their environment and taken to these cooling centers," Senator Raica said, "there would have been some lives saved."

The weather taxed the city's entire medical-trauma system. It sen-

so many people went to area emergency rooms that at one time or another, nearly 20 hospitals had to go on a treatment-delaying status in which they divert ambulances and patients to other centers. Among other issues, the City Commission on Severe Weather, which was established after the heat wave, and Senator Raica's committee are investigating why so many hospitals adopted the status and whether they did so properly.

Mount Sinai Hospital went on the status for just under two hours on July 15, when it ran out of ventilators, said Dr. Leslie Zun, the chairman of the hospital's emergency department. As soon as the hospital was able to borrow additional ventilators, it returned to normal operations, Dr. Zun said, but found itself in a constant struggle against a rising tide of patients.

One factor common to heat victims was a lack of air conditioning. Dr. Zun and others point out that while there were hundreds of deaths in Chicago in the hot spell, only 80 people died of heat in the same period in more affluent Cook County suburbs.

"Folks in the suburbs, with a lot of air conditioners," Dr. Zun said, "didn't have the same kind or amount of problems we had in the city."

This being Chicago, the heat also touched off a political emergency. In 1979, Mayor Michael Bilandic was turned out of office by voters who were convinced that he had not done enough to dig the city out after a snowstorm.

After the deadly summer weekend

of July 15 and 16, the Daley administration moved quickly to beef up its heat plan. In the next heat wave, which came within a few days, an army of city workers was dispatched into the streets to knock on the doors of the elderly, deliver food and water and provide transportation to cooling centers.

"It took this tragedy for us to re-examine how we respond to these things," said the Mayor's spokesman, Jim Williams. "It caught everybody off guard, including the media."

But many here, including Dr. Edmund R. Donoghue, the Cook County medical examiner, say the city did a good job of responding to an unusually harsh challenge.

"It was a natural disaster akin to the floods along the Mississippi and the earthquakes in Los Angeles," Dr. Donoghue said. "There's no human being responsible for this tropical air mass that passed over Chicago."

In the next several weeks, the various agencies studying what Chicagoans call "the heat crisis" are expected to release their reports. In the meantime, Chicago is still counting its dead.

Dr. Donoghue's official tabulation of heat deaths last summer is 536. But the Chicago Public Health Department, which has been re-examining other deaths during the period, placed the total at 733 last week.

"Now and for the rest of our lives, we'll be telling our grandchildren about the summer of '95," said Dr. John Wilhelm, the head of the city's 18-member severe-weather commission. "People will be talking about this forever."

THE NEW YORK TIMES, WEDNESDAY, OCTOBER 4, 1995

Judge Affirms Right to Halt Publication

Says Magazine Can't Violate Court Seal

By WILLIAM GLABERSON

Setting the stage for a battle in the Federal appeals courts on First Amendment issues, a Federal judge in Ohio formally ruled yesterday that he had the power to prevent Business Week magazine from publishing an article.

First Amendment lawyers said that if the ruling was affirmed on appeal, it would sharply change the law and permit courts to prevent publication of articles in circumstances never before contemplated in the American legal system.

But other lawyers argued that the judge had simply protected the sanctity of the court system by declaring that journalists could not publish materials that had been sealed by a court order.

The judge, John Feikens, also unsealed documents that Business Week had obtained, in effect permitting the magazine and other publications to print accounts based on the materials. The documents are Bankers Trust Company records obtained by the Procter & Gamble Company in a \$195 million suit contending that Bankers Trust sold it speculative securities without disclosing the risks.

Despite the release of the documents, First Amendment lawyers said Judge Feikens's opinion would probably be reviewed by an appeals court because it was such a clear departure from current law.

"The long-term effect on the law is very disturbing," if the opinion stands, said Floyd Abrams, an authority on First Amendment law.

The magazine promptly said it would appeal, to the Supreme Court of the United States if necessary, because of what it said was a dangerous precedent permitting government censorship of the press.

With tart language directed at the magazine, the judge refused to back away from an emergency order he had issued on Sept. 13 directing the magazine to withhold the article.

A Federal appeals court, and then Justice John Paul Stevens Jr. of the Supreme Court, refused to intervene, saying Business Week had prematurely sought relief without asking Judge Feikens to reconsider.

In the ruling yesterday, the judge said, "I cannot permit Business Week to snub its nose at court orders," and he declared that the integrity of the court system depended on parties to lawsuits feeling assured that documents they agree are sealed will remain private.

Judge Feikens based his decision on a 1984 Supreme Court ruling involving The Seattle Times. Both cases involved information uncovered by a party to a lawsuit in pre-trial discovery, which gives parties to legal actions broad powers to obtain information from their adversaries. Generally, such information is public, but courts frequently issue orders keeping it sealed.

A basic principle of the First Amendment is that courts may not order publications to refrain from publishing information they have, except in the most extreme of circumstances. In The Seattle Times case, the Supreme Court held that information the paper had received through discovery in a lawsuit in which it was a party was not subject to that rule.

Judge Feikens cited the 1984 Supreme Court ruling that "an order prohibiting dissemination of discovered information before trial is not the kind of classic prior restraint that requires exacting First Amendment scrutiny."

But lawyers said a significant difference between the two cases was that The Seattle Times had obtained the information it wished to publish, about a religious sect, when it was sued for libel by the sect's leader. But in the Business Week case, the magazine was not involved in the Procter & Gamble suit. Many lawyers say the Seattle Times case should only apply to news organizations that obtain information when they are involved in a lawsuit.

Robert Sack, a lawyer who represents news organizations, said Judge Feikens's ruling had stretched the principle of The Seattle Times case far beyond anything that had been anticipated by any court. He said it could encourage other judges to try to control what is written about court cases, even when the journalists are not involved in the litigation.

The Bankers Trust lawyers argued in the Business Week case that the Supreme Court's ruling in The Seattle Times case recognized that the courts had an interest in protecting the court process's integrity.

Stephen B. Shepard, Business Week's editor in chief, said the ruling "would allow judges to impose prior restraints — that is, censorship — on publications simply because they ask for confidential documents."

Rubin Says World Economy in 'a Pause'

By PAUL LEWIS

WASHINGTON, Oct. 3 — The Treasury Secretary, Robert E. Rubin, said today that the world economy was in "a pause," but forecast stronger global growth next year and reaffirmed the Clinton Administration's commitment to a stronger dollar.

On the eve of the annual meeting of the International Monetary Fund and the World Bank, Mr. Rubin also said there had been progress toward constructing a new "financial safety net" to prevent future Mexican-style financial disasters.

But in a luncheon meeting with reporters, he refused to comment on the outlook for the dollar and other currencies despite today's rally by the dollar. On speculation that the United States and its allies may agree during the World Bank and I.M.F. meetings — which begin Wednesday — to act to bolster the value of the American currency, the dollar jumped against the German mark and Japanese yen, closing today in New York at 1.4385 marks and 101.41 yen.

Acknowledging the world economic pause, the Treasury Secretary cited economists' forecast of a return to "solid growth" next year of around 2.4 percent in Europe, North America and Japan combined. "There has been a pause but it's getting better," he said.

Mr. Rubin said it was in all countries' interest to cooperate with the proposed new financial safety net if they wanted to escape the risk of a catastrophic Mexican-style currency outflow and maintain access to capital markets.

This means agreeing to timely disclosure of important financial information to the market and accepting tighter I.M.F. surveillance of their economic policies, he said.

Richer countries with an interest in stable markets, he continued, should subscribe to the proposed \$50 billion emergency fund that the I.M.F. will use to bail out emerging economies in difficulties. Mr. Rubin predicted the new fund would be in place sometime next year.

While currency traders are waiting to see whether the United States and its allies make another call Saturday for a stronger dollar and follow it with central bank intervention in the currency markets, the World Bank is pursuing its campaign to encourage private investment in developing countries.

Since taking over six months ago, James D. Wolfensohn, the World Bank's new chief, has been urging the institution to reduce its penchant for building dams and other mega-projects and become a catalyst for promoting private investment.

As aid diminishes, he sees private investment as the best hope for poorer nations. And he is concerned that while private lending has soared in

Progress is cited toward a safety net to prevent Mexican-style disruptions.

recent years, it may now be turning down.

So at its annual meeting, which runs for nine days, Mr. Wolfensohn is inviting the thousands of bankers and private business executives who attend to a program of seminars and lectures explaining why it is to their advantage to invest in developing countries.

Finance ministers from seven developing countries where the World Bank thinks opportunities are particularly attractive — Botswana, Kazakhstan, Morocco, Bangladesh, Peru, Moldova and the Philippines — will also meet with them and explain what they have to offer.

Mr. Wolfensohn is also mending fences with the World Bank's critics. A year ago an angry coalition of environmental activists, convinced the World Bank's development projects did more harm than good, disrupted its 50th birthday celebrations with cries of "50 years is enough."

Mr. Wolfensohn, who recently canceled a \$1 billion dam in Nepal, will try to convince these critics that the World Bank is becoming more responsible: there will be three days of

discussion at the meetings on making development environmentally sustainable. Vice President Al Gore, a strong environmentalist, will address the conference.

The World Bank is courting investment for poor countries at a time when governments around the world are seizing any excuse to cut development assistance, and when a wave of foreign investment in just a few developing countries is propelling them into the industrial era.

In Washington, Congress appears to be ready to make a big cut in the Clinton Administration's request of \$1.3 billion for the International Development Association, the World Bank arm that helps basket-case economies with injections of nearly free money.

After peaking at \$61.9 billion in 1991, worldwide official development aid slumped to \$54.5 billion last year. Over the same period, private capital flows to the developing world soared to \$172.9 billion from \$62.9 billion, according to the World Bank's calculations.

But private capital, too, seems set to diminish without new stimulus. The Institute of International Finance, a Washington-based association of more than 190 financial institutions, predicts a \$40 billion decline this year, to around \$130 billion.

These flows remain highly concentrated, with a dozen mainly Asian nations receiving 80 percent of the total and with Africa getting barely 1 percent.

Henry Smith, 85, Congressman In Vietnam and Watergate Eras

By RONALD SULLIVAN

Henry P. Smith 3d, who served in the House of Representatives for 10 years, representing the 36th District in Niagara and Erie Counties in western New York, died on Sunday in Georgetown University Hospital in Washington. He was 85 and lived in Washington.

The cause was cancer, his family said.

Mr. Smith, a Republican, withstood the Johnson Democratic landslide and was elected in 1964 to the first of five terms. His turbulent decade in the House spanned the student protests against the Vietnam War and the Watergate scandal.

In one of his first votes, in 1965, he departed from the conservative position that would shape his record: he was the only House member to vote against a bill to establish criminal penalties for people who destroyed their military draft cards. Mr. Smith said that even though he supported the objectives of the bill, he believed its penalties were too harsh.

In 1973, he provided a key vote on the House Judiciary Committee, giving reporters the right to refuse to reveal sources of information.

As the third-ranking Republican member of the committee, Mr. Smith also voted against impeaching President Nixon, arguing that the evidence against him was not strong enough. Shortly after the vote, he announced he would not run for reelection.

At the time, he called the Watergate scandal "stupid" and said he "hated to belong to a stupid party."

A tall, lanky politician with silver hair and a deep, resonant voice, Mr. Smith graduated from Dartmouth College and the Cornell University Law School. After serving as Mayor of North Tonawanda, the suburb of Buffalo where he grew up, he was appointed a surrogate and family court judge by Gov. Nelson A. Rockefeller.

He then became the Niagara County Republican chairman before running for the House. On his retirement, he was appointed the United States chairman of the International Joint Commission, United States and



Henry P. Smith 3d

***A champion of
reporters' right to
keep news sources
confidential.***

Canada by President Gerald R. Ford, and he held the position until 1978.

In 1981, he became chairman of the Association to Unite the Democracies.

He is survived by his wife, Helen; three daughters, Susan McConnell and Christiana Hays of Washington, and Lucinda Shave, of Apopka, Fla.; a brother, John Belding, of West Yarmouth, Mass., and six grandchildren.

Negotiator Says Cease-Fire In Bosnia Is Unlikely Soon

But Holbrooke Sees No Bar to Peace Effort

By CHRIS HEDGES

ZAGREB, Croatia, Oct. 3 — The lead American peace negotiator in the Balkans conceded today that it was unlikely that a nationwide cease-fire in Bosnia, which was to follow the cessation of hostilities around Sarajevo, would be implemented soon.

But the official, Assistant Secretary of State Richard C. Holbrooke, played down the inability to reach a cease-fire agreement, vowing that the war would not "impede our negotiations on peace."

"I don't think it's an impasse," he said in an interview. "I think both sides want a cease-fire. But the details of how it's arranged are tricky and important."

"The relationship between fighting and negotiating over the last 40 years — Korea, Vietnam, the Middle East and elsewhere — is a long and complicated one," Mr. Holbrooke said. "You can talk about peace while fighting goes on, as happened in Vietnam for five years. It is wasteful and stupid, but sometimes people simply insist on gaining battlefield advantage."

But senior United Nations officials questioned the possibility of moving the peace efforts forward without a cease-fire. They warned that if the

Bosnian Government, or the Serbs, seized more territory, it could disrupt a proposed 51-49 percent territorial split that has been roughly matched by recent battlefield results. And they said that without a cease-fire it would be impossible to push through the mechanisms to govern Bosnia jointly.

"How do the Americans plan to implement a peace plan with a war going on?" asked a senior United Nations official, who asked to remain unidentified. "The ability to establish the constitutional principles the Americans seek is predicated on the establishment of a cease-fire. It is as much a starting point as a finishing point."

As if to underscore the fragility of recent diplomatic moves, Bosnian Army forces in Sarajevo lobbed several artillery rounds into the Serb-held town of Trnovo, south of the city, in violation of a pledge that the Sarajevo Government would not take military advantage of the the American-brokered deal that saw the Serbs withdraw their heavy weapons from around the city.

Bosnian Serb radio said the Bosnian Government was also shelling Vogošća, north of Sarajevo.

The reports prompted a Serbian request that they be allowed to move their heavy weapons back around Sarajevo to defend their positions, and elicited a vigorous protest from the United Nations.

"We have protested to the Bosnian military the outrageous attack coming from inside the exclusion zone and will continue to protest this at the highest diplomatic levels," said Alexander Ivanko, a United Nations spokesman. "The Bosnian Serbs are now complying with our requests. If the Bosnian Government does not stop, then we will have to look at other options."

Mr. Ivanko would not say what those options might be. It would be awkward for the United Nations to recommend that the Bosnian Army be hit with NATO air strikes of the kind that pounded the Bosnian Serbs for two weeks early in September.

Paul Beaver at Jane's Defense Information Group in London noted that it would also be hard for the United Nations to resume air strikes on the Bosnian Serbs if their redeployment of big guns near Sarajevo was viewed as a defensive move.

"This is exactly what the U.N. didn't want to happen after all the headway in recent weeks," he said. "The last thing they wanted the Bosnian Government to do was take advantage of the moving out of Bosnian Serb heavy weapons. After all, the United Nations promised the Bosnian Serbs that would not happen."

"This is a real possibility now," Mr. Beaver said, speaking about a return of the guns. "The Bosnian Government has given them a fine excuse."

Last month, Bosnian Army troops and the Bosnian Croat militia, backed by the Croatian Army, took more than 1,500 square miles of Serb-held territory in northwestern Bosnia. But the Bosnian Serbs have begun a counteroffensive and are making "slow and steady progress," United Nations peacekeepers say.

Mr. Holbrooke met on Monday with Bosnian Government officials in Sarajevo. He met President Slobodan Milosevic of Serbia in Belgrade today.

The United States team is scheduled to go back to Sarajevo on Wednesday, accompanied, for the first time, by the European Union mediator, Carl Bildt. On Thursday the Foreign Ministers of Bosnia, Serb-dominated Yugoslavia and Croatia will meet in Rome.

Mr. Holbrooke acknowledged that diplomacy had achieved little in Bosnia so far.

"To a certain extent," he said, "things have been determined on the battlefield, with the important exception of Sarajevo. And Sarajevo is, after all, the key territorial issue. It makes more sense to the United States for the fighting to stop on the basis of the current 50-50 split of the country and negotiate from that basis, with mutually agreed upon adjustments. However, if they wish to continue fighting while we negotiate, that can happen too."

As part of the effort to end the war, negotiators for the Croatian Government and the local Serbs met in the town of Erdut on the Croat-Serbian border and agreed to a set of vague principles to begin talks over the eastern Slavonia region, the last area in Croatia held by Serb insurgents.

Croatia, which recaptured a large swath of its territory from the Serbs in August, last week threatened to retake eastern Slavonia by military force if the peace discussions failed.

But while Mr. Holbrooke said that a Croatian attack against eastern Slavonia would be "very disruptive to the process," such an attack was not his most pressing concern.

"The biggest concern I have about the whole negotiation is that we reach a peace settlement and in a few years, after a decent interval, the Serb part of Bosnia attempts to separate and secede — Anschluss," he said. "We will not negotiate a slow-motion takeover by Serbia of the Serb portion of Bosnia."

THE NEW YORK TIMES, WEDNESDAY, OCTOBER 4, 1995

Macedonian President Gravely Wounded in Car-Bomb Attack

By CHRIS HEDGES

ZAGREB, Croatia, Oct. 3 — The Macedonian President, Kiro Gligorov, a close ally of the United States, was gravely wounded today in a car-bomb attack that killed his driver, senior western diplomats in Skopje said.

The diplomats said Mr. Gligorov, who was struck in the head by three pieces of shrapnel, was suffering from a fractured skull and heavy internal bleeding. Their reports contradicted Macedonian radio, which quoted doctors at the main hospital in Skopje, the capital, as saying that Mr. Gligorov had not been seriously injured in the blast.

The explosion took place on a central street as the President drove to his office in the National Parliament building. His driver was killed and

three bystanders were wounded.

"Our understanding is that it is touch and go," said one western diplomat contacted in Skopje. "We are not sure if he is going to make it."

Macedonian radio said Mr. Gligorov, who was operated on this evening, was conscious and talked to doctors treating him.

The loss of the Macedonian leader would be a blow to the United States effort to end the enmity between Macedonia and Greece. Mr. Gligorov is credited with insuring Macedonia's peaceful transition to independence after its break with Yugoslavia in 1991.

American troops are part of the United Nations peacekeeping force stationed in Macedonia to insure that the war in Bosnia does not spread to Macedonia.

The bomb, which exploded in a

**Balkan violence
in a nation where
U.S. troops serve.**

parked car about 250 yards from the Parliament building, was reportedly triggered by remote control. The police, who sealed the country's borders, arrested two men who tried to flee the scene in a car.

There was no immediate claim of responsibility following the attack.

Mr. Gligorov recently signed on to an American plan to end the dispute with Greece, which had resulted in a Greek embargo against his country.

"I hope this is not a reaction to the

plan to mend relations with Greece," said a senior western diplomat involved in the negotiations, "but the drive to normalize relations had inflamed a lot of passions."

Macedonia has also struggled to contain a restive ethnic Albanian minority that has been pushing for a wider political role.

Mr. Gligorov also met the Serbian President, Slobodan Milosevic, near Belgrade on Monday for talks on normalizing relations with Belgrade.

Mr. Milosevic's office said an end to the dispute between Greece and Macedonia could open the way to mutual recognition between Macedonia and the remnant of Yugoslavia he heads, which consists of Serbia and Montenegro.

Mr. Gligorov had been scheduled to address the United Nations General Assembly later this week.

U.N. Fiscal Woes Are Said to Threaten War Crime Tribunals

By RAYMOND BONNER

WARSAW, Oct. 3 — The work of international tribunals established to prosecute charges of genocide and war crimes in Rwanda and in the Balkans is being seriously impaired by United Nations spending restrictions, the chief prosecutor of the tribunals and Washington's senior human rights officer said today.

In interviews in Warsaw, where they are attending a human rights conference organized by the Organization for Security and Cooperation in Europe, Justice Richard Goldstone, the chief prosecutor for both tribunals, and John Shattuck, Assistant Secretary of State for Human Rights, discussed their fears about the fate of the tribunals.

The tribunals are prevented from spending the money to send investigators into the field, recruit lawyers and other personnel or renew contracts of current personnel as a result of restrictions on United Nations agencies imposed by Secretary General Boutros Boutros-Ghali last month in the face of a fiscal crisis.

If these restrictions continued, they "would shut down the Rwanda tribunal and render unconscious the

**U.S. aide says the
Balkan peace talks
will not affect trials.**

Yugoslav tribunal," said Mr. Goldstone, a South African jurist.

As a result of the cuts, the Yugoslav tribunal will have to curtail its investigation into reports that Serbian forces killed up to 8,000 men after they seized the United Nations-designated "safe haven" of Srebrenica in July, and another report that Croatian forces committed war crimes when they invaded the Serbian-held region of Croatia in August.

So far, the Yugoslav tribunal has indicted 43 people, including Radovan Karadzic, leader of the Bosnian Serbs, and Gen. Ratko Mladic, their military commander. More indictments are expected next week, said Mr. Goldstone.

"It is unacceptable, if not immoral," for these charges to have been made, and so publicly, if there will be no money for trials at which the

accused have an opportunity to defend themselves, he said. He added that it would also be a violation of judicial fairness to take defendants into custody if a lack of resources will deny them a speedy trial.

"The criminal justice system cannot conduct itself if resources are turned on and off," said Mr. Goldstone.

Similar fears about the fate of the tribunals in light of the fiscal crunch were expressed by Mr. Shattuck.

"This is the moment of truth for the tribunals," said Mr. Shattuck. "They must not be stopped by a lack of funding."

Mr. Shattuck said that one reason the Clinton Administration put \$3 million into separate funds for each tribunal was to insulate them from the vagaries of United Nations financing. But those funds have also been effectively frozen by the United Nations measures.

At the same time, however, a major reason that the United Nations is facing an economic crunch is because the United States is at least \$1.2 billion in arrears in its dues to the organization.

Asked whether the current negoti-

ations among the warring parties in the Balkans might result in some of the accused leaders being spared prosecution in exchange for signing a peace plan, Mr. Shattuck replied, "The war crimes tribunal is non-negotiable."

The first trial, concerning war crimes charges in the Balkans, is scheduled to begin in November, and there are no plans to postpone or cancel it because of the United Nations spending restrictions.

Fears about future financing of the tribunals come at a time when a major legal obstacle to the proceeding has been cleared. On Monday, the appeals chamber of the tribunal, which sits in The Hague, unanimously rejected an appeal from one of the Balkan defendants, thus upholding the tribunal's jurisdiction.

The appeals court described its decision as "an important and historic moment in development of international law," noting that it was the first time since the trials at Nuremberg and Tokyo after World War II that an international appellate court had ruled on the status of international criminal and humanitarian law.

Laborite Points Down Information Highway to Vision of a Brave New Britain

By JOHN DARNTON

BRIGHTON, England, Oct. 3 — Tony Blair, the Labor Party leader, turned a speech to the party faithful today into a canvas for a glowing portrait of a new-age Britain just around the corner — spirited, compassionate, high-tech and rejuvenated. Provided, that is, that Labor is voted into power.

In his keynote address to the annual party conference, the 41-year-old leader shifted his emphasis from remaking the party, which had been his main business since he assumed the leadership 15 months ago, to remaking the country, which he said is now his goal.

"I didn't come into politics to change the Labor Party," he proclaimed. "I came into politics to change my country."

Then he added: "I do not want a one-term Labor Government that dazzles for a moment and ends in disillusion. I want a Labor Government that governs for a generation and changes Britain for good."

The main thrust of his hourlong speech, which was punctuated by applause from the 1,300 delegates 69 times, was that he wanted to create a "youthful" country, in touch with the new information technology, and that the Conservatives were too tired and discredited to carry on.

He spoke of a Britain in which every school, hospital and library is wired onto the information highway, and every child is provided with a laptop computer.

His words recalled a landmark speech in 1963 by Harold Wilson, a



Labour

Reuters

In a speech yesterday, Tony Blair called for sweeping changes in the way Britain should be governed.

Labor leader who broke a long spell of Tory rule when he promised his party that Britain would experience "the white heat of the technological revolution." As if to drive home the comparison, Mary Wilson, the former Prime Minister's widow, was introduced to the crowd today by Mr. Blair.

The vision he painted was calculated to capture the political middle ground that has eluded Labor for decades. It is the next step now that he has consolidated his authority and moved the party away from its so-

The Labor Party leader tries to capture the political middle ground.

cialist orthodoxy and its ironclad ties to the trade unions. In April, Mr. Blair won a knockdown battle to wean the party from its 77-year commitment to "common ownership of the means of production, distribution and exchange."

Partly as a result of his leadership and partly out of simple frustration and disillusionment with the Conservatives who have ruled for 16 years, first under Margaret Thatcher and now under John Major, Labor is widely seen as the coming party. Its membership has grown by 100,000, drawing neck and neck with the Tories, and it is ahead in virtually all public opinion polls that run hypothetical political races. An election must be held by spring 1997, at the latest.

Mr. Blair spiced his vision of a Britain more prosperous and open to change with specific proposals, a mix of old and new. Among them were reversing the sale of the national railroad to private companies, a local parliament for Scotland, the end to hereditary peers sitting in the House of Lords, placing the new national lottery in the hands of a nonprofit agency, and a stronger commitment to integrate Britain into Eu-

rope.

He also promised to shift education funds to reduce class size to below 30 for 5-, 6- and 7-year-olds, to cut administrative costs in health care to provide more beds and better care, to use windfall profits in private utilities to train the unemployed, and to provide "thousands more police officers on the beat."

There was no mention of a tax increase to provide money for any of this. The party has gone to great lengths to try to shed a "tax and spend" image, which many believe caused it to lose the 1992 general election. The Labor shadow Chancellor, Gordon Brown, said on Monday that he favored cutting taxes on heating fuel — an issue that has bedeviled the Tories — to 5 percent from 8 percent.

Labor expects Mr. Major's Government to court votes in coming budgets over the next two years with hefty tax cuts. How to respond could pose a major problem, since voters might be alienated if Labor indicates it would rescind any such decreases to pursue social welfare policies.

Despite its lead in the polls, Labor has not had a perfect summer. British newspapers have carried complaints from party backbenchers and last month an internal memo from a party consultant was published saying that the party needed a stronger command system and did not have a real program for governing.

Mr. Blair's speech may in part have been intended to counter the criticism over his party's vision. He acknowledged that his attempts to push through changes in the party's

constitution and procedures, which have alienated the left wing, were traumatic for some.

Recalling a derogatory nickname that poked fun at his youthful inexperience, he said: "Last year I was Bambi, this year Stalin. From Disneyland to dictatorship in 12 short months."

His hold and that of other so-called "modernizers" was further shown at the conference when a far-left councillor was struck from the candidates roster and when Arthur Scargill, leader of the miners' union, lost a fight to have the commitment to nationalization reinstated.

Erosion in Japan's Foundation

Real Estate Crash Threatens the Entire Economy

By SHERYL WuDUNN

KITAMOTO, Japan — In a land where house rents can reach \$25,000 a month, perhaps the biggest surprise is not how expensive real estate is, but how far prices have fallen.

Real estate values in general have plummeted in Japan by two-thirds to three-fourths from their peak five years ago, making sorry tales of the property slump in most of America seem almost sweet by comparison. And the collapse here is threatening the financial system of the world's second-biggest economy after the United States.

Fortunes are being lost, companies are going bankrupt, homeowners are suffering from diminishing wealth, and the nation's banks, saddled with at least \$500 billion in ailing real estate loans, are reluctant to lend a helping hand. Yet Tokyo is still one of the world's most expensive real estate markets. One Japanese Government study found some residential land in Tokyo still selling for 30 times as much as land in New York.

The story of Japan's boom-to-bust property market is particularly sobering for Japan's nervous Asian neighbors, like Hong Kong, India, Singapore, China, Taiwan and South Korea, where go-go growth has sent property prices spinning out of control. A Japanese Government study shows that the world's seven most expensive cities for commercial land values are in Asia.

Some analysts fear that Japan's real estate woes could decimate the nation's banking industry, sending destructive ripples through the global economy. Just this week, Japanese officials said seven giant housing-loan concerns, together saddled with \$63 billion in losses, would be closed.

To be sure, the real estate deflation is good news to some people. It has made housing more affordable for Japanese consumers. And it has created a golden opportunity for American businesses. Previously, astronomical real estate costs ranked with Japanese protectionism as a major impediment to foreign penetration of the Japanese market. With

prices falling, it is much easier for American companies, from retailers to auto makers, to expand their presences here.

But for the economy as a whole, the real estate crash has been a disaster. And in one of its most striking manifestations, ghost towns are emerging in commercial and residential districts.

Even in Tokyo, a city where crowds swell so thickly that rush-hour pedestrian traffic moves like molasses and professional pushers pack commuters onto trains, empty office buildings and darkened windows are becoming a common sight. And while would-be homeowners salivate at lower housing prices, they also remain jittery at paying prices that

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remain exorbitant by the standards of most countries, and that still have plenty of room to tumble.

Yoshikazu Itobashi, a computer engineer, knows plenty about ghost towns. Not only does he live in one, he works in one.

Ten months after Mr. Itobashi paid \$330,000 for an apartment in an isolated new housing development in the Tokyo suburb of Kitamoto, the tower is only 20 percent occupied, and his children do not have to fight for the swings in the playground, because they have not materialized.

And Mr. Itobashi's new offices, nearly two hours by train from his home, make New York City's troubled Rockefeller Center look like a money machine. The development, called Tennozu Isle, is led by the Mitsubishi Corporation, the umbrella company for the Mitsubishi Estate Company, which is pulling out of Rockefeller Center.

A few years ago, Tennozu Isle was billed as Japan's biggest commercial community, with parks, shopping malls and office towers near a waterfront. Now, elevators glide past empty floors in some of the 11 office buildings, stores are going out of business and the complex has the feel of an isolated outpost, its workday population linked to the city only by a single, congested monorail.

"I usually can't get a seat on the train from Kitamoto," Mr. Itobashi said. "If the apartment wasn't so nice, I would be in real trouble."

A brief economic rebound last year led by housing activity buoyed hopes briefly before fizzling out. And the continuing fall in property prices has fueled a startling round of deflation for a wide range of goods and services. While lower prices might cheer consumers, they hurt producers, and some financial experts worry that a deflationary spiral could ultimately lead to a shrinking economy.

Without a recovery in the real estate market, which helped power Japan's phenomenal growth in the 1980's, the economy will probably not rebound strongly, analysts say. Although the economy grew modestly in the second quarter of this year, analysts doubt that the rate can be sustained.

"There is no simple answer to all this, and people are looking for simple answers," said David Atkinson, a financial analyst who once followed the real estate industry at Goldman Sachs (Japan) Ltd. "Much of the problems are structural."

The bubble has burst with all the impact of America's savings and loan crisis of the 1980's. Thousands of businesses are saddled with debt on property that is worth a fraction of the purchase price, crimping their ability to borrow and grow. One financial company that purchased a tract of prime land at the peak for about \$430 million sold it recently for about \$60 million, or one-seventh the original price, according to a real estate executive who insisted on anonymity.

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That the transaction went through at all was an encouraging sign, for commercial activity has been scarce, partly because of high property taxes and other regulations. The authorities hoped that historically low interest rates — the discount rate is now 0.5 percent, compared with 5.25 percent in the United States — would entice people to borrow and buy real estate, but that has not happened.

Instead, vacancy rates in office space in Tokyo are running at about 10 percent, and property values continue to fall. In the last year, prices for commercial land in Tokyo have declined nearly 20 percent.

A decade ago, no one in Japan could have imagined a property bust of this severity. The Japanese had always believed that investment in land was safe, even in hard times. So, when interest rates slid and credit became easy in the mid-1980's, millions of individuals and thousands of companies raced to buy houses and buildings, driving up land prices to unheard-of heights.

Ghost towns emerge in otherwise crowded Tokyo.

When prices peaked five years ago, the real estate in Tokyo alone was worth three times more on paper than all of the land and buildings in America, according to estimates by the Japan Real Estate Institute. Other comparisons pegged the dollar value of the Imperial Palace, where the Japanese Emperor lives, as greater than the worth of all of California.

In 1989, the Bank of Japan began raising interest rates and tightening credit, which led to the bursting of the speculative bubble. Since then, property magnates and ordinary homeowners have watched in growing horror as their net worth has tanked.

"The decline of prices is going to be a catharsis for a new order," said Osamu Aoi, a director at the Eiwa Real Estate Company. "Real estate properties priced themselves out of the market."

The result is that some new buildings have been boarded up for years because of battles over ownership and mortgage payments, while elsewhere, "work-in-progress" signs adorn idled construction sites. Buildings that used to hum with activity now stand empty, their dark windows retreating into the night.

"Buildings are like human bodies, so that if you stay in bed, your muscles get flabby and won't function as well," said Katsuhiro Tairodate, a manager at the Japan Real Estate Institute. "If the windows are kept shut and there is no air flowing in and out, the place may start rotting and fungus may grow."

Prices remain excruciatingly high. Commercial rents in Tokyo are still three times higher than in New York. And families living in central Tokyo pay an average of 13 times their annual income for a home, compared with about three times household income for their counterparts in New York, according to a Japanese Government study.

Rents are sky-high as well, and with the rise in the value of the yen over the last decade, which has made apartments more expensive in dollar terms, a lavish four-bedroom house can still cost a rich foreigner about \$25,000 a month in an expensive area of Tokyo. More typically, though, a one-bedroom apartment in central Tokyo can cost \$2,000 to \$4,000 a month, down from more than \$6,000 at the peak, and a four-bedroom suburban-style home can run \$6,000 to \$7,000, down from \$10,000.

Commercial rents have fallen by more than 40 percent in prime Tokyo locations, and in some cases by 60 percent or more. A 6,000-square-foot office floor can cost \$820,000 in annual rent, down from \$2.3 million.

To get tenants, some real-estate companies are apparently turning to bare-knuckles tactics. Mitsubishi strong-armed its affiliate companies to move into its Tennozu complex, suggesting it would send business their way, people in the real estate industry said. Mitsubishi declined to comment.

Mr. Itobashi, the commuter between ghost towns, said he felt a bit cheated by his real estate company, which, he said, told him and his new neighbors that the apartments were selling like hotcakes and might be gone if he did not grab one.

"When the economy goes down, real estate companies use these methods," said Masahiro Imaizumi, who runs the Recruit Corporation, which analyzes residential real estate. "We're in a time when there is an oversupply in the market and consumers know that, so they may be pressured into signing contracts. But the shrewd customer can see through these techniques."

U.S. and Russia at Odds Over Caspian Oil

By STEVE LeVINE

ALMATY, Kazakhstan, Oct. 3 — The Clinton Administration, citing protection of American interests, has sought to counter Russian influence in the oil-rich Caspian Sea by fighting two projects that are being promoted by Moscow.

Much of the American involvement on the Caspian has involved trying to break a Russian stranglehold on energy pipelines from the region to Western markets.

In Kazakhstan, the Administration has mounted an extraordinary effort against a Russian-backed 940-mile pipeline from a windswept oilfield called Tengiz, which holds the largest new supplies of crude intended for the West since the development of Prudhoe Bay in Alaska a quarter-century ago.

Across the Caspian in Azerbaijan, the Administration has opposed Russian pressure on a group made up mostly of American oil companies that is making a \$7.4 billion investment in two offshore fields.

American officials frame the conflict with Russia in geopolitical and commercial terms, calling the fate of these projects central to pro-Western development of a region destined to be among the world's leading energy suppliers in the next century.

The battle has involved President Clinton and numerous senior Russian officials, according to United States officials and analysts. Another central figure has been a Dutch oil trader, John Deuss, whose unusual influence in Kazakhstan has riled United States officials and Western business leaders.

"Over two-thirds of the companies participating in Caspian development are American, and much of the financing is expected to come from the U.S.," said Martin G. Pranga, executive vice president of Oil Capital Ltd. of New York, speaking before oil executives here today. "Geopolitical realities thus give the United States legitimate strategic interests in the region."

In Azerbaijan, Moscow has pressed a group of 10 oil companies developing fields near the capital, Baku, to ship all their crude through Russia. The American companies involved, which hold a total stake of 44 percent in the group, include the Amoco Corporation, the Pennzoil Company, the Exxon Corporation and the Unocal Corporation.

On Monday, Mr. Clinton intervened directly, making a 25-minute call to the President of Azerbaijan, Heydar Aliyev, in which Mr. Clinton backed the construction of two pipelines to the West — one through Russia and one through Turkey.

"President Clinton expressed his support for commercially viable, early-constructed and multiple pipelines from the Caspian Sea region that would benefit the companies that were investing in oil development as well as all the countries of the region," Mike McCurry, the White House spokesman, said.

Partly as a result of Administration pressure, the oil companies appear ready to endorse the dual pipeline idea at a meeting Wednesday in London, according to several oil industry executives. The call by Mr. Clinton may have been meant to influence the Azerbaijan leadership, which is to hold a ratification vote on the London decision in the Azerbaijan Parliament on Monday.

In Kazakhstan, the Chevron Cor-



Politics is as crucial as geography in moving Caspian Sea oil westward.

poration holds a \$10 billion contract to develop the Tengiz field and its six billion barrels of proven crude reserves. The deal, concluded in 1993, is still the biggest ever signed in the former Soviet Union.

Because of its size, diplomats and oil executives view the Chevron deal, far more than the Azerbaijan project, as a test — and if it finally succeeds, a harbinger of a bright future for Caspian investment.

But a bitter dispute over the construction of a pipeline from Tengiz to the West has led some oil executives to fear that significant energy development may be delayed for years.

The conflict revolves around the role of Mr. Deuss, 53, the president of the state-owned Oman Oil Company, which is part of a three-member consortium that would build and manage the pipeline. Kazakhstan and Russia are the other members.

Mr. Deuss became known in the 1970's and 1980's after breaking a United Nations-approved trade embargo by shipping oil to South Africa. Since then, he has been involved in large, risky ventures that most others would not initially touch.

Now Chevron, backed by Washington, has frozen Tengiz development and seems determined not to resume until Mr. Deuss is no longer involved. Mr. Deuss has given no sign of leaving the project, on which he says his group has already invested \$70 million.

Administration officials and Chevron contend that Mr. Deuss stands to make an excessive profit on a relatively small investment. One Administration official suggested that Mr. Deuss had made "financial payoffs" to get a sweetheart deal. But no one has produced any evidence of wrongdoing and an Oman Oil official denied that any bribes had been paid.

The Russian Prime Minister, Viktor S. Chernomyrdin, himself negoti-

ated and signed the consortium contract at Mr. Deuss's home in Bermuda in July 1992.

The consortium's chairman is the Energy Minister of Russia, Yuri Shafraanik. And Valery Chernaev, who heads Russia's powerful oil pipeline company Transneft, leads the consortium's rule-making executive committee.

The "Chevron-Administration strategy, government and industry, people say, has been to try to impede the efforts of Mr. Deuss and force him into violating terms of his contract to finance the pipeline.

So far Mr. Deuss has failed to obtain support from the usual sources and guarantors of such loans — the World Bank and the European Bank for Reconstruction and Development.

Glenn Rase, director for global energy affairs at the State Department, acknowledged that the department had expressed its concerns to the European development bank, which is based in London, but he said, "I don't think we ever urged anyone not to finance it."

However, Mr. Rase did say, "Should they fail to come up with the financing, the Kazakhs would be in a position to explore alternative routes."

Oman Oil was required to meet the financing commitment by last Sunday. At a conference in Almaty, the Oil Minister of Kazakhstan, Nurlan Balgimbayev, said the republic was "taking some measures," but he declined to elaborate.

Mr. Deuss's critics have also persuaded the President of Kazakhstan, Nursultan Nazarbayev, to delay surrendering to the consortium the republic's ownership of an existing short pipeline for Tengiz exports. Without that pipeline, Mr. Deuss has faced difficulties with bank lenders.

A Thriving Trade Replaces Hostility

By PATRICK E. TYLER

HUXIA, Taiwan — In the dead of night, especially when there is no moon, the boats from mainland China slip through the mists and into the waters of Kinmen, this fortress island once known to the world as Quemoy and still manned by thousands of Taiwan Army troops.

The intruders quietly leap onto the enemy beaches here and at Matsu Island to the north, working feverishly to disgorge their loads undetected. Then they slip away, back into the night.

In an earlier era, when artillery barrages were a fact of daily life and submarines and frogmen plied the waters on this side of the Taiwan Strait, it might have been a well-executed commando raid.

But these mainlanders were delivering the groceries, part of the large-scale — though still illegal — commerce flourishing between old enemies in this longtime war zone.

Though tensions are rising between China and Taiwan on the big issues of China's sovereignty over what it considers a renegade province and over Taiwan's push to be seated at the United Nations, the war here is over.

Where old enemies have been facing each other for four decades, where China's efforts to retake Quemoy and Matsu brought it to the brink of war with the United States in 1958, an extraordinary thaw is occurring. Old lines of trade are being reestablished despite the continuing efforts of Taiwan's Government to forbid contact between the residents here and the mainlanders, who are determined to do business.

"If the Chinese military came to this island, it would be to make money, not to make trouble," said Yang Zhongxing, 77, a veteran and a survivor of the 45-year-old cold war with China.

"No one cares about military or security matters anymore, they just want to make money and raise their children," said Mr. Yang, whose ancestors 18 generations ago settled in this small village on the northwestern tip of Quemoy, now known by its Chinese name as Kinmen (pronounced JEEN-men).

Recent estimates indicate that 60 to 70 percent of the daily produce, fish and meat that are sold in the markets here are unloaded from mainland Chinese boats, in trade that is being encouraged by the Chinese authorities.

Even when mainland China this summer fired ballistic missiles and conducted other military exercises to intimidate Taiwan, the local residents hardly winced.

"In the old days, when the artillery bombs came almost every day, we would sit down to dinner thinking this might be our last meal," said Huang Qingwen, a 66-year-old noodle maker who was chopping and wrapping his daily production of fine, flour noodles when a visitor happened by.

"That was a real war," he added. "So why should we be afraid now when there is just some fake war with this testing of missiles?"

For more than four decades, this strategic outpost and the one on Matsu (pronounced mah-zoo) have signified the unfinished civil war that left China and Taiwan divided in 1949, with rival Communist and Nationalist Governments, each determined to obliterate the other.

If Asia had a Berlin wall, it was here. These islands were fortified as a barrier to contain the Communists and to protect the Nationalists, who had joined the Allies in World War II to defeat the Japanese.

Generalissimo Chiang Kai-shek, the Nationalist leader who fled with most of his troops to the big island of Taiwan, ordered his commanders to hold on to Quemoy and Matsu because they represented strategic staging areas for a Nationalist counteroffensive to retake the mainland.

It was the counteroffensive that was always promised, but never begun.

In the years that followed, a garrison of tens of thousands of Taiwan troops burrowed into the rocky underground of this island, lacing it with tunnels, command posts, munitions depots and even an auditorium

to entertain the troops. Quemoy and Matsu became fortresses that could withstand the fiercest onslaught from the mainland.

But after an initial, disastrous attempt by Communist troops to retake Quemoy in late October 1949, that, too, never came; there was only a long standoff.

The gun emplacements of the Chinese mainland still loom in the mists across the narrow band of water. People still remember the artillery barrages that sent hot shrapnel ripping through their homes and destroyed the tranquillity of their lives.

"More than 70 artillery shells landed around this village," Mr. Yang said, referring to the October 1949 mainland assault on Quemoy with 10,000 troops.

"Most of this part of the island was destroyed, and the only reason Kinmen survived was due to the participation of the Americans," he said. "If there had been no Americans, there would be no Kinmen today."

Official histories estimate that Chinese Communist forces fired 41,000 artillery shells against Quemoy on Aug. 23, 1958, opening a campaign to dislodge 80,000 Nationalist troops, who were being supplied from Taiwan, 125 miles away.

For several generations of young Taiwan soldiers drafted into the army for two-year stints, the caves and tunnels and pillboxes of these islands became as familiar as their living rooms back home.

The islands remained under martial law until 1993, but now tourists are starting to come to see the places where their sons, fathers, uncles and nephews have stood the watch.

A military reduction began quietly after 1990, and force levels today are estimated at only 10 percent of the peak levels of the 1960's and 1970's.

"The strategic status of Kinmen and Matsu ceased to exist after the policy of trying to recover the mainland was given up," said a leading policy adviser in Taipei. "After that, it was also clear that it cost too much to have a lot of troops stationed at Kinmen and Matsu when there no longer was a strategic interest there."

Four decades of invasion fever are simply dissolving. The elaborate propaganda operations that carried on into the 1990's using loudspeakers and helium balloons to reach the mainland with news of the Tiananmen massacre in Beijing in 1989 seem out of place at a time when Taiwan businessmen are heavily represented on the mainland, with \$20 billion invested in more than 25,000 enterprises.

"They are not our enemy anymore," Chen Zhigong, a fertilizer salesman from Taipei, said as he

peered out from a pillbox at the end of a long underground tunnel that tourists can now traverse.

"We are all Chinese," Mr. Chen said, and then smiled so widely in satisfaction that a red tributary of betel nut juice escaped down his chin from the wad he was chewing.

Some commanders on Taiwan seem to agree with this sentiment. In July, when a Chinese warplane flew over Matsu, the local air defense commander did nothing to stop it.

Here on Kinmen, the 24,000-watt loudspeakers that used to blast Taiwan's propaganda across the waters

from a rocky promontory are now used to belt out the love ballads of Deng Lijun, the Taiwanese crooner whose voice is as familiar to mainlanders as that of the Chinese leader Deng Xiaoping, no relation.

And just a few weeks ago, a local commander was feeling so mellow about his Chinese brothers across the water that he decided to bring down the flag of the Republic of China that had always flown above the loudspeaker station.

The next day, to his delight, the Chinese commander across the water took down the red flag of the People's Republic of China.

"You could say that we were just removing ourselves as a target," a young officer said, "but you could also say it was a friendly gesture."

Increasingly, the Taiwan Army is having to cope with the fact that the waters surrounding Kinmen and Matsu are becoming overrun with Chinese fishermen, especially since President Lee Teng-hui's visit to the United States set off an atmosphere of crisis.

Taiwan Army commanders, who have the authority to shoot at mainland fishing boats that violate Taiwan waters, are more and more reluctant to do so.

On a recent afternoon, a visitor to an army outpost here asked a young soldier why he seemed to be ignoring two Chinese fishing boats that were violating Kinmen's waters just a few hundred yards offshore.

Gazing over the water, the soldier agreed that the boats were "absolutely over the line," but he explained his inaction by saying, "Now is a sensitive period, and no one dares to shoot because they don't want to take a chance that they would get in trouble."

Taiwan fishermen, conversely, are constrained and operate under a strict curfew. Many complain that when they return to their overnight nets at dawn, they discover that their catch has been liberated by the mainlanders and the nets often hauled up and stolen.

"We are fishermen, but now we buy our fish from the mainlanders because we cannot catch fish ourselves," said Chen Caifa, 29. "The army tries to scare us because they don't want us involved with the Chinese boats, so we have taken down our flags and taken the numbers off our boats."

"Now," he added, "the army cannot tell who is Taiwanese and who is Chinese."

5 Seek Presidency in Algeria; Election Violence Threatened

148 Arrested as Youths Disrupt Mexican Protest

By The New York Times

MEXICO CITY, Oct. 3 — Police officials said today that 148 people were arrested and two passers-by were injured when gangs of youths disrupted an opposition march in the central square of the city on Monday night.

Several hundred youths forced their way into the march, commandeered several public buses and burned four of them in Mexico City's vast central plaza. They used another bus as a battering ram in an attempt to topple a giant pole carrying the Mexican flag in front of the National Palace.

The police intervened but no police officers or demonstrators were injured in the clashes.

The march was organized by anti-Government student and labor groups to commemorate the 27th anniversary of a 1968 massacre, also in downtown Mexico City, in which army troops gunned down hundreds of demonstrating university students. The leaders of the march Monday steered thousands of demonstrators out of the central plaza to another square nearby in an effort to separate their protest from the violence.

The police said 30 suspects, including 13 minors, were charged today with vandalism and 116 of those arrested were freed.

By YOUSSEF M. IBRAHIM

PARIS, Oct. 3 — Although Islamic militants have threatened to kill anyone who goes to the polls for Algeria's presidential election, the country's Government today announced the five nominees who will be on the ballot next month.

The five who received the number of signatures required to qualify include Sheik Mahfoud Nehnah, a moderate Islamic activist who could pose a challenge to the President, Gen. Liamine Zeroual.

Sheik Nehnah is the head of Hamas, which has been tolerated by the Government because of the Sheik's consistent advocacy of "modern and tolerant" Islamic rule and his denunciation of violence by fundamentalists as well as Government security forces.

Some public opinion polls indicate that Sheik Nehnah is supported by 20 to 25 percent of the voters, which means that it may be possible for him to force a second round of voting against President Zeroual, some Algerian affairs analysts said today.

Two armed factions, the Armed Islamic Group and the Islamic Salvation Army, have vowed to bomb and attack election centers, cautioning those who head for polling places that they may be killed.

The broad campaign of violence by the armed factions began in 1992 after the military Government canceled the second round of national legislative elections when it appeared that the Islamic Salvation Front would win control of Parliament.

The Government responded with repression and violence, outlawing

the party and rounding up its Islamist opposition figures by the thousands. The armed Islamists and the Government security forces have not stopped fighting since.

Aside from the Sheik, the other presidential candidates are known as open advocates of the army's drive to eliminate all Islamic opposition by force. Besides President Zeroual, they are Redah Malek, a former Prime Minister; Saeed Saadi, the head of the Assembly for Democracy and Culture, and Nouredin Boukrouh, the head of the Algerian Renewal party. None of the candidates belong to a significant movement.

Algeria's major opposition parties with sizable followings among either Islamists or secularists are calling for a boycott on voting, arguing that free elections will be impossible.

"Without representatives of these parties, the whole exercise is more of the same," a former senior official said in a telephone interview. Mina Zerrouk, an Algerian economic expert, said, "It will come down to how many people will feel confident enough to go to a voting station."

Algerians say that with the warnings of death for anyone who votes, it may be that the election will fizzle into a small demonstration by partisans and is almost certain to be marred by major violence.

The tempo of violence has risen considerably in recent weeks. Today Omar Qartilan, the editor of El Khabar, Algeria's main Arabic daily, was shot to death, the fifth journalist to be fatally shot in the last month. More than 60 Algerian journalists have been killed by militant Muslims since the civil strife began in 1992.

Calcutta Journal

A Tradition Facing End of the Road

By JOHN F. BURNS

CALCUTTA, India, Oct. 2 — When the last of the year's monsoons swept Calcutta this week, whole neighborhoods became inland seas. But Jageshwar Singh kept moving, pulling his rickshaw around stalled vehicles, managing somehow to find his footing along streets and alleyways where whole sections were swept away by the swirling waters.

For Mr. Singh, 55, hauling passengers through the summer rains is only one of life's indignities. For more than 30 years, he has endured abuse from passengers who have cursed him, hit him with umbrellas or walked away without paying, claiming he has been too slow or insufficiently agile to find a way through the city's nightmarish traffic jams. At night, like tens of thousands of others in Calcutta, he sleeps on the sidewalk.

But none of this is as vexing to Mr. Singh as the threat that Calcutta, the last city in India with man-powered rickshaws, will abolish the vehicle that is his livelihood. For decades, officials here have been discussing ways to clear the streets of the rickshaw-pullers, who appeared in Calcutta just before World War I, at the height of British imperial power in India, and are seen by many as an embarrassing colonial legacy.

"Man-pulled rickshaws have to be dispensed with," said Ashim Kumar Barman, who has been shaking things up since taking over last year as Calcutta's city commissioner. "They add to traffic congestion, and they are humiliating."

From a musty office in the Victori-

Striving for a more upscale image, Calcutta's officials target rickshaws:

an-era city hall, Mr. Barman has revamped a garbage collection system that had virtually collapsed, swept away red tape that caused months of delays in issuing death certificates and other routine documents, and introduced computerized accounting in place of paper flows that left the city waiting up to seven years to find out whether it had met its annual budgets.

Mr. Barman is part of a wider effort to reinvigorate Calcutta, which was the capital of British India until 1912 and the commercial and industrial hub until independence in 1947, when Bombay gradually took over as the country's most energized city.

Now, the Communist politicians who control the state government of West Bengal, with a population of 60 million and its capital in Calcutta, have begun to turn their backs on Marxist orthodoxies. Traveling widely in a bid to attract foreign investment, they have pledged that Calcutta will one day outpace Bombay.

Calcuttans this week celebrated the completion of the last link in the city's \$500-million subway system, India's first. Despite being 17 years behind schedule and more than 10 times over budget, the 10-mile

system has been a boost to the city's depressed ego.

"By the ratio of what is obtaining above the ground to what is obtaining here below the ground, I think we take the cake for the world's best subway," said the system's general manager, S. K. Gupta. The drive for Calcutta's renewal does not bode well for Mr. Singh and 60,000 other rickshaw-pullers. For an income that rarely exceeds about 90 cents a day, the rickshaw-pullers work 8- to 10-hour shifts, often barefoot on roadways where potholes can swallow the unwary.

For two months a year, Mr. Singh takes the train home to his wife and children at his native village in Bihar, India's poorest state. The state's migrants, many of them "untouchables" like Mr. Singh, have always predominated among Calcutta's rickshaw pullers.

Except for his visits home, Mr. Singh has climbed between the wooden shafts of his rickshaw every day for 33 years. His sinewy body speaks for the strains of hauling passengers, who pay a standard charge of about 15 cents a mile. The rate rises to 25 cents in the monsoons, when rickshaws are often the only vehicles that keep rolling.

Asked what pleasures there were in the rickshaw-puller's life, Mr. Singh said there were none.

"It's an inhuman job, a man pulling a man," he said. "It's cold in the winter, it's hot in the summer and it's wet in the monsoons. But we are the poorest of the poor, and there is nothing else we can do if we want to survive."



Dieter Ludwig for The New York Times

Officials in Calcutta are contemplating outlawing the thousands of rickshaws that ply the city's streets. Jageshwar Singh, right, and a fellow rickshaw puller rested for a moment recently while between passengers.

Each month, he sends the equivalent of about \$6 home to Bihar.

For now, the West Bengal government appears reluctant to act on its pledge to eliminate the rickshaws. Instead, it has tightened enforcement of licensing regulations dating to 1939 that limit the number of authorized rickshaws in the city to 6,500, less than a third of the vehicles currently plying the city's streets. For unlicensed rickshaws, there is the threat of a \$5 fine or, more common, a payoff to a policeman.

For many in Calcutta, keeping the rickshaws on the streets is more than a matter of charity.

Studies show that that as many as 700,000 Calcuttans use rickshaws every day, nearly three times the number who are expected to ride the more costly subway. For others, the rickshaws are symbolic of a wider clash, between a modernizing, increasingly cash-rich Indian middle class that can afford cars and taxis and a vast underclass that faces a daily struggle to survive.

But such theorizing cuts little ice with Calcutta officialdom, which seems determined, one day, to get the rickshaws off the roads for good.

"We are at the end of the 20th century, and the rickshaw is a 19th-century technology," said Subhas Das, the deputy police commissioner charge with enforcing the city's traffic laws. Citing studies that show that Calcutta's traffic moves at an average of 4 miles an hour, he added: "We have to get the city moving. So the rickshaw will have to go."

You Can't Starve the U.N. Into Reforming Itself

To the Editor:

Re "Reform of the U.N. Is Overdue" (editorial, Sept. 28): You give the impression that all that is required for United Nations reform is decisive measures by the Secretariat, but it is not that simple. Effective reform cannot take place without concerted action by member states, and that is hard to achieve.

I was co-author of a comprehensive proposal for the reform of the United Nations Development System in 1969 — the Capacity Study led by Sir Robert Jackson. By the time governments reviewed and authorized its application, so many compromises had been introduced that the internal logic of the scheme was fatally watered down.

In 1986-87 I was given the role of coordinating implementation of the reform proposals of the Group of 18, endorsed by the General Assembly. These were less logical, but even so, when we tried to put them into effect, some of the very governments that had urged reform raised objections.

Moreover, even though the reforms in the budget process demanded by the United States were effective,

this did not result in prompt payment of United States assessed contributions.

At a Ditchley Foundation conference in March this year, senior representatives of the United States and European countries responsible for United Nations affairs agreed that reform was essential, but in two days of intensive debate were unable to agree on what should be done.

The only way forward is by taking some individual measures that will have a multiplier effect, such as restricting the tenure of all executive heads of United Nations institutions and agencies, including the Secretary General, to one (possibly longer) period; introducing arrangements that will insure their election on a rational and merit basis, rather than through the horse-trading process that prevails at present; and developing a consolidated budget for the United Nations system that would resolve many of the problems of coordination and duplication on which much money is vainly spent.

As to "how," withholding contributions is no way to bring about change. In the present acute financial crisis caused by member states not paying

their assessed dues, chief among them the United States, harassed senior United Nations officials who might otherwise concentrate on improved management and reform must instead wrestle every day with the problem of how to meet the bills and juggling funds from one pocket to another.

MARGARET ANSTEE
London, Sept. 30, 1995

The writer was United Nations Under Secretary General, 1987-93.

Honor the Charter

To the Editor:

"Reform of the U.N. Is Overdue" (editorial, Sept. 28) prescribes the wrong medicine to the wrong patient. Secretary of State Warren Christopher is on safe ground in calling for elimination of financial waste and excessive United Nations personnel — he could have said the same about the Pentagon.

But the cure lies not with financial reform alone or shifting the deck chairs on a sinking Security Council. What is ailing is the feeble political will of the member states that exercise complete control over everything the United Nations does.

The United Nations Charter never anticipated a peacekeeping function for the Secretary General. The collective security plan called for universal disarmament, comprehensive sanctions and, as a last resort, military force provided by the members according to a plan to be submitted by a Military Staff Committee representing the chiefs of staff of the five permanent members.

It was stipulated that the Charter should be reviewed after 10 years. All of these legally binding obligations, accepted and ratified by all members, remain unfulfilled.

To finance the United Nations costs a pittance compared with the staggering United States defense budget. No one wants the United States to be the world's policeman. But an armed society without a competent, independent police department remains a dangerous place.

Let the United States take the lead in insisting that all nations honor the Charter they have pledged to uphold. That's the quickest and cheapest remedy.

BENJAMIN B. FERENCZ
New Rochelle, N.Y., Sept. 28, 1995

The writer is a former Nuremberg War Crimes prosecutor.

In Revolutionary War, Both Sides Suffered

To the Editor:

"A New Nation's First P.O.W.'s" (editorial, Sept. 28) characterizes the American Revolutionary War prisoners who died in the British prison hulk in New York Harbor as "heroes." But why restrict your praise to Americans? What about the British and German troops who died in the appalling conditions of the Simsbury mines, having denied the blandishments of Continental recruiters?

What about the soldiers of Gen. John Burgoyne's Convention Army, who surrendered at Saratoga on terms that the Continental Congress refused to honor and sent them instead to mistreatment, neglect and death in internment camps?

And what about the Americans loyal to the Crown who enlisted in units that bore the title Loyalist? Americans who refused to resort to force of arms to overthrow their legitimate government; who fought for their King, were captured and imprisoned; whose goods and land were alienated from them; whose families were attacked and killed,



David Suter

or forced to flee abroad as refugees?

Praise, by all means, the men and women who fought and died to make the United States. But do not neglect to mention that among their foes were those as deserving of admiration for the suffering they endured.

JAN W. S. SPOOR
Falls Church, Va., Sept. 28, 1995

Slamming the Door On Asylum Seekers

To the Editor:

"Congress Plans Stiff New Curb on Immigration" (front page, Sept. 25) makes brief reference to the impact those changes will have on refugees seeking political asylum in the United States. Many of those proposals would place the United States in violation of its international obligations toward refugees. Asylum seekers would need to have the language capability and knowledge of asylum standards to file an asylum application within 60 days of arrival; or they would need to have the financial resources to hire a lawyer who will immediately do it for them.

Though most refugees are indigent, they would be prohibited from working while their application is pending. There is no room for error by the applicant or the asylum officer, since there is no administrative appeal from an adverse decision.

Most asylum seekers arrive fearful and impoverished, having experienced the death of loved ones, persecution or threats to their own lives.

Those escaping persecution need time to understand the immigration system, establish trusting relationships with others who can help them, and to prepare and present applications for asylum. The legislation would effectively slam the door in the face of those seeking refuge in the United States as their last hope for survival.

SHERI RICKERT
Attorney, Asylum Program, Lawyers Committee for Human Rights
New York, Sept. 27, 1995

Let's Not Auction Off Political Access

To the Editor:

Jude Wanniski (Op-Ed, Sept. 29) draws the wrong lesson from the anomaly in our campaign finance laws that allows Ross Perot or Steve Forbes to spend unlimited amounts of their personal fortunes on their own Presidential candidacies, but not on the candidacies of others such as Colin Powell or Jack Kemp.

I agree the anomaly should be corrected. Congress should prohibit individuals from spending unlimited sums on their own campaigns.

Mr. Wanniski acknowledges that if Congress abolishes all campaign

contribution limits, large contributors would buy unparalleled access to their politician beneficiaries.

Though such access need not lead to an exchange of political favors for continued monetary support, the temptation to curry favor with a contributor increases when the amount at stake is \$25 million to \$50 million, rather than a few thousand dollars under current limits.

But the real problem with Mr. Wanniski's plan is not the potential for corruption; it is the profoundly antidemocratic and anti-egalitarian implications of his "unshackling" of the political marketplace.

A political system allowing money to buy access is a plutocracy, not a democracy. In an ideal democratic system, every American should have equal access to government officials. I have advocated a program whereby the Government would provide each American with vouchers to be donated to candidates for Federal office, interest groups or political parties in each Federal election cycle; no funds besides vouchers could be used in any Federal election campaign. The work of constitutional scholars like Bruce Ackerman and Cass Sunstein indicates that such a plan may indeed pass constitutional muster.

Until we are ready to trade access to politicians in a stock market, we should reject calls like Mr. Wanniski's for deregulation of the political marketplace.

RICHARD L. HASEN
Assistant Professor
Chicago-Kent College of Law
Chicago, Sept. 29, 1995

Library Keeps Jewels

To the Editor:

Re "Libraries Shouldn't Sell Jewels of the Collection" (letter, Sept. 20): Each of the 82 New York Public Library branches maintains a collection of classic literature and new works. However, space limitations make it impossible to maintain a collection that includes all the classics along with a selection of current material.

Thanks to our integrated technology system, the library can make most titles available from larger collections. Where books are in surplus systemwide, the library is authorized by the city to sell extra copies at local book sales, generating revenue to purchase books and other materials in short supply.

EDWIN S. HOLMGREN
Director of Branch Libraries
New York Public Library
New York, Sept. 28, 1995

World Watches Mexico Harassing the Clergy

To the Editor:

Mexico's ruling party has begun to send undercover investigators into the churches of Chiapas and to expel and harass priests (news article, Sept. 29).

It accuses the clergy of having the audacity to inform Indian congregations of something the world knows, that their national government is corrupt.

Relying on secretly made tape recordings, Government investigators say they detect a "political taint" to some sermons, and display photos of religious leaders meeting with groups of peasants at gatherings where, they allege, the takeover of unused lands was discussed.

In the past it might have been possible for the Institutional Revolutionary Party, or PRI, to violate the religious freedom guaranteed by the Mexican Constitution with impunity. But now that the peasants of Chiapas have a spot on the Internet, and Bishop Samuel Ruiz García of Chiapas refuses to allow the cloak of secrecy to be lowered again, PRI officials should realize that their strategy of intimidation is visible to the outside world.

HARVEY COX
Professor of Divinity, Harvard
Cambridge, Mass., Sept. 29, 1995

The L.A. Shock Treatment

As I stood in honest-to-God shock in my kitchen watching the reading of the Simpson verdict yesterday, my first feeling was rage. A few weeks earlier I had heard Vincent Bugliosi, the former Los Angeles Deputy District Attorney who successfully prosecuted the Charles Manson cult, convincingly argue that

there was more physical evidence tying O. J. Simpson to the murders of Nicole Brown and Ron Goldman than he had had in his own legal victory. I believed him then, and I still do. So to watch Mr. Simpson slip away from justice — my idea of justice, at any rate — as the murder victims' families sobbed all around him was an

infuriating sight.

I know I'm not alone, and so far neither the shock nor the anger has lessened. As I inevitably join the rest of the country in replaying all the case's chilling images — from the videos of the Simpsons' children to the parade of Johnnie Cochran's Nation of Islam bodyguards — I know

I'm going to get angrier still.

But even so the emotion does not quite overpower another image that washes up in my consciousness — that of where I was and what I was doing a month ago, when Mark Fuhrman's tapes were played in court.

At that moment I happened to be on vacation in California, reading the kind of book you want to read while on vacation in California — "The Big Nowhere," by James Ellroy. It's a sprawling, juicy crime novel about a series of heinous sex murders, told largely from the point of view of Los Angeles law-enforcement officials in 1950.

"The Big Nowhere" was actually written as a period piece in 1988, pre-Rodney King. But the juxtaposition of Mr. Ellroy's fictive, reconstructed L.A. police world and the L.A.P.D. pathology on view in Judge Lance Ito's courtroom made the novel seem more contemporary than not. In "The Big Nowhere," cops regard the ghetto of South Central as an enemy camp, crimes against minority victims as unworthy of investigation, and legal niceties as easily abridged inconveniences.

Mr. Ellroy is a hyperbolic writer, of course. His noir thriller doesn't purport to be journalism or history but is instead in the grand tradition of hard-boiled L.A. detective fiction from Raymond Chandler to "Chinatown," the movie made by Roman Polanski a few years after Mr. Manson's gang murdered his wife.

Still, "The Big Nowhere" shared a compelling resonance with the L.A.P.D. environment that tolerated a Mark Fuhrman. So as the verdict sinks in, I summon up Mr. Ellroy's potent depiction of that racist culture and try to do the impossible — put myself in the jury's shoes, specifically the black jurors' shoes. I try to imagine how I might convict a criminal policeman at the risk of letting a possible-murderer go free.

But my imagination can only take me so far. This is not my story. And so my fantasy comes to an abrupt end, and I am merely angry again.

For some of us, this anger will pass. It's just a tawdry murder case — right? — and, as one friend of mine said on the phone, if the trial has a happy ending for the celebrity protagonist, then it's also the most dramatically satisfying denouement possible for Hollywood's longest-running mini-series.

For others, the anger will not die and may find ugly outlets. On the eve of the verdict, Ben Stein, an L.A. lawyer and economist, shot me a deliberately provocative E-mail

Anger and the verdict.

message saying, "When O. J. gets off, the whites will riot the way we whites do: leave the cities, go to Idaho or Oregon or Arizona, vote for Gingrich... and punish the blacks by closing their day-care programs and cutting off their Medicaid."

I hope Mr. Stein is wrong. I also hope that the country will now not get lost in an ancillary debate about the value of TV cameras in court — as if TV was the message rather than the messenger. I hope that O. J. Simpson will not earn \$20 million in a pay-per-view exploitation of his butchered wife. Most of all, I hope that some of the anger on all sides, mine included, will linger a bit, red-hot yet controlled, as a prod to find our way out of this country's racial morass. The alternative is solitary confinement for life, for blacks and whites alike, in the big nowhere. □

Hired Guns for the I.R.S.

By Donald C. Alexander

WASHINGTON
House Republicans want the Internal Revenue Service to try using debt collection agencies and law firms to collect Federal taxes. Such a pilot program would make hash of taxpayers' privacy and rights.

The proposal to budget \$13 million to test the idea should be rejected in the Senate-House conference committee, where it forms part of the I.R.S. appropriations bill.

Who would want confidential records to be an open drawer for private collectors well versed in strong-arm dunning tactics? Imagine that trove of Form 1040 information falling into just anybody's hands.

That's why Congress and the I.R.S. concluded in 1976 that such information should be kept private, and why severe punishment is imposed when taxpayers' privacy is violated. Outsiders would have to have access to this privileged information because

Donald C. Alexander, a lawyer, was Commissioner of Internal Revenue from 1973 to 1977.

taxpayers might demand to know the particulars of the Government's claim on their money.

I.R.S. employees are aware of their duty to treat taxpayers fairly and to comply with the agency's rules of conduct and the 1988 Taxpayer Bill of Rights. If these requirements were imposed on the private sector, enforcing them would be a nightmare.

If bounty hunters were paid commissions, would they hound delinquent taxpayers less aggressively than collection agencies hound people with overdue commercial debts? Even if no commissions were paid, the outsiders would strive to demonstrate the "productivity" that leads to renewed contracts.

Advocates argue that Minnesota, Nevada and South Carolina use private collectors and that their success shows how unfounded the opponents' fears are. This is a dubious argument. The hired hands ferret out delinquents in other states, bringing in dollars, but this is not a Federal matter.

Partly, the interest in privatization stems from today's corrosive dislike of "intrusive" government, fanned by talk shows and certain members of Congress. Partly, it represents the view that whatever the Government can do, the private sector can do better. Some view the I.R.S. as too

A G.O.P. plan will let the world see your tax return.

harsh and heavy-handed or too soft. Horror stories — true, exaggerated and untrue — abound.

Critics say the current total of unpaid and overdue taxes may exceed \$150 million. But that sum must be viewed in perspective: The I.R.S. collects more than \$1.2 trillion yearly.

Yes, the I.R.S. has learned from the private sector. When I was commissioner, we saw that commercial collectors used the telephone effectively to collect debts, and we switched to phones, profitably.

The I.R.S. is improving. The collection of delinquent taxes is up this year by \$1.7 billion, largely because of earlier telephone contacts and effective use of formal agreements with taxpayers to pay in installments. For every \$1 spent in telephone collections, more than \$20 is brought in.

Farming out tax collections to private business would be like substituting the Pinkertons for the F.B.I. □

Foreign Affairs

THOMAS L. FRIEDMAN

The French Ostrich

WASHINGTON

A few weeks ago I attended question hour at the Australian Parliament, a raucous weekly event when the opposition questions the Prime Minister, Paul Keating. Mr. Keating was asked about France's claims that it was entitled to test its nuclear weapons in Polynesia because these colonies were actually part of France. His voice dripping with contempt, Mr. Keating said: "Oh, yes. There are Polynesians all the way down from Aix-en-Provence. They pop out of the woodwork. They are doing Polynesian dances in the back end of the Loire Valley, in the walled city of Carcassonne, in the lovely humidity of Aix-en-Provence. There are Polynesians everywhere."

As Mr. Keating was doing this little hula, the Australian lawmakers were falling out of their seats with laughter. They were laughing at France — and with good reason. President Jacques Chirac's arrogant decision to defy the world and go ahead with two nuclear bomb tests in Polynesia deserves contempt. It is a sign of a country whose leadership is seriously out of touch with the main currents of the post-cold-war world. President Chirac is known as "Le Bulldozer" for the way he plows ahead, undeterred by critics. "L'os-trich" would be more appropriate.

It isn't just Greenpeace and a few environmental radicals eating seaweed and wearing sandals who are protesting France's explosions at the Mururoa and Fangataufa atolls. Japan and Sweden each sent ministers to Tahiti to express their opposition, Australia and New Zealand boycotted French products, while 9 out of the 12 members of the European Union spoke out against the tests. What Mr. Chirac has totally missed is that the anti-nuclear movement has gone Main Street. The nuclear debate is no longer between leaders who want to test and environmentalists who don't. Now the debate is between nations that are thinking environmentally and those, like France, that are not.

During the cold war the fear of being obliterated by the Soviet Union overrode the fear of testing nuclear weapons and damaging the environment. But now that the Soviet threat

is gone, the bigger threat is the bomb itself. The world isn't afraid of Chernomyrdin, the Russian Prime Minister, it's afraid of Chernobyl, the Russian meltdown. The bomb was designed to prevent another Pearl Harbor, but what people are really worried about is another Three Mile Island. As the French writer Dominique Moïsi puts it: "Now that the threat against which we need nuclear weapons is no longer clear, all that is clear is the threat of the nuclear weapons themselves — to the environment and to the human race."

The reason Mr. Chirac doesn't understand this is because he is a Gaullist politician who, like any good Gaullist, has a vision that is dominated by the exalted role it seeks for France on the world stage. Pursuing the grandeur of France is his obsession — an obsession that is becoming increasingly unsustainable.

Consider the following: France has been a leader in the effort to form a united Europe with a single currency. A united Europe, led by France, appeals to Mr. Chirac because it would enhance France's global stature and help keep Germany under control. But to have a united Europe and a single European currency, France needs to get its budget deficit down from 6 percent of G.D.P. to 2.5 percent, where the Germans have it. The Germans said there can be no common currency without a common fiscal policy.

But when France's Finance Minister, Alain Madelin, tried to cut the budget, slim down France's bloated welfare state (the most bloated in Europe) and reform the Government to make France more competitive for the 21st century, the French public and labor unions howled — because it meant trimming benefits to workers, businessmen and civil servants. Mr. Madelin got fired. It was the French public saying that nuclear grandeur is fine as long as the Polynesians are the ones who pay, but an exalted role for France in Europe is *not* fine if we have to pay. (That's why there is never going to be any European monetary union. Forget it. Buy German marks. They're all you'll ever need.)

Mr. Chirac wants grandeur on the cheap, but there's no such thing. And that's why Gaullism is dead. The world won't sacrifice for Mr. Chirac's nuclear ambitions and his people won't sacrifice for his European ambitions. If Mr. Chirac doesn't grasp that soon they won't be laughing at him just in Australia. □

Chirac's Gaullism
blows up in
his face.

Simpson Prosecutors Pay for Their Blunders

By Scott Turow

The prosecution of O. J. Simpson was doomed from the start. Not in the sense that the state lacked proof — the case against Mr. Simpson remains compelling. But the prosecution was a low-road enterprise that began with the kinds of ugly tactics that have aroused suspicions about the criminal justice system among members of racial minorities in Los Angeles and elsewhere.

The problem was not only the way the police went about gathering evidence at Mr. Simpson's home the morning after the murders, but more important the way the Los Angeles District Attorney's office subsequently defended those arrogant blunders.

Scott Turow, a lawyer, is the author of "Presumed Innocent" and, most recently, "Pleading Guilty."

At the preliminary hearings, Detectives Philip Vannatter and Mark Fuhrman testified that they and two other detectives traveled to Mr. Simpson's home on Rockingham Avenue to inform him of the murder so he could make arrangements for his children.

The detectives testified that after getting no response to the buzzer at the gate, and following their discovery of a small spot of blood on Mr. Simpson's Bronco, which was on the street, they jumped the wall because they feared for Mr. Simpson's safety. It was after this adventure in low-rent rappelling — which was not only a violation of the Fourth Amendment but also criminal trespass — that Detective Fuhrman says he found the famous bloody glove.

The trouble with this testimony, in my view, is that the detectives' explanation as to why they were at the house is hard to believe. At the time of the preliminary hearing, before the DNA results had come in, the bloody glove, which matched one found at the crime scene, was the foremost evidence against Mr. Simpson. So the police were under tremendous pressure to explain their actions in a way that would legally excuse them for violating Mr. Simpson's rights and allow the glove to be introduced as evidence.

Thus the dubious claim about fearing for Mr. Simpson's safety. Four police detectives were not needed to carry a message about Nicole Simpson's death. These officers undoubtedly knew what Justice Department statistics indicate: that half of the women murdered in the United States are killed by their husbands or boyfriends. Simple probabilities made Mr. Simpson a suspect.

Also, Mark Fuhrman had been called to the Simpson residence years earlier when Mr. Simpson was abusing his wife. Thus Mr. Simpson was more than the usual suspect husband; he had a known propensity to do violence to his wife. Of course, he is also one of the most exceptional physical talents of his generation, a member of the relatively small class of human beings capable of murdering two persons at once and of wielding a knife with sufficient power to virtually decapitate someone.

If veteran police detectives did not arrive at the gate of Mr. Simpson's home thinking he might have committed these murders, then they should have been fired.

The detectives went to Rockingham for one reason: they wanted to question Mr. Simpson before he had a chance to lawyer up. Perhaps he

would explain himself, offer an alibi. But it's more likely they were hoping he would confess or tell one of the stupid little lies that so often become a defendant's undoing.

The detectives did not need a spot of blood on the Bronco to have powerful reasons to question Mr. Simpson. But assuming they did see the blood, why were they fly-specking the car if they had come only to deliver tragic news? The cops went over the wall to find Mr. Simpson, not to save him, and anyone who has spent time as a player in the criminal justice system had to recognize that.

The fact that the district attorney's office put these officers on the witness stand to tell this story and that the municipal judge at the pre-trial hearing, Kathleen Kennedy-Powell, accepted it is scandalous. It is also routine.

Everybody hates the Fourth Amendment, of course. What a lamentable concept: the constable

blundered so the evidence is lost. But the Fourth Amendment was not added to the Constitution to make most of us happy. It was intended to protect individuals from the state and to insure that political minorities would not be the object of random searches engineered by the political majority.

And when the Fourth Amendment and the other constitutional rules restricting police behavior are violated, it necessarily carries with it a strong message to our political minorities — including members of racial minorities, who are more likely to have contact with the police than are whites — that the legal system is a two-faced joker, one which says: We make the rules and we'll follow the ones we like.

I was an Assistant United States Attorney for eight years, and I never had a piece of evidence suppressed in a case I handled. This is not because I am such a great lawyer or mastered any special legal legerdemain. It was because the Federal agents I worked with understood the Fourth Amendment and didn't violate it.

They tolerated police arrogance and sloppiness.

Assistant United States Attorneys were available to answer Federal investigators' legal questions 24 hours a day. The agents were forbidden to make an arrest or enter a residence without our approval. They made it their business to follow the law, because they knew we would not put them on the witness stand to play make-believe. We couldn't even if we wanted to because the district court judges turned aside all such efforts with fury and scorn.

A legal system, like any moral system, is a complex and interdependent social arrangement. No one does good on his own. It requires the constant support, reinforcement and allegiance of all players for each to resist the ever-present temptations to let ends justify means. And that system appears to have broken down in Los Angeles.

To lambaste only Detectives Fuhrman and Vannatter misses the point.

It was the Los Angeles District Attorney's Office that put them on the stand. It was Judge Kennedy-Powell who took their testimony at face value rather than stir controversy by suppressing the most damning evidence in the case of the century. And it was Judge Lance Ito who refused to reverse her decision.

Because the prosecutors routinely accepted even the most unlikely stories from police officers, they were unable to recognize Mr. Fuhrman as a genuinely bad character. By the time news of Mr. Fuhrman's background began to emerge, prosecutors were hip-joined to him, their star witness — a foul-mouthed racist cop, the latest poster boy of the Los Angeles Police Department, his image hanging on the wall of the public mind next to those of the officers who beat Rodney King.

The jury made them pay. The jurors were impaneled knowing from the start that this was business as usual in Los Angeles. Nothing the prosecutors could do could convince them that this case was not corrupted by the police department's world-renowned racial hostility.

It is worth thinking about how this case would have developed had the authorities played it straight from the start. If Judge Kennedy-Powell had said: "I know these police officers want to believe what they've said, but that defies the realities of the work they do. This evidence is suppressed." If the District Attorney's office had conceded that the police had violated Mr. Simpson's rights, but tried to have the evidence admitted on the "inevitable discovery" theory, which allows evidence that would have surely been found if the police had gotten a search warrant.

Yes, suppressing the glove would have made headlines. It would have been another black eye for the police department. But it would have been a clarion announcement to the world — and to Los Angeles's black community — that the criminal justice system had mended its ways and was committed to treating all citizens fairly.

Paradoxically, it would also have given the district attorney's office its best chance to win this case. It would have relieved the jurors, all but two of whom were black or Hispanic, of the troubling choice they ultimately faced — between convicting Mr. Simpson or vindicating their own rights, which no one else in the legal system seemed to have bothered to protect. □

The Simpson Verdict

Whatever one thinks about the shockingly swift acquittal of O. J. Simpson, this "trial of the century" has left a stigma on criminal justice that could take years to repair. There was considerable scientific and circumstantial evidence incriminating Mr. Simpson in the murders of Nicole Brown Simpson and Ronald Goldman. Many people who followed the trial closely on television will continue to believe him guilty. To them, there were simply too many confluences of timing and data to dismiss.

Still, a jury with solemn instructions of "reasonable doubt" ringing in its ears rendered a verdict of not guilty. It was understandable given the relentlessly exposed bungling of the Los Angeles Police Department. Its investigators made so many errors that the mountain of evidence against Mr. Simpson began to look like an eroding sandpile.

The prosecution compounded the police bungling when it put Mark Fuhrman, a racist detective, at the center of its case. During the Simpson trial he lied about his own racist speech, and tapes emerged betraying his willingness to tamper with evidence. Since Mr. Fuhrman was alone when he found one of the most incriminating pieces of evidence, a bloody glove, and since he may have been in a position to tamper with other evidence, his exposure as a racist threw doubt on much of the prosecution's case and allowed the defense to play the race card.

But his presence was only part of a tragedy of errors. Police failed in their elementary duty to call medical examiners for hours after the victims' bodies were discovered. In an age when the science of blood identification holds promise of dependably

solving many crimes, the city's law enforcement teams managed to mishandle enough blood to shake the public's confidence and provide the jury a reason — or an excuse — to acquit. Criminal investigators carried blood evidence away in mid-June heat in an unrefrigerated state. A leading detective carried a sample of the defendant's blood on his person for half a day, opening the possibility of planting false evidence. After examining the defendant's Bronco, the police left it in an open parking lot where souvenir hunters could paw all over it.

Whether these cumulative errors and possibilities for tampering invalidated all of the forensic evidence, they opened the way for jurors to conclude that there was reasonable doubt about the damning laboratory findings.

There were plenty of other flaws in the trial. Judge Lance Ito let the case drag on needlessly by conducting it for the convenience of the lawyers. The defense team piled up tactical coups, but tarnished its triumph with a prejudicial appeal to the predominantly black jury to look beyond the simple issue of Mr. Simpson's guilt or innocence and send a message to society. The prosecution case was clumsy and needlessly complicated.

And the jury, after being locked up for nine months, took only four hours to reach its verdict. That was clearly too little time for a methodical sifting of the evidence and the conflicting claims of the closing arguments. But in the end, this will be remembered as a case that was disrupted by the police.

A Pope for Modern Times

John Paul II's arrival in Newark today marks his fourth trip to the United States since he became Pope in 1978. The four-day tour, which includes a speech before the United Nations, is profoundly important not only to the Roman Catholic Church but the secular world as well.

This is an energetic, engaged, well-traveled man. He has ventured out of Rome more than 100 times during his tenure and taken more than 60 trips abroad. His visage appears on T-shirts and coffee mugs, his recorded rosaries sell wildly in Europe, and his book "Crossing the Threshold of Hope" has become a best seller in 20 countries.

John Paul has made himself a central figure in 20th-century affairs. His interventions on behalf of the Polish labor union Solidarity hastened the fall of Communism. His arguments on behalf of human rights and especially the poor have been forceful and consistent. His steps toward peace between Catholics and Jews — establishing diplomatic relations between the Vatican and Israel and becoming the first Pope to visit a synagogue — have moderated Catholicism's ancient hostility to Judaism.

He is not without critics. Many American Catholics disagree with the Pope's social edicts, including those forbidding contraception and the ordina-

tion of women and married men. A recent New York Times/CBS News poll showed that even among Catholics who attend mass weekly, a large majority, 69 percent, say that the Pope's positions on social or political issues have no bearing on how they view those issues. Even so, he is deeply admired; 67 percent of Roman Catholics hold favorable opinions of John Paul II, while a mere 2 percent feel unfavorably toward him.

During his 1979 visit here, John Paul II admonished Americans to help the poor instead of leaving them "just the crumbs of the feast." Since then, this country has arrived at a cruel place in the political landscape, a place where more and more Americans find it easy to blame the poor for their poverty.

It is therefore heartening that John Paul's itinerary includes an appearance at Newark's Sacred Heart Cathedral, a parish that has stubbornly continued to serve the community even as its affluent parishioners fled to the suburbs. As in many other poor neighborhoods, in many other cities, the church in Newark has been steadfast, shifting diminishing resources from rich parishes to poor ones. Given John Paul's staunch advocacy of the impoverished, his return to America's shores comes not a moment too soon.

Long Night in Nigeria

Nigeria's Gen. Sani Abacha has played a cruel joke on the 100 million people he purports to lead. He chose the 35th anniversary of Nigerian independence to announce on Sunday that black Africa's most populous country is somehow still not ready for self-government. The general grabbed power in 1993, dissolved all political parties and legislatures, and jailed his civilian rivals. Now he says he intends to rule at least three more years before handing over power to an elected government.

True, he has responded to international pressure by commuting the death sentences for some political prisoners, but no leniency was shown Mo-shood Abiola, the presumed winner in a June 1993 election voided by the military. Chief Abiola still awaits trial on treason charges, a capital crime. General Abacha also lifted the ban on three opposition newspapers and promised to relax some restraints on political parties. But these grudging concessions are not enough.

By every measure, military rule has been a

calamity for Nigeria. Despite bountiful resources, a thriving oil industry and an educated work force, Nigeria is bankrupt; annual per capita income has plunged to \$250, from \$1,000 in 1980.

Small wonder that so many Nigerians yearn for an accountable government and real freedoms. Among them are Olusegun Obasanjo, the only general to turn over power to elected civilians, who has since been jailed as a supposed traitor, and the novelist Wole Soyinka, Nigeria's Nobel laureate.

Creditably if quietly, President Nelson Mandela of South Africa has made plain his country's dismay over repression in Nigeria. President Clinton is said to have telephoned General Abacha to protest secret trials. America has imposed limited sanctions on military sales, but has held back from more punishing measures. Randall Robinson of Trans-Africa, a leader of the campaign against apartheid in South Africa, now suggests that Nigeria's rulers cry out for comparable ostracism. General Abacha is making Mr. Robinson's case.

Plans to Fly Blind on the Economy

The Republicans' budget plans in Congress will severely limit the collection of data vital to tracking what the economy is doing, and will weaken agencies like the Securities and Exchange Commission that enforce rules of economic fair play.

The consequences could be damaging. Capital markets in the United States are the envy of the world because investors, big and small, feel confident that they can buy and sell stocks, bonds and other securities at a fair price. That confidence flows directly from tight supervision over brokers and dealers by the S.E.C.

Under its current chairman, Arthur Levitt, oversight has been exercised with a light touch. Mr. Levitt has stripped away needless rules governing how corporations raise money from the public and, where possible, has sought voluntary agreements rather than imposed edicts. Where Mr. Levitt has exercised regulatory powers has been on behalf of small investors, requiring that dealers offer them the best price available in the market. Mr. Levitt's reward: The Senate is debating whether to cut his

budget by between 10 and 20 percent.

The Republicans are also going after data collection and information gathering. The theory seems to be that if the Government does not know what it is doing it will be tempted to meddle less with private industry.

Thus, at a time when the Bureau of Labor Statistics is designing an expensive fix of the Consumer Price Index, which controls the inflation adjustment to Federal spending and tax revenues, the G.O.P. is debating whether to cut its budget by 10 percent. At a time when the Census Bureau is preparing for the next census and designing procedures to correct the undercount of minorities, the Republicans propose whacking millions of dollars out of its budget. At a time when everything Congress does depends on an accurate picture of the economy, the G.O.P. proposes cutting the Bureau of Economic Analysis.

Flying blind, Congress might, as the G.O.P. hopes, meddle less. More likely it will still meddle, only less wisely.

IN THE LOOP

Secretary of the Month

By Al Kamen
Washington Post Staff Writer

The "Gender Sensitivity Award of the Month" goes this month to Secretary of State Warren Christopher. Christopher was interviewed yesterday morning on C-SPAN by the Washington Bureau of the Los Angeles Times, led by bureau chief Jack Nelson.

The interview had gone on for more than a half-hour as Nelson and heavyweights Paul Richter, Jim Mann, James Risen and Doyle McManus—said to be soon succeeding Nelson, who becomes "senior correspondent"—and others grilled Christopher.

Then Christopher interrupted the questioning.

"I want to make sure that I'm not guilty of calling on only men. I've not seen any women raise their hand," Christopher said, "but I want to make sure this isn't, wasn't just a . . ." *Démarche* of the old boys?

Whereupon Elizabeth Shogren, formerly the paper's Moscow correspondent, asked a question about Bosnia.

Secretary of the Month II

■ The "Gender Insensitivity Award of the Month" goes this month to Willy Claes, NATO secretary general. Claes spoke Monday to a group of reporters outside the White House, repeatedly addressing the group as "gentlemen." About half the "gentlemen" were "ladies."

Sour Note in Swan Song

■ It goes without saying that these have been tough times for former senator Bob Packwood (R-Ore.). But there's clearly no hope when he can't pull off even the obligatory "last photo," the standard swan song shot of the veteran public official, alone in his office, packing up amid the memorabilia and reminiscing about a long and productive career.

There was just such a photo in the weekly tabloid *The Hill* last week. It showed Packwood in his office, pictures of Churchill on the wall, sitting in the midst of a collection of open packing boxes, reading a document, presumably deciding which box it goes in.

Lovely picture.

But if you look really, really close, you might notice one box is labeled, "Jobs for Georgie," his ex-wife, and another is tagged "Divorce."

Lyons in Waiting

■ There's good news for Undersecretary of Agriculture James R. Lyons. Senate Republicans, out to strip him of his job overseeing the U.S. Forest Service, have backed off for now. But the timber industry folks out in Oregon, who are trying to throw Lyons in the slammer for disobeying what they say are judicial orders to cut timber, are pushing to take his deposition. Nothing imminent there, sources say.

Meanwhile, the tree-huggers may find it tougher going on the Hill. Anne E. Heissenbuttel, director of

forest planning and policy at the American Forest and Paper Association, the industry trade group, has signed up to handle forest matters for Rep. James V. Hansen's House Natural Resources subcommittee on national parks, forests and lands.

Gotbaum in Line to Replace Munnell

■ Word is that Joshua Gotbaum, formerly with Lazard Freres & Co. investment bankers, before that, in the Carter White House and more recently assistant secretary of defense for economic security, is the leading pick to become assistant secretary of the Treasury for economic policy, succeeding Alicia H. Munnell, who's moving to the president's Council of Economic Advisers.

A Promotion With Strings

■ Gary Samore, who until recently was the deputy to Ambassador Robert L. Gallucci in the successful U.S. talks with North Korea, has taken a new job as director for nonproliferation and export controls at the National Security Council. Samore reports to Daniel B. Poneman there and works on regional "proliferation" hot spots such as South Asia, the Middle East, and China, among other issues.

The appointment was billed as a promotion even though Samore still has to participate in talks with North Koreans. Also working with Poneman on export control work and nonproliferation is Robert S. Litwak, a scholar at the Smithsonian Institution's Wilson Center, who is on a one-year U.S. Institute of Peace fellowship at the NSC.

Secret Service Aids a Pedestrian

■ Tough times for Education Department deputy chief of staff Leslie T. Thornton. She left a weekly budget meeting at the Old Executive Office Building on Sept. 25 and was on 17th Street NW, crossing Pennsylvania Avenue, when a car struck her.

Thornton was thrown several feet in the air and landed with a thud, badly injuring her back. She took the week off, has been in therapy and returned to work on Monday.

The good news was how quickly the uniformed Secret Service officers, and especially the emergency services specialists, raced over to her.

About 10 of them "appeared out of nowhere" she said, to tend to her, to make sure she stayed still and to get an ambulance.

Meanwhile, the driver who turned left onto Pennsylvania and hit Thornton has been cited for failure to yield the right of way to a pedestrian.

"Well, I guess hitting someone is 'failure to yield,'" Thornton said.

Moving On . . .

■ Robert J. Nieves, chief of international operations for the Drug Enforcement Administration and a key player in the effort that put the leaders of the Cali cartel behind bars, is calling it quits after 26 years.

Va. Challenge to Motor-Voter Law Rejected

Federal Judge Rebukes Gov. Allen; State Rules Out an Appeal

By Spencer S. Hsu
Washington Post Staff Writer

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RICHMOND, Oct. 3—A federal judge rejected a challenge by Virginia Gov. George Allen today and upheld the constitutionality of the national motor-voter law, handing another defeat to conservatives who claim that the measure infringes on states' rights.

Only hours later, Attorney General James S. Gilmore III (R) announced Virginia will not appeal the ruling by U.S. District Judge Richard Williams, who ordered the state to

"take whatever action is necessary" to comply with the law by March 6. Williams concluded that the measure, which is designed to make it easier to register to vote, plainly falls within Congress's constitutional authority.

The decision and its stern wording came as a public rebuke to Allen.

In May, he joined a handful of fellow Republican governors who oppose allowing citizens to register by mail and at government offices such as motor vehicle and social service departments. The states' lawyers argued today that the measure would "commandeer and conscript" state employees under a costly federal mandate and would lead to voter fraud.

Even as Gilmore and Allen pledged a "smooth, fraud-free implementation" of the law, the governor repeated his objections. "I remain

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convinced that Virginia's current election laws are open, fair and honest," Allen said, "and that the 'post-card' registration mandated by this federal law poses a serious risk of election fraud."

The outcome was not a surprise. Williams joined U.S. district courts in California, Illinois and Pennsylvania, as well as appeals courts in the first two states, in upholding the 1993 law.

Cases are pending in South Carolina and Michigan.

Deval L. Patrick, the assistant U.S. attorney general for civil rights, said he was "extremely pleased" by the decision, noting that "every

court that has decided the issue so far has agreed."

Objections to the law have had political overtones. Republicans contend that the law is an attempt by Democrats to gain strength at the ballot box, although reviews in other states have shown that has not happened.

There also has been a racial dimension because analysts consider the current system is more likely to keep out minorities and low-income Americans. Allen's critics had compared him to the segregationists who fought civil rights.

Judge Williams invoked the battles of that era when he questioned lawyers' on whether the governor's position was comparable to past de-

fenses of poll taxes. He asked if Allen was "standing in the courthouse doors" to block ballot access.

Although the judge drew no conclusion, he sounded sympathetic to Justice Department attorneys, who had charged the state with hostility to the law. Williams cited testimony from state election officials that "critically necessary" funding and staff were not being made available.

"This court will seriously consider getting whatever injunctive relief is necessary to secure compliance by the state," he said.

He denied a state request to delay implementation of the law until after the 1996 presidential race. However, it will not take effect in time for next month's legislative elections.

Advocacy groups who had joined the litigation hailed his ruling as a victory for Virginians, particularly the 1.6 million who are not registered. According to Census Bureau figures, only about 65 percent of the state's 4.6 million eligible voters were registered in 1992, ranking it 39th in the nation.

By overwhelming margins, though, those Virginians passed two provisions last November to ease mail-in requirements and end the state's practice of purging nonvoters after four years.

"Why, almost one year after the people of Virginia voted that they wanted motor-voter, is their top leader still fighting them?" asked Steven B. Pershing, head of the

American Civil Liberties Union in Virginia. "How can anyone be against more people having the ability to vote?"

Only last week, the administration ordered Department of Motor Vehicle offices in five localities, including Arlington County, to stop their practice of registering voters. All but one of those jurisdictions had done so long before Congress passed the national legislation.

On Monday, the state's top-ranking Democrat, Lt. Gov. Donald S. Beyer Jr., attacked both Allen and Gilmore for ignoring a "Virginia mandate" in favor of the voter measures. Beyer, who likely will oppose Gilmore in the state's 1997 gubernatorial race, urged them today to move on.

"It's time for the administration to listen to those Virginians," he said. "The money spent on this suit would be better spent expanding voting opportunities for Virginians."

The case had joined Allen's challenge with countersuits by the United States and 13 private parties. They included the ACLU, NAACP, Southern Christian Leadership Conference, the Richmond Crusade for Voters, People for the American Way, Virginia Common Cause, the Virginia Coalition for the Homeless, the League of Women Voters, the Association of Community Organizations for Reform Now and the American Association of University Women.

Clinton, to Make a Point, Vetoes Bill He Supports

By Ann Devroy
Washington Post Staff Writer

President Clinton yesterday vetoed the first spending bill of the legislative season, rejecting a measure he agrees with to score a broader political point against Republicans.

White House press secretary Michael McCurry announced that Clinton had vetoed legislation that would provide \$2.2 billion to run Congress, one of two annual appropriations bills for the new fiscal year that have reached the president's desk. He signed the other, a \$11.2 billion measure for military housing and facilities.

Clinton, according to McCurry, does not disagree with the spending levels and priorities in the legislative measure. In fact, he congratulated Congress in a statement for its "discipline" in reducing spending by \$200 million from last year.

The veto was necessary, McCurry said, because Congress should not be taking care of its business before it takes care of "the people's business"—business McCurry defined as many of the 11 other spending bills stuck in one dispute or another in Congress.

McCurry said Clinton used the veto to express concern over the "pretty pathetic" work on the budget by GOP lawmakers. "The president wants to say to them, 'Look, we've got to get down to business and get serious,'" McCurry said. "If they send this bill . . . after they completed the people's work, the president will be willing to take care of their business."

Tony Blankley, spokesman for House Speaker Newt Gingrich (R-Ga.), said, "It may be the first time in history a president has vetoed legislation with which he agrees."

But as Republicans were quick to point out, the legislation Clinton vetoed cuts legislative branch spending by almost 9 percent, while the short-term spending bill he signed over the weekend to keep government running could well trim it less. Neither the White House nor Republicans could say what the exact effect of the veto will be, and both said spending is not the issue in the bill.

Lawrence Haas, spokesman for the Office of Management and Budget, said that during the period of the continuing resolution, Oct. 1 until Nov. 13, Congress has the authority to limit cuts in its operation to whatever it wants. "Whether Congress makes out better under the continuing resolution or under the legislation is up to them," he said.

Clinton also took a swipe at Republicans in signing the military construction appropriations bill, which allows for spending at military bases to house troops. The approval came despite Clinton's objections to \$70 million in provisions that McCurry said were unnecessary. "You might describe them as pork," McCurry said. "And they will oink appropriately."

He said the \$70 million was a small enough portion of the bill to allow for a presidential signature. If Clinton were given the line-item veto as he has requested, "those certainly would have been provisions stricken from this bill," McCurry said.

Some administration officials said Clinton's veto has a disguised motive—getting Congress to approve similar legislation that includes the budget for White House operations. That spending bill is caught up in an unrelated controversy, but it also provides for an 11 percent cut in the operations of the Executive Office of the President.

McCurry insisted yesterday that Clinton was not holding out for his own funding. He said even if the president had gotten a companion bill to fund the White House, he would have vetoed the legislative branch measure.

The veto brought a blast of objection from Gingrich, Senate Majority Leader Robert J. Dole (R-Kan.) and Rep. Bob Livingston (R-La.), chairman of the House Appropriations Committee, all of whom accused Clinton of putting politics over spending cuts. Livingston called it "muscle-flexing with a veto pen" and the two Republican leaders warned the move would make it more difficult for the GOP Congress "to deal with this White House."

Clinton Apologizes for U.S. Radiation Tests, Praises Panel Report

By Gary Lee
Washington Post Staff Writer

President Clinton yesterday apologized to survivors of thousands of government-sponsored radiation experiments and accepted an advisory commission's recommendation that some subjects of the Cold War radiation studies be granted financial compensation.

"When the government does wrong, we have a moral responsibility to admit it," Clinton told a White House audience that included individuals who participated in the radiation research. "It offers an apology to the survivors and their families and to all the American people who must be able to rely upon the United States to tell the truth and do the right thing."

Clinton's statement brought a dramatic end to one of the most bitter sagas in American history. For a 30-year period beginning in the mid-1940s, the Atomic Energy Commission and other federal agencies sponsored 4,000 controversial radiation experiments, involving

tens of thousands of subjects, many of whom had no knowledge that they were test cases.

The experiments varied widely, from a project in which researchers exposed subjects' entire bodies to heavy doses of radiation, to cases in which pregnant women were given radioactive iron to determine what levels would show up in their babies, to a series of tests in which radioactive substances were released into the atmosphere without nearby residential populations being informed.

Yesterday Clinton praised the report of the Committee on Human Radiation Experiments, a panel he appointed in January 1994 to review federal involvement in radiation research and determine what—if any—steps should be taken to compensate victims and safeguard subjects of current government-sponsored research.

Ruth Faden, director of bioethics at Johns Hopkins University and chair of the 14-member panel, formally presented the committee's 906-page report to Clinton yesterday.

The panel's verdict, Faden said, was that

wrongs were clearly committed. "What most troubled the committee was the lack of respect for the American people that seemed to permeate the conduct of research," she said. "The period we examined was defined by arrogance. People had trust in their doctors, but the doctors who did the research often took advantage of that trust."

The panel's report concluded with more than two dozen recommendations, ranging from a proposal for new laws to safeguard the public against research abuses in the future to new regulations guaranteeing that future research will be conducted with full public knowledge.

The panel also recommended that subjects in three studies—about 30 individuals altogether—should receive financial compensation for being subjected to dangerous experiments without their knowledge, sometimes with severe medical consequences. And it established guidelines under which subjects from other experiments might receive compensation or an official apology.

The committee concluded that most of the experiments involved low doses that did not cause long-term medical damage to participants and said that it found no surviving subjects for whom it would recommend medical follow-up examinations.

The panel nevertheless found that abuses of the past were still possible in contemporary research. In some cases, patients with serious illnesses sometimes have unrealistic expectations about the chance that they will benefit from participating in research, the report said. In others, consent forms appear to be overly optimistic in describing potential benefits.

Responding to the recommendations, Clinton directed the interagency task force on radiation, composed of representatives from agencies responsible for the radiation research, to make provisions for compensating some of the victims and to prepare a point-by-point response to the panel's proposals. Clinton also established the National Bioethics Advisory Commission to help set new policies regarding

research in human biology and a review of ongoing government research projects.

Organizations representing radiation experiment subjects complained that the panel's definitions of who should receive apologies and financial compensation were too narrow.

"Any unbiased observer would conclude that most, if not all the experiments violated prevailing ethical standards and that the subjects of the experiments deserve an apology," said David Egilman, a spokesman for the Task Force on Radiation and Human Rights.

Rep. Edward J. Markey (D-Mass.), who first raised questions about the controversial research in the mid-1980s, promised that Congress will consider proposals for laws protecting participants in radiation studies and other research. He said the tests' survivors will receive a full hearing before any laws governing guidelines for compensation are passed.

Copies of the report can be obtained by writing to the U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pa. 15250-7954, or by calling (202) 512-1800.

Study Details the Culture That Drove Experiments

Scientists Worried About Safety, Not Consent

By David Brown
Washington Post Staff Writer

The report by the Advisory Committee on Human Radiation Experiments presented to President Clinton yesterday has rewritten the history of medical experimentation in the United States.

The product of 18 months of research and the length of three doctoral dissertations, the document will be required reading for medical ethicists for years to come. It probably will stir intense debate in some quarters of medicine. It may even find a popular audience.

The 906-page report traces the history of radiation research from 1944, when government and university scientists worked secretly and furiously to build an atomic bomb, to 1974, when the federal Department of Health, Education and Welfare issued rules for protecting human subjects in government-sponsored research.

Information about some of this research has trickled out in court cases, newspaper articles, and government admissions during the last two decades. Medical historians have written about a few of the thousands of research projects that exposed the healthy, the ill and, in some cases, whole populations to radioactive substances. Never before, however, has the era's story been told in such detail.

Although it is difficult to generalize about the behavior of dozens of agencies and hundreds of researchers engaged in thousands of experiments, a general picture of Cold War medicine emerges from the report. It's a portrait of men endowed with what seems like surprisingly modern scientific insights and concerns—laboring in an antique world of conformist and paternalistic morality.

Like their counterparts involved in risky research today, the scientists and government officials of postwar America worried about lawsuits and bad press. At times they held sophisticated discussions of medical ethics. Even the seminal phrase "informed consent" was coined in 1947, 10 years earlier than medical historians had previously believed, according to secret papers the committee uncovered. Like present-day scientists, those of the 1950s worried greatly about the hazards of radiation, and strove hard to make their research safe.

Another picture emerges, as well.

Most medical researchers of 40 years ago felt little or no need to ask patients if they wanted to have experimental therapies that might treat or cure their illnesses. Few were trou-

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bled by secretly enrolling patients into studies that, though not expected to cause harm, could not help them. It was a time in which prisoners and retarded people were enticed into research with small favors and deceptive explanations. It was a world in which agencies had high-sounding policies, but did little to disseminate or enforce them.

Surprisingly, very few people were physically harmed or killed as a result of thousands of medical experiments and environmental tests involving substances that everyone agreed were dangerous. Equally surprising, very few real heroes or villains emerge from the advisory committee's meticulous reconstruction of those events. Unlike other morally objectionable research—such as the Nazi death camp experiments or the notorious Tuskegee study of untreated syphilis in this country—many of the radiation experiments provided data that were and remain useful.

The report was written by the 14-member advisory committee, comprising mostly medical historians and ethicists, as well as one person representing the public. A staff of about 60 unearthed tens of thousands of documents, many of them declassified for the first time. The committee held 20 meetings, including four in places where survivors (or descendants of survivors) of medical experiments or "intentional releases" of radiation still live.

The report is unusual because of the breadth of activity that went into its creation.

The committee and staff are foremost historians. They analyzed letters, speeches, memos, minutes of meetings, press releases, medical charts and countless other documents, beginning with the Manhattan Project. They also functioned as investigative reporters, seeking out and querying subjects of radiation experiments and researchers who conducted them.

Seeking to understand the research milieu of the 1940s and 1950s, the staff carried out an oral history project, interviewing scientists who were starting their careers in various nonradiation fields of research four decades ago. To gauge how much has changed, the committee performed its own field work, asking patients in hospital waiting rooms what they knew and how they felt about medical experimentation.

Perhaps most important, the committee closely examined ethical principles and the question of how contemporary observers can judge the behavior of people, most of them dead, who lived and worked in another era.

On that question, the committee distinguished between the rightness or wrongness of past actions, and the blameworthiness of those who carried out the actions. In general, the report is harsher on the actions than on the actors, many of whom were operating in a culture that accorded physicians and government agencies far more trust than it does today.

The committee, however, did not refrain from judging the morality of decisions. In particular, the report's authors argued that timeless principles—principles such as "one ought not to deceive others," which predate the "discipline" of medical ethics—should have chastened postwar researchers.

"Although there have been changes in ethical values in the United States between the mid-1940s and the present, it is implausible that these changes involved the rejection or affirmation of principles so basic as that it is wrong to treat people as mere means, wrong to inflict harm, or wrong to deceive people," the authors wrote. "Thus, the advisory committee's evaluations of the human radiation experiments in light of these basic principles is based on a simple and, we think, reasonable assumption that, even 50 years ago, these principles were pervasive features of moral life in the United States that were widely recognized and accepted, much as we recognize and accept them today."

A major feature in the post-war ethical landscape was the Nuremberg Code, a statement of principles that came out of the court trial of Nazi physicians who conducted medical research on concentration camp inmates. Among

the code's provisions were that subjects of medical research must give their consent, that the research must be for the good of society and "not random in nature," that risk must be minimized and that subjects must be free to remove themselves from the research at will.

Some of these ideas—in particular the necessity of getting consent from subjects—were discussed as early as April 1947, when Carroll Wilson, the general manager of the Atomic Energy Commission, wrote to Manhattan Project officials, saying that "clinical testing" involving patients could go forward only if there was a prospect of medical benefit to the person, and only if consent was documented.

The secretary of defense adopted the Nuremberg Code as policy for atomic, biological and chemical warfare research by the military in 1953. This action was secret, and not revealed until 1975. There is little evidence the government made a concerted effort to make these new rules known to all researchers under its control, or to clarify many ambiguous issues, notably what "consent" meant in practice.

Nevertheless, the report shows, the notion that healthy people should not be exploited took hold earlier than the idea that sick people should not be exploited. In particular, the idea that patients could ethically be made part of "harmless" experiments that would neither improve nor worsen their conditions prevailed into the 1960s. The committee found, however, that scientists should have seen that the two groups—the healthy and the ill—were far more similar than different.

"Moral consistency requires the advisory committee to conclude that, if the use of healthy subjects without consent was understood to be wrong at the time, then the use of patients without consent in nontherapeutic experiments should also have been discerned as wrong at the time, no matter how widespread the practice," the committee wrote.

The report, however, is not a history of shocking moral obtuseness by the leading lights of science two generations ago.

Overall, government agencies undertook more detailed ethical discussions than historians previously believed. Even during the Manhattan Project, there was widespread concern about exposure of workers to relatively low levels of radiation—a concern that carried over to postwar research that employed radioactive tracers to study physiology and treat cancer.

Scientists at times decided to forgo experiments because of potential risk to research subjects, as in the case of experiments that were proposed in the late 1940s as groundwork for a nuclear-powered airplane. Ultimately, the aircraft project was scrapped because it would have been too hazardous to pilots.

Curiously, national security was virtually never cited by either scientists or government officials as reasons to keep most of the experiments secret. Fear of legal liability and embarrassment were far more often mentioned.

The committee found few examples where physical harm by government action could be proved. The major exception involved uranium miners in the Southwest, and the problem in that case was inaction.

European research, some dating to the 1870s, had shown that uranium miners suffered greatly increased rates of lung cancer. By the late 1940s, there was general agreement that radon gas was the cause. Throughout the 1950s and most of the 1960s, however, the federal government did not require that uranium mines be ventilated to reduce radon levels. As the sole buyer of uranium, the government almost certainly could have made that a condition of buying ore from mine owners.

Government scientists studied both the mines and the miners without adequately warning them of dangers, the committee found. More than 300 cases of fatal lung cancer might have been prevented if federal regulations for radon—first announced in 1967—had been required earlier.

Democrats Press Attack Over Medicare

Shalala Denounces GOP's 'Hidden Tax'

By Spencer Rich
Washington Post Staff Writer

Democrats continued yesterday their attacks against GOP plans to overhaul Medicare, with Health and Human Services Secretary Donna E. Shalala charging that Republicans would impose a "hidden tax on seniors," and Rep. Bobby L. Rush (D-Ill.) denouncing Republicans as "bloodsuckers" and "vampires" for their proposed Medicare changes.

Under the GOP plan, the growth of Medicare would be cut by \$270 billion over the next seven years to slow the program's 10 percent annual growth rate, avert insolvency of the Medicare hospital trust fund in 2002 and help balance the budget by 2002.

Democrats contend \$270 billion is far more than is needed to keep Medicare solvent for at least 10 more years and is designed partly to help pay for a \$245 billion tax cut Republicans want to give to the rich.

However, House Speaker Newt Gingrich (R-Ga.) said yesterday that a Senate Democratic counterplan to cut growth only \$89 billion over the next seven years is a "Band-Aid . . . not designed to save Medicare for a generation but only until the next election."

The GOP bill permits senior citizens to opt out of Medicare's traditional fee-for-service program and to enroll in a private health plan with Medicare paying the premiums.

But Shalala and Medicare administrator Bruce C. Vladeck, at an all-Democratic hearing convened by Rep. John D. Dingell (Mich.), the House Commerce Committee's senior Democrat, said there are financial land mines for seniors concealed in the bill's fine print.

■ In cases where the patient chooses a private plan in which doctors may bill patients directly for services, "Republicans have included no

statutory language in their bill protecting Medicare beneficiaries" from being charged amounts above what the doctor receives from the health plan, Shalala said. Under existing law, such additional charges are limited to 15 percent in excess of Medicare's recommended doctor fee. Shalala said that under the GOP plan, doctors and even hospitals "could charge seniors any amount they want for Medicare services."

■ The private plan could charge the patient "more copayments and deductibles" than would be the case in the traditional Medicare plan, Vladeck said.

■ An existing law that requires states to pay Medicare premiums, copayments and deductibles for low-income people would be severely weakened, with no absolute requirement that they continue to do so, even though some money would be set aside in state Medicaid programs to help do this, Vladeck said.

■ Medicare's premium payments for the private plans would be allowed to grow only about 4.9 percent a year. If the private plans' costs grow faster than that, Shalala said, "House Republicans would permit plans to charge beneficiaries additional, higher premiums."

A GOP health aide said Shalala's criticisms are "misreadings and exaggerations" of GOP bill provisions, adding, "We are not changing the basic principles of the current payment system."

In additional testimony, HHS Inspector General June Gibbs Brown said a variety of changes in Medicare fraud and abuse provisions in the GOP plan "will cripple the efforts of federal and state law enforcement agencies to control fraud and abuse in the Medicare and Medicaid programs" by weakening some penalties and increasing the government's burden of proof.

The harshest rhetoric of the day came from Rush, who said Republicans reminded him of an old horror movie about "the original bloodsuckers. . . . As soon as the light touches them, they vanish."

"The bloodsuckers in this Congress are led by Count Dracula," said Rush, apparently referring to Gingrich.

Craig Proposes, Gramm Opposes as GOP Vies Over Cuts

By Clay Chandler
Washington Post Staff Writer

Sen. Larry E. Craig (R-Idaho) seized the rope in the intraparty tug of war over tax cuts yesterday, urging Republican colleagues to adopt a "temporary" four-year tax reduction plan rather than the seven-year package endorsed by party leaders earlier this year.

But Craig's suggestion prompted a forceful yank in the opposite direction from another prominent Senate conservative, Sen. Phil Gramm (R-Tex.), who denounced the four-year proposal as "the worst idea I ever heard."

Republicans didn't sweep the House and Senate last November by promising voters "we're going to give you a temporary tax cut," Gramm declared. "If we had, [voters] would have laughed us off the campaign stump."

The dispute between Craig and Gramm reflects a widening rift within the GOP about whether it makes sense to push ahead with \$245 billion in tax cuts even though polls show the idea to be a loser with a majority of the voters.

The argument will take center stage when Congress resumes next week and members of the Senate Finance Committee consider tax proposals designed to benefit families with children as well as business and investors.

The committee sessions are shaping up as a test of the leadership skills of Senate Majority Leader Robert J. Dole (R-Kan.), whose hopes for the nomination may hinge on his ability to mollify GOP moderates and conservatives.

Some Republican senators—Alan K. Simpson (R-Wyo.), John H. Chafee (R-R.I.), Alfonse M. D'Amato (R-N.Y.) and Orrin G. Hatch (R-Utah)—have expressed misgivings about deep

tax cuts supported by Gramm and newly appointed Finance Committee Chairman Sen. William V. Roth Jr. (R-Del.).

Craig, who said he represented about a dozen conservative Senate Republicans, called a news conference yesterday to argue that his four-year proposal would help blunt Democratic charges that the GOP was slashing Medicare to fund a tax cut for the wealthy.

A memo by the staff of the Senate Steering Committee, a 35-member GOP discussion group led by Craig, estimates the four-year plan would reduce government revenue by \$152.2 billion, or about two-thirds the revenue lost by the seven-year tax cut plan.

But Craig contended the four-year plan also should mollify party conservatives because it would enable Republicans to campaign in the 1998 mid-term elections on extending or even enlarging the reductions.

"It would be highly unlikely that Congress would vote to take [tax reductions] away in an election year," a Steering Committee memo noted.

Craig also argued that many of the Republican tax cut proposals would become superfluous if GOP lawmakers succeed in scrapping the current income tax code in favor of a system that levies taxes based on what individuals spend, rather than what they earn.

Gramm has promised to vote against any tax bill that falls short of the \$245 billion reduction.

Television commentator Patrick Buchanan, another conservative contender for the GOP presidential nomination, joined Gramm in pushing Dole to stand firm on tax cuts. Buchanan, campaigning in Iowa, challenged Dole to "join the revolution" rather than search for a compromise on the issue. Dole had suggested Sunday that "maybe we shouldn't try to go all the

way to \$245 billion." On Monday, Dole attempted to reel back those comments, insisting that, "as far as I'm concerned, \$245 billion is the figure."

Meanwhile, Democrats proposed their own alternative to the Republicans' proposal for a \$500-per-child tax credit. Sens. Bob Kerrey (D-Neb.) and Joseph I. Lieberman (D-Conn.) proposed parents be allowed to put \$500 a year into tax-deferred individual retirement accounts for their children. The accounts, which the senators said could yield as much as \$1.3 million by age 60, could be tapped for 10-year loans for the child's higher education.

Kerrey and Lieberman said they will push for the proposal's inclusion in the budget reconciliation bill as a substitute for the Republicans' \$500 tax credit, although they did not appear to hold much hope that Republicans would go along. They will push the idea as separate legislation if it is not included in the budget package, they said.

Staff writers Helen Dewar and Eric Pianin contributed to this report.

FBI Agents Seize Documents in Brown Probe

*Searches Are First
Public Actions by
Independent Counsel*

By Jerry Knight
Washington Post Staff Writer

FBI agents assigned to the independent counsel investigating Commerce Secretary Ronald H. Brown searched the offices of WFTY-TV, Channel 50, this week and hauled away boxes of documents about the business dealings of Brown's former business partner, Nolanda S. Hill, according to station employees who did not want to be identified.

Agents armed with search warrants also obtained other documents from the Columbia home of Kenneth W. White, a former Channel 50 vice president and longtime business associate of Hill, sources reported.

The searches were the first public action by independent counsel Daniel S. Pearson, a former Florida judge, since he was appointed in July to investigate Brown's personal finances, includ-



FBI agents assigned to the independent counsel probing the personal finances of Commerce Secretary Ronald H. Brown, left, seized papers at the offices of Brown's former business partner, Nolanda S. Hill, right.



ing whether he violated federal financial disclosure laws by filing inaccurate reports of his business relationship with Hill, the former owner of Channel 50.

The independent counsel also was authorized to investigate other business dealings of Hill, who

operated more than a dozen different companies out of the offices of Channel 50.

Hill's TV firm, Corridor Broadcasting Corp., failed to repay more than \$20 million in loans that financed her purchase of the Washington station. The Federal

Deposit Insurance Corp. and the Resolution Trust Corp. took over her loans after the failure of the savings and loans that financed her purchase.

Hill lost ownership of Channel 50 and a sister station, WUNI Channel 27 in Boston, through foreclosure proceedings.

The new owners of Channel 50, Jasas Corp. of Dallas, had "offered in writing to grant access" to the records, said the firm's attorney, S. Cass Weiland. But the FBI instead obtained a warrant to search the offices.

"I'm confident the search warrants had nothing to do with Secretary Brown, who is not connected with Jasas or Ken White," said attorney Reid H. Weingarten, who represents Brown.

Hill's lawyer, Abby Lowell, said she is cooperating with the independent counsel. White did not return a phone call to his home.

Deputy Independent Counsel John O'Sullivan, former head of the criminal division of the U.S. attorney's office in Miami, said Pearson and his staff have decided not to comment on the progress of their investigation.

Democrats Seek to Widen FEC's Probe of GOPAC

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Campaign Panel Cites 1986 Gingrich Letter

By John E. Yang
Washington Post Staff Writer

The House Democrats' campaign committee yesterday asked the Federal Election Commission to broaden its investigation of early fund-raising and campaign donations by GOPAC, a Republican political action committee once headed by House Speaker Newt Gingrich (R-Ga.).

The Democratic Congressional Campaign Committee (DCCC) said recent news reports raise new questions about whether GOPAC was involved in congressional races before it was legally allowed to do so. The committee originally had complained about GOPAC's involvement in the 1990 election cycle, but yesterday's expanded complaint asks the FEC to examine GOPAC's activities beginning in 1986.

"It appears more and more like GOPAC was nothing but a giant slush fund," said House Minority Whip David E. Bonior (D-Mich.), Gingrich's chief critic in the House.

At issue is whether the fund-raising group, which had been established in 1979 to help elect Republican state legislators, gave money or generated support for House candidates before it registered as a federal political action committee, or PAC, in 1991.

Gingrich has repeatedly denied any wrongdoing in his stewardship of GOPAC, which he headed from 1986 until this May, when he resigned citing the pressures of the speaker's schedule. He has maintained that GOPAC did not participate in House races before 1991.

On Monday, The Washington Post reported that a letter Gingrich wrote in 1986 to a prospective GOPAC donor described the group's involvement in 22 congressional districts and might have suggested it was interested in congressional races before it legally could be. A lengthy piece in the New Yorker magazine this week quotes GOPAC officials describing the group's involvement in generating support for some congressional races.

Bonior also used yesterday's announcement to press again for the appointment of an outside counsel with broad investigative powers in the House ethics committee's probe of Gingrich.

"We all know that the only way to get to the bottom of this case is to appoint an unrestricted, unrestrained, fully independent outside counsel to investigate," he said. "We can't allow the outside counsel to be hamstrung. . . . An outside counsel must be free to peruse the trail wherever it takes him."

The ethics panel has not yet decided whether to hire an outside lawyer. The decision is likely to hinge on whether the panel's five Republicans and five Democrats can agree on how broad an investigative authority the counsel should have.

Then-House Speaker Jim Wright (D-Tex.) resigned in 1989 after an independent counsel began probing activities beyond the initial complaints against him. In that case, Gingrich had pressed for an outside investigator with a broad scope.

Also yesterday, the Congressional Accountability Project, a watchdog group associated with Ralph Nader, filed a complaint with the House ethics committee against Rep. Barbara Rose Collins (D-Mich.). The group asked the panel to investigate reports in *The Hill*, a Capitol Hill weekly newspaper, the *Detroit News* and the *Detroit Free Press* that Collins had congressional aides doing campaign and personal work, defrauded her campaign committee and pocketed money from a scholarship fund for low-income students.

Collins, who was in her Detroit district yesterday, would not comment until she had seen the complaint, according to her spokesman.

Overnight Mail Delivery Improves

Washington Area Also Shows Gains in Test, but Trails National Average

By Bill McAllister
Washington Post Staff Writer

The Postal Service boasted yesterday that it has maintained first-class overnight mail deliveries at record levels for a year, evidence that the agency is recovering from a massive collapse of delivery standards a year ago.

For the second consecutive quarter, the agency said it managed to deliver 87 percent of test letters overnight in 96 urban areas across the nation. That's 4 percentage points better than in the comparable quarter ending in mid-September 1994 and the best the agency has recorded in the final quarter of its fiscal year.

"There were skeptics who said it couldn't be done," Postmaster General Marvin T. Runyon said in a statement. "But we did it."

Scores in the Washington metropolitan area also showed marked improvement over year-ago levels, but all three of the area's postal areas remained below the national average. The Southern Maryland postal district, which covers the Maryland suburbs, had the best score in the region, with 85 percent of its test letters delivered overnight. That was a 12-point gain over the same period of 1994.

Next was Northern Virginia, where 83 percent of the letters were delivered overnight, a 7-point gain over 1994 levels. Washington was last with 82 percent of the letters delivered overnight, a 12-point gain over 1994.

After taking office in 1992, Runyon announced that his goal was to deliver 95 percent of local letters overnight. Since then other postal officials have said that 90 percent is a more realistic goal.

As in previous quarters, older cities continued to have the worst delivery rates in the continental states. None of the urban scores was as bad as either San Juan, Puerto Rico, or the Virgin Islands, where tropical storms were blamed for holding overnight deliveries to about 75 percent of test letters.

Baltimore recorded the worst score among the major cities with 81 percent, which placed it 1 percentage point below Chicago and 2 below New York, two of the most troubled mail-de-

livery cities. The Baltimore score, however, was 15 percentage points above 1994 levels.

The Postal Service has made much of the delivery improvement in an advertising campaign and Runyon sounded the same theme yesterday to the agency's board of governors. "This is service that customers can count on as we approach the holiday mailing season," the postmaster general declared.

In a related move, the governors approved the purchase of 104 more remote bar-coding systems at a cost of \$341.8 million. The approval came despite reservations recently stated by the General Accounting Office, which said the Postal Service was not achieving the savings it initially anticipated with the systems. The bar-coding systems allow workers at remote sites to electronically apply bar codes to letters whose addresses cannot be read by machines.

The system was supposed to be run by contract labor, but Runyon in 1993 decided to give the jobs to postal workers, raising the agency's costs. Einar V. Dyhrkopp, a postal governor from Shawneetown, Ill., called the GAO report "very disturbing," but William J. Dowling, the agency's vice president for engineering, assured him that the system will produce a "rate of return" of 27 percent to 37 percent of its costs.

Dowling also said the system will prove a worthwhile investment even if the American Postal Workers Union wins "a modest increase" in benefits for many of the so-called transitional workers who operate the system. Transitional workers are postal employees who do not have the same benefits and job protections as career workers.

Dowling, who is in his fifties, also predicted the agency would need some of the functions now performed at bar code facilities for the rest of his lifetime. Moe Biller, APWU president, said later that Dowling's comments undercut the Postal Service's long-held view that the facilities will be temporary.

"Management has been crying all the way to the bank," Biller said, noting Dowling's description of the system as highly profitable. He said Dowling's remarks prove that the bar-code workers need as many benefits as other workers. The union's dispute over transitional employee benefits will be decided by an arbitration panel this winter.

"There were skeptics who said it couldn't be done," Postmaster General Marvin T. Runyon stated. "But we did it."

John Paul Views America As Both Moral Ally, Rival

Mix of Praise, Scolding for U.S. Catholics Seen Likely

By Daniel Williams
Washington Post Foreign Service

VATICAN CITY, Oct. 3—Pope John Paul II, fitter than he has been for months, arrives in the United States Wednesday for his fourth papal visit, prepared to take on a country he regards both as a positive moral force and as a sometime moral rival to Vatican teachings.

During the Cold War, John Paul and the United States were seen as partners, even moral allies in the fight against communism, regarded by both as the scourge of the East. In the intense media coverage of this most visible of all popes, less attention was paid to his concerns about the West in general and the United States in particular: moral laxity, economic injustice, cultural imperialism.

But with Cold War worries now obsolete, issues that once seemed consigned to the background have moved to the forefront. "The concerns about the West were always there, but always obscured during the Cold War," said papal spokesman Joaquin Navarro-Valls. "And now maybe the pope has picked up the pace a little bit on these issues."

The 75-year-old pope has grown to admire Americans for their generosity, their dynamism and the role that civic rights such as those embodied in the Bill of Rights played in the building of the nation, Vatican officials say. But at the same time, they add, he is troubled by several contemporary positions held by many Americans on issues ranging from sexual mores to economic equality. And while such conflicts also exist with wealthy European countries, the pontiff regards the United States as far more able to extend its influence than other Western powers, and to some extent, than even the Roman Catholic Church.

"The United States is like no other in its reach," said Cardinal Pio Laghi, the Vatican's prefect for Catholic Education and a former Vatican envoy to Washington. "When it is raining in the United States, it gets cloudy in many other countries."

"The pope considers himself a moral superpower, and he has to confront the other superpower in this field," said the Rev. Thomas Reese, a researcher and Vaticanologist at Georgetown University. "The pope commands a worldwide community, but then in some ways so does the United States."

As is customary, John Paul will deliver a mix of encouragement and scolding to Americans in general and Roman Catholics in particular. He will urge Americans to fulfill values he regards as basic to their stated belief in freedom and human rights, Vatican officials say. But he will also voice his opposition to what he calls the "culture of death" in many Western societies. This phenomenon, to him, is exemplified by general moral confusion, indifference to poverty, acceptance of euthanasia and experimentation on human embryos, and defense of what he calls the "unspeakable crime" of abortion.

The focus thrusts the pope into a major arena of American political debate: The battle is over traditional and family values. Conservative Republicans are especially eager to pick up an indirect papal stamp of approval.

Vatican officials, worried that the pope could be perceived to be taking sides in domestic politics, are quick to point out that, taken as a whole, his positions are sure to make conservatives at least as uneasy as liberals. In particular, they note, he opposes cuts in social spending, is critical of the persistence and even deepening of poverty in free-market societies and opposes the death penalty.

"The pope is not eager to enter a domestic political discussion," Navarro-Valls said gingerly. "But he is willing to supply ethical reflections to guide political thinking."

"The pope can't be recruited politically," said George Weigel, president of the Ethics and Public Policy Center in Washington. "He's not about to be a chaplain for the armies of President Clinton or [House Speaker] Newt Gingrich."

John Paul is scheduled to open his visit by meeting Clinton Wednesday in Newark. The discussion will underscore the priority placed by the Vatican on relations with the United States. As he has repeatedly throughout the world, the pontiff will condemn abortion, a frequent focus of papal visits—and all the more so in the United States, where abortion is a hot-button issue in the budding presidential campaign.

In an effort to keep the subject from dominating the news, Vatican officials take pains to point out that the issue is but a piece of the larger papal message about America's responsibility as crusader for freedom and human rights in the world. It was a theme John Paul first raised in a 1987 cross-country U.S. tour, in which he both praised American freedom of choice and admonished listeners to make the right choice.

The interlocking themes of freedom and moral choice underlie parts of two of his landmark encyclicals. The 1993 letter "Veritatis Splendor" ("The Splendor of Truth") condemned moral relativism and asserted simply that some things are "intrinsically evil." In the encyclical "Evangelium Vitae" ("The Gospel of Life"), issued last spring, the pontiff listed the evils such as abortion that he termed symptoms of the "culture of death."

The United States is a particular target of such teachings because it wields a considerable global influence through its military and economic reach, its command of global media and its shining image for the world's poor,

Vatican officials say. "When the pope travels to the farthest reaches of Africa or Asia, he sees that people in some sense want to follow the American example," Navarro-Valls said.

Instruction is not the only tool of John Paul's Vatican. It has also been willing to go toe-to-toe diplomatically when it feels that the United States is officially pushing values that the church considers immoral.

Last year, Navarro-Valls headed the Vatican's public resistance to an American-inspired proposal to declare abortion a human right at the U.N. conference on population held in Cairo.

Journalist Tad Szulc, in his recent biography of the pope, wrote: "John Paul II tolerates no challenge to what he regards as the church's unquestionable and moral teachings, notably on the sanctity of life, even before conception."

The pontiff also fights a kind of rear-guard action by warning developing countries not to stray onto the Western path. On a recent visit to Slovakia, he urged bishops to use the same strengths they marshaled in the battle against communism to fight "the enemies of today," among them consumerism, hedonism and religious indifference. Using biblical imagery, he said that the "light of Christ" came from the East and that the "West has need of this light."

The pope's feelings of admiration and trepidation for America as a whole are mirrored in his view of the Catholic Church in the United States. In the Vatican's eyes, the American church is a powerful and wealthy institution whose members are admirably committed to volunteerism and who provide vast funds for a wide range of church activities. At the same time, the American Catholic trait of openly challenging Vatican teaching is disquieting to a hierarchy that strives for unity in form as well as substance.

Disputes fought in America over such issues as birth control or priestly celibacy echo throughout the Roman Catholic world in ways they do not when originating in France or Nigeria, for example, Vatican officials say.

The Vatican worries about the "pick-and-choose" reputation of American Catholics in their acceptance of church teachings, although some officials note that the American flock is far from the most rebellious—just the loudest.

"We should be so lucky to have a church in Italy that attends Mass as much as the Americans or is active in volunteering," Navarro-Valls said.

This is the pope's first visit to the United States since 1993. The centerpiece of the five-day trip, which ends Sunday with a Mass and parade in Baltimore, is a speech to the United Nations on Thursday. There, he will focus on ethnic conflict and the need of the world community to intervene to protect human rights against the ravages of national self-assertion. Earlier this year, he sanctioned the use of international force in Bosnia for the protection of civilians as a form of "just war."

He had been scheduled to address the United Nations last year, but difficulties with a broken right hip forced him to postpone the trip. As late as last Christmas, he appeared to have trouble walking and frequently appeared to grimace in pain. But as the year progressed, John Paul kept to an increasingly up-tempo schedule, including voyages to Asia and Africa as well as several countries in Europe. While he still appears to be in pain on occasion, fears for his general health have dissipated.

Pope Is Popular, His Teachings Are Not

A Majority of American Catholics Polled Say Church Is 'Out of Touch' With Their Views

By Laurie Goodstein
and Richard Morin

Washington Post Staff Writers

A majority of Catholics in the United States believe the church is "out of touch" with their views and a growing majority say their positions on religious and moral issues are better represented by local church officials than by Pope John Paul II, according to a new Washington Post-ABC News national survey.

Nevertheless an overwhelming majority of Catholics say they approve of the job that the pope is doing in leading the church. Their attitudes are a reflection of the enormous personal popularity cultivated over the years by the charismatic prelate who has reached out to his flock through mass marketed books and tapes, broadcasts and whirlwind tours like the one that starts today in Newark.

The survey reveals an increasingly apparent contradiction in American Catholic life: While Pope John Paul II is highly revered, his teachings are not.

Large majorities of American Catholics said they believe it is possible to disregard the church's teachings on abortion, pre-marital sex, birth control and divorce, and still be "a good Catholic." Majorities also favor ordaining women and married men as priests, despite the pope's forceful reiteration that church policy will not change.

"I call it the 'Italianization of the American Catholic Church'—the way that local Italians have for centuries related to the papacy," said the Rev. Richard McBrien, a theologian at Notre Dame and editor of the HarperCollins Encyclopedia of Catholicism. "When the pope passes you cheer, but you go home and do whatever you feel you have to do."

To American Catholics, the pope is "a flag . . . a reminder that we belong to something that is bigger than us," McBrien said. "But the reason why so many Americans think the pope is doing a great job is because the pope doesn't in any way interfere with or affect their own personal lives."

According to the survey, 82 percent of those who described themselves as Catholics said they approved of Pope John Paul's stewardship of the church while 15 percent disapproved and the remainder had no opinion. Forty-four percent said they strongly approved, while 38 percent said they only somewhat approved of the job the pope is doing.

Lori Weaver, 34, a secretary and mother in Elyria, Ohio, said, "He has good rapport with people. He's not hiding behind doors like other popes used to."

"People shouldn't question the pope's teachings as much as they do, because God put him on Earth for a reason," said Daniel Herrera, 18, a student in Ventura, Calif. "He's like Jesus on Earth, like one of the apostles."

But nearly six in 10 Catholics interviewed—58 percent—believed that the church was "out of touch" with the views of Catholics in America, while 39 percent disagreed.

"We can't go on having every Catholic family having 11, 14 kids," said Charlotte Malecki, 66, of Manassas, Va., who feels the church's strict stance on birth control is obsolete. "I don't know why they are so strict on that particular thing, seeing how the world is changing and how many chil-

dren are suffering because of it." She believes the church should allow abortion for victims of rape and incest.

The survey also found that a growing majority of Catholics feel that their views on religious and moral questions are closer to those of their local church leaders than to those of the pope. According to the survey, 62 percent of those interviewed said local church leaders better reflect their views while 25 percent said they were closer to the pope than to local church officials.

Those responses suggest a growing ideological distance between the pope and Catholics in the United States. Two years ago, only half of the Catho-

lics interviewed—51 percent—said local church leaders better represented their views on church issues, while 35 percent felt closer to the pope.

"The pope has a job to do, and that is to promulgate and protect the message or the truth of Catholic tradition in a universal way," said James Davidson, a sociologist of religion at Purdue University.

"The local priests, sisters and church leaders have to deal with the laity on a day-by-day basis, and have always tended to be more willing to translate or interpret those universal teachings in the most human and compassionate way they can, which means that they sometimes will either disregard or interpret the teachings in ways that the pope might not agree with."

Sylvia Orona, 45, a mother and mail stuffer in Sylmar, Calif., said in an interview after the poll that she is a very religious Catholic who attends Mass weekly. Recently a cousin of Orona's who suffered multiple miscarriages was told by a doctor to use birth control. The relative consulted her priest who told her to "do whatever is right for your health," even if it meant violating Vatican teaching.

Orona said that though she is a big

"admirer" of the pope, and that she relied on the the natural family planning methods approved by the church, she supported the priest who made the exception for her cousin.

The survey results reflect the debate within the Catholic Church here and abroad about how far to go to democratize, decentralize and modernize the church. According to the survey, 44 percent of the self-described Catholics interviewed said the church should "change its position on major moral issues in order to reflect the opinion of most of its members."

But 52 percent of those interviewed said they disagreed, believing that the church should maintain its positions even if those positions are counter to the majority opinion of church members.

The poll of 414 self-described Catholics among a pool of 1,530 randomly selected adults was conducted on Sept. 28 and 29. The margin of error for the Catholic sample is plus or minus 5 percentage points.

By overwhelming margins, Catholics interviewed rejected many traditional notions of what it means to be Catholic. According to the poll:

■ 93 percent said that someone who is using birth control other than the rhythm method, one of the natural techniques approved by the church, could still be a good Catholic.

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■ 85 percent said someone who divorces and remarries without church approval could still be a good Catholic.

■ 69 percent said a woman who obtained an abortion "for reasons other than her life being in danger" can still be a good Catholic.

■ 83 percent said someone having sexual relations before marriage could still be a good Catholic.

Catholics divided sharply when asked whether practicing homosexuals could still be good Catholics, with 51 percent saying they could but 45 percent disagreeing. And by a 3-1 ratio (74 percent to 25 percent), Catholics said married people having sex outside of marriage could not be good Catholics.

Overall, 53 percent of all Catholics acknowledged that they had done something the church considered sinful "because your conscience told you it was the right thing to do," while 46 percent said they had not.

The survey also found that a growing majority of Catholics said they looked mainly to their church to define what is right and wrong. According to the poll, 61 percent of Catholics interviewed said they "pretty much" followed the moral rules set down by their church, while 38 percent said they had "developed their own set of personal moral rules to live by."

Two years ago (August 1993), 52 percent of Catholics interviewed in a Post-ABC News survey said they fol-

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WASHINGTON POST-ABC NEWS POLL

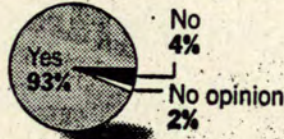
Q. In general, do you think the Roman Catholic Church is in touch with the views of Catholics in America today, or is it out of touch?

	In touch	Out of touch	No opinion
All	25%	58%	17%
Current Catholics	38	58	5
Non-Catholics	21	56	23

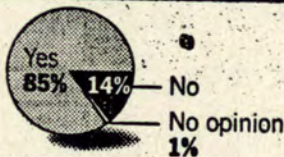
Q. Do you have a generally favorable or unfavorable opinion of Pope John Paul or don't you know enough about Pope John Paul to have an opinion?

	Favorable	Unfavorable	No opinion
All	64%	20%	16%
Current Catholics	83	10	7
Non-Catholics	58	23	19

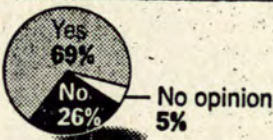
Q. (Asked of Catholics) Do you think someone who is using birth control methods other than the rhythm method can still be a good Catholic?



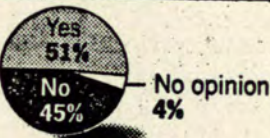
Q. (Asked of Catholics) Do you think someone who gets divorced and marries someone else without church approval can still be a good Catholic?



Q. (Asked of Catholics) Do you think a woman who has an abortion for reasons other than her life being in danger can still be a good Catholic?



Q. (Asked of Catholics) Do you think someone who is having homosexual relations can still be a good Catholic?



NOTE: Figures for this Washington Post-ABC News national survey are based on telephone interviews with 1,530 randomly selected adults, conducted Sept. 28 to Oct. 1. Margin of sampling error for the overall results is plus or minus 3 percentage points and the Catholic portion is plus or minus 6 percentage points. Sampling error is, however, only one of many potential sources of error in this or any other opinion poll. Interviewing was done by Chilton Research of Radnor, Pa.

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lowed church rules while 47 percent said they had developed their own personal moral code.

Large majorities continue to disagree with their church over allowing women and married men to become priests.

According to the survey, 65 percent of participants said women should be allowed to become priests, while 61 favored allowing priests to marry. That represents a significant shift in thinking from 1987, when only half of Catholics surveyed by the Post and ABC favored ordaining women as priests and allowing priests to marry.

Malecki said. "My goodness, even apostles were married. . . . I think that it would just make them understand a lot of the things that people go through."

The Post-ABC News poll found that older Catholics were far more loyal to the church: Eight out of 10 Catholics over the age of 60 said they followed church teachings rather than their own moral code, compared with fewer than half of those under the age of 30.

In other ways, the survey found that older Catholics are far more conservative—and far more isolated from other Catholics—in their views of the church and the pope. Two-thirds of all Catholics under the age of 60 said the church was "out of touch" with American Catholics. But among those older

than 60, more than half—56 percent—disagreed, saying the church was in step with the thinking of American Catholics.

Seven out of 10 Catholics older than 60 said they strongly approved of the job Pope John Paul II was doing, compared with four out of 10 Catholics younger than 60.

Davidson attributes the generational differences to the shifts in the ways Catholics were raised and taught about their church. "Older Catholics were products of the 1930s and 1940s and learned Catholicism the old-fashioned way. They memorized the Baltimore Catechism . . . were taught by priests and nuns, and the emphasis was on obedience and compliance with church teachings."

Middle-aged Catholics, who lived through the "whiplash" of change ushered in by the Second Vatican Council between 1962 and 1965, "grew up speaking Latin on the altar but by the time they were 18 or 20, were singing folk music at Mass," Davidson said.

And younger Catholics who have grown up entirely in the post-Vatican II world "have known nothing but a greater emphasis on democracy, on individual conscience. . . . The younger generation is more likely to trust their own moral conscience, because they've been taught to do that," with the church's help.

1973 Cigarette Company Memo Proposed New Brands for Teens

RJR Official Cited Need for 'Share of the Youth Market'

By John Schwartz
Washington Post Staff Writer

An official at R.J. Reynolds Tobacco Co. proposed marketing cigarettes to underage smokers as early as the 1970s—and even suggested that teenage rebellion might make the risks of smoking more attractive to that market.

"Realistically, if our Company is to survive and prosper, over the long term, we must get our share of the youth market. In my opinion this will require new brands tailored to the youth market," wrote Claude E. Teague Jr., then the company's assistant director of research and development, in a Feb. 2, 1973, memorandum.

The document, "Research Planning Memorandum on Some Thoughts About New Brands of Cigarettes For the Youth Market," lays out a clear strategy for attracting underage smokers. Teague wrote, "We are presently, and I believe unfairly, constrained from directly promoting cigarettes to the youth market," identified as "the approximately twenty-one year old and under group."

A copy of the memo was obtained by The Washington Post.

While "we should not in any way influence non-smokers to start smoking," Teague wrote, "we should simply recognize that many or most of the '21 and under' group will inevitably become smokers, and offer them an opportunity to use our brands."

The Clinton administration is proposing that the Food and Drug Administration regulate tobacco products as drug delivery devices in an effort to combat underage smoking. Because the memorandum outlines a program to attract the youth market and discusses a plan for the design of a youth-targeted cigarette—incorporating features such as lower nicotine content and less throat irritation than other brands—it would appear to bolster the FDA's case. FDA spokesman Jim O'Hara declined to comment.

Scott D. Ballin, chairman of the Coalition on Smoking OR Health, said that the memo "is clear and convincing evidence that they're targeting kids" and called it "one more nail in the coffin" for the industry's attempts to fight regulation.

RJR spokesman David B. Fishel called the memo "a draft document that reflects preliminary thoughts of one individual in research and development." Fishel said, "We have seen nothing that indicates that it was ever reviewed or acted upon in any way," adding that the document was not secret, having been produced repeatedly in court cases.

Reached at home, Teague said: "I wouldn't care to talk to you. I don't talk to

strangers. Why would I want to talk to you? What earthly gain would it be?"

Tobacco companies have vehemently denied that they market to underage smokers. RJR is currently running an advertising campaign that says FDA regulation of tobacco products is unnecessary and highlights the company's efforts to discourage underage smoking.

The Teague memo delineates a deliberate strategy to appeal to what it calls "learning smokers." Stating that the company should offer "new brands tailored to the youth market," it goes into great detail about the characteristics of such a new product. For example, it says, "The beginning smoker and inhaler has a low tolerance for smoke irritation, hence the smoke should be as bland as possible."

Along with considerations of taste, Teague discussed the precise nicotine delivery of a brand for young people—about 1.0 to 1.3 milligrams per cigarette. "The rate of absorption of nicotine should be kept low by holding pH [acidity] down, probably below 6," it says. RJR, Philip Morris and other tobacco companies have consistently denied that they manipulate nicotine levels.

Teague suggested that the new product should be marketed as a way to fight "stress . . . awkwardness, boredom" and other pressures of the teenage years, and as a way of achieving "membership in a group, one of the group's primary values being individuality."

Teague also suggested that smoking could boost self-esteem—and "the fragile, developing self-image of the young person needs all of the support and enhancement it can get."

The memo warns that the youth cigarette "should not in any way be promoted as a 'health' brand because 'psychologically, at eighteen, one is immortal.'"

The memo states that "the warning label on the package may be a plus" because "if the 'older' establishment is preaching against smoking, the anti-establishment sentiment discussed above would cause the young to want to be defiant and smoke."

RJR has often come under fire for marketing practices that the company's detractors assert are aimed at underage smokers, including the successful "Joe Camel" cartoon campaign. The FDA filings on tobacco regulation cite 1990 memos from RJR managers suggesting that company sales representatives identify stores "that are heavily frequented by young adult shoppers. These stores can be in close proximity to colleges, high schools or areas where there are a large number of adults who frequent the store."

When the Wall Street Journal published that memorandum in May 1990, the company called the memo a "mistake" because targeting to high schools violates company policy.

Proposal to Renovate District Building Is Outlined

Federal Government Tentatively Agrees to Long-Term Lease if Historic Structure Is Overhauled

By Howard Schneider
Washington Post Staff Writer

The federal government, in a move that could spur renovation of the historic but dilapidated seat of city government known as the District building, has agreed tentatively to lease two-thirds of the structure from the city if it is overhauled.

The federal General Services Administration last week signed a "memorandum of understanding" with developer T. Conrad Monts to negotiate a lease over the next few months for an estimated 130,000 square feet of office space in the building at Pennsylvania Avenue and 14th Street NW. City officials have authorized Monts to come up with a deal that would renovate the building at no cost to the city.

If Monts's plan is completed, it would give the grand but crumbling building at one of the city's busiest intersections a new tenant and a somewhat new look. The plan would add a floor on top of the building, which would be set back from the current facade, and would enclose a courtyard at the back of the building, which faces the massive Federal Triangle project. Three floors of the structure—which formally was renamed the John A. Wilson Building in honor of the late D.C. Council

chairman—would be occupied by the council. But the majority of the space would be occupied by the federal government for at least 20 years. The building now is mostly empty.

Monts submitted initial plans for the project to the council this week, along with a letter from the investment banking firm of Bear Stearns & Co. Inc. stating that the project as

***"It's an opportunity
for a win-win
situation."***

— Jim Bernard, spokesman for the
General Services Administration

currently described "would be financeable" once a lease from the GSA is in hand. Monts estimates that renovating the building would cost \$47 million.

"Members of the council are interested in having the building restored, and they want to do it at no cost to the taxpayer," said council Secretary Phyllis Jones, who has been overseeing the project. "That is why this is attractive."

In a cover letter to council Chair-

man David A. Clarke (D), Monts said his proposal would "allow for the complete restoration and renovation of the Wilson Building and its return to its grand monumental status as the seat of the District government."

Monts's plan would allow the council to continue occupying the ground, first and fifth floors of the building—the current location of the council's offices and legislative chamber. An as-yet-unnamed federal agency would move into the basement, second, third and fourth floors and get the entire structure to be built in the building's courtyard.

The final design also could include some limited "ceremonial" space for the mayor, to reunite the executive and legislative branches of government under one roof, Jones said. A spokesman for Mayor Marion Barry yesterday said the mayor would like to move his offices back there permanently.

GSA officials have said the space is attractive to them because of its proximity to the Federal Triangle project.

Many of the plan's details remain to be worked out, including final cost estimates. Monts said he can't renovate the building without a lease that generates enough income to pay for construction, maintenance over 20 years, temporary quarters for the council and other costs. And the

GSA won't sign a lease unless that translates into a yearly rent comparable to what is charged by other landlords in the area.

Those details won't be known for months, though GSA officials have said that preliminary economic studies indicate the project with Monts could work.

"It's a lot of stars to align, but doable," said GSA spokesman Jim Bernard. "It's an opportunity for a win-win situation."

Jones called the GSA's agreement with Monts "the first step" in the process.

The D.C. financial control board, which is interested in developing both long-term construction and office space plans for the city, must approve the deal. Local planning, preservation and architectural boards also will analyze it.

D.C. Council officials say they will review Monts's proposal but also will accept other ideas on how to renovate the building. Initially, however, they said Monts's plan appears to be an economical way to heal a building that appears to be very, very sick.

The building is riddled with fire code violations, asbestos and other safety hazards. Council staff members say they bring bottled water to work out of concern for the quality of the building's water supply.

U.S. Seeks to Fire Prosecutor in Va. for Alleged Misconduct in Cult Kidnapping Case

By Charles W. Hall
Washington Post Staff Writer

The Justice Department is seeking to fire an Alexandria-based federal prosecutor, saying he withheld evidence that could have exonerated a cult deprogrammer who was convicted of a 1992 kidnapping.

Lawrence Leiser, an assistant U.S. attorney for the Eastern District of Virginia, was suspended with pay last month and ordered to vacate his office after Justice officials concluded that he had engaged in prosecutorial misconduct.

Justice officials declined to comment on the case yesterday but said that such department actions were rare, adding that only 20 federal prosecutors have faced dismissal because of courtroom misconduct.

The charges grew out of a widely publicized case in which a New York cult deprogrammer, Galen G. Kelly, was convicted in 1993 of accidentally kidnapping the roommate of a member of a religious cult.

The conviction later was overturned by a federal appeals court after defense attorneys complained that the alleged kidnapping victim was a cult member and that prosecutors withheld information that she was under criminal investigation.

Leiser, 49, former head of the National Association of Assistant U.S. Attorneys, did not comment on the case yesterday. But Michael Rich, a fellow federal prosecutor who is helping Leiser to prepare an administrative appeal, sharply denied that Leiser had committed any ethical violations.

"We're going to meet these accusations head-on," Rich said. "We think we can disprove many of them and put the others in context. Once they are weighed by a fair-minded arbitrator, we think we will prevail."

Leiser was investigated by the Justice Department's office of professional responsibility after his handling of the Kelly case was re-

by John Hogan, chief of staff to Attorney General Janet Reno. He can approve or reject the recommendation to fire Leiser, or authorize a lesser punishment. Leiser can appeal any disciplinary action.

"We think we can disprove many of [the allegations]. Once they are weighed by a fair-minded arbitrator, we think we will prevail."

— Michael Rich,
adviser to Lawrence Leiser

jected in a written opinion by the 4th U.S. Circuit Court of Appeals in Richmond.

The ethics office's finding will be reviewed

by John Hogan, chief of staff to Attorney General Janet Reno. He can approve or reject the recommendation to fire Leiser, or authorize a lesser punishment. Leiser can appeal any disciplinary action.

In interviews, both friends and opponents described Leiser as a zealous prosecutor willing to take on tough cases.

But while several defense lawyers said he frequently took a hard line in shielding prosecution documents from defense lawyers, some questioned whether he intentionally violated evidence disclosure rules in the Kelly case.

"You could not convince me that Larry intentionally tried to obstruct justice or withheld materials from Galen Kelly's lawyers," said Robert Stanley Powell, who represented Kelly in the final stages of his case. "What he did was a bad judgment call, but one that was

not indigenous to Larry Leiser. A lot of federal prosecutors do what he did."

In the case, Kelly was seeking to lure Beth Bruckert away from a religious cult known as the Circle of Friends in May 1992. When a woman resembling Bruckert left her job, Kelly lured her into his van. The woman turned out to be Bruckert's roommate, Debra Dobkowski.

Kelly maintained that Dobkowski was a cult member seeking to set him up, by entering the van voluntarily and later claiming to have been kidnapped. Dobkowski denied in court that she had any ties to the cult—a claim that Leiser did not challenge.

The appeals court later ruled that Dobkowski's credibility was vital because she was the main prosecution witness. It also found that her testimony was "false in numerous respects and that the government at least should have known it was false."

THE FEDERAL DIARY

More Insurance Options

By Mike Causey
Washington Post Staff Writer

Vice President Gore, House Speaker Newt Gingrich (R-Ga.) and other congressional workers get one more bite at the health-insurance apple than most federal workers. So do FBI employees, Secret Service personnel, Foreign Service officers, rural letter carriers and postmasters, who all have an extra plan to choose from when selecting their 1996 health coverage. The insurance hunting season opens next month.

About half the people in the Washington area are covered by the federal program. Most can select from a dozen local health maintenance organizations or six national fee-for-service plans such as Blue Cross-Blue Shield, GEHA, Letter Carriers, APWU, Mail Handlers or the Alliance plan.

But because of their jobs or agencies, thousands of feds here also have the option of picking a special plan that is closed to most U.S. workers.

On Monday, we listed the 1996 premiums for fee-for-service plans. Yesterday the listing was for HMOs. Today it's for special plans not available to the general federal population but open to retirees or employees in special jobs or agencies. Here are the biweekly 1996 employee premiums:

Beneficial Association of Capitol Employees: single coverage, \$38.17, up \$15.47; family, \$106.59, up \$39.41.

Foreign Service: single plan \$12.59, down \$3.68; family plan, \$51.68, down \$6.22.

NAPUS (postmasters) plan: single, \$33.82, down 87 cents; family, \$68.62, up \$4.84.

Panama Canal plan: single, \$7.75, up \$1.95; family \$16.81, up \$4.24.

SAMBA (special agents) plan: single, \$14.03, up \$3.43; family, \$48.33, up \$10.86.

Secret Service: single, \$8.09, down \$2.41; family, \$33.37, down \$5.25.

Rural Carriers: single, \$22.31, down \$4.30; family, \$37.55, down \$5.69.

Mail Handlers Health Plan

A quick way to ruin most people's day is to show them the total amount of their health

insurance premium, not just the portion they actually pay. Most organizations, including Uncle Sam, pay a large portion of their employees' and retirees' health coverage.

The government pays about 72 percent of the total premium for retirees and nonpostal workers, and even more (because of the union contract agreement) of the premium for postal workers. The point is, the amount of the health insurance premium that most individuals and families see and pay usually is only a fraction of the total premium.

With that background, yesterday's column jolted lots of loyal policyholders in the Mail Handlers health insurance plan. In showing the 1996 premium for various health plans, I listed the total premium (government share and employee share) for the Mail Handlers, rather than just the amount employees pay. Sorry about that.

The 1996 biweekly premium for the Mail Handlers plan for nonpostal workers: high-option single plan, \$7.83 every two weeks, an increase of \$1.24 over the 1995 premium; high-option family plan, \$17.43, up \$2.77; standard-option single plan, \$5.74, up 72 cents; and standard family plan, \$12.46, up \$1.56.

Retiree Health Plans

Federal retirees pay the same premiums and get the same coverage as active-duty federal workers in the same health plans. But retiree premiums are paid monthly (rather than every two weeks), and many retirees are covered by Medicare.

The November and December issues of Retirement Life magazine will have special health insurance sections for retirees. Members of the National Association of Retired Federal Employees get the magazine free. Nonmembers may call 202-234-0832 for a sample copy.

Wednesday, Oct. 4, 1995

FOR MORE INFORMATION

To post questions or comments for Mike Causey, see *Digital Ink*, The Post's on-line service. To learn about *Digital Ink*, call 1-800-510-5104, Ext. 9000.

Muslims Attack Serb Positions Around Sarajevo

U.N. Assails Action, Which Violates Weapons Agreement and Could Jeopardize Peace Process

By John Pomfret

Washington Post Foreign Service

SARAJEVO, Bosnia, Oct. 3—Bosnian Muslim forces, backed by artillery, attacked Serb positions south of Sarajevo today in violation of an agreement with the United States and the United Nations not to use heavy weapons around the city.

U.N. officials said the attack, which attempted to cut a crucial Serb supply route that runs through the town of Trnovo, about 20 miles south of Sarajevo, risked derailing a peace process that has been energized over the last month by U.S. leadership. It also threatened efforts by the United Nations to force the Serbs to lift their 42-month-old siege of Sarajevo by giving the Serbs an excuse to stop opening roads out of the city, the officials said.

A U.N. spokesman called the attack "outrageous," and U.N. sources said John Menzies, the U.S. ambassador to Bosnia, who normally strongly supports the Muslim-led Bosnian government, was livid at the news of the assault.

The Muslim attack fits into a pattern of what one U.N. official called



"their frightening tendency to self-destruct" and raises questions, he said, about how clearly the Sarajevo government understands what it can and cannot get out of the changed strategic situation in Bosnia.

Like the Muslim government's unwillingness to stop fighting in northwestern Bosnia, where a Serb counterattack is gobbling up territory recently freed from Serb control, the strike around Sarajevo could backfire. It could cost the government impor-

tant political points at the negotiating table and possibly give the Serbs a reason to resume their attacks on the city.

Indeed, shortly after the attack began at 9 a.m., Serb forces called U.N. headquarters in Sarajevo requesting permission to bring their heavy weapons back toward this capital for "self-defense," a U.N. source said. The U.N. mission refused the request, but the source added that if the Muslims continue to violate agreements, such refusals would become more difficult in the future.

"If the Bosnian government cannot keep its word, it should say so," said Alexander Ivanko, spokesman for the U.N. Protection Force in Bosnia, unusually harsh words. Ivanko called the Muslim military push "an extremely destabilizing step."

Ivanko said government forces began their attack by firing heavy weapons from four collection points in the city south of the airport. He said the attack continued throughout the day and that detonations could be heard in the Trnovo area.

The Muslims are violating an agreement reached with the United Nations and the United States under

which they promised not to use their heavy weapons around Sarajevo except in self-defense. That agreement, concluded last month, came as part of NATO's efforts to force the Serbs to stop shelling the city and killing Bosnian civilians.

NATO launched two weeks of airstrikes against the Bosnian Serbs in September after a Serb mortar bomb killed 37 people in a Sarajevo marketplace. The Serbs only agreed to withdraw their heavy weapons from around Sarajevo when the government promised to silence its guns, except in self-defense.

Since withdrawing their weapons from Sarajevo, the Serbs also have allowed the United Nations to reopen Sarajevo's airport, closed since April, and resume moving aid into the city via a road that runs through Serb territory into Sarajevo. Gas and electricity supplies should shortly increase too.

FOR MORE INFORMATION

For updates throughout the day on the Bosnian peace talks and battles, see *Digital Ink*, The Post's on-line service. To learn about *Digital Ink*, call 1-800-510-5104, Ext. 9000.

Allies Fault U.S. On U.N. Arrears; Hill Draws Blame

By John M. Goshko
Washington Post Staff Writer

UNITED NATIONS, Oct. 3—America's traditional allies have turned the current meeting of the U.N. General Assembly into a litany of unusually harsh and bitter complaints about Washington's increasing reluctance to pay the \$1.3 billion it owes in overdue U.N. bills and assessments.

Since this 50th anniversary session of the assembly began last week, the foreign ministers of Britain, France, Germany, Spain, Canada, Australia and the Scandinavian nations have charged that U.S. failure to meet its responsibilities is the principal cause of the financial crisis besetting the United Nations.

Criticism of the United States is hardly a new phenomenon in the United Nations. But what is being said now is markedly different from the ritualistic attacks on "American imperialism" that came from communist and Third World countries during the Cold War.

This time, the barbs are being hurled not just by the old antagonists but also by America's closest friends. And they are aimed not at President Clinton and his administration but at what many of the critics bluntly call "the know-nothing, neo-isolationist attitude" of the new Republican majority in Congress. GOP control has brought into the ascendancy forces on Capitol Hill hostile to the United Nations—some with justifiable complaints about U.N. waste and inefficiency, and some who harbor deep-seated suspicions about U.N. plots to subordinate U.S. sovereignty to world government.

Some U.S. allies suggested that the world body get tough with "delinquent members"—a term they made clear was a thinly veiled reference to the United States—by charging them interest on late payments or suspending their right to vote on assembly business until they pay up.

In a line heard again and again in conversations among delegates, British Foreign Secretary Malcolm Rifkind summed up the prevailing attitude when he said: "No representation without taxation."

"It is very difficult for friends of the United States to feel they have to say these things," said an aide to Rifkind. "We realize that it is Congress that appropriates funds for the U.N. and that the administration can't control what Congress does. But from the outside it appears there is a schizophrenia in Congress that makes it impossible to know what the United States wants. It glories in the U.S. role as the world's foremost power. But it doesn't want to assume the financial burdens that go with that role."

Canadian Foreign Minister Andre Ouellet was even more outspoken: "If some short-minded congressmen do not realize the importance of the United Nations, they should be invited to come and spend more time in other countries to see the misery that exists in other parts of the world and how U.N. programs and agencies are contributing to the elimination of poverty and discrimination."

U.S. Ambassador Madeleine K. Albright said the allies "happen to be right" when they place much of the blame on congressional hostility. But, she added, the solution must be found "not by beating up on the United States but by heeding the Clinton administration's calls for far-reaching reforms" capable of convincing "reasonable members of Congress that a strong and vital United Nations is important to U.S. interests."

The tensions between the Europeans and other wealthy industrial nations, which scrupulously pay U.N. dues on time, and the United States have been building for years. Since the United Nations was created 50 years ago, the United States has paid roughly one-half its costs. For more than a decade, though, U.N. funding has been caught in the cross-fire of congressional budget-cutting battles, with the result that the United States is chronically in arrears on what it owes for the regular U.N. operating budget and its peacekeeping activities. Largely because of the huge increase in U.N. peacekeeping operations during the 1990s, the combined U.S. arrears now total \$1.3 billion.

Two factors brought the dispute to its current level of acrimony. Last week it was announced that as of Aug. 31, unpaid member contributions had exceeded \$3.7 billion, forcing the United Nations to borrow heavily from its peacekeeping funds to cover regular operating expenses.

If the countries in arrears—principally the United States—do not pay up, the equipment and troop cost reimbursements owed by the United Nations to countries contributing forces to peacekeeping operations will be more than \$1.2 billion by year's end, and the United Nations

will be unable to pay. Most of that money is owed to Britain and France for the sizable peacekeeping contingents they have in Bosnia and other parts of the former Yugoslavia.

At the same time, under legislation adopted by Congress in 1993, the United States, as of Oct. 1, unilaterally will cut its assessed share of this year's \$3 billion peacekeeping budget from 31 percent to 25 percent. That has enraged the Europeans, both because the United States acted on its own rather than negotiating a reduction within the U.N. system and because it will leave an estimated \$120 million shortfall in the peacekeeping budget. The 15 countries of the European Union, which collectively contribute 34 percent of annual peacekeeping costs, have said they will not make up the difference.

That has confronted the United Nations with a potential financing crisis that French Foreign Minister Herve de Charette told the assembly must be resolved within the next few months. He said France "has real doubts as to the legitimacy" of the U.S. move to reduce its peacekeeping contribution.

On the other side, Albright warns it would be a mistake to underestimate how hostile Congress has become toward the United Nations.

"It's not true of everyone, but the last election brought into Congress many people who don't have a clue as to what the U.N. is about. When I go to Washington to testify, I run into a wall of uninformed, gratuitous and irresponsible hostility. We are dealing with many members who know nothing and don't want to hear anything that might change their preconceptions," she said.

Albright and other U.S. officials do not think the situation is hopeless. They think congressional moderates and pragmatic conservatives, such as Senate Majority Leader Robert J. Dole (R-Kan.), instinctively realize it is not in the U.S. interest to isolate itself from allies or to sever its U.N. ties.

Albright also recalled that it was Clinton who originally said the U.S. share of peacekeeping costs should be reduced to 25 percent, and that Democrats still controlled Congress when it passed legislation cutting U.S. peacekeeping contributions.

Nevertheless, Albright and other U.S. officials said countries now criticizing the United States must help prod the United Nations toward reforms.

"For three years, I made the rounds, telling other governments that if there was not a move toward significant reform to reduce waste and inefficiency and a rejiggering of the cost burden, we were headed for a train wreck," Albright said. "But they didn't think the threat was real. Now everyone says they're willing to renegotiate. But there's a real danger that it might be too late."

MAKING WAVES

Slovakia's New Media Try to Shake Up State Monopoly

By Christine Spolar
Washington Post Foreign Service

Poke your head into the electric-blue halls of Radio Twist, one of the few private stations that have sprung up in a country in which press restraints are the rule, and some familiar Slovak voices are bouncing off the walls.

There's Adriana Hostovecka, whose contract was canceled by Slovak TV after an editor complained that Hostovecka looked disgusted when she announced election results last year; Peter Susko, a former Washington correspondent for Slovak Radio whose contract was not renewed after he contributed a mild on-air criticism of a trade delegation to the United States; Ana Vargova, another Slovak TV regular released earlier this year; and Jozef Hubel, a Slovak Radio correspondent in Warsaw whose work also had come under criticism.

Government pressure on the media has remained strong in this young democracy, which started operating on its own with the breakup of Czechoslovakia in January 1993. Most of it hits the state-owned media, but the frontier of independent media lies at the youngest of private stations. This summer, Radio Twist added four new reporters and is taking a crack at shaking up the state monopoly in electronic news.

"Sometimes the government does things you can't understand," said Andrej Hryc, one of the station's owners who also is general manager. "What I know is, I was able to get some very good people" to anchor what he plans to be stiff competition to the top state-run radio news program.

The battle of the airwaves may be the longest-running soap opera in this new democracy. Last winter, the ruling party of Prime Minister Vladimir Meciar overhauled the management of state television and radio, watched and listened to by more than 85 percent of the public, according to independent surveys.

Formal protests over abuses of press freedoms, lodged by the U.S.-based Committee to Protect Journalists, were pretty much ignored by the popularly elected government. Thousands of protesters who rallied against cuts in television satires, which apparently had poked too much fun at the Meciar's Movement

for a Democratic Slovakia, also were disregarded.

But the budding free market is starting to burst through the straitjacket that the state had imposed on the electronic media. This summer, an independent television station, Vasa Televizia or VTV, began broadcasting limited news programs through cable and satellite outlets estimated to reach about 60 percent of the Slovak audience. Media surveys show a growing number of viewers watching Nova Television, an independent Czech station that offers news shows.

And privately owned Radio Twist's entry in August into in-depth news programming, with a noontime show and a new license that this month doubles the number of its potential listeners, is the latest, if somewhat fragile, signal that press freedoms are taking root in Slovakia.

"It's silent pressure," said Hryc, who worked over the past 20 years on entertainment shows on radio and TV. "It's a special situation here. People might not be getting orders about how to report certain things, but people know. When someone is unsure about the situation, they're more cautious. There's an auto-censorship at work."

Hostovecka, a 25-year-old political reporter, said her case was not unusual. "I simply couldn't find work after I was let go. There was all kinds of pressure on people. Were we told to do certain things? No. But the government has different ways of pressuring—and when you have a family, when you have to care for them, there's no way you can fight the system."

State radio and television managers maintain that many jobs were lost to budget cuts. Jan Tuzinsky, general director of Slovak Radio, said that the radio remains independent of the government despite the fact that the parliament determines about one-fifth of its budget.

Tuzinsky speaks convincingly of freedom of the press to visitors, but regular listeners of the radio and some employees, say there is a restricted view of the world from the top-heavy management that runs state radio programs.

News reporters at the station, including a former vice director of Slovak Radio, are forming a union to combat what they see as political influence from top management at the station. As they see it, Tuzinsky expresses the opinion of the ruling party and has made high-level personnel changes, in the news,

features and political sections of the radio, based on party considerations.

"The atmosphere of Slovakia today is looking like communism times," said Jan Baranek, a union organizer. "It's an atmosphere of fear and control."

With the advent of a current affairs program this August, Radio Twist became the third radio outlet—after Slovak Radio and Radio Free Europe—with a reporting staff and news reports at the top of every hour. Hryc, a well-known actor in Slovakia, was an early member of the Public Against Violence movement that toppled the communist regime in 1989. Then, he worked closely with a fellow activist, Vladimir Meciar.

Hryc, 46, has long abandoned politics for business ventures, and the burly dark-haired actor probably is best known now as the voice of Fred Flintstone in cartoons recently acquired by state television. Hryc started the radio station with his brother-in-law and a skimpy bank loan to grab a piece of the market for "the twist generation—my generation that didn't have any radio station to listen to all day," he said.

Hryc said he rarely sees the prime minister now, except when Meciar occasionally makes an appearance at his radio station—a small coup for the station because Meciar usually resists interviews that he cannot control. "Some of my people are very aggressive," said Hryc. "That's fine. But the condition for this job is this: When they walk through that door they have to see the mistakes of the government and also of the opposition."

Radio Twist's impact will take months to judge. Hryc said he decided to add the news shows when he saw his station's ratings dropping daily, during the time slot that "Radiozurnal," Slovak Radio's current-affairs program, was aired. Since that time, his station has increased its signal to reach 2.5 million listeners, almost half of Slovakia's population, stretched across two-thirds of the country.

"I want people from the extreme left, people from the extreme right and people in between to come in here to talk. Listeners will make the right choices about what's out there. . . . We don't need to say to people what's right or what's wrong," Hryc said. "I think the listeners are clever and just need the facts. The opinions will be their own."

The Reliable Source

By Annie Groer and Ann Gerhart

A Little O.J. With Their Lunch

■ All over the area, the man who came to lunch was O.J.

At the Florida Avenue Grill, patrons "were jubilant, exuberant," said manager Ed Featherson. Between hugs and high-fives "everyone was just kind of screaming like at a football game. But there was also a sense of relief it was finally over."

The scene was repeated at the Players Lounge and Imani Cafe, both on Martin Luther King Avenue SE. "People were screaming, people were praying. Everyone was just very happy," said Imani owner Lamont Mitchell.

Not everyone.

At Morton's in Tysons Corner, carnivores in the jammed bar stood elbow to elbow with steak-laden plates. As the verdict was read, one shouted, "Ron Goldman's father is going to kill O.J."

Fed Chairman Alan Greenspan watched the verdict with U.S. News & World Report honchos—"We were all stunned," said magazine owner Mort Zuckerman—and then had a cozy boardroom lunch to discuss "M1" (as in money supply, not murder one).

The Silver Diner in Rockville turned off the jukeboxes and milkshake makers so patrons could hear the TV better, while at the Hard Rock Cafe, there was also absolute silence—and, said manager Fred Trabe, "there is never silence here."

Ditto for the Palm, where you could hear a dime drop. "I told you," a male voice rang out above the TV in the jammed bar. Hotshot divorce lawyer Sandy Ain said he'd predicted "guilty" from Day One. Democratic lobbyist Mike Berman remained in a booth in the back with a Watchman and a friend, signaling the verdict across the room to his Republican business partner, Ken Duberstein.

Some folks didn't care about missing the verdict. Civil rights lawyer Ralph Neas kept a longstanding date at the TV-less Bombay Club with the Rev. Basil Yender, headmaster of his Illinois military school.

Crowds were thinner than usual, though, at several tubeless venues, including the Hay-Adams (no White House or Cabinet officials in sight) and the Oval Room, where lobbyists Tom Downey and Rod Chandler ate early so their unnamed client could rush back to an office TV.



ASSOCIATED PRESS

Congress Is Becoming a Mom-and-Pop Business

Republican New York Reps. Susan Molinari and Bill Paxon have co-authored a small Bill (or Susan). Come Memorial Day, they'll have a baby.

"I'm very, very excited, and a little scared," said the expectant mother yesterday from her Staten Island office. "I keep waking up between 3 o'clock and 5 o'clock every morning and worrying about being responsible for another person." She has 600,000 constituents, of course, but she's certainly not responsible for them in the same way.

If all goes well, the baby should arrive just in time for the holiday recess—but Molinari and Paxon didn't schedule it that way. Congress's only married couple began trying to expand their family shortly after their

wedding 15 months ago. "We're no spring chickens," she said yesterday. He's 40; she's 37.

Already, Susan's characteristically blunt daddy, Guy Molinari, the former congressman from Staten Island and current borough president, is prodding his only child about her *next* baby. "This is a really big deal for him" and her mother, she said.

The lawmakers' offices are across the hall from each other, but there's absolutely no indication the new project is a result of that proximity.

It'll sure help, however, if they want to borrow the bassinet they chose for Rep. Enid Walcott (R-Utah) as a baby gift—and push their little bundle back and forth across the corridor.

NOW YOU KNOW...



Gore, changing the subject.

■ Tipper Gore appeared on the "Fox Morning News" yesterday to promote National Depression Screening Day. But questions about daughter Sarah's citation by Montgomery County police Friday night for underage possession of beer outside a party probably didn't

do a whole lot to elevate the second lady's own mood.

"Not only does she have to deal with the severe disappointment of her family and friends and herself, she has to deal with the

news media's attention, too. And she's only 16 years old," said Mrs. Gore. Spokeswoman Sally Aman said Mrs. Gore would have no more to say about the incident involving the third of the four Gore children.

■ Just a few hours before yesterday's O.J. Simpson verdict was announced, dozens of volunteers planted themselves outside Metro stations in Virginia to hand out purple ribbons affixed to small brochures. October is Domestic Violence and Sexual Assault Awareness Month; purple is the color.

■ We studied the picture of Antonio Banderas inside this week's Entertainment Weekly. He's supposed to be the hottest Hollywood heartthrob, so why does he look so skanky? The hair is lank, long and greasy. His black trousers are shiny and cheesy, and his big toes are



Banderas, "Philadelphia"-style.

painted with what looks like Vamp, the nearly black Chanel nail polish that no store can keep in stock. We found him much sexier in "Philadelphia."

■ Boy George and his makeup artist, Paul Starr, dropped into the Govinda Gallery in Georgetown

yesterday to look at the Howard Bingham photos of Muhammad Ali. The two chatted with gallery owner Chris Murray and swapped books—BG's new autobio, "Take It Like a Man," for the Ali picture book.

A Crown for Means's Daughter

■ Russell Means erupted in a yell when told yesterday that his daughter Tatewin is the new Miss South Dakota Teen USA.

"Of course I'm proud of her. She's the first Indian to win a pageant, to win anything, in the most racist state in the Union, South Dakota," said Means, always the activist, while in Washington on a national book tour for his autobiography, "Where White Men Fear to Tread."

"But I'm more proud that she wants to be a pediatrician," he added, "and that she won a national science award."

Tatewin, 15, who is one of Means's 13 children, won Sunday night. She may speak a bit too cynically, though, to go much further in the pageant system. Her question: "If you had a six-inch piece of string, what would you do with it?"

"I got the silliest question out of all of them," she told the Associated Press.

Her answer: "I would cut it up into tiny pieces and throw it away because it's totally worthless to me."

THE WASHINGTON POST
WEDNESDAY, OCTOBER 4, 1995

By John Carmody
Washington Post Staff Writer

Channel 26 announced yesterday that starting this week its cameras will be on hand at WAMU radio every Friday afternoon for the next six weeks to record the popular "D.C. Politics & Government" segment of the weekday "Derek McGinty Show"...

The hour will air on WETA at 11 p.m. ...

WETA says the six TV broadcasts will enable viewers, as well as listeners, to observe firsthand the provocative discussions among McGinty, Mark Plotkin, a political analyst and D.C. statehood advocate; and a variety of Washington journalists and guests ...

McGinty hosts WETA's public affairs show "Here & Now," which has been on hiatus since June but is expected to return this winter. His WAMU show is heard at 1 p.m. weekdays ...

"ABC World News Tonight" won the network news race last week, although cable coverage of those closing arguments in the O.J. Simpson trial look to have chewed considerably into the overall ratings for the week, which were down in both ratings and share by 18 percent from the same week a year ago ...

ABC led with a 7.6 rating and a 16 percent audience share, compared with a 7.2/15 for "NBC Nightly News" and a 6.8/14 for "CBS Evening News" ...

The cumulative average of 21.6/45 compares with a 26.4/55 for the same week a year ago ...

CBS News said yesterday that Charles Kuralt, the retired anchor of "CBS Sunday Morning" and creator of those delightful "On the Road" vignettes, is in stable condition following quadruple bypass surgery Monday at the New York Hospital Cornell Medical Center. He is in the intensive-care unit ...

Court TV plans to produce three new hour-long series for a Saturday morning program block aimed at children 8 to 15 to help the kiddies understand the U.S. justice system. They'll debut in March of next year ...

"Justice Factory" will be an interactive show that goes on location to discuss kids' issues such as school locker searches, legalization of drugs, etc. ...

"Fair or Foul" will summarize real trials and analyze them from a young person's vantage point, with kids in a studio audience ...

"Your Turn" will be an issue-oriented talk show in a town meeting format, hosted by Court TV's Carol Randolph (the Channel 9 grad) with kids acting as panelists ...

More O.J.

Rob Mennie, news director at Channel 9, estimated yesterday that 80 percent of the station's afternoon coverage of the O.J. Simpson verdict aftermath was done out of its own newsroom ...

Although WUSA helped itself to feeds from CBS, CNN and Court TV, sticking largely to coverage of the Washington scene was a considerable departure for a big network affiliate ...

Mennie defended his decision as giving local viewers what they wanted—a chance to hear their own voices, "getting the people's reactions" to one of the important crime stories of recent times ...

WUSA stayed mostly with CBS from 7 in the morning until noon, said Mennie, with local cut-ins of four to five minutes on the half-hour. Local coverage was anchored by Gordon Peterson, Maureen Bunyan, Chris Gordon and Joan Gartlan following the verdict in Los Angeles. In the field were Bruce Johnson, Jan Fox and Bruce Leshan, among others ...

Nine put three TV monitors outside headquarters on Wisconsin Avenue. They drew interested spectators all morning, but shortly before 1 p.m., when the verdict was read, several hundred viewers suddenly materialized, according to Mennie ...

Although going with local coverage for a story out of L.A. may have been risky, it's understandable. The new management at once-dominant Channel 9 is painfully aware of the gains made in recent years by Channel 4 in this market through its several campaigns stressing identity with the community, and it has vowed to make changes ...

Channel 7's news director, Gary Wordlaw, chose to stick with ABC News coverage all morning and again until 3 p.m., when the network gave "General Hospital" viewers; an important constituency, a major break ...

"I applaud Channel 9 for trying something different," Wordlaw said yesterday, apparently confident in the knowledge that ABC News coverage anchored by Peter Jennings satisfied his viewers ...

At NBC-owned Channel 4, the decision to stick with the network coverage was easy, according to news director Dick Reingold. "It was clear to us that NBC News had the resources we simply couldn't match" ...

"We had some local material at noon," he

pointed out, and had principal anchors Jim Vance and Doreen Gentzler "standing by all day, if local coverage had been required" ...

He pointed out that NBC News had some 40 cameras spotted at various locations around Los Angeles, with KNBC contributing considerably more ...

Reingold assigned Vance and Gentzler to anchor all the major news hours yesterday, with Susan Kidd, Jim Handly, Doug McKelway and Wendy Rieger covering the principals as they appeared on the satellite feeds ...

Fox-owned Channel 5 extended its noon news show over two hours, mostly devoted to local coverage, although video of the verdict was provided by Fox News from L.A. ...

WTTG News had cameras in Rockville, Alexandria and at the University of the District of Columbia ...

Up in New York, NBC News at first reported that between "500 and 800" people gathered at the familiar windows of the "Today" show at W. 49th Street and Rockefeller Plaza to watch the Simpson verdict, which was greeted by "some cheers and some gasps" ...

By late afternoon, NBC News's estimate of the audience had risen to "more than 1,000" ...

NBC News also bragged that the Sony Jumbotron on Times Square carried NBC News coverage of the verdict from noon until 2 p.m. ...

The "Today" show announced late yesterday that this morning's show will include interviews by Bryant Gumbel with defense attorney F. Lee Bailey and Juror No. 7 (Brenda Moran), while Katie Couric will interview lead defense attorney Johnnie Cochran. No times were announced for their appearances (Channel 4 at 7 a.m.) ...

(Cochran showed up live on "CBS Evening News With Dan Rather" last night and is due on "Larry King Live" tonight) ...

And ABC News's "Nightline" will air a 90-minute "town meeting" tonight from Los Angeles on the aftermath of the Simpson verdict. Ted Koppel anchors (Channel 7, 11:35 p.m.) ...

It will be interesting to see what A.C. Nielsen has to say today about audiences for the Simpson verdict, which all too many have predicted would produce the biggest TV audiences in history ...

But with much of America at work yesterday, millions had to watch the big news at 1 p.m. EDT on a TV set at a factory, an office, a restaurant or, gulp, a bar—none of which would be equipped with one of the 4,000-plus Nielsen peplemeters that count viewers around the country. Nielsen promises to have plenty of over-the-air and cable ratings, nevertheless ...

TV Ratingzzzz

Following are the top 20 network prime-time shows last week, ranked according to the percentage of the nation's 95.9 million TV households that watched, as measured by the A.C. Nielsen Co. A share represents the percentage of actual sets-in-use tuned to a particular program when it aired.

Rating	ER	Share	Network
1	23.4	39	NBC
2	22.7	35	NBC
3	19.6	36	ABC
4	19.3	31	NBC
5	19.3	29	ABC
6	19.1	32	ABC
7	18.4	29	NBC
8	17.7	27	ABC
9	17.5	27	NBC
10	15.6	25	ABC
11	14.7	25	ABC
12	14.6	21	CBS
13	14.2	21	NBC
14	14.1	25	CBS
15	14.0	22	NBC
16	13.6	23	ABC
17	13.6	21	ABC
18	13.0	22	ABC
19	12.8	21	CBS
20	12.8	21	NBC

ABC, which was supposed to be in Big Trouble this fall from a very competitive NBC, has managed to win its second straight week in the two-week-old 1995-96 season, due, in no small part, to Barbara Walters's interview with injured actor Christopher Reeve ...

None of the networks established any viewing records, however. CBS pointed out that "extensive cable coverage of the O.J. Simpson trial impact[ed] Tuesday, Wednesday, Thursday and Friday nights" last week. Indeed, the three big networks together were off 11 percent in ratings and 10 percent in audience shares from the second week of the season a year ago. With affiliate-short Fox thrown into the cumulative total, the four networks were off 10.2/8.5 in ratings and share ...

ABC averaged an 11.7/20 for the week ending Oct. 1, followed by a 10.9/18 for NBC, a 9.2/15 for CBS and a 7.1/12 for Fox ...

ABC and NBC tied for the lead in adults 18-49 for the week, both averaging 6.8. Fox was third with a 5.0 rating while CBS did a 4.3 ...

ABC won Monday, Tuesday, Wednesday and Friday nights; NBC won Thursday; CBS won Saturday; and NBC and CBS tied for the lead on Sunday night ...

JUDY MANN

The Atrocity That Won't Go Away

Remember that searing CNN documentary that showed a girl in a Cairo slum being genitally mutilated by two men? Remember the child screaming at her father, "Daddy, there is sin upon all of you!" Unforgettable, right?

It was shown during the U.N. conference on population and development in Cairo just two years ago. The Egyptian minister of health said the practice should be banned and mutilators punished. Rep. Constance A. Morella (R-Md.), who was at the conference and saw the film later, said she asked President Hosni Mubarak about the practice; he told her he didn't think it was going on anymore in Egypt. Talk about deep denial.

CNN had the guts to tell the horrible truth about what has happened to an estimated 100 million women and girls who have been subjected to some form of female genital mutilation. Performed without anesthesia, it is a practice rooted in ignorance and superstition—by removing sexual desire, men assume they can control women more effectively—and it practically guarantees the victims lifelong problems with infections as well as psychological and reproductive trauma. It is performed in secret, and girls are threatened with more harm if they talk. The CNN broadcast helped break the code of silence and has encouraged other media to cover the unspeakable.

It also brought worldwide embarrassment to Egypt, where an estimated 50 percent (a conservative figure) of the female population is subjected to a form of mutilation, usually the removal of the clitoris. But apparently the CNN film wasn't unforgettable enough. By the end of October 1994, the Egyptian minister of health, Ali Abdel Fattah, had reversed himself. Instead of outlawing the practice, he approved a strategy of educating parents about the negative results of the practice; if they still insist upon it, they will be directed to approved medical facilities to "save those victimized girls from being 'slaughtered' by unprofessionals," as he put it in a letter last week to Rep. Patricia Schroeder (D-Colo.).

Equality Now, a New York-based human rights group that has become a leading force in working to eradicate the practice, thinks the turnaround was a result of pressure from parts of the Islamic establishment, especially those based at the preeminent Islamic university in Cairo.

The Egyptian government's attempt to cloak

ritualized torture of girls in the guise of a medical procedure brings to mind the Soviet incarceration of dissidents in communist-sanctioned psychiatric hospitals—with the variation that this affects millions more victims. What is surprising is that the world remains shamefully silent. The United States has gotten far more exercised over the imprisonment of a Chinese American dissident than the announcement that Egypt will allow its hospitals to mutilate young girls.

This is not a country lacking leverage. Congress has approved more than \$2 billion a year in aid to Egypt, \$815 million of which goes for development and \$1.2 billion for military equipment and training. At the very least, there should be a provision forbidding U.S. aid to go to any medical facility that performs female genital mutilation. The U.S. Agency for International Development provides managerial and technical assistance and training, family planning programs and child health programs at Egyptian health ministry facilities. It also trains midwives in techniques for making people aware of the dangers of female genital mutilation. It would be the height of absurdity for a facility funded with our tax money to train people on how to eradicate the practice on the one hand and then turn around and perform the mutilation of girls on the other.

On June 7, the House passed a resolution urging President Clinton to help eradicate the practice by encouraging other nations to create clear policies against it, by banning it and by providing education and counseling about its dangers. It was passed partially in response to Egypt's move to cloak the practice in medical terms.

Meanwhile, in response to mounting anecdotal evidence that girls in immigrant communities in the United States are being mutilated, bills to outlaw the practice here are gathering momentum. The Senate passed legislation sponsored by Sen. Harry M. Reid (D-Nev.) that would give mutilators penalties of up to five years in prison. It directs the U.S. Department of Health and Human Services to collect data on how many girls have been subjected to this practice, to identify the immigrant communities where girls are in danger and to do outreach and education into those communities. Schroeder has introduced the same bill in the House.

It is time for Congress to come down hard and loud on this. The mutilation of girls has no place anywhere—especially on these shores.

LETTERS TO THE EDITOR

Actions That Count for More Than Marching

I have read Donna Britt's Sept. 22 column about the Million Man March on Washington coming this month. Although I do not plan to march, I do not begrudge my fellow black men who feel a strong desire to do so. But two things strike me about this march and its purpose.

First, marching has been a powerful tool that reached its peak in the 1960s. Haven't we come up with a better method to arouse people in 30 years? I think there are many bright minds out in the African American community who could come up with

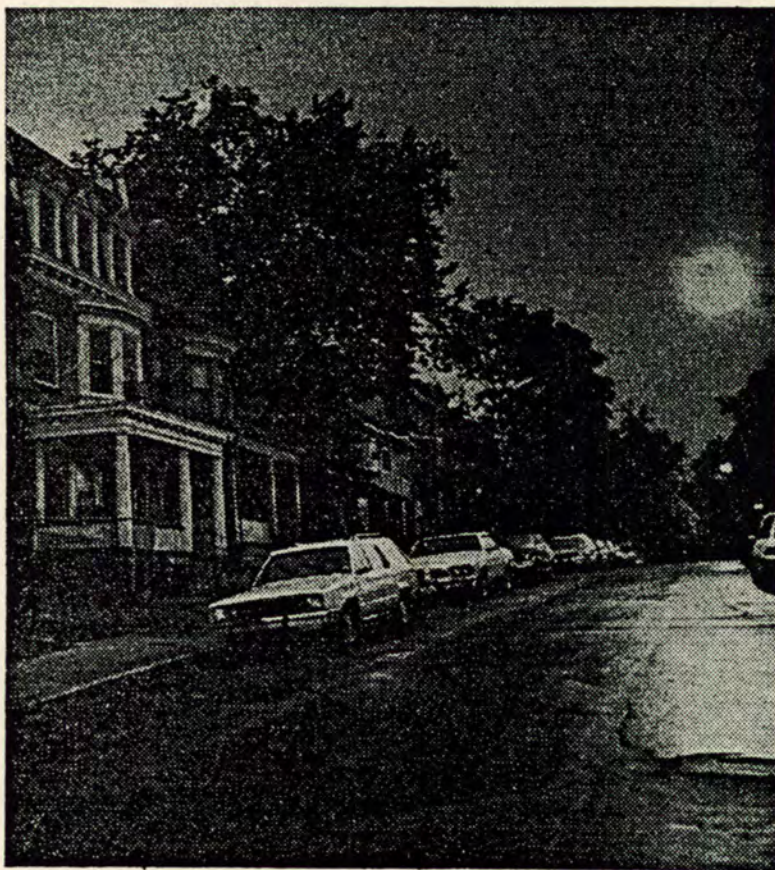
something better and more powerful than an anachronistic march.

Second, how does it challenge black men to come together and walk? Every month, I see hundreds of black men and women devoting countless hours of volunteer service to bring programs such as the Boy Scouts of America to the District, building the character of our youth. People doing these things make an impact more powerful than a march. It seems to me that it would have a much stronger effect if the organizers marched a million men into our troubled schools, say, four hours a

week to mentor, counsel and fight drugs and violence.

So far, the Million Man March doesn't sound like much of a challenge. Let's challenge each other to get out and do it, not just talk about it. For example, a million men could sign up to make at least one boy a protegee for at least one year. How about challenging the march organizers to sign up 2 million men next year to devote an hour a day to the schools of their choice? In the third year, challenge 3 million men to make youths in prison their proteges for at least a year. We need action, not more speeches.

JAMES J. LULLEN
Alexandria



BY GERALD MARTINEAU—THE WASHINGTON POST

Defenseless in the District

It should come as no surprise to anyone that the young professionals on Belmont Street are getting mugged regularly ["Tenants Mugged Coming and Going," front page, Sept. 27]. Young professionals are generally law-abiding, and District law prohibits carrying a handgun to defend oneself. Presumably, it's safer to get mugged, or knifed or shot.

I'm not an NRA member, and I don't think people need to own Uzis or AK-47s, but I see nothing wrong with private ownership of

handguns, provided that such ownership requires a background check, safety training and a permit. (Incidentally, the District already allows private ownership of rifles and shotguns.)

One Belmont Street resident is quoted as saying: "It's scary. It's like we're entering the Dark Ages." But our situation today is nothing like the Dark Ages. Back then, people were allowed to carry weapons to defend themselves.

LEO BOSNER
Washington

Apache Enterprise

The front-page story "Indians Demand Power, Economic Benefits as Free Markets Sweep the Hemisphere" incorrectly cites, as an "example of modern-day raiding parties into Indian Country . . . the potential storage of nuclear waste on the Mescalero Apache reservation." That example is about as far off the mark as it is possible to be.

The Mescalero Apache tribe expressed a potential interest in hosting such a facility to the Office of the Waste Negotiator during the Bush administration. It applied for and received a grant to investigate the feasibility and suitability of its reservation for an interim spent-nuclear fuel storage facility. It applied for a Phase 2 grant to continue the investigation, when the Clinton administration essentially pulled the plug on the voluntary siting program.

An election in March affirmed the tribe's interest in evaluating a proposal by a number of utilities to support the construction and operation of a spent-fuel storage facility on the reservation.

The Mescalero Apache tribe is not "being raided" for access to any of its resources. It has volunteered the relatively short-term (up to 40 years) reversible use of its land to make opportunities for developing the talents of its members to construct, manage and operate such a facility. The tribe now operates a resort hotel, gambling casino and a ski resort on its lands. None of these enterprises is the result of "plundering by whites," and all benefit their tribal owners.

MORTON J. GOLDMAN
North Bethesda

No Vested Interest Involved

The Sept. 21 news story "Lawmakers Move to Check CFC Phaseout" asserts that I have "strong ties to the nation's chemical manufacturers, including CFC producers." I assume that this characterization is designed to suggest that I have a vested interest in delaying a phaseout of chlorofluorocarbons (CFCs) rather than a well-founded concern about the inadequacy of the underlying science.

Only in the last paragraph is the reader informed that chemical companies like the Du Pont Co., once the nation's leading CFC producer, actually oppose my bill. The story does not mention that these former CFC producers have now become the leading manufacturers of CFC substitutes. Alas, a careful reader should be able to draw the proper conclusion about who has a vested interest in the rapidly approaching ban on CFC production.

JOHN T. DOOLITTLE
U.S. Representative (R-Calif.)
Washington

Oil in Azerbaijan

The Post's editorial "Pipeline Diplomacy" [Sept. 19] appropriately suggests a middle ground for U.S. policy. It is in our best interest to support pipeline alternatives through both Russia and Turkey.

But the editorial missed a mention of the prohibition on U.S. government assistance to Azerbaijan under Section 907 of the Freedom Support Act of 1992. The act provides U.S. assistance to all former Soviet nations except Azerbaijan. Is it not ironic that an oil-rich country such as Azerbaijan with which our government is trying to establish good relations cannot even receive humanitarian aid? After all, we are trying to get Azerbaijan's oil to the Western market, and in the process we expect our old ally Turkey and unsteady peace partner Russia to benefit from transit fees.

Letters should be signed and must include the writer's home address and home and business telephone numbers. Because of space limitations, those published are subject to abridgment. Although we are unable to acknowledge those letters we cannot publish, we appreciate the interest and value the views of those who take the time to send us their comments. Letters intended for publication should be addressed to Letters to the Editor.

In his Sept. 10 op-ed column, George Will accuses the American Civil Liberties Union of Wisconsin of using the First Amendment's Establishment Clause as a "flimsy pretext for attacking school choice" in its successful court challenge to Milwaukee's religious school choice program.

But our clients don't agree. The plaintiffs in this case are 14 Milwaukee-area parents and clergy. One is the religious education director at her church. Another, a rabbi, supervises an after-school religious education program for 450 youngsters at his synagogue. Still another is a minister who traces his denomination's support for the separation of church and state back to the Scottish Reformation. All are united in their belief that religious liberty would be the chief casualty if the "religious school choice program" were to go into effect.

The program—signed into law on July 26 but enjoined by the Wisconsin Supreme Court on Aug. 25—would

As the editorial correctly stated, the decision for the pipeline route is in private hands—but the decision for Section 907 is solely in the hands of our government. Why not repeal 907 so we can start building another reliable source of oil?

ASIL GEZEN
Herndon

I believe that many, including The Post, have been overstating the size of the oil reserves of the states of the former Soviet Union. The editorial "Pipeline Diplomacy" states that these oil reserves are of "Persian Gulf dimensions." The only attempt to quantify these reserves that I have seen recently stated that there are 4 billion barrels of recoverable oil reserves in Azerbaijan. This, of course, in no way compares to the oil reserves of the Persian Gulf states, which exceed 600 billion barrels—about two-thirds of the world's oil supplies.

To put this into perspective, the United States alone consumes approximately 6 billion barrels of oil annually. Relying on a region with limited oil supplies for our future energy needs—with its associated political, national security and pollution hazards—appears to be a shortsighted solution to this significant problem. As a nation, and as a world leader, we must look for an energy future not based on oil.

MORRIS ALTSCHULER
Rockville

Solid Constitutional Grounds

directly transfer taxpayer dollars to the bank accounts of religious schools. It would thereby force all Wisconsin taxpayers to support religious institutions, including those they find antithetical or even offensive to their own religious beliefs. It would also tend to make religious institutions dependent on government rather than the voluntary contributions of their own adherents.

This controversy is about religious liberty, which most Americans believe is too important to be dismissed as a "flimsy pretext."

CHRISTOPHER AHMUTY
Executive Director
ACLU of Wisconsin
Milwaukee

Clerical Confusion

As a longtime AIDS activist, I was pleased to see the coverage that was generated by the Sept. 23 AIDS Walk ["Thousands Raise Money, AIDS Awareness," Sept. 24]. But I have a minor correction to offer. The Rev. Richard Downing of St. James Episcopal Church on Capitol Hill was quoted (quite accurately) about the commitment he and his parishioners have made to AIDS awareness. His name, however, was misspelled as "Downling." It seems The Post's reporter was influenced by the television character.

GLENDIA S. HARDISON
Washington

The Washington Post

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PHILIP L. GRAHAM, 1915-1963

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Robert J. Samuelson

RIP: The War On Poverty

THE WASHINGTON POST
WEDNESDAY, OCTOBER 4, 1995

The war on poverty is over, and the poor lost. In one sense, this is old news. Clearly, all the funds poured into social programs since the '60s didn't end poverty. But it is new news politically: The poor have lost their national constituency. That's the meaning of this year's debate on "welfare reform" and Medicaid (health insurance for the poor). If the nation now has an anti-poverty strategy, it is this: Compel the poor to become more self-sufficient by making it harder to live off government.

When the Senate passed its welfare bill, the vote was a lopsided 87-12. The bill imposes a five-year lifetime limit for anyone to receive benefits under the Aid to Families With Dependent Children (AFDC) program. Hardly anyone talks any longer about "ending poverty." Some imagine curbing or containing it, but the whole subject is slipping from the national agenda, and program responsibilities are being assigned to states. Writes Isabel Sawhill of the Urban Institute in Washington:

"The fundamental question here is whether we should abandon the broad national purpose of reducing poverty. Those who argue for a continuing federal role do not necessarily assume that the states are uncharitable. They only assume that any one state, acting generously, risks the possibility that its neighbors will not follow suit and will be left with a disproportionate responsibility for the poor."

In effect, Congress has dismissed such anxieties. Barring a dramatic reversal, the "entitlement" status of both AFDC and Medicaid will end: The federal government will no longer pay benefits to anyone who qualifies. Instead, Congress will convert these programs into "block grants" that give the states fixed amounts. Future spending, though sizable, will fall below levels now anticipated for today's programs. Under the Republican plan, federal Medicaid spending in 2002 is projected to be \$124 billion. That's up nearly 40 percent from 1995 levels, but it's \$54 billion below what's estimated for the present Medicaid program.

This marks the century's third great upheaval in social-welfare policy. The first occurred in the early decades in response to industrialization; states enacted workman's compensation (insurance against industrial accidents) and widows' benefits for mothers. The second was triggered by the Great Depression, which drew the federal government into creating massive job programs, unemployment insurance, Social Security and AFDC. This phase climaxed with LBJ's war on poverty, the passage of Medicare and Medicaid in 1965 and Nixon's expansion of food stamps.

In the third upheaval, there's a new division of labor. States assume more responsibility for the non-elderly poor; the federal government keeps most responsibility for the elderly and the disabled. (On this, Medicaid poses a problem. Although about 70 percent of its beneficiaries are women and children, nearly 70 percent of its spending goes for the poor, elderly and the disabled, much of it for nursing homes.) The shift results both from the failure of the present system to reduce long-term dependence and from its rising costs. Between 1988 and 1994, Medicaid spending grew 166 percent. True, the state and federal governments already share costs for AFDC and Medicaid. But perverse political incentives have spurred higher spending, notes Michigan Medicaid director Vernon Smith.

Consider why. Congress could expand Medicaid benefits without bearing the full costs; it had only to cover the federal fraction of spending (now about 57 percent). In the 1980s, Medicaid eligibility was repeatedly enlarged, and states complained about "unfunded mandates." But states were hardly innocent. They, too, "gamed" Medicaid—using gimmicks to raise spending artificially and collect more money from Washington. Everyone tried to shift costs, not control them.

Block grants would shatter this system. States would set eligibility and coverage rules; but they couldn't win more federal dollars by manipulating spending. They would simply get a fixed grant. Michigan's Smith thinks spending can be slowed without cutting needed care. States, he says, will use more "managed care," trim overhead costs and "emphasize personal responsibility so that the health system is used appropriately."

Maybe. But skeptics abound. Last week Hillary Rodham Clinton accused Republicans of cutting health "coverage for millions of children." Critics think Congress will slowly reduce spending on the poor and that states—driven by what political scientist Paul Peterson calls "the race to the bottom"—won't compensate. The fear: High benefits will lure too many of the poor, or high taxes will repel too many businesses. Already, state and local taxes are near record levels, says Steven Gold of the Center for the Study of the States. In 1994, they totaled 11.7 percent of personal income, slightly below the peak of 12.4 percent in 1973.

On the other hand, some critics don't think the cuts in social spending will much affect the poor. In the *Wall Street Journal*, Michael Tanner and Stephen Moore of the Cato Institute write that existing welfare benefits—AFDC, Medicaid, food stamps and a few others—can easily reach \$17,500 for a family of three: more than the unskilled can earn from work. The present proposals won't sharply reduce these amounts, say Tanner and Moore; and long-term dependency won't decline unless benefits are cut "substantially" to make work more attractive.

In truth, no one knows whether the new policies will victimize the poor, hardly affect them or do something else. Even estimating "cuts" is hard, because spending projections are iffy. For example, cost projections for the present Medicaid program presume that the number of recipients is about a third higher in 2002 than in 1994. That's not certain.

What is certain is that the old politics of poverty are dead. We've debated a long reappraisal. Before this year's debate is finished, there will be plenty of haggling over details and dollars; there may even be a few presidential vetoes. But the shape of things to come is clear. Romantic visions are gone; cost control is driving change. Perhaps Medicaid will ultimately be scrapped. Its mix of basic care for poor families and nursing-home care for the elderly is messy. Someday states may assume all costs for the young, and the federal government may assume all costs for the old. The new welfare system is a work in progress, and only time will tell whether it's a work of progress.

David S. Broder

The General And the GOP

The events of last week have sent a signal to Colin Powell that his best chance at the presidency may be to run as a Republican, just as they sent Republicans a message that they may need him if they are going to win back the White House.

The retired general may not like the idea, for he plainly values his independence. And some Republicans sure are unhappy because they gag on one or more of the positions Powell has taken during his book promotion tour: support of affirmative action, gun controls and abortion rights, and opposition to some of the more drastic cuts in domestic programs.

But last week brought the end to California Gov. Pete Wilson's candidacy for the Republican presidential nomination. It brought the news that Ross Perot is forming his own party for 1996. And it brought growing evidence that President Clinton is positioning himself smartly on domestic and foreign issues for another presidential campaign.

Each of these was significant in itself. In combination, they spell big headaches for the GOP.

Wilson's decision to end his faltering campaign was a rebuke to conventional wisdom. Most Republicans—and most press commentators—thought he would be a strong candidate, because of his track record in the vital California battlefield and his alacrity in exploiting the so-called hot-button issues of crime, immigration and affirmative action.

That was wrong. Everything Wilson did looked opportunistic and contrived, and the voters were turned off. Wilson's demise was a great relief to the White House, which sees no way for Clinton to win reelection without carrying California. And it clearly carries a warning for others, including Senate Majority Leader Bob Dole of Kansas, who are tempted to abandon their moderate records in order to espouse issues that excite the vocal right of their party.

Clinton now beats Dole regularly in national opinion polls. It is a long time until Election Day, but the Clinton administration's foreign policy, which looked so inept for so long, is beginning to rack up some wins. When the fierce rivalries of the Middle East yield to East Room handshakes and agreements, it is no bad thing for the president. Even the Bosnia mess that Clinton inherited from George Bush looks a bit more hopeful.

And at home, the president has positioned himself on the popular side of the health debate. A year ago, Republicans were clobbering his reform proposal as big government run amok. Now he is doing the same thing in reverse to their Medicare and Medicaid plans.

And then there is Perot. The Dallas billionaire's decision to try to qualify a new Independence Party for ballot position in all 50 states came as a body blow to the Republicans' hope that in 1996 they could collect all the anti-Clinton votes in one basket. A candidacy by Perot or any surrogate he might recruit would be a boon to Clinton, opening the possibility that, as in 1992, he could win a plurality victory over a conventional Republican candidate.

With Wilson out and Dole looking more and more like he might lose to Clinton, it is possible that Republican primary voters will take a second look at Sen. Phil Gramm of Texas, former Tennessee governor Lamar Alexander or some of the dark horses in the field.

But all this really works to Powell's advantage—if he decides next month to gamble and go for the Republican nomination. With Wilson gone and Sen. Arlen Specter (R-Pa.) going nowhere, Powell would be the lone entrant in the GOP field espousing conservative economics and moderate or progressive social policy. That's a combination that has worked well for Republicans in both primaries and general elections in California, the Midwest and the Northeast. In New Hampshire, site of the leadoff primary next February, polls show Powell tied with Dole for the lead, and prominent Dole backers in the state are saying privately that Powell has great appeal.

Conservative ideologues like former Reagan aide Gary Bauer are warning already that a Powell nomination would reverse 15 years of domination by their wing of the party. But the fact that Powell as a Republican nominee runs 10 to 15 points ahead of Clinton, while no one now in the Republican field is beating the president, can overcome a lot of purist doubts.

Not all of them, of course. Were Powell to win the Republican nomination, you could expect to see Pat Buchanan running as an independent America First, antiabortion candidate, probably splitting the dissident vote with Perot or the Perot proxy. Powell would still be the favorite in that kind of race, and American politics would be transformed.

The risks in running for the Republican nomination are obvious, but so is the potential payoff. It all depends how gutsy the general is.

Circus of the Century

THE WASHINGTON POST
WEDNESDAY, OCTOBER 4, 1995

Hyperbole expands in societies where articulateness atrophies, so the circus in Los Angeles was called "the trial of the century," which puts the proceedings at Nuremberg in an interesting perspective. Actually, from the start it was the jury that was on trial. It did not acquit itself well.

Incited by Johnnie Cochran—good lawyer, bad citizen—to turn the trial into a political caucus, the jurors did that instead of doing their banal duty of rendering a just verdict concerning two extremely violent deaths. The jurors abused their position in order to send a message about racism, police corruption or whatever.

There was condescension, colored by racism, in some of the assumptions that the jurors would be incompetent jurors and bad citizens—that they would be putty in the hands of defense attorneys harping on race, that they would be intellectually incapable of following an evidentiary argument or, worse, they would lack the civic conscience to do so. But those assumptions seem partially validated by the jury's refusal even to deliberate.

Life is full of close calls, but the question of O. J. Simpson's guilt was not one of them: If 90 percent of the evidence against him had been excluded—indeed, if the defense had been allowed to decide which 90 percent would be excluded—the remaining 10 percent would have sufficed.

Ten percent of the evidence would have sufficed had evidence been germane, which it was not when the trial was transformed into a seminar on Mark Fuhrman's viciousness and society's defects.

The defense brassily said to the jury approximately what Groucho Marx said in the movie "Duck Soup": "Who are you gonna believe, me or your own eyes?" The result has been a lesson about what happens when the reckless, rampant politicization of life encompasses even the criminal justice system: People get away with murder.

This case—which has given a new cast to the familiar question, "Can a black man get a fair trial in America?"—leaves a debris of



BY DAN FOOTE

disturbing facts: The defense team demonstrated that if you have enough money to throw at the criminal justice system, you can tie it up, like Gulliver among the Lilliputians, with a thousand threads of procedural tangles. The incompetence, or worse, of public institutions such as the Los Angeles coroner's office is even worse than you thought. The experience of the African American community with police departments often is beyond the comprehension of white Americans.

Another chilling residue of this debacle should be the realization that nothing—no institution, no pattern of civility—is spared the ravages of racial thinking. For more than a generation now, public policies such as affirmative action, the racial spoils system and the cult of "diversity" have been teaching the nation that groupthink is virtuous. Such policies have taught this by encouraging identity politics—the politics of thinking that you are but a fragment of the racial or ethnic group to which you belong and you have few if any obligations beyond it. Such policies have taught this by making it admirable—and lucrative—to identify with grievance groups defined by their resentments of the larger society. Such policies have taught this by accommodating the doctrine of categorical representation—the doctrine that the interests of a group can be understood, empathized with

and properly represented only by members of that group. Given all this, it is not surprising that the jurors had no pangs of conscience about regarding Simpson merely as a member of a group—and not seeing his victims at all. People who think "race-conscious remedies" for this or that can be benign are partly to blame.

At least there should now be sober reconsideration of the presence of television cameras in courtrooms. One question is whether it is good for society to treat the criminal justice system as a source of entertainment. It simply will not do to chant the mantra about "the public's right to know." The impulse often behind that is just voyeurism tarted up in rights talk. The public's "right" to whatever entertains it is not sovereign over considerations of the moral standing and proper functioning of the criminal justice system.

Regarding the latter, Cochran himself says that he believes some of Judge Ito's rulings during the trial were made as they were because the world was watching. If so—if cameras are not a passive presence, if the act of observing alters that which is observed—then the case against cameras in courtrooms is irrefutable. And so perhaps it is possible to hope that the Simpson circus, which was without precedent, will not be any similar circus's precedent.

Richard Cohen

America's Racial Divide

"You are the ones who send the message," Johnnie Cochran told the O. J. Simpson jury in his summation. Well, yesterday that message was received and it was, when you thought about it, nothing new. The Kerner Commission had a similar message back in 1968 after the urban riots of the time. We are two nations—one black, one white. Yesterday, one celebrated Simpson's acquittal, the other did not.

For months the polls have been telling us a sad tale. In a recent one, 64 percent of whites were convinced of Simpson's guilt. Among blacks, the figure was a measly 12 percent. An overwhelming number of whites (74 percent) thought Simpson was getting a fair trial. Among blacks, only 45 percent thought so—although probably many more do now. These numbers, and what you heard on the street, very simply said that blacks and whites looked at the same trial and saw things entirely differently. At the verdict, whites gasped and blacks cheered.

But those polling figures, as bad as they may seem, didn't tell half the story. Simpson, after all, was an unlikely figure to wind up so racially polarizing. When he was first arrested, he was derided by some black commentators as virtually white. He had married a white woman, for one thing. He was rich and well-connected. Long ago, he had purged the ghetto from his speech. Yet in the end, Simpson stood at the very center of Ameri-

ca's racial divide—whites on one side, blacks on another.

As of this writing, the jurors have yet to speak—and given the length of their service, they are entitled to their book contracts or whatever goodies they expect. They might well say that race had nothing to do with their verdict, but I doubt it. My guess is that Mark Fuhrman, the racist, lying L.A. detective, lost the case for the prosecution. The jury heard a tape of him saying the word "nigger," and that might well have been that. The seemingly fictional character the defense had created—the racist and corrupt cop out of a very bad novel—had turned out to be real. Blacks always knew he was there. Blacks think someone like him is always there.

In the short term, nothing good can come out of this trial. Unlike most celebrated cases, this jury had to share access to the courtroom with a global television audience. It had no special authority. Too many Simpson junkies watched every minute of the trial. They know about the bloody glove, the missing white Bronco, the socks, the DNA, the limo driver and those awful pictures of a battered Nicole Simpson.

All these are now part of American folklore. To many people, Simpson literally got away with murder. The law is a lot less majestic today than it was just yesterday. Television has changed matters. A jury

ruled, but a nation of back-seat drivers might have gone a different route.

But once the emotions of the moment have run their course, maybe a smug American majority will ponder why African Americans had so little faith in the criminal justice system, why they were so willing to make a hero or martyr out of a superficial former athlete, why they were not surprised that a Fuhrman existed and that he might have planted evidence—even though, mind you, to have done so would have risked both his career and maybe his freedom. You go to jail for that sort of thing.

My grandmother comes to mind at this moment. She used to sit by her radio, listening to accounts of the trial of Julius and Ethel Rosenberg, who were convicted of treason. I was a kid, an American kid, and to me the Rosenbergs were guilty. But my grandmother was an old immigrant from Poland. She had lived through pogroms, and so she thought the Rosenbergs were being framed. As a kid, I was deeply ashamed of her attitude. As an adult, I understand.

So now, on the television set behind me, O. J. Simpson has returned to the Los Angeles home we have all come to know so well. It is the same house to which, also on live television, we saw him return after cruising the freeways in his white Bronco. That seems a very long time ago. We have all learned so much since then.

Norman Jewison, Sydney Pollack, Martin Scorsese and Robert Wise

Truth in Film Labeling

Recently, The Post opposed the Film Disclosure Act of 1995 [editorial, Aug. 19], a bipartisan measure introduced by Sen. Alan Simpson (R-Wyo.) and Rep. Barney Frank (D-Mass.). The bill has drawn the ire of the movie studios, which portray film editing as an occasional snip.

However, what is happening to our favorite movies is much more complex. Underlying the legislation is the idea of "truth in editing," assuring the public that movies it sees are authentic and that the use of names and reputations of creative artists is justified. In a business legendary for illusion, the need for this legislation has become urgent.

One example will highlight the concern. In July, Columbia TriStar sold Fox the right to broadcast "Thunderheart," by our colleague Michael Apter. It was written by John Fusco and starred Val Kilmer and Graham Greene. The critically acclaimed movie sought to challenge stereotypes of Native Americans, sensitively presenting their modern social conditions. During the making of the movie, the filmmakers received privileged access to Native Americans and their communities precisely because of this goal.

When the 118-minute film aired on Fox, however, its running time was reduced to 90 minutes. Twenty-two minutes were cut, and six minutes were "lexiconned" or electronically speeded up. In short, one-quarter of the film was eliminated in the telecast. To the film's creators, the cuts betrayed their commitment to Native Americans and emasculated their message. They felt viewers were cheated, and they were offended that their names and reputations remained associated with the diminished telecast version.

Increasingly, each of us has experienced similar feelings when viewing exhibitions of our films or those we cherish.

In 1993, to stave off congressional consideration of the Simpson-Frank bill, the studios agreed to experiment with labeling alterations to network telecasts and video releases. Using wording that we and other filmmakers deem inadequate, viewers may be advised that the film

Taking Exception

is "edited for content and to run in the allotted time and formatted to fit your screen." However, this notice fails to tell the viewers that the film might have been changed—big time. The language even implies the exhibitors are doing the public a favor in making the changes.

The Simpson-Frank bill would let the consumer know the truth about changes before a film is aired, rented or purchased. Rather than "edited for content," the viewer would know "22 minutes have been cut." Rather than "edited to run in the allotted time" or "formatted to fit your screen," the viewer would know the film was "electronically speeded up" and "panned and scanned."

Perhaps most important, rather than being told simply that this is "a Michael Apter film," the public would know that the director, Michael Apter (and if appropriate, the screenwriter and cinematographer), objected to the changes and why (e.g., the alterations changed the composition of images and pacing or narrative and characterization).

Film labeling needs a federal solution because our laws place economic and artistic control in the hands of financiers of films. Under this structure, none of us is the legal "author" of the films that bear our name.

With no legal incentive, private negotiations have stalemated. Aside from the inadequate network and video labels on a minuscule number of films, the vast majority of the tens of thousands of films in syndication are cut and changed dramatically with no warning at all. Further, since none of the guilds or studios represents all filmmakers or all films, hundreds of parties could claim a seat at the negotiating table, hopelessly clogging discussions.

Among the practices needing truthful disclosure are:

■ **Editing:** The "modest snip" to fit "the inevitable needs of other media" has become much more than excising foul words or nudity. Ironically, viewers, who are attracted to films by their reputation, lose crucial content as scenes are cut because their valued viewing makes commercial time worth more.

■ **Panning and scanning:** Slicing frames to cram a wide screen image into a small, square set has been common almost since film transferred to television. Distributors claim the public will not tolerate "letter-boxing" because of black bands at the top and bottom of the screen. But does a viewer realize that panning and scanning means that 45 percent of the visual images of the film have been eliminated?

■ **Colorization:** As sculptors choose to cast in bronze or stone, filmmakers choose to work in black and white or color. Is it still Hitchcock's "Psycho" if it's in color?

■ **Lexiconning:** The media have equipment to speed up programs to squeeze in commercials. Lost in the process is the filmmaker's art—the fact that a director reshoots scenes to get the pacing just right and edits paying attention to each frame (as little as 1/24th of a second).

The notion of informing consumers about products is time honored, but often it is accomplished only by federal mandate. Thanks to Congress, informative labels appear with cigarettes, food and even car loans.

Concerned about "big government" labeling films? The bill would be policed by individuals, and no federal bureaucracy is created to enforce rights. First Amendment scholar Vincent Blasi of Columbia University noted in 1992 testimony to Congress that mandating factual disclosures "[does] not infringe editorial autonomy" and that allowing filmmakers to object to changes "gains support from the modern understanding of the First Amendment."

Some years ago, when it was in their interest, the studios asked the FBI for permission to use the government imprimatur in the ubiquitous "FBI warning" attached to every video cassette. Should they now be heard to complain when Congress wants accurate labels?

By their determination to keep the public in the dark about the changes they've made, film syndicators have established that accurate information will not come voluntarily. Federal legislation is the only solution.

The writers are motion picture directors and founders of the Artists Rights Foundation.

The Washington Post

AN INDEPENDENT NEWSPAPER

The Simpson Verdict

A SCREENWRITER who brought a script resembling the O. J. Simpson saga to Hollywood would surely be turned away on the grounds of overdoing stereotypes. The defendant was a handsome, engaging, black sports hero who had made friends and inspired fans across the spectrum of American society. None of them wanted to believe that he committed a crime. The victims—his glamorous, blond ex-wife and her unfortunate male friend who turned up in the wrong place at the wrong time—were sympathetic. And the really bad cop, the witness whose testimony was critical to the prosecutor's case, was a white bigot whose whole history lent weight to the suspicion that he just might have planted evidence to destroy a black man. The supporting cast was a stereotypical stew: the high-powered, high-priced lawyers, the yuppie-ish female prosecutor, the California surfer-type guy called Kato Kaelin. There was something here for everybody's prejudice, for everybody's fear, for everybody's anxiety and/or contempt.

With all this baggage, it was probably inevitable that millions of observers would have been disappointed no matter how the case came out. Yesterday's acquittal of Mr. Simpson certainly stunned and disappointed those who thought the government's evidence was overwhelming, even as it satisfied those who believe that the system—and in particular the Los Angeles Police Department—is so rotten and biased as to provide room for a reasonable doubt in any case where race is a factor. It is only speculation that the jurors, nine African Americans, two Cauca-

sians and one Hispanic, came to their conclusion by that route, but it is likely. We hope that they will speak out in the coming days and that they will be candid about their reasoning process. But it is already clear that the culture of the LAPD and the character of some of its officers had a profound effect on the outcome of the trial.

As for the future, there may be civil suits against Mr. Simpson filed by the families of the victims. The standard of proof will be lower than that required in criminal court, and they may win money damages. But the criminal proceedings are over. Since there appears to be no evidence linking anyone else to the crime, it's quite possible that the killer will never be brought to justice.

Even though the case has been completed from a legal point of view, it will continue to have an impact on American society, first, because so many millions watched the proceedings and formed strong opinions about how it was handled and concluded, and second, because those who were shocked by the verdict are likely to demand wholesale revisions in the criminal justice system. This is a dangerous enterprise at a time when emotions run high. The protections afforded defendants in American courts are the result of centuries of refinements designed to protect the citizen from a capricious and vengeful sovereign. They may not ensure a universally popular result or even a just one, but they exist to guarantee a fair trial to rich celebrities and common folks alike. They should not lightly be changed in reaction to a single verdict.

D.C. Council? What Council?

DAVID CLARKE, who many of you may recall is the chairman of the D.C. Council, is once again out of sorts, this time resenting the considerable powers that have just been accorded the control board. As of this week and until further notice, almost everything the council does will have to undergo review by the board. There will be less time allowed for council hearings and decisions on vetoes by the mayor. Contracts and leases, loan agreements, spending, tax policies, economic development proposals and even some cabinet appointments will be subject to control board oversight. Is this any way to run a city?

Yes, it can be and has been—other cities in financial distress have undergone this process and lived to tell about it. It does not stop the council from being an effective legislature either. On the contrary, it should spur serious members of the council to act more decisively than ever—to make the tough calls instead of letting the board make them.

But Mr. Clarke complains that “there is no clear standard as to what the board is governed by. What they are going to view as the perimeters of their authority is yet to be seen. And it is not good government. They are not elected officials. Pretty much they can do whatever they want.” Wrong. What these five local residents can do is demand accountability, reject overspending, confer with elected officials and make recommendations to Congress that may or may not be accepted.

If Mr. Clarke wants the council to have a role, no problem: A financially responsible legislature, acting swiftly to eliminate not only jobs but also

impossibly expensive programs (the School of Law, Mr. Chairman) would earn respect that it long ago forfeited.

Congress had—and still has—the last word on anything, which has always been wrong and is no way to run any American city. Home rule is not a reality, hasn't been and, like it or not, won't be at least until the city is on a stable financial course. When members of Congress stomp on purely local matters that have nothing to do with the finances of the city—they have before and are doing so now—there is good cause for objection and for those on the Hill who know better to defeat such efforts.

If the control board process works as well as it could, Congress should respect the board's findings, not go beyond them to a point of interference. In turn, if the elected mayor and council members act forthrightly to eliminate excesses in labor contracts, in pension programs, in leases and on other matters where all too often they have taken dives, the control board can act as further support.

Council member Charlene Drew Jarvis has said she expects that the board's involvement in legislative and other issues will help the council be more effective, providing otherwise unavailable information and a reason to be prudent. We'll see. Council member Harold Brazil is blunt but on the mark in comments he made to City Paper reporter Jonetta Rose Barras: “The Congress saw a captainless ship. They didn't have any confidence and didn't give us any power. The less willing we are to make the tough decisions, the more home rule we are forced to give up.”

The Pan-Scan Scam

WE PRINT today on the opposite page a response by four eminent film directors to our view (in an Aug. 19 editorial) that the federal government has no useful role to play in resolving the longstanding disagreement between the people who make movies and the people who package them for worldwide distribution. As Messrs. Scorsese, Pollack, Jewison and Wise point out, this packaging is not gentle; sometimes the results are pretty dreadful; and the directors are understandably sore about it. But we don't see that this translates into a good case that the U.S. Congress, famed for both ham-handedness and bad arts judgment, is the outfit they want setting rules to improve things.

Filmmakers believe that the film distributors are terrible editors who butcher their products, especially when it comes to the third and fourth and fifth go-around when the movies are being sold to airlines, video companies or other less than full-screen venues. The distributors' position is also simple: Once they buy the product, the rights are theirs, and if the makers of the product want better rights, they should negotiate tougher contracts. This, as it happens, the makers have tried and failed to do, which is why the directors feel a “federal solution” is needed. The last time things got to this point, two years ago, the distributors responded to the threat of legislation by adopting the labels in use now, which the directors consider euphemistic.

The directors, cinematographers and other artists want this stuff out in the open. They hate

“panning and scanning,” which reconfigures movies to the different-shaped TV screen, and they hate the new and nearly undetectable techniques that make films shorter by subtly speeding them up. They want the changes named, along with the people who objected to them at every point. It would make for a pretty long and unwieldy label, but that's the point of the exercise: Ideally, the distributors would be deterred from slicing and dicing.

In the non-ideal Washington context, of course, the distributors have reacted differently, pounding their considerable industrial muscle on Congress to make sure this legislation doesn't go anywhere. They, too, have been zealously spreading around the proposed wording, which they accuse of negativity. Without daring to take sides in the age-old battle between creative types and their editors, we wonder whether the directors and even to some extent the distributors have strayed here into a forest of jargon that is of no interest to the general public. Is it really true that a label that says a movie has been “lexiconed” or “panned and scanned” conveys the concept of either a worse moral outrage (as the directors would have it) or a more drastic editing job (ditto the distributors) than the one that says it has been “formatted to fit your screen”? We stick to our earlier view: The directors and the distributors should work this one out for themselves.

What's News—

Business and Finance

LOCKHEED MARTIN plans a \$4 billion satellite system for two-way computer networking, video-conferencing and other on-demand services, targeting Hughes Electronics and Teledesic projects. The news came as backers of the Globalstar satellite system withdrew a \$400 million debt offering, the second such move by a big mobile-phone venture recently.

(Article on Page A3)

Procter & Gamble can add civil racketeering charges to its lawsuit against Bankers Trust New York over derivatives sales, a judge ruled, making a settlement more likely.

The judge also unsealed a court document, clearing Business Week to publish an article based on it.

(Articles on Pages B7 and A3)

Chrysler's chairman launched a counterattack against Kirk Kerkorian, charging that the interest of the auto maker's largest investor is personal gain. Chrysler shares fell 3.5%.

(Article on Page A3)

Ford is expected to report that September sales of cars and light trucks fell substantially from a year ago.

(Article on Page A3)

USAir's stock price rose 8.6% while those of its potential suitors, American Airlines and United Airlines, fell. The possibility of the airline merger could trigger a wave of consolidation.

(Article on Page B2)

Phar-Mor settled its claim against Coopers & Lybrand, people close to the case say, ending its role in a lawsuit that accuses Coopers of negligence in a fraud and embezzlement scandal.

(Article on Page B9)

The dollar gained in anticipation of this weekend's meeting of G-7 finance ministers. In late trading in New York, the dollar stood at 1.4375 marks, up 0.0087, and at 101.38 yen, up 0.99.

(Articles on Pages C15 and C1)

A government panel recommended Nippon Telegraph & Telephone split up its local phone monopoly, a sign that Japan will push for the breakup.

(Article on Page B4)

Treasury Secretary Rubin applauded Japan's bid to bolster its economy and banking system, but signaled concern that it may not be enough.

(Article on Page A2)

MasterCard, in an alliance with several high-tech firms, released a draft of standards for an electronic payment system for the Internet.

(Article on Page B12)

Three Caremark executives and a Genentech official were acquitted in the first case stemming from a federal probe into alleged kickbacks to doctors to steer business to Caremark.

(Article on Page B12)

Japanese regulators are probing Daiwa Bank's internal controls and other practices in the wake of a \$1.1 billion trading loss at Daiwa's New York branch, where U.S. officials have imposed temporary trading limits.

(Article on Page A11)

Melville is negotiating to sell Marshalls, its struggling off-price apparel chain, to TJX for about \$400 million, people familiar with the situation say.

World-Wide

O.J. SIMPSON WAS ACQUITTED after a yearlong double-murder trial.

Nearly 16 months after his arrest, a Los Angeles jury found the ex-football star not guilty in the slayings of his former wife, Nicole Brown Simpson, and her friend Ronald Goldman. Simpson looked toward the jury and mouthed, "Thank you." Less than an hour after the verdicts were read, Simpson returned to his Brentwood mansion, where he was arrested in June 1994. He issued a statement expressing relief that "this part of the incredible nightmare" is over. Public reaction to the trial's outcome showed how deeply Americans were divided by race over the case. (Related articles in Column 1 and on Page B1)

The televised verdict brought business activity to a halt nationwide as phones stopped ringing and workers gathered around TV sets.

Clinton vetoed a bill funding Congress's own budget, and chastised lawmakers for adding "wasteful" projects to a military construction bill. House Speaker Gingrich and Senate Majority Leader Dole said the action "certainly won't make it any easier for Congress to deal with this White House."

(Article on Page A16)

Macedonia's leader was critically hurt in a car bomb attack in Skopje. President Gligorov, 78, who led Macedonia to independence, lost one eye and underwent surgery for the removal of shrapnel from his skull, according to diplomatic reports. Police arrested two men at the scene of the blast, which killed Gligorov's driver.

A blood-clot dissolver shows promise in treating some stroke victims but is dangerous for others, a large-scale experiment in Europe found. The mixed results came in a study of the genetically engineered blood-clot dissolver TPA, which is often used to treat patients with heart attacks.

(Article on Page B14)

Pope John Paul II arrives in New York today to begin a five-day visit to the U.S. The pontiff will address the U.N. General Assembly, confer with President Clinton and preach at several huge outdoor Masses.

Thousands of Louisiana residents began leaving low-lying communities as Hurricane Opal churned across the Gulf of Mexico, threatening the coastline and scores of offshore oil and natural-gas platforms.

High-fat diets may promote the growth of prostate cancer, an experiment in laboratory mice indicated. The finding prompted researchers to suggest that experiments be undertaken in men who have a high risk of developing prostate cancer to see if lower fat consumption can reduce the risk.

(Article on Page B12)

Clinton apologized to the unwitting victims of Cold War-era radiation experiments and urged that compensation be paid. He issued the apology after accepting an advisory panel's report saying compensation is clearly warranted to victims of three of the 4,000 experiments, and that the rest "are unlikely to have caused physical harm."

The elderly could get stuck with sharply higher premiums in the Medicare plans that Republicans want to enact, Health and Human Services Secretary Shalala said. A GOP spokesman said Shalala was "engaging in another scare tactic."

Fighting intensified in Bosnia as government troops and rebel Serbs battled to seize territory. The clashes overshadowed mediation efforts by U.S. peace envoy Holbrooke. Meanwhile, Serbs agreed in principle to the return of Croatian authority over eastern Slavonia, a small region that was seized in the 1991 Serb-Croat war.

French Prime Minister Juppe dismissed accusations that paramilitary gendarmes acted improperly last week in killing suspected Algerian terrorist Khaled Kelkal. In Algiers, meanwhile, gunmen killed the editor of Algeria's main Arabic newspaper.

Syria's foreign minister called on the U.S. to fulfill what he said was a commitment to secure Israel's complete withdrawal from the Golan Heights and southern Lebanon. In a speech to the U.N. General Assembly, Al-Shara also criticized agreements reached between Israel and the PLO.

The Sri Lankan army claimed it killed more than 200 Tamil Tiger rebels as fighting raged for a third day on the northern Jaffna peninsula. The rebels said 50,000 residents had been left homeless by the fighting.

Tax Report

A Special Summary and Forecast Of Federal and State Tax **A** Developments

MUTUAL-FUND INVESTORS may profit by procrastinating in coming weeks.

Investors thinking about buying mutual-fund shares soon should be careful not to fall into a painful year-end tax trap. Stock-market mutual funds typically distribute income and capital gains to shareholders around the end of each year, usually December. If you invest in a fund shortly before such a payout, you generally will owe 1995 taxes on the entire distribution, unless, of course, you bought the shares for a tax-deferred retirement account.

This year, many stock-market funds are likely to make unusually big payouts because of booming stock prices. Thus, investors need to be especially careful to check with funds about year-end distribution plans before buying, warns Stephen W. DeFilippis of West Suburban Income Tax Service in Glen Ellyn, Ill. Ask how much—and when—a fund expects to pay.

Then consider waiting to buy until just after the record date, he says.

THE SUPREME COURT declines to hear a municipal-bond case.

In most states, individual investors don't owe income taxes on interest they receive on municipal bonds issued within their state, but they do owe tax on out-of-state bonds. For example, New Yorkers aren't taxed on interest from New York bonds but are supposed to pay tax on New Jersey bonds. An Ohio investor argued that the state unconstitutionally interfered with interstate commerce by taxing the interest on her out-of-state municipal bonds, while exempting her in-state bonds, but she lost in state courts.

The Supreme Court refused to review the lower-court ruling. "It's a relief in terms of lack of disruption to bondholders," says Heather Ruth of the Public Securities Association, a New York-based trade group. But the issue "remains alive," says Clint Krislov, a Chicago lawyer for Ohio taxpayer Serene Shaper. He says a companion refund suit by Ms. Shaper is pending in an Ohio court and that the Supreme Court eventually will be asked to face this issue again.

REACHING OUT and touching more taxpayers by phone pays off for the IRS.

More money is flowing into the Treasury because of changes in the way the IRS pursues taxpayers who owe back taxes. Collections of delinquent taxes rose about \$1.7 billion to \$25.1 billion in the fiscal year ended Saturday over the prior year. An IRS spokesman attributes the increase largely to an IRS decision to phone taxpayers earlier than in the past, instead of relying on a stream of often-confusing notices.

Thus, the IRS this year generally has

been phoning people who haven't responded after receiving three tax bills issued over a 16-week period. Previously, the IRS typically waited to call until it sent five bills over a 26-week period. The IRS also added more people to work on delinquent tax cases.

In addition, the IRS is approving installment agreements earlier for taxpayers who can't afford to pay in full.

A REMINDER: For all those procrastinators who haven't yet filed a 1994 return and received extensions from the IRS, the final deadline is Oct. 16. Usually, the deadline is Oct. 15, but it's a day later this year because Oct. 15 falls on a Sunday.

CRITICISM GROWS of a congressional proposal to require the IRS to spend \$13 million to hire private tax collectors to "help" the IRS. Critics fear private firms could gain access to confidential taxpayer data. "In my 17 years of service in the Senate, I have never seen a worse idea," says Sen. Pryor, an Arkansas Democrat.

OVERHAUL state corporate income taxes, says a report by the Tax Foundation and the Committee on State Taxation. The two Washington-based, nonprofit groups conclude that the current system is "seriously out of date" and plagued by "major deficiencies," such as a lack of uniformity among state tax codes.

THE TREASURY intensifies its attack on "treaty shopping" by foreigners.

Treasury officials are stepping up efforts to block multinational businesses and investors abroad from making an end run around U.S. tax rules. They are trying to discourage those in countries that have not signed tax treaties with the U.S. from setting up shop in other nations that have agreed to treaties and getting tax benefits on their U.S. business. "Treaty benefits that reduce taxes are intended to go only to residents of treaty countries," says Cynthia Beerbower, deputy Treasury assistant secretary for tax policy.

The Treasury has initialed new treaties with Luxembourg and Austria that include provisions aimed at treaty shopping. It also vows to renegotiate or terminate other agreements that don't have adequate protection. Recently, the Treasury told Aruba it will terminate that treaty effective Jan. 1, 1997. It also initialed an agreement with the Netherlands Antilles eliminating all treaty benefits, effective June 30, 1996, except on certain interest paid on old Eurobonds.

The Treasury hasn't completed talks on this issue with Switzerland, raising speculation that a U.S.-Swiss tax treaty may be terminated.

BRIEFS: The White House plans to nominate Joseph H. Gale, a longtime aide to Sen. Moynihan and now the Senate Finance Committee's minority staff director, as a U.S. Tax Court Judge. . . . Even the easiest tax form, Form 1040EZ, bewilders many people. The IRS says about 9% of all such forms filed for 1994 were signed by paid preparers, up from 5.5% the prior year.

—TOM HERMAN

Easy Being Green: Pick a Name Bearing The Sounds of Nature

* * *

Anti-Environmental Groups
Choose Pleasant Monikers;
The Forest's Many Friends

A

By TIMOTHY AEPPLE

Staff Reporter of THE WALL STREET JOURNAL

Which of the following is an environmental group?

The National Wilderness Institute, the Conservation Coalition, the Evergreen Foundation or the Alliance for Environment and Resources?

If you guessed all of them, you're wrong. If you guessed even one of them, you're wrong. It just goes to show what's in a name—or in this case, what's not.

Consider also the Sustainable Development Coalition. Created this past summer by property-rights activists in Maine, it sounds like a classic green alliance. After all, sustainable development—as opposed to the unsustainable kind—is an environmental mantra. But this group's goal is to scuttle a global treaty to protect biological diversity, which it claims is part of an international plot to "create a centrally controlled, planned society" built around nature worship. "We wanted something catchy," explains spokesman Robert Voight, "and people already know the term sustainable development."

Shoot 'Em Up

Similarly, the Abundant Wildlife Society of North America works to convince people that wildlife is already so plentiful there is no reason not to kill some of it. This is a pro-hunting group. The Wilderness Impact Research Foundation, of Elko, Nev., fights efforts to designate new areas as protected wilderness.

The Environmental Conservation Organization—ECO for short—is a group of land developers in Hollow Rock, Tenn., that fights environmental rules. The National Wetlands Coalition, in Washington, D.C., represents people who want to narrow the government's definition of wetlands, so they can build things on them.

Environmentalists aren't amused. "I hate to see them confusing people," says Bennett Beach, a spokesman for the Washington-based Wilderness Society, which actually does work to preserve wilderness. People hearing the views of such groups might assume they are coming from an environmental group, he says, adding murkiness to already complicated debates.

Different Perspective

Some people do jump to conclusions based on a group's benevolent-sounding name. The Abundant Wildlife Society, of Gillette, Wyo., recently got a letter from a young man who plans to become a wildlife biologist and wanted to find out how he could help them save wolves. "Of course, he couldn't spell worth beans," says Troy Mader, the group's research director, who handled the letter. Mr. Mader sent back a packet stuffed with materials explaining why wolves should be exterminated. "We didn't hear from him again," he says, chuckling.

Mr. Mader says the question of what is an appropriate name depends on one's perspective. His group, which uses the slogan "Fighting for North American Wildlife," contends the best way to promote wildlife coveted by hunters, such as deer and elk, is to kill predators, especially wolves. "We take our name from the fact that it's been through man's management that we have the abundant wildlife we have today," he says.

The pattern extends to publications. The National Hardwood Lumber Association puts out a newsletter called "Green-

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Speak," on cream-colored recycled paper. "We send it out to members of Congress, and we didn't want them to automatically toss it in the trash—so the name had to be eye-catching," says editor Elizabeth Pease, who concedes the name is a takeoff on the big environmental group Greenpeace. "But we're not lying to anybody," she says. "And besides, we're talking about green issues, too—it's just in a different context."

Even some of the groups' logos are "green." The National Wilderness Institute, a Washington, D.C., group that fights the Endangered Species Act, uses the shadow of a wolf howling against a full moon as its symbol, even though wolves are protected under that law in the lower 48 states.

Henry Lamb, the executive vice president of the Environmental Conservation Organization, says it is the greens who are guilty of playing name games. "They're the ones deliberately trying to co-opt words like 'conservation,' when what they really are after is 'preservation,'" he says. The difference is that conservationists "believe in responsible stewardship and wise use of resources," he says, while preservationists "want to lock everything away."

Promoting the Positive

Groups such as Mr. Lamb's are acknowledging what public-opinion polls consistently show—that most people, regardless of their politics, favor protecting the environment. So the groups have to tread carefully, picking names that emphasize positive aspects of their work. "But it makes you kind of wonder," says Lani Sinclair, an environmental consultant in Washington. "If they're so sure about their message, why do they wrap it in this layer of green?"

Nearly every big environmental flap spawns groups and countergroups, and the result can be very confusing. The current fight in Washington over renewing the Endangered Species Act prompted environmentalists to launch an Endangered Species Coalition—not to be mistaken with the three other groups fighting to scale back the law: the National Endangered Species Act Reform Coalition, the Grassroots ESA Coalition and the Endangered Species Coordinating Council.

"Environmentalists get all worked up about our name," admits Robert Szabo, the lawyer for the National Wetlands Coalition, "but they only started complaining after we got strong on Capitol Hill—before that, nobody cared." Mr. Szabo insists his group never tries to mislead anyone, adding it always identifies its corporate backers, which include Exxon Co., the National Cotton Council and the National Association of Homebuilders.

Lots of Friends

Sometimes, people just happen to like the same name. A Wyoming green group founded in 1988 called Friends of the Bow (referring to Medicine Bow National Forest) was startled to learn that their opponents, led by the Wyoming Wool Growers Association and the Wyoming Mining Association, later started a group with the same name. The environmentalists were told by lawyers that they could go to court to get their name back, but they couldn't afford it. The environmentalists have changed their name to Friends of the Bow/Biodiversity Associates.

Rick Sieman says he carefully pondered names when he formed the Sahara Club, a bitterly anti-environmental group made up of self-proclaimed "big, ugly desert racers" and other off-road vehicle enthusiasts. "We chose the name for the maximum possible irritation factor for the folks down at the Sierra Club," he says.

Rubin Praises Japan's Economic Moves, Hints Action So Far May Not Be Enough

By JOHN R. WILKE

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — Treasury Secretary Robert Rubin applauded Japan's new resolve to shore up its weak economy and stricken banking system but signaled concern that Tokyo may not have gone far enough.

Speaking with reporters days before the world's finance ministers converge here for International Monetary Fund and World Bank meetings, Mr. Rubin also offered an upbeat forecast of 2.4% growth next year for the world's seven major industrial economies.

Mr. Rubin said Japan's ailing economy will be among the leading issues under discussion by the Group of Seven industrial nations when it meets this Saturday in advance of the IMF meeting next week.

"We are going to be very interested in Japan and what they think their growth prospects are," he said. He offered only tepid support

for Japan's recently announced \$140 billion fiscal stimulus package, saying we will "wait a bit and see" if it will be enough.

"Japan has to be asking itself the same question," he said.

Addressing another key G-7 issue, Mr. Rubin wouldn't comment on the current level of the dollar against the yen and other major currencies, except to say, "I don't believe in target zones," suggesting he doesn't have a specific range in mind for the dollar's value.

Support for a Strong Dollar

But he repeated the Clinton administration's support for a strong dollar and said its policy of close coordination in the currency markets with other G-7 nations would continue. Largely as a result of these coordinated interventions, the dollar has gained 25% against the yen from its historic low this spring of 79.85 yen.

On Japan's ailing banks, burdened by more than \$400 billion of nonperforming loans, Mr. Rubin saw reason for optimism. "The critical thing is they have crossed a bridge — they've recognized what needs to be done." Now, he added, "It's a question of how they are going to deal with it." Last week, Japanese officials outlined a plan that would strengthen the nation's deposit insurance system and dispose of nonperforming loans in part with public funds, echoing U.S. efforts in the late 1980s to deal with the savings-and-loan crisis.

In Tokyo, Prime Minister Tomiichi



Robert Rubin

Murayama also pledged that Japan will continue to cooperate with its G-7 partners to further promote the "orderly reversal" of the yen's recent strength.

Answering questions in the lower house of parliament, he said that despite the yen's retreat in recent months against the dollar, small and midsize Japanese companies still face severe economic pressure. He didn't specify a target for the dollar's rebound but suggested that Japan will seek a further recovery of the dollar.

Break-Even Level for Yen

An August survey by the Ministry of International Trade and Industry (MITI) showed that small and midsize Japanese companies cited 108 yen as their break-even level. Mr. Murayama cited the MITI survey as a reason for concluding that current exchange-rate levels still don't provide a favorable environment for Japanese companies.

Mr. Rubin also expressed support for an approach under which the world's poorest countries might be largely relieved of international debt if it is determined that there's no hope of their ever paying it off.

"There ought to be a serious look at debt relief for the poorest countries — there are countries so poor that they can't get growth going again" without some form of debt forgiveness, he said.

He acknowledged, however, that the plan "may not be doable" because of its complexity, and many international banks have opposed such an approach. The issue is also under consideration at the IMF.

Turning to Mexico, Mr. Rubin repeated his expectation that the country will pay back loans extended earlier this year to ease its economic crisis. He declined to comment on recent speculation that Mexico might soon pay back the first \$1 billion or more due. "Our loans will get repaid," he said. "If they want to prepay them, that's their business." He said that Mexico "has come an enormous way" and now, "the question isn't will [the loans] be repaid, but when."

He said the country must still deal with the plight of the urban and rural poor as it seeks to restart growth. But "none of that could be addressed until they got past this [financial] crisis."

Mr. Rubin yesterday also predicted success for an effort to double the \$27 billion emergency fund that provides supplemental funds to the IMF. The fund is being bolstered to help the IMF deal with future crises of the kind that wracked Mexico early this year.

On Sunday, a group of the 10 largest industrial countries is expected to approve the agreement, centerpiece of the IMF's plan to avoid another situation like the one that befell Mexico. Mr. Rubin said the new financing round for the fund would be completed next year. He also called for the adoption of new standards of disclosure for fiscal and monetary data by emerging nations, an initiative strongly backed by the IMF.

President Vetoes Measure to Finance Congress's Budget

By DAVID ROGERS

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — President Clinton vetoed a bill funding Congress's own budget, and chastised lawmakers for adding "wasteful" projects to a second appropriations measure covering military-construction expenditures.

Although the White House sought to keep its comments restrained, the action represents a double slap at the Republican leadership and is sure to aggravate relations with the House and Senate Appropriations committees.

"This certainly won't make it any easier for Congress to deal with this White House," House Speaker Newt Gingrich (R., Ga.) and Senate Majority Leader Robert Dole (R., Kan.) said in a joint statement. And Rep. Bob Livingston (R., La.), chairman of the House appropriations panel, accused the administration of "muscle-flexing" with its veto pen.

The \$2.18 billion bill to fund the operation of Capitol and congressional agencies is, in fact, the victim of a larger power struggle between the GOP and White House. While Mr. Clinton praised the measure as "disciplined," he repeated his long-standing threat to veto Congress's budget when most of the government is being funded under a stopgap bill due to expire Nov. 13.

"I don't think Congress should take care of its own business before it takes care of the people's business," Mr. Clinton wrote. "I stated that if the congressional leadership were to follow through on its plan to send me its own funding bill before finishing work on the rest of the budget, I would veto it. I am now following through on that commitment."

As much as the appropriations committees will be angered by the veto, they are embarrassed by the delays within Congress. Only two of the 13 annual bills required to fund cabinet departments and most government operations have yet to be sent to the president.

The bill signed yesterday — covering military-construction projects — is suspect, too, because of examples of pork-barrel spending. The \$11.2 billion measure includes \$479 million for projects not included in the Pentagon's budget, and Mr. Clinton singled out about a dozen cases totaling \$70.4 million that he regarded as wasteful.

The president used the opportunity to chide the GOP for failing to send him the line-item veto — promised in the House Republican Contract With America — which would allow him to strike such add-ons.

Radio Marti's Staff Battles Clinton, Each Other As Inquiry Raises Questions on News Coverage

By CARLA ANNE ROBBINS

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON — Poor Joe Duffey. The director of the U.S. Information Agency has enough problems these days between Congress slashing his budget and Sen. Jesse Helms trying to do away with his agency altogether.

And then there's Radio Marti, the U.S.-funded, exile-run radio station that broadcasts news to Cuba.

The station has been giving the Clinton administration such a hard time on its Cuba policy that a few months ago Mr. Duffey issued a memo to the then head of Cuba broadcasting, reminding him that "the employees of Radio Marti are employees of the U.S. government."



Joe Duffey

For the Clinton administration, which has hopes of encouraging a peaceful transition in Cuba, the \$13 million-a-year broadcaster could be a powerful tool. But its staff seems to spend as much time questioning each other's anti-Castro credentials, as well as the White House's, as they do promoting democratic ideals in Cuba.

The turmoil is heating up. The USIA's inspector general is completing an investigation into charges of biased news, political meddling and reprisals at the station against whistleblowers who refused to toe a powerful exile leader's line.

Meanwhile, Congress is giving Radio Marti's ideological crusades more succor than oversight. The House recently approved an amendment sponsored by GOP Rep. Christopher Smith of New Jersey that would "reinvent" the station by eliminating the jobs of those same whistleblowers. Last week the Senate approved an amendment sponsored by Texas Republican Sen. Phil Gramm that would move the headquarters of both Radio Marti and TV Marti from Washington to Miami. And while everyone agrees that TV Marti has almost no viewers due to Cuban-government jamming, its \$11 million budget was renewed with bipartisan support in both houses.

Though U.S. diplomats warn that reporting by Radio Marti may be damaging U.S. foreign policy, the White House would like to avoid another fight with the Miami-based exile lobby. The fact that almost no one at the USIA above the level of Radio Marti's director speaks Spanish also makes it easier to filter out bad news.

Mr. Duffey acknowledges that Radio Marti has problems "in spades." He says that "the risk with surrogate radios has always been that the exile community feels they belong to them and serve their interests rather than the larger interest of the United States." Mr. Duffey says he would like to make changes at the broadcasting service but his efforts so far have been "frustrated by the Congress and elements of the exile community."

In true Cold War fashion, intrigue and paranoia seem to be standard procedure at the broadcaster. Employees there are still smarting over an anonymous 1993 memo denouncing 10 staff members by name as "illiterate thugs," Communist sympathizers or infiltrators sent by Fidel Castro to undermine Radio Marti. The memo was traced to the computer of a former news director, who said he was framed. But until the arrival of President Clinton, the station's ideology, if not its passions, were shared by two Republican administrations.

All that changed in early May of this year when the Clinton administration signed a controversial immigration accord with the Castro government and began towing rafters seeking to enter the U.S. back to the island. The agreement infuriated powerful elements in the Cuban exile community, and apparently at Radio Marti as well.

In mid-May, Joseph Sullivan, the top U.S. diplomat in Cuba, sent a classified cable to Washington blasting the station's "biased" coverage, which he said "emphasized the point of view of the Cuban-American opponents of the accord while carrying very little explanation or defense of the administration's position."

The cable also sharply criticized Radio Marti for broadcasting "unfounded attacks" against the U.S. vice consul in Cuba. The report began with a claim that returnees were being harassed by the Castro government and then quoted a rafter describing how the vice consul had summarily forced him off the U.S. Coast Guard ship. "His hands were shaking, his legs were shaking. . . . He said 'You don't have a choice, you have to leave this boat regardless.'" Soon after the Sullivan cable arrived, Mr. Duffey wrote his memo to the head of Radio and TV Marti, who subsequently resigned.

In Cuba, meanwhile, even well-informed citizens expressed confusion over the policy and the coverage. "If you listen to the radio, it's hard to tell how long Clinton will be able to keep with" the accord, said dissident writer Raul Rivero at the time.

An even more byzantine battle is now unfolding over the case of the long-delayed IG's report.

More than a year ago the USIA's inspector general began investigating claims of political reprisals at the station.

In July, the IG's office provided a "status report" to two of its congressional appropriators, one a key critic of Radio Marti, as well as Mr. Duffey. That report claims both skewed news coverage as well as undue influence by Cuban exile leader Jorge Mas Canosa. It also supports allegations that the station's managers punished employees who challenged Mr. Mas Canosa and his influence.

Mr. Mas Canosa, who heads both the Cuban American National Foundation and the President's Advisory Board for Cuba Broadcasting, fought back with fury. In an opinion piece published by the Miami Herald, he denied all charges as "biased and unsubstantiated" and accused "left-wing Clinton administration policy makers" of trying to "take over Radio and TV Marti." Mr. Duffey, meanwhile, called for an investigation of the investigators by the President's Council on Integrity and Efficiency. He charged that the IG's report was incomplete and one-sided since it "did not include responses from the principal persons implicated in most of the allegations." Several militantly anti-Castro members of Congress have also asked the General Accounting Office to look into the investigation and other issues at the station.

Other officials say that if the report appears one-sided, it's because most of the persons implicated, including Mr. Mas Canosa, refused to cooperate with the investigation or were extremely slow in responding. Mr. Mas Canosa's Washington office didn't return several phone calls seeking comment.

Amid all the sound and fury, U.S. diplomats say that Radio Marti is squandering an opportunity for real influence in Cuba, where tough economic times are leading even loyal Cubans to ask questions about their government.

Radio Marti's director, Rolando Bonachea, says that Radio Marti is changing with the times. The station provided intensive coverage of the 1992 presidential campaign and has begun broadcasting congressional hearings live "so Cubans can hear democratic debate," he says. It also has begun to put more Cubans from Cuba on the air.

Independent Havana journalist Jose Rivero Garcia, who has provided reporting and commentary for the station, applauds efforts to "give the microphone back to the Cubans." But he warns that the station's unrelenting hard-line and reliance "on the group of Mas Canosa for its views" end up alienating the average Cuban listener who may not like his government but isn't ready for outright rebellion.

"Radio programming here is so bad that everybody listens to" Radio Marti, he says. "But they don't believe a lot of what they hear."

Income Gap Between Regions Narrows

Theory of Convergence Calls for Longer View

By BERNARD WYSOCKI JR.

Staff Reporter of THE WALL STREET JOURNAL
Amid all the clamor over the growing gap between rich and poor in the U.S., at least one type of income gap is actually getting narrower.

This is the gap between historically rich regions and historically poor regions within the U.S. When it comes to per-capita income, the high-income Northeast, the once-poor Southeast, the middling Middle West, declining California and the booming Rocky Mountain region are in a slow-motion process of convergence.

"It's a trend that cuts across all regions," says Rae Rosen, senior economist at the Federal Reserve Bank of New York. She and others say that the trend has been very persistent, can be traced back 50 years or more, and offers a way of seeing through the periodic booms and busts that distort a region's economy for years or even decades. And, the analysis can help detect regions that might overheat.

Why is this theory surfacing in the mid-1990s? Partly because it puts the 1980s in perspective, when the Northeast and California diverged from most of the U.S. A few academic economists have focused on the trend, including Robert Barro of Harvard University. Lately, commercial banks and institutional investors have latched on to the analysis as a way to manage investment risks.

"It's a fresh approach," says the Fed's Ms. Rosen, who described her ideas before a packed room last month at an economists' convention in San Francisco.

Indeed, the convergence theory calls for a longer view of regional economies, beyond the run-ups caused by, say, the Reagan-era defense buildup, or a cyclical swing in the value of the U.S. dollar. These are important, no doubt. Over decades, though, regions will revert to their long-term path, toward the national U.S. average, which itself is rising slowly. Today, that per-capita income average stands at about \$21,000 a year.

State-by-state differences in per-capita income are still large. Connecticut tops the list at \$29,044; Mississippi is last at \$15,793. (Washington, D.C., tops all of the 50 states at more than \$30,000.) Yet the trend is toward a narrower range.

"In fact, the process of convergence is accelerating," says Mark Zandi, chief economist at Regional Financial Associates Inc., a West Chester, Pa., economics consulting firm. Mr. Zandi believes that businesses are "more footloose than ever," less dependent on ports and on heavy industrial commodities, such as steel, that bind them geographically. Meanwhile, the spread of facsimile, electronic mail and other communication advances allows companies and individuals to conduct business almost anywhere.

"Price is the ultimate equalizer," says Diane Swonk, senior regional economist and vice president at First National Bank of Chicago. In other words, companies and households are looking to locate in places that are cheap. Where business costs are low, per-capita income tends to be low. The point is, these cheap places are a more effective magnet than before.

So, what does this mean for the future economies of different regions? Among other things:

- The Northeast's position as a high-income region, relative to the rest of the country, is eroding, long term. "New York, New Jersey and Connecticut are among the top five states in per-capita income, but they won't be there forever," says Ms. Rosen of the New York Fed.

- The Southeast will continue to boom and to draw closer to the U.S. average in terms of individual income.

- The Midwest has enjoyed per-capita income growth above its long-term trend. "We have our own Midwest miracle. We're six or seven years into it," says Ms. Swonk of First Chicago. "We're on the upside now, and these blips can last a long time—10 or even 20 years."

- California and its neighbors in the West are experiencing a slow but major realignment of per-capita income. In large part, this is because so many Californians have migrated to states in the West, and their departure at once lowered California's average net income and raised the levels in the states where they settled.

Perhaps this trend has swung too far. Bank of America's senior economist Howard Roth sees a "slowing of migration to neighboring states, and if the economy gets stronger in California, I expect growth to slow down" in other parts of the West.

Another factor in California's favor: Established industry epicenters still have a powerful magnetic draw. Price doesn't equalize everything. Despite the high costs, motion pictures in Hollywood, financial services in New York or high tech in Silicon Valley tend to anchor people and companies to a given spot. To some, though, these clusters are becoming less important. For example, high-tech companies have been able to ship many technicians' jobs to new locations elsewhere.

There is a chicken-and-egg issue of who moves first, households or companies. It appears the migration begins with people. "When people lose that paycheck, there's a great incentive to move. They can't wait it out," says Ms. Rosen of the Fed. "Conversely, in a booming economy, there's a lot of in-migration." In turn, this ignites housing construction, the development of banks and businesses, highways and schools — bringing more people and business. Gradually, it also makes everything more expensive, as income rises.

There is some bad news under the surface, though. Ms. Rosen says that during boom periods, states and regions don't see a large increase in the labor-force participation rate. Most of the new jobs are filled by newcomers to the area.

The convergence theory doesn't explain everything about regional economies. It isn't an automatic predictor of home prices, for example, as the supply of housing is a big factor in whether demand will be absorbed or cause prices to rise.

A second caution is that per-capita income doesn't automatically equal purchasing power. "For one thing, purchasing power varies a lot from region to region," says Philip Burgess, president of the Center for the New West, a Denver-based think tank. "If you live in Los Angeles as an upper-middle-class person, you might have to spend \$3,000 a year for a security system. In Sioux Falls, [S.D.], your neighbor is your security system."

Fifth SEC Seat Is Expected to Go To D'Amato Aide

By MARK H. ANDERSON
And JEFFREY TAYLOR

Staff Reporters of THE WALL STREET JOURNAL
WASHINGTON — The White House is expected to name Laura Unger, an aide to Senate Banking Committee Chairman Alfonse D'Amato, to the Securities and Exchange Commission, people familiar with the situation said.

The nomination of Ms. Unger, a lawyer with the Banking Committee, was part of an agreement with Sen. D'Amato (R., N.Y.) to speed confirmation of two other SEC appointees, these people said.

Last week, the Banking Committee held a relatively brief confirmation hearing for Norman Johnson, a Republican securities lawyer from Utah, and Isaac Hunt Jr., an Akron Law School professor and a Democrat. Afterward, Sen. D'Amato told reporters that both the Banking Committee and the full Senate are likely to clear Messrs. Johnson and Hunt soon. Ms. Unger would fill the last vacant seat on the five-member SEC.

Ms. Unger, a former SEC enforcement lawyer who left the agency to work on Capitol Hill, would fill one of two Republican seats on the commission. Ms. Unger didn't return calls for comment and the White House declined to comment.

Ms. Unger was one of two Banking Committee staff members who took primary responsibility for crafting the Senate's recently approved legislation limiting investor lawsuits against publicly traded corporations, their underwriters and accountants. She helped negotiate many details of the bill with SEC staff, especially when the staff felt the bill restricted investors' legal rights.

SEC staff members said it isn't unusual for congressional aides to be named to the commission. For example, former commissioner Richard Roberts had been an aide to Sen. Richard Shelby (R., Ala.) before being nominated to the commission.

Senate staff members said that Ms. Unger is likely to be nominated for the post soon. Because she is a Banking Committee aide, her confirmation by the Senate would be virtually assured, these people said.

At 34 years old, she would be the youngest member of the current commission — but not the youngest ever. Former commissioner Mary Schapiro, now chairwoman of the Commodity Futures Trading Commission, was 33 when named to the SEC by President Reagan in 1988.

Ms. Unger would fill a commission term that expires in only six months, and thus would have to be renominated next summer. That, people familiar with the matter said, would be no more than a formality.

The five-member SEC has been operating with only two members since July.

U.S. Judge Urges Corporate Defendants To Sweeten Breast-Implant Settlement

By THOMAS M. BURTON

Staff Reporter of THE WALL STREET JOURNAL

A federal judge is trying to persuade Baxter International Inc., Bristol-Myers Squibb Co. and Minnesota Mining & Manufacturing Co. to sweeten their new monetary settlement offer regarding silicone breast-implant litigation.

U.S. District Judge Sam C. Pointer Jr., working with a special master he appointed, met in Birmingham, Ala., with corporate defendants yesterday to persuade them to boost amounts they agreed to pay individual claimants. The talks are part of an effort to make the offer attractive enough so that many of the approximately 200,000 eligible female claimants will accept it, people familiar with the talks said. In turn, this would help reduce the legal caseload.

Details of the companies' offer probably won't become public until late this week, since the dollar terms keep changing, participants said.

However, they said Judge Pointer has decided to allow thousands of women in the litigation to drop out of a two-year-old settlement plan now being dissolved and to pursue individual lawsuits if they choose. Alternately, the women could accept the new offer. The prior plan, totaling \$4.23 billion, fell short of being able to compensate the women because so many of them signed up to participate.

Meanwhile, certain details of the three corporate defendants' unilateral offer, which wasn't agreed to by a plaintiffs' negotiating committee, emerged yesterday. Representatives of some women's groups reacted skeptically. Sybil Goldrich, head of the Command Trust Network group representing women with implants, characterized the new offer as "almost abusive." But the dollar figures discussed so far may yet change, said people involved in the talks.

Unlike the earlier agreement, the current offer has no total monetary ceiling. It offers guaranteed payments for some medical conditions allegedly stemming from silicone implants. Currently, ill women who participate would receive a \$5,000 payment at the outset, although even that amount may change.

And women who presently are sick may receive more, depending on their illnesses. Those with joint pain, for example, and other such complaints would receive the least, while those with disabling scleroderma, lupus and other more serious illnesses would receive more. The dollar amounts for any of these conditions, however, continue to change.

Generally, women whose implants have ruptured could receive the highest amounts under the settlement offer, but they would have to undergo blood tests and other medical examinations to verify their conditions. Even so, these larger payments wouldn't be guaranteed under the plan, said people familiar with the talks.

In addition, the companies agreed to provide \$725 million to compensate women who become sick during the next 15 years and to surgically remove implants.

In the past year, some studies have been published that failed to show a statistical link between silicone implants and certain immune-system disorders. But while manufacturers cite these epidemiological studies in trials, some negotiators say the studies haven't figured prominently in the settlement talks.

For one thing, the studies involved a small number of women; many participants in the litigation say they are waiting for larger studies to provide more definitive results. Also, rheumatologists and other doctors provided contrary testimony based on what they saw in their patients. Such testimony resulted in verdicts for the plaintiffs.

And in some cases, jurors were persuaded to decide in plaintiffs' favor by more tangible and vivid evidence, such as chest deformities resulting from hardened silicone implants.

Business Week Is Cleared to Publish Article

By PATRICK M. REILLY
And WADE LAMBERT

Staff Reporters of THE WALL STREET JOURNAL

A federal judge in Detroit unsealed a court document at the heart of a First Amendment fight over a Business Week article, clearing the magazine to publish the piece after three weeks of courtroom battles.

But Judge John Feikens also added to concerns that the fight would have a chilling impact on the press, with a ruling that lambasted Business Week for its use of sealed documents and supported his original order to quash the article.

At issue in the case was a sealed filing by Procter & Gamble Co. supporting its motion to add racketeering charges to a year-old lawsuit claiming that Bankers Trust New York Corp. sold it speculative derivatives securities without explaining their risks. Business Week had prepared an article based on the filing, but Bankers Trust and P&G successfully fought to quash it.

By unsealing the P&G filing, Judge Feikens managed to let Business Week publish while still upholding the legal logic of his earlier decision to quash. In a 16-page ruling, he formally upheld that restraining order, accusing the magazine of "duplicitous" and declaring that it knew it was working with sealed documents and knowingly violated his court's protective order.

Stephen B. Shepard, Business Week's editor in chief, said the magazine will act quickly to publish the disputed article, and has expanded it to be the cover of its issue that appears Friday. Eager to show the world what it had fought to make public, Business Week last night began sending by fax excerpts of the long-delayed story in a press release to news organizations. The release includes this week's cover, with the headline, "The Bankers Trust Tapes." The release was also disseminated last night electronically via the Internet's World Wide Web and "other electronics means of distribution," according to a spokesman.

The magazine also said it quickly appealed Judge Feikens's ruling to uphold his earlier restraining order, which it worried would become a precedent that could hurt other journalists.

"This places an immediate chill and inhibition on legitimate news-gathering activities of journalists seeking access to confidential information," said Kenneth Vittor, general counsel of the magazine's publisher, McGraw-Hill Cos.

Because Judge Feikens is a federal trial judge, his ruling isn't binding on other federal courts. But if the ruling isn't overturned, it could be cited in other attempts to prevent the reporting of confidential court information.

One thorny legal problem: It isn't clear whether the Sixth U.S. Circuit Court of Appeals will agree to hear the ruling, now that the court is no longer stopping Business Week from publishing its article. "The mere possibility of it happening again is not grounds for an appeal," said University of Virginia law Prof. Robert O'Neil, director of the Thomas Jefferson Center for Protection of Free Expression.

Judge Feikens's ruling offered a strong statement that courts can stop the presses when a publication is using sealed documents. "The efficient administration of discovery necessitates that I be able to prevent Business Week from publishing

what never would have existed independently of the discovery process," he wrote.

He continued, "I cannot permit Business Week to snub its nose at court orders. Business Week was aware of the protective order in this case but nevertheless continued to pursue the sealed information."

That argument stirred surprise and strong criticism from First Amendment specialists. "The injunction the judge has entered seems to be at war with the First Amendment," said Floyd Abrams, a prominent constitutional lawyer.

Mr. Abrams noted that for years the Supreme Court and lower courts have held prior restraint of the press to be unconstitutional in cases based on far weightier claims, such as national security. "In this case, there is no such claim. . . . The idea that a protective order entered between two parties to a civil litigation binds not only those parties but the rest of the world is absolutely novel and wholly unconstitutional," he said.

At McGraw-Hill, Mr. Vittor argued: "Even if the documents were known to be stolen, Business Week can't be restrained from publishing. . . . You punish the thief, not prohibit the publication."

Judge Feikens cited a 1984 Supreme Court decision in which the Seattle Times was barred from using confidential information that was obtained through the pretrial information-gathering process. But Mr. O'Neil, the Virginia law professor, pointed out a crucial distinction: In that case, the newspaper was a party to the litigation and had agreed to keep the material secret. "This enlarges the potential scope of [the Seattle Times case], and that is troublesome," he said.

Gotbaum Is Leading Choice For Position at Treasury

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON — Joshua Gotbaum, the Pentagon's assistant secretary for economic security, is the top choice to become the Treasury's assistant secretary for economic policy, administration officials said.

Mr. Gotbaum, 44 years old, a former investment banker at Lazard Freres & Co. in New York and son of a prominent New York City union leader, has been the Pentagon's top thinker on defense industrial issues.

If nominated and confirmed for the Treasury post, he would succeed Alicia Munnell, who has been nominated to be a member of President Clinton's Council of Economic Advisers.

**WORLD WIRE****EU TARGETS ITALY ON PHONES ...**

The European Union is expected today to order Italy to make its cellular-phone market more competitive. Under an EU treaty that allows it to stop anticompetitive practices, the EU Commission will tackle Italy's granting state-controlled Telecom Italia SpA a free license to run a mobile-phone network, but requiring rival private operator Omnitel-Pronto Italia to pay 750 billion lire (\$464 million) for its license. The EU may require Telecom Italia to pay as much or give Omnitel concessions.

... AND GETS RESULTS IN GERMANY

Vebacom GmbH, one of several German companies trying to compete with the Deutsche Telekom AG monopoly, may benefit from European Union pressure on France and Germany to allow telecom firms to lay cable. Vebacom said it will soon get a license to install a fiber-optic network linking television stations in 40 German cities. European state-owned phone monopolies are reluctant to let rivals provide alternative telecom systems.

TELEFONICA OFFERING IS PRICED

Telefonica de Espana SA set prices for the public offering of 12% of the telecommunications group held by the Spanish government. Minority investors will pay 1,615 pesetas (\$13.11) a share, and foreign investors 1,637 pesetas. The sale, which is 8.1 times oversubscribed, will raise 180 billion pesetas (\$1.46 billion) and cut the state's Telefonica stake to 20%.

IBERIA AIR RESHAPES RESCUE

Spanish and European Union officials today will discuss a bailout plan for Iberia Air Lines that could include the sale of the Spanish state-owned carrier's 85% stake in Aerolineas Argentinas. People close to the talks said Iberia is considering asset sales, because the EU might approve Spanish state aid of only 50 billion pesetas (\$405.8 million), not the 130 billion pesetas Iberia requested. The EU tries to prevent subsidies from distorting competition.

BELGIUM PROPOSES TIGHT BUDGET

The Belgian government presented an austerity budget for 1996 that aims to cut the deficit to 3% of gross domestic product from an estimated 4.3% for 1995 in a bid to qualify for the European Union's single-currency plan. The 110 billion Belgian franc (\$3.74 billion) budget includes tax increases and social-spending curbs. But economists said the package was long on tax boosts and short on genuine cuts, and would barely dent Belgium's debt, which represents more than 130% of GDP.

VITRO BUYS GLASS PRODUCER

Vitro SA of Mexico, one of the world's biggest glass makers, acquired Vidrio Lux SRL of Bolivia, a producer of glass containers. The price wasn't disclosed. The

deal, part of Vitro's strategy for expansion in Latin America, will make the company the principal supplier of glass containers to Bolivia's soft-drink and beer producers. Vitro also has U.S. operations and glass interests in Central and South America.

JVC TO EXPAND OUTPUT IN U.S.

Victor Co. of Japan, an electronic-equipment maker known as JVC, said it would build a \$35 million plant in California to produce compact disks with read-only memory, or CD-ROMs. Details were to be announced today. JVC, 52%-owned by Matsushita Electric Industrial Co., cited swelling demand for CD-ROMs as a result of growing markets for multimedia personal computers and games. JVC also operates a CD factory in Alabama.

TOYOTA TO DISCONTINUE SPORTS CAR.

Toyota Motor Corp. of Japan said it would stop making the Sera, a small sports coupe, in mid-December. The Sera, which has gull-wing doors, was introduced in Japan in March 1990, and its monthly sales peaked at 1,302 vehicles in June 1990, exceeding targets. But sales dived to just 20 to 30 in recent months, while sales of sports-utility vehicles boomed, causing auto makers to refocus their marketing.

KPMG ERECTS SHIELD IN BRITAIN

KPMG Peat Marwick, a big accounting partnership, said its British arm incorporated part of its auditing business to limit partners' unlimited liability potential. It cited increased litigation against accountants. KPMG Audit PLC will audit only publicly quoted companies and financial-services companies that are subject to regulation. Similarly, some accounting firms in the U.S. have recently switched to limited-liability partnerships.

THAILAND CURBS FOREIGN BANKS

Thailand's central bank, citing explosive growth of foreign-currency loans, advised 14 foreign banks operating in the country of new rules to restrict their lending. It said the banks were lending too much to what it called nonpriority sectors of the economy, mainly through real-estate and consumer loans. Thus, the Bank of Thailand no longer will let the banks count such loans in determining their net assets in Thailand. The banks now must also hedge foreign-currency loans.

POSTSCRIPTS ...

A pact by seven South Asian nations to reduce tariffs in December to boost their trade was ratified by Bangladesh, joining Bhutan, India, the Maldives, Nepal and Sri Lanka, with Pakistan expected to follow soon. . . . The Philippine government said corruption cost it \$46 billion over the past two decades, based just on graft cases filed, but noted a decline since the end of the Marcos regime.

—Compiled by Richard L. Holman

INTERNATIONAL

Russian Voters Are Being Widely Wooed

December's Duma Election
Has 15,000 Candidates,
No Obvious Mainstream

By CLAUDIA ROSETT

Staff Reporter of THE WALL STREET JOURNAL

KRASNOYARSK, Russia — In a post-office lobby of this Siberian city, 71-year-old Sofia Pastukhova is preparing to deliver the vote. Bundled in a purple coat, Ms. Pastukhova is collecting signatures to place candidates on the ballot this December — only the second time since the fall of the Soviet Union that Russians will vote in free elections for Parliament.

"Pardon," says Ms. Pastukhova to an elderly woman near the postcard display. "I collect signatures for the Communist bloc. Can you support us?"

"I always support Communists," agrees the pensioner.

The next target, a young man carrying a briefcase, rebukes Ms. Pastukhova. "My generation will not vote for Communists. Your generation will."

A Real Choice

Though Ms. Pastukhova may be a cog in the old Communist machine, her canvassing is a sign of a free society taking shape. Unlike in Soviet times, politicians must now woo Russian voters, who have a real choice. The Dec. 17 elections for the 450-seat lower house of Parliament, the State Duma, will likely send the clearest message since the previous, 1993 Duma elections of what Russia's 149 million people want and what kind of president they might elect next June.

But the question looming over the hustings is whether Russian democracy will emerge healthy from its own youthful obsessions. Russian campaign politics today is a hubbub in which Western-style liberal democrats make up one of the fainter choirs. Though a handful of prominent parties have emerged, there is no obvious mainstream. All told, more than 60 parties have registered to field more than 15,000 candidates, a roster that will be made final soon after the signature drive ends on Oct. 22.

Under Russia's baroque electoral system, some candidates will be running in direct elections to 225 district seats that make up half the Duma. The remaining 225 seats will be parceled out proportionally

among parties winning at least 5% of the vote, to be filled from "party lists" of candidates. The lists have become so bulky that the full ballot could be "the size of a bedsheet," according to Moscow-based Michael Caputo of the International Foundation for Electoral Systems.

But a tour of campaign activities in Krasnoyarsk provides a rough sample of the main forces in play. This formerly closed city of one million is a center of the old Soviet defense complex, replete with rusting factories and out-of-work workers. It is also a city with promise, capital of a huge mineral-rich territory.

'A Miserable Life'

The campaign scene here is largely a tug-of-war between nostalgia for the Communist past and a push toward a more statist future. Among the electorate, the keynote is discontent. Alexander Kolesnikov, a professor at the local construction



institute, says he doesn't know whom he'll vote for, but he does know that "now a professor has a miserable life."

Slickest among the political contenders is the new political movement led by Prime Minister Viktor Chernomyrdin, Nash Dom Rossiya, or "Our Home Is Russia." Our Home bills itself as a centrist reform movement. But in Krasnoyarsk, Our Home merely looks like an election label for the current government machine. Its supporters include the regional governor and the Krasnoyarsk mayor, Valery Pozdnyakov. Mr. Pozdnyakov, says that in the interest of stability, he would prefer "all elections to be postponed by one or two years." For now, while still serving as mayor, he's running for a Duma district seat on the Our Home ticket.

The local bank that handles the city funds, Sinto Bank, has seconded the bank president's assistant, Vera Oskina, to run

Our Home's local campaign. And Our Home is the only political group whose billboards deck the roads, some painted in the same blue-and-white government style as the road signs.

Some analysts believe Our Home's clout will bring success at the polls. But it is questionable whether Russians will vote for members of a government few like. Visiting a private furniture factory here to collect signatures for Our Home, former missiles expert Alexander Nemskov shows a young worker the party list, touting the prime minister, Mr. Chernomyrdin, as the leading candidate. "How did Chernomyrdin get on this list?" demands the worker, "he's done too many bad things."

Wielding the rival political machine is the Communist Party, with headquarters in a decrepit medical building. These are the apparatchiks of yesteryear, the folks who didn't get fancy berths in the post-Soviet government. Their strength is a large network of organizers, such as Ms. Pastukhova, and a ready base of support among ill-paid factory workers and pensioners impoverished by inflation. In elections Monday to the local legislature of the industrial city of Volgograd, for example, Communists took 22 of the 24 seats.

Here in Krasnoyarsk, serving Russian chocolates, party official Vsevolod Sevastianov sums up the platform: "I will vote for my past."

The only party whose offices convey the hurly-burly of a traditional Western campaign is the Liberal Democratic Party, led by ultranationalist Vladimir Zhirinovskiy. Housed on the second floor of a chilly library, LDP organizer Alexander Shumov serves tea from the office centerpiece, a huge old samovar donated by his Cossack grandmother. Chatting with colleagues near a clutter of paint cans and a stack of completed signature lists, Mr. Shumov explains, "This is the people's party."

Giving the LDP a run for its ultranationalism is the Congress of Russian Communities, anchored by Gen. Alexander Lebed. "It's not a party," says one of its Krasnoyarsk campaigners, Vassily Kunmov, "it's a state patriotic movement." There isn't much campaign money, he says, "but we have strong ideas."

And tucked away in an office with no posters, no light in the anteroom and a silent telephone is the campaign nerve center of the Yabloko Party, led by economist Grigory Yavlinsky — the most visible of the many factions of Russia's splintered democratic wing.

Brazil's Finance Chief Is Under Attack

Administration Defends Tough Anti-Inflation Stand

By MATT MOFFETT

Staff Reporter of THE WALL STREET JOURNAL

BRASILIA, Brazil — As government efforts to slow the economy inflict greater pain, Brazilians are clamoring for the head of Finance Minister Pedro Malan.

No sooner had Mr. Malan left Brazil on a recent working trip to Europe when a group of business and political leaders launched a campaign in the Brazilian press to oust him. Moving swiftly to thwart the palace coup, President Fernando Henrique Cardoso reaffirmed support for Mr. Malan and his policy of cooling the economy with stratospheric interest rates.



Pedro Malan

"We make no apologies. We put the brakes on the economy," Mr. Malan, said in a recent interview. The finance minister emphasizes that high interest rates, about 25% a year in real terms, have bolstered Brazil's economic fundamentals. "Inflation is less than 1% per month, the trade balance has shifted from deficit to surplus and reserves are back above \$45 billion," he says. Mr. Malan argues that in return for such stability, most Brazilians are willing to accept some pain, even the wave of layoffs and bankruptcies that has hit over the past few months.

"The basis of political support for the Cardoso administration comes from the poor, who have seen the burden of inflation taken off their shoulders," he says.

Trained in economics at the University of California at Berkeley, Mr. Malan, 52 years old, isn't as internationally prominent among Latin American finance ministers as Argentina's Domingo Cavallo or Mexico's Guillermo Ortiz. But in a Brazilian cabinet that includes old-style political bosses, left-leaning intellectuals and even the soccer legend Pele, the urbane, pipe-smoking Mr. Malan is an important stabilizing force. Even critics of his interest-rate policy agree on that much.

Claudio Haddad, chief executive officer of investment bank Banco de Investimentos Garantia SA, argues that Mr. Malan's tight-credit policy is overkill, coming as inflationary expectations have largely been wrung out of the economy. But looking at the bigger picture, Mr. Haddad warns that investors would view the ouster of Mr. Malan as a victory for old-line populists who aren't committed to free-market reform.

Assessing Blame

In truth, Mr. Malan may be less to blame for the slow-growth policies than the political operators charged with pressing the administration's economic reform package in Brazil's Congress. "The gov-

ernment has relied excessively on monetary policy to control inflation because progress has been too slow on fiscal reform and privatization," says Carlos Langoni, a former Central Bank president.

Congress is moving at a snail's pace on government proposals to rein in the deficit by cutting social security benefits, scaling back disbursements to local governments and trimming public payrolls. And while Mr. Cardoso says he intends to privatize dozens of companies with a total market value of \$50 billion, Brazil has carried out only one significant divestment all year.

Mr. Malan says keeping a lid on inflation is key to building a political consensus in favor of structural changes such as privatization and cutting the deficit. "We made a bet that the initial success at bringing down inflation would create the political support for the reforms required to consolidate those gains," he says. "This is the bet that's still on the table."

Party Is Over

When Brazil launched its anti-inflation program, the Real Plan, in July 1994, Mr. Malan was governor of the Central Bank. The program, consisting of temporary spending cuts, the end of prices indexed to inflation, and a new currency, the *real*, immediately cut inflation to less than 5% a month from 50% a month. Working-class Brazilians, whose purchasing power had been devastated by inflation, went on a consumption binge.

After first-quarter 1995 growth surged

by 10% over the same period last year, Mr. Malan, named finance minister in January, had seen enough. He and allies in the Central Bank stepped in to halt the consumption party with higher interest rates. "The growth rate was unsustainable," Mr. Malan says.

So, critics say, are Brazil's current interest-rate levels. Rates for installment

'We made a bet that the initial success at bringing down inflation would create the political support for the reforms required to consolidate those gains,' Finance Minister Pedro Malan says. 'This is the bet that's still on the table.'

purchases and credit cards stand at 8% and 12% a month. The high rates have doubled the government's internal debt to nearly \$90 billion this year, they note.

Mr. Malan counters that despite the second-half slump, the economy will still show solid growth for all of 1995, about 5% by most estimates. By international standards Brazil's internal debt is small as a percentage of output, he contends.

Daiwa Bank's Internal Controls Come Under Scrutiny From Tokyo Regulators

By NORIHIKO SHIROUZU

Staff Reporter of THE WALL STREET JOURNAL

TOKYO—Japanese regulators have begun an investigation of Daiwa Bank Ltd.'s internal controls and other business practices in the wake of the \$1.1 billion loss by a bond trader in Daiwa's New York branch.

The Finance Ministry will try to determine why Daiwa's oversight mechanisms failed to uncover the securities fraud that went on for 11 years, said Yukio Yoshimura, a senior ministry official. The examination, which began at the Japanese bank's headquarters in Osaka on Monday, also will look into operations at its Tokyo and New York offices, he said.

The Finance Ministry's investigation will focus only on Daiwa, said Mr. Yoshimura. But "if the outcome points to a general pattern of oversight breakdowns," the investigation could spread to other Japanese banks, he said.

The Bank of Japan this week will begin its own investigation into Daiwa's internal controls, a spokesman for the central bank said.

Last week, Daiwa disclosed that a New

York bond trader, Toshihide Iguchi, allegedly falsified records to hide \$1.1 billion in bond trading losses at the bank between 1984 and 1995. Mr. Iguchi was charged with fraud last week by the U.S. attorney in New York. The U.S. Federal Reserve and the New York state Banking Department issued a cease-and-desist order Monday which temporarily limits Daiwa's trading activities in the U.S.

Meanwhile, Daiwa strongly denied speculation in the Japanese press that the bank knew about Mr. Iguchi's losses even before the confession he made in a letter to the bank's president in July. "We couldn't apologize more for our lax oversight," said Takashi Kaiho, Daiwa's deputy president, "but we're absolutely confident that U.S. investigations will clear any suspicion on the bank itself."

On Monday, Daiwa relieved Hiroyuki Yamaji, a managing director who was one of Mr. Iguchi's supervisors for three years until mid-1993, as head of the bank's international operations. The move is "intended to allow Mr. Yamaji to concentrate on . . . helping our investigation into Mr. Iguchi's case," a Daiwa spokesman said.

Bulgaria Is Slowing Its Backslide to Chaos

Long a Laggard, Economy Shows Signs of Reform

By ERNEST BECK

Staff Reporter of THE WALL STREET JOURNAL

DEBNEVO, Bulgaria — Driving at breakneck speed along a country road that winds through Bulgaria's sun-drenched Vidima Valley, Stefan Boyadjiev can hardly contain his excitement.

"We could feed half of Europe with what we grow here," boasts Mr. Boyadjiev, a burly Bulgarian agro-businessman, pointing at fields of wheat and corn, overflowing vegetable gardens, walnut groves and orchards thick with fruit.

Much of this cornucopia of fresh produce ends up in jars of cherry jam and pickled cucumbers churned out by Mr. Boyadjiev's factory in the valley. There's also a dairy farm producing 1,600 tons of sheep's cheese annually. It might not be enough to feed half of Europe, but his company, a private outfit called Vidimex, racked up more than \$20 million in sales last year to buyers in Russia, Western Europe, Australia and the U.S.

The entrepreneur's success is living proof that capitalism can indeed flourish in Bulgaria, a country often chided as the laggard in Eastern Europe's economic-reform process. Companies like Vidimex, along with other start-up enterprises here, are sowing the seeds of Bulgaria's comeback from the dismal era of economic decline that followed the collapse of communism in 1989.

Long Way to Go

Of course, Bulgaria isn't out of the woods yet. After five years of political squabbling and inertia, and four governments that blocked restructuring, stymied privatization and kept foreign investors at bay, the Balkan nation won't match fast-track reformers like Hungary or the Czech Republic any time soon. Bulgaria has attracted only \$750 million in foreign investment since 1989, compared with Hungary's \$8.5 billion, and sold only 300 of some 4,000 state enterprises.

Yet there is evidence that Bulgaria's backslide toward economic chaos is over. Official figures show that gross domestic product edged up 1.4% last year. Industrial production rose 4.5%, reversing a 50% plunge since 1989. Nine of 18 industrial sectors, including iron production and petrochemicals, reported growth. Moreover, in 1994 Bulgaria registered a trade surplus and a positive current-account balance, both at \$150 million, after deficits of nearly \$1 billion in both balances in 1993.

"The economy has bottomed out and there has been extraordinary progress on the macroeconomic front," says John Wilton, former head of the World Bank mission in Sofia. He praises the Socialist-led government, which took office in January, for a drop in inflation to 17.6% for the first eight months of 1995 from 68.7% for the same period last year, and for stabilizing exchange rates and foreign-currency reserves. Bulgaria recently paid \$240 million in interest on foreign debt, about 40% of the total \$600 million due in 1995.

Indeed, the reform Communists of the majority Bulgarian Socialist Party, who won December's election amid discontent over falling living standards, haven't flinched from some tough decisions.

Using its majority clout in Parliament, the government, led by 36-year-old Prime Minister Zhan Videnov, passed a tight 1995 budget, raised energy prices 25% and set in motion a mass-privatization voucher program with the ambitious goal of selling more than 2,000 state enterprises valued at

an estimated \$3 billion. By 1998, the government predicts, 65% of the economy will be in private hands, up from 27% now.

Companies like Mr. Boyadjiev's Vidimex are already in the vanguard of change. It's easy to see why. Modern machines turn out six million jars of cherry jam and compote each season. Then come the peach, plum and berry harvests, after which workers start canning tomatoes, beans and a Russian favorite, sour pickles.

Such entrepreneurial enthusiasm among Bulgaria's new business elite isn't



limited to agriculture. Other traditional Bulgarian sectors like computer engineering, textiles and apparel are also growing, either as start-ups or joint ventures with foreign firms. Swedish home-furnishings giant Ikea buys toys and wooden furniture from Bulgarian subcontractors; American Standard Inc. of the U.S. started a joint venture to make plumbing fittings.

Foreign Investors Stay Away

The trend is encouraging, but what Bulgaria still lacks are the big foreign investments that could help propel the country toward sustainable growth. Ru-

men Gechev, minister for economic development, contends that the country is already moving in this direction, courting foreigners with investment guarantees and clear privatization guidelines, and shoring up the country's wobbly banking system.

"It's less risky to invest here than in Russia," Mr. Gechev says. Indeed, he suggests that for foreign companies, Bulgaria is a safe springboard into the former Soviet Union.

However, foreigners are still wary, and many hurdles to investment remain. "There's not a long line of Fortune 500 companies contemplating investment in Bulgaria, because there are so many obstacles in the way," says Bill Coletti, executive director of the American Chamber of Commerce in Bulgaria. Britain's Rover Group, for example, needed six years to complete the \$6 million acquisition, and start-up of an auto assembly plant in the city of Varna.

Moreover, foreign companies that have braved the treacherous waters to forge a beachhead in Bulgaria complain that bribery and other unsavory business tactics are rife. "I think about pulling out of here every day," says Ray Mazurek, general manager of Sprint Bulgaria, set up in 1992 as a local provider and to establish a regional telecommunications hub.

Sprint is still here, though, a sign that even frustrated Western companies are committed to this country of 8.8 million people and see long-term potential despite the difficulties. A further flow of investment depends, however, on the Socialist government's tenacity in cleaning up the business environment, curbing corruption and providing stable leadership with consistent policies.

New SATs for a New Kind of Student

Bruno Manno's skepticism in his Sept. 13 editorial-page article, "The Real Score on the SATs," is unwarranted.

We know that college-bound students who take the Scholastic Assessment Test are working and studying harder because more of them report physics, calculus and other difficult courses, and record levels of honors courses. This doesn't mean that the "rising tide of mediocrity" is now a puddle, but it does mean that these students, who comprise more than 90% of new freshmen at four-year colleges, are better prepared for college than they were 10 years ago. Terrific as it is, this year's five- and three-point rise in SAT verbal and math scores is not unique or traceable to the new test. A similar rise occurred just 10 years ago, without a new test. It is irrelevant that the American College Test did not experience a similar rise this year, since different groups of students take the tests and both scores do not fluctuate in tandem.

The new SAT actually "defines excellence up" rather than down, by emphasizing applied verbal and quantitative reasoning abilities. Mr. Manno may bemoan the loss of antonyms, but today's colleges want students who can read critically and decipher meaning from context rather than those who can memorize antonyms and word lists, skills seldom taught today and of little value in college and life thereafter. Surely he does not believe that devising your own answers to mathematical reasoning problems, as required in some questions on the new SAT, is less challenging than selecting an answer from a list. Nor should it be surprising that greater score increases went to students in the top of their class this year: the new test was designed to reflect what is happening in today's classrooms, and top-ranked students are likely to be more engaged in their studies. Such students also make up the majority of SAT takers. Only 1% are in the bottom fifth of their class, 4% are in the fourth fifth, and 24% are in the third fifth.

Mr. Manno's assertion that it is not possible to compare new and old verbal sections of the SAT reflects erroneous information from the U.S. Department of Education, cited in *The Wall Street Journal* and elsewhere. In an errata sheet to "The Condition of Education," the department has corrected its misinterpretation of a report we issued in 1994, which said that we would stop reporting verbal subscores with the first administration of the new SAT. Contrary to the department's interpretation, which it now admits was erroneous, this action did not affect the comparability of new and old verbal sections of the SAT. To ensure the constancy of the SAT's overall difficulty, we pretested all new test questions and formats and mixed old and new pretested questions in the new tests themselves. Yes, we have only one year of data, but find no anomalies between the old and new versions, and I am cautiously optimistic about the interpretation of the upward trend in scores.

I regret that parents and students think they must use commercial coaching schools to prepare for the new test, since that is unnecessary. We have supplied videos, presentations, booklets and other materials to every secondary school for that purpose.

We urge students to become familiar with the test before taking it, but schools are still the major resource for learning critical reading and how to analyze problems and apply knowledge. By and large, students with more academic courses and good grades get higher scores than those with fewer courses and lower grades.

Mr. Manno correctly states that recentering, which began in April 1995, raises score averages to around 500, but his concern about its effect on standards is unfounded. Recentering will not change a student's relative standing to other students, and it will award top scores to about 9,000 more graduates at the 99-plus percentile every year, giving them the recognition they deserve (a laudable result, surely). Score differences are insignificant at that high level, but most of these students were overlooked before recentering because a single missed question cost them 40 points, while it cost low-scoring students only 10 points. Before this imbalance began in 1972, students could miss some questions and still get the top score—as they can after recentering. Score histories and trends will also be as clear as ever after recentering, thanks to score conversion tables.

I assure Mr. Manno that none of these changes was made casually, but required years of deliberation, coordination and research.

DONALD M. STEWART
President
The College Board

New York

Pompous Twaddle Has Its Benefits

We lawyers get no respect, least of all for our writing. Instead of enjoying the plaudits of our grateful countrymen for the Constitution, the Declaration of Independence and the timeless words of Lincoln (I know, I know: What have you done for me lately? The Clinton Health Care Plan?), we are told ("Lawyers and Clients," Aug. 28) that "legal writing has been a joke for centuries." I think we are entitled to better treatment.

First, lawyers do so much writing that some of it is bound to be "bad"—dull, verbose, unpolished, "pompous twaddle," lousy, muddled, incoherent, unclear, whatever. So what?

How could you (and the Texas State Bar) have failed to share in, or even perceive, the obvious delight of the "obtuse titling" champion who wrote that immortal caption "Order Striking Affirmation in Opposition to Allowance of Claims Seeking the Disallowance of Invalid Claims"?

The cries against legalese and for plain English miss the point. Practitioners of legalese (not to be confused with "officialese") found their champion in Sir Ernest Gowers. In his 1965 revision of Fowler's "A Dictionary of Modern English Usage," he wrote:

[Legalese] has the compactness of a mathematical formula. Legalese cannot be judged by literary standards. In it everything must be subordinated to one paramount purpose: that of ensuring that if words have to be interpreted by a Court they will be given the meaning the draftsman intended. Elegance cannot be expected from anyone so circumscribed. Indeed it is hardly an exaggeration to say that the more readily a legal document appears to yield its meaning the less likely it is to prove unambiguous.

ARTHUR I. CANTOR

Washington

GOP's Bad Bargain With 'Intolerant Right'

Contrary to your Sept. 14 editorial on the Christian Coalition, I don't believe this group is in any way good for America, or the GOP.

Yes, the Christian Coalition has a valid issue in pointing to "moral decay" as a serious national problem. But how is taking away our freedom to make moral choices (such as on abortion, or choosing what movie to see) going to make us a better society? Also, following the coalition at the grass roots level shows how harshly they demonize select groups of people (such as gays and lesbians) in order to build membership and donations. How can that possibly add to public discourse?

Within the GOP, the Christian Coalition has taken over the party apparatus in at least 23 states, with more to follow. The results? At the 1994 Texas State GOP Convention, Sen. Kay Bailey Hutchison, a moderate, proclaimed, "The Republican Party is not a church." She was resoundingly booed off the stage. In Arizona, former Sen. Barry Goldwater's name was removed from the GOP headquarters building simply because he defended his grandson, who happens to be gay. Sen. Arlen Specter refers to them as the "Intolerant Right," and with good reason.

Bottom line? Many economic conservatives and GOP moderates are ripe pickings for a third party. If that fails to materialize, I predict the Democrats will begin exposing this "unholy alliance."

MARK W. MALONE

San Francisco

Look Again: We're Not Missing Any Tourists

We were disappointed to read a one-sided Marketplace story on Sept. 1 about Washington, D.C.'s tourism industry. Washington has always had stiff competition from other popular tourist destinations; however, our city's \$4.8 billion tourism industry has remained healthy this year:

—Since several of our national memorials have undergone extensive renovation, it is logical that attendance at these sites has declined, but it is not an indication of fewer visitors to Washington.

—The Smithsonian Institution's overall attendance numbers for 1995 (year to date through July) are up very slightly: 16.1 million visits this year compared with 15.8 million in the year-earlier period. No major declines are seen at Washington's most popular attractions.

—The city's largest tour company, Gold Line/Gray Line Sightseeing, reported a 5% increase in overall business this summer over last year.

—Average hotel occupancy in downtown hotels (year to date through June) is running a healthy 73%, an increase over the 67% a year earlier.

Over the past decade our organization has seen peaks and valleys in visitor statistics, but the overall trend has been upward. From 17.2 million total visitors in 1984 to 18.5 million in 1994, demand for D.C. has remained very high. If visitors are truly "skipping the Capital," it is not evident to key sectors of our tourism industry.

DANIEL E. MOBLEY
President

Washington, D.C. Convention
and Visitors Association

Washington

CAPITAL JOURNAL

BY GERALD F. SEIB

McCain Throws Reform Lifeline To Needy GOP

WHATEVER THEIR OTHER considerable accomplishments, the new Republican leaders of Congress have flat-out blown it this year in one area: cleaning up the political system.

They've failed to move on campaign-finance reform. The House has stopped



short of requiring new lobbyist disclosure. Over the weekend, House GOP leader Richard Armey even said the leadership is likely to push into next year the easiest of reforms, a ban on lobbyists' gifts to members of Congress.

As punishment, the Republicans now have Ross Perot buzzing around their heads again like a mosquito lusting for a blood transfusion. Just take a look at the "platform" for Mr. Perot's new third party. It contains not a word about the North American Free Trade Agreement, or economic nationalism, or other substantive issues identified with the Perot movement.

Instead, six of the platform's nine broad planks call for steps to rid the political system of special-interest money and influence. Having co-opted much of the rest of the Perot message, Republican leaders have left the Texas billionaire an opening as big as his wallet on this front. Instead of reining in special-interest money's influence on Washington, Republicans appear to have grown more addicted to it.

BUT NOW ONE Republican is riding in from the West, trying to rescue his party from this reform rut. He's Sen. John McCain of Arizona, who has co-produced a real, meaningful campaign-finance reform plan. The question is whether his party really wants his help.

Sen. McCain has been toiling in the campaign-reform vineyard for years, trying to excise some of the influence of special-interest money, but now feels a special need to move. "The American people wanted it, they expected it out of the '94 elections," he says. "Our failure to act on it, I think, has contributed to the decrease in the confidence of American people in Congress."

So now Sen. McCain has teamed up with a Democratic colleague, Russell

Feingold of Wisconsin, and another Republican, freshman Fred Thompson of Tennessee, to offer what the Common Cause citizen's lobby calls "the first true bipartisan effort on campaign finance reform in more than a decade." It would reduce the cost of Senate campaigns, which soared to \$44 million in one particularly ridiculous California race last year, while making them more competitive and less tainted by special-interest money. Crucially, it does this while avoiding entirely taxpayer financing of campaigns, a nonstarter with this Republican Congress.

The plan would impose spending limits in each Senate race, calculated according to a state's voting-age population. The limits would be voluntary, but there would be powerful incentives for candidates to accept them. Those who live by the limits would get free television broadcast time, further broadcast discounts and reduced postage rates to spread their message.

BY THE SAME TOKEN, there would be penalties for candidates who don't accept spending limits. To level the financial playing field, their opponents would be given a higher spending ceiling and permission to raise twice as much money from each contributor (\$2,000 rather than the normal \$1,000 per race).

To get fund-raising out of Washington receptions and back home, Senate candidates would have to raise 60% of their funds from individuals in their home states. Contributions from political-action committees would be banned or, if the courts don't allow that, reduced. To make elections more competitive, incumbents couldn't use free mass mailings from congressional offices in an election year, and there would be an attempt to limit candidates' use of personal fortunes.

A problem: The McCain legislation comes so late that it can't really move until next year. Can something so sensitive be passed in an election year? "The conventional wisdom is no, but I'm beginning to think that election-year pressures now may have the opposite effect," Sen. McCain says. GOP presidential candidate Patrick Buchanan will add heat by offering his own, more radical political reform plan tomorrow.

Still, Sen. McCain worries about two things. He fears congressional leaders, finally sensing the need to move, will propose changes backed only by Republicans. They will fail, because campaign overhaul must be bipartisan.

Second, the signals that the House won't get to the gift ban this year make him worry that his GOP House colleagues may have developed a tin ear that will prevent them from making reforms that are in their political interest in the long run. "I detect over there a kind of a heady environment that maybe isn't as sensitive to public opinion as you would think," he says. "The paradox is that these people came into power because they were in tune with the American people."

Arkansas Judge Runs the Clock On Whitewater

By MICAH MORRISON

"Dear Vince," U.S. District Judge Henry Woods wrote the late Deputy White House Counsel Vincent Foster in July 1993. The judge had been approached by a reporter; she wanted to interview him about Hillary Clinton. "I have not responded to her phone calls, as I mentioned to you on the phone. Today I received the enclosed letter. Would you take this up with Hillary or her press secretary and give me instructions as to whether this interview should be granted?"

The judge seeking "instructions" about press coverage of the first lady is the same judge whose rulings in the Whitewater trial of Arkansas Gov. Jim Guy Tucker are now under appeal by Independent Counsel Kenneth Starr. Last month, Judge Woods threw out Mr. Starr's indictments of Gov. Tucker and two associates for defrauding the government in a scheme linked to David Hale's Capital Management Services. The judge held that Mr. Starr exceeded his jurisdiction, even though his mandate includes a clause authorizing him to pursue any crimes "arising out of" his probe of Madison Guaranty S&L, the Whitewater Development Co., or Capital Management. Mr. Starr has appealed to the Eighth Circuit Court in St. Louis.

In Arkansas, the political family looks out for one another. And as already reported, Judge Woods has a longstanding relationship with Bill and Hillary Clinton. The judge also was a long-time associate of the late Arkansas political kingmaker Witt Stephens, founder of investment giant Stephens Inc., and Sen. Dale Bumpers, among others. His financial disclosure statements include a trading account at Stephens Inc. and shareholdings in Worthen Bank. In 1987, Judge Woods appointed Mrs. Clinton as counsel to a special panel on desegregation cases, and wanted her to run for governor herself when Bill was doubtful. More recently, according to reports in the Arkansas press, he was an overnight guest at the White House the night of the 1994 midterm elections.

Judge Woods's ruling on Mr. Starr's jurisdiction is merely one of the legal fronts being contested in Arkansas courts. A second round of fraud and conspiracy charges against Gov. Tucker and former Madison owners James and Susan McDougal are being heard by another judge, George Howard Jr. Last week lawyers for Gov. Tucker lobbed a dozen procedural smoke bombs into Judge Howard's chambers, including motions to dismiss the second round of charges on grounds that the independent counsel law is unconstitutional and that Mr. Starr has again exceeded his jurisdiction, though the Supreme Court upheld the basic provisions of the independent counsel law in a 7-1 decision.

The appeal of Judge Woods's decision is being heard by the Eighth Circuit Court in St. Louis, whose chief judge is another

Arkansan, presidential golfing buddy Richard Arnold. The Eighth Circuit also is considering appeals in the Paula Jones sexual harassment case; in December, a Little Rock judge decided the case could be delayed until after the president leaves office. In an interview yesterday, Judge Arnold said he had recused himself from both cases. "I don't plan to sit on any cases in which the independent counsel appears," he added.

Judge Arnold, Judge Woods and Judge Howard were appointed to their present positions back in 1979, in what was then known as "the three-way deal." Sen.

Bumpers brokered the deal on behalf of his good pal Henry when a new judgeship was created for the Eastern District of Arkansas. The senator persuaded President Jimmy Carter to elevate Judge Arnold from the Eastern District to the Eighth Circuit, allowing Mr. Carter to honor a campaign pledge of more black judges by naming Mr. Howard to the new judgeship and giving Mr. Woods the second vacancy.



Judge Woods

Judge Woods could, of course, recuse himself from the Tucker lawsuit, which after all was brought by an independent counsel appointed to investigate his friends the Clintons. Judge Arnold has taken that course. Earlier, William Wilson, another U.S. District Judge in Little Rock, recused himself from the sentencing of former Associate Attorney General Webster Hubbell, citing the need to preserve not only justice but "the appearance of doing justice." Mr. Starr has the option of seeking a writ of mandamus forcing the judge to recuse himself, though this would be another time-consuming set of proceedings.

Paula Casey, named U.S. Attorney for the Eastern District after the Clinton administration abruptly fired all sitting U.S. Attorneys, did finally recuse herself from the Whitewater cases. But only after rejecting the Madison criminal referrals naming the Clintons as possible beneficiaries and witnesses, and rebuffing the plea-bargain offers of Mr. Hale. And Mr. Hubbell was delivering Whitewater documents to Clinton damage-control operatives even after he had recused himself from Whitewater. In his guilty plea for felonious billing at the Rose Law Firm, Mr. Hubbell agreed to cooperate with prosecutors, but Mr. Starr took no action to reduce his sentence as a reward for cooperation.

Judge Woods is likely to be overruled eventually, and indeed faces a series of rulings that would blacken his judicial reputation. But he is already on senior status and near the end of his career, and as close Arkansas observers understand, the game is to run out the clock. The procedural maneuvers push any denouement closer and closer to two deadlines: In April 1996, the statute of limitations expires on bank fraud offenses connected to Madison. And in November 1996, voters are scheduled to vote on giving President Clinton a second term.

Mr. Morrison is a Journal editorial page writer.

Tort Lawyers Gear Up for More Silicone Silliness

If the O.J. Simpson verdict undermines respect for the criminal justice system, then the goings-on in a federal courtroom in Alabama should have the same effect on the civil justice system.

There, an amazing spectacle is unfolding: On the one hand, the silicone gel breast implant litigation—already the largest class action in history—is getting bigger, messier and more destructive than had seemed possible even a few months ago. On the other hand, more evidence continues to pour in—as if any were needed—that there is no basis for the plaintiffs collecting *any* damages at all. The facts of this case make a compelling

Rule of Law

By Max Boot

argument that there's something rotten at the heart of American justice.

The mother of all toxic torts has already spawned a weird, mutant creature. Call it Litigation Unlimited. This corporation, with offices in Birmingham and Houston, is run by CEO Sam Pointer Jr., nominally a federal judge. It has passive shareholders (members of the class) and a large managerial class (hundreds of lawyers) that is vastly overcompensated (\$1 billion originally). It has already staked a claim to at least \$3 billion in revenue (a global settlement)—not bad on an initial investment of roughly \$200 million from the trial lawyers.

The settlement was to be larger still—\$4.2 billion—but the managers of Litigation Unlimited became a little greedy and drew the original terms too broadly: Any woman who has ever had a silicone breast implant and who now suffers from any aches and pains (no need to prove a cause and effect relationship) was eligible for a

generous payout. Not surprisingly, this offer drew a lot of takers.

Even though a 1990 survey by the American Society of Plastic and Reconstructive Surgeons found that 93% of women with implants were satisfied with the results, some 440,000 of these women joined the class-action settlement. Of that total, 96,000 qualified for immediate compensation. And some 7,000 others, mostly in the plaintiff's paradise of Texas, opted to file separate suits.

Thus the original settlement wound up driving one of the main defendants—Dow Corning—onto the bankruptcy rocks. That forced the remaining defendants—Bristol-Meyers Squibb, 3M and Baxter—to cut a new deal. Under this proposal, announced Monday, the companies will see their obligation increase to \$3 billion from \$2 billion, but the number of women given huge payouts will be somewhat reduced. No longer will women suffering from vague aches and “emotional distress” be eligible for payments of \$200,000—now, it appears, that figure is “only” \$10,000 to \$100,000.

But women still won't have to prove that there is any connection between their ailments and their implants. A basic principle of civil jurisprudence—that damages should be connected to harm—has been gobbled up by the class-action monster.

How did this happen? Blame the high volume of implant suits. No company has the resources to fight thousands of cases simultaneously, especially when one false step can send it into bankruptcy. So the defendants have decided that, rather than contest the suits on the merits, they'll pay billions and hope the lawyers go away. Judge Pointer, a Nixon appointee, has aided and abetted this travesty. So far, he has refused even to police the settlement for fraud, despite Gina Kolata's compelling New York Times stories showing that many of the

“sick” women were diagnosed by shoddy doctors in cahoots with the trial lawyers.

The upshot is that, just as in the Simpson trial, the evidence has been almost completely ignored in reaching a verdict. In this case, the evidence is all of the epidemiological studies that have endorsed the safety of implants. The latest was a Harvard study of 87,501 women over a 14-year period, reported in the New England Journal of Medicine in June. Even David Kessler, the Food and Drug Administration chief who banned the sale of silicone implants in 1992, told

Women still won't have to prove that there is any connection between their ailments and their breast implants.

Congress in August: “We now have, for the first time, a reasonable assurance that silicone-gel implants do not cause a large increase in traditional connective-tissue disease in women.” Dr. Kessler stopped short of lifting his ban on implants, but France and Britain have allowed sales to proceed.

Seeing which way the scientific consensus is moving, the trial lawyers have conveniently shifted their ground. They're now soft-peddling the autoimmune-disease arguments they first used to clobber the defendants in favor of new claims.

First, they argue that breast implants rupture and disfigure women. It's true that some ruptures have occurred, but it's unclear if they're the fault of surgeons or manufacturers or just bad luck. Dow Corning wanted to launch a scientific study to find out more about ruptures, but the plain-

tiff's bar went to Judge Pointer and won a court order to stop the research, ostensibly on the grounds that it would “destroy” evidence. In reality, the lawyers are probably anxious that it would *create* evidence—evidence not favorable to their case.

The second pincer of Litigation Unlimited's offensive is to allege a vast conspiracy by Dow Corning and other defendants, to cover up flaws with breast implants. This claim is being aided by “Informed Consent,” a whistleblower's account from former Dow Corning executive John Swanson, whose wife is now one of the breast implant plaintiffs. This book, written by Business Week reporter John Bryne, has been heavily promoted—including a Business Week cover story—even though its charges aren't new.

Most of the “secret” memos documented in the book were disclosed in 1991-92 by plaintiff's lawyers. In response to those allegations, the Justice Department launched an intensive investigation to see if Dow Corning had withheld evidence from the FDA. After two years of scrutiny, Justice quietly decided this April that—despite intense political pressure to do so—there was insufficient evidence to press charges. That's as close to an exoneration as anyone ever gets from a prosecutor.

Of course, no amount of evidence will ever convince some women that silicone implants aren't responsible for whatever ails them. And it's true there is no scientific way to prove a negative. But this isn't really about a search for the truth. Rather, the breast implant case is another reflection of the modern American attitude that the legal system is a giant lottery where anyone who feels victimized can hit the jackpot. Unfortunately, that viewpoint is once again being validated.

Mr. Boot is assistant features editor of the Journal editorial page.

Was Justice Served?

The O.J. Simpson trial has raised questions about our criminal justice system. To examine the many issues of the trial, we asked a panel of experts, this question:

"Has the O.J. Simpson trial revealed any major flaws in the criminal justice system. If so, how would you propose fixing the problem?" Here are excerpts from some of their replies:

Steven Brill is the founder and editor in chief of *The American Lawyer* magazine and Court TV.

As atypical as it was, the Simpson case offers these lessons:

• *Lawyers' courthouse-steps press conferences and similar sideshows can and should be stopped.*

Imagine a Simpson trial in which the lawyers never appeared on TV after each trial day talking about how fabulously they did. A trial during which we heard from the participants only when they were in court and, I should add, under the control of a judge who—like the judges in the 379 other trials Court TV has now televised—didn't let them play to the reporters in the gallery or to the camera for even a second. We'd have all seen a dignified trial, not a circus organized around a trial.

In any high-profile case the judge can, and should, issue an order limiting the participants to the statements they make in court—an order that is made that much more appropriate and justifiable if those statements are widely available to the public in a televised trial. The California Supreme Court, in reaction to the Simpson circus, has now issued an order generally limiting lawyers in much this way.

• *While the rest of us may think the criminal justice and court system should be run as efficiently as possible, many who operate that system in Los Angeles behave as if they have all the time in the world.*

The Simpson case lasted 160 working days, but there were only about 430 hours of actual proceedings with the jury present. That's less than three hours a day. In Los Angeles, many camera-free cases (such as the 23-month Hillside Strangler trial) have taken even longer than this one did. By contrast, during the Simpson trial, Court TV also televised 33 trials in 15 other venues from start to verdict. The judges in those cases, who seem to operate under different rules in a culture different from Los Angeles's, usually started promptly, kept at it through the whole day, didn't hesitate to limit the lawyers when they became redundant, and insisted that any argument from the lawyers outside the presence of the jury be done in off-hours.

Andrew P. Napolitano, a judge of the Superior Court of New Jersey from 1987 to 1995, is a partner in a Newark law firm. He teaches at Seton Hall Law School.

Many critics of our justice system have used the Simpson trial to argue that the use of cameras in the courtroom is an egregious mistake, that trial lawyers are essentially petty nitpickers, and that criminal trials frequently deviate from the issue of the guilt or innocence of the defendant to focus on extraneous or ancillary matters (i.e., racist comments of a witness).

Permit me a dissenting view. A judge or team of lawyers could no more tailor a trial to entertain or even educate the public than a surgeon could tailor surgery to capture the public's interest. The state of California has a legal, ethical and moral obligation to vigorously prosecute all crimes over which it has jurisdiction. Mr. Simpson's lawyers had a legal, ethical and moral obligation to vigorously resist, frustrate, combat and nullify that prosecution.

That trials sometimes deviate to the issue of the credibility of a witness is hardly novel. Since the dawn of jury trials 600 years ago, a lawyer must object to the introduction, by his adversary, of prejudicial evidence or be deemed to have acquiesced in that prejudice. Moreover, the bias, prejudice, interest, corruption, prior bad acts, prior criminal activity, prior inconsistent statements, and reputation of witnesses have always been appropriate for inquiry. That this may have added days or weeks to the trial is a credit to the fairness of the American system. That defendants have the right and the tools with which to challenge government witnesses, whether they be good cops, bad cops, or innocent bystanders, is a hallmark of the fairness of our jurisprudence that does not exist in every system.

The advent of cameras in the courtroom has enabled the public to view, up front and close, the least understood branch of government. Whether the public liked what it saw or not, the result of this can only be positive: An understanding that the search for truth is tedious; a realization that trials, which need not be perfect, must nevertheless be fair; and a perception that the criminal justice system, like virtually every aspect of American society, has warts that can be addressed only after careful observation.

Randall Kennedy, a professor at Harvard Law School, is completing a book on race relations and the administration of criminal justice.

With respect to the lessons of the O.J. Simpson trial, two things seem particularly salient to me. First, the case itself is so extraordinary that one should be wary of making generalizations based upon it. Second, having suggested caution, I do think that there is one imperative lesson the case does offer. The verdict, along with a variety of acquittals in other cases tried against a backdrop of racial and other misconduct by law enforcement authorities, shows a long-neglected cost of official misdeeds. That cost is a loss of confidence in the police and, for some, a willingness to "send a message" of protest against official misconduct, a message in the guise of acquittals in cases in which a guilty verdict is warranted. That is a heavy cost, indeed—one for which we shall continue to pay for a long time to come.

Pamela Anagnos Liapakis is president of the Association of Trial Lawyers of America.

Watching the state of California marshal its legions of prosecutors, criminologists, DNA experts, pathologists and other experts and investigators in its effort to secure the conviction of one man accused of murder, one could understand why so many citizens have become distrustful of the power of government. O.J. is a unique individual—a wealthy celebrity capable of assembling his own "dream team" of defense lawyers and with the resources to find an obscure screenwriter in North Carolina who possessed the proof that the prosecution's key witness was a perjurer. A man with the money to hire the foremost pathologists in the country to challenge the mountain of evidence introduced by the state. How much justice could the average American afford if his or her freedom were placed in similar jeopardy?

In the criminal courts, the accused is often limited to the amount of justice that he or she can afford. In our civil justice system, however, the contingent fee places any citizen on an equal footing with even the largest and most powerful international corporation. The contingent fee, typically one-third of the amount recovered after reimbursement of expenses, allows the middle class or poor person to assemble his or her own "dream team" to

hold wrongdoers accountable. Because the lawyer is paid only for successfully prosecuting a case, frivolous cases are carefully screened and rejected.

As politicians seek to balance the budget by reducing funding and unfairly restricting the poor's access to the Legal Services Corporation, we must remember the lessons of the Simpson case and insist that our public defenders' offices remain fully funded. If we fail to provide a "safety net" for the most fundamental individual rights guaranteed by our Constitution, we jeopardize our republic's pledge to provide liberty and justice for all.

Stephen J. Morse is a visiting professor at Georgetown University Law Center in Washington.

That ordinary Americans learned more about the virtues and defects of our criminal

Criminal trials are becoming indistinguishable from Roman circuses or Anglo-Saxon trials by ordeal. Defendants become objects around whom an entertainment event is constructed with little expectation of rational results.

justice system by following the O.J. Simpson trial is good, but the case revealed no flaws that were previously hidden.

The case demonstrated powerfully that wealth affects the quality of representation and that the rich and the poor do not receive equal justice in our criminal courts. We learned that some police officers are corrupt and racist and that police investigations are often flawed. Relations among jurors can be tense, and factors other than the "pure" evidence may sway them. The adversary system was revealed not only as a powerful engine of truth but also as a possible barrier to it. Considerations other than the pursuit of truth and justice in part motivate the lawyers, witnesses, and even the judge. Scientific evidence can be numbingly boring and far from clear. The list could be extended. All of these problems are entirely unsurprising and unfortunately too common in our criminal justice system.

The trial and public reaction to it reveal unsettling racial divisions. But such rifts occur throughout our society and are not unique to criminal justice. Although the distrust of the system among African-Americans is particularly apparent in the response to this case, this attitude and our recognition of it did not begin when O.J. Simpson was charged.

The unusual aspects of the Simpson trial—especially its notoriety and televising—also teach us little. The notoriety is not a flaw in the system, and it is so immense and so unusual that its influence cannot be generalized. Few if any conclusions can be drawn about the effects of televising the trial because the case is so notorious. If O.J. Plainperson had been tried on TV, we would not have had the media circus and participant posturing that may have deformed the proceedings. Another unusual aspect is that the jury was sequestered for an unprecedented time. Whether on balance this was good or bad we will never know, because no controlled study resolves the question.

We knew before the Simpson case that

our society must work harder to reduce the risks of human imperfection in criminal trials, where justice demands the greatest care, and to heal racial wounds. Still, the drama in the Los Angeles courtroom was another powerful reminder of how much needs to be done.

Theodore B. Olson, an assistant attorney general in the Reagan administration, is an attorney in Washington.

Whatever faith the public once had in the criminal justice system is draining fast, and lawyers keep sliding to new lows in public esteem. People are coming to despise lawyers as ego-driven, incessantly preening peacocks dashing from court to television interviews to book signings. And the public is frustrated by judges who seem mesmerized by bizarre characters seemingly drawn from the imaginations of Dickens or Dodgson.

Criminal trials are becoming indistinguishable from Roman circuses or Anglo-Saxon trials by ordeal. Defendants become objects around whom an entertainment event is constructed with little expectation of rational results.

The civil justice system seems equally demented, with freakish punitive damage bonanzas for persons who pour coffee on themselves or ricochet golf balls into their own foreheads. Immense class-action settlements benefit mostly lawyers, while actual victims of misfortune are further victimized by the system to which they turn for relief.

In fact, neither the Simpson case nor television has caused this "grotesquerie." The Simpson trial was just a particularly extravagant illustration. And the cameras, although they pour gasoline on the fire, have at least served the public by holding up a national looking glass to a depressing reality.

Perhaps this case will inspire demands for reforms in our criminal and civil justice systems. But we have a long way to go—and the legal profession seems committed to standing guard over the status quo like Cerberus at the entrance to Hades.

Richard Neely is a lawyer in Charleston, W.Va. When chief justice of West Virginia he spearheaded the assault on cameras in state courts.

The federal courts have always stood firm against cameras in the courtroom. For the media, staying in business necessarily comes ahead of all other considerations, so entertainment comes ahead of information.

But prosecutors, judges and lawyers don't come off much better than the media when it comes to self-interest. The problem with television is that it invites more abject whoring than the print media.

Elected prosecutors almost unfailingly want to move on to better jobs. The standard next step is the judiciary, but enough prosecutors aspire to the House, the Senate or the governorship that showboating is irresistible.

In 22 states all judges are elected, and in almost all the rest, judges run in retention elections or are elected by the legislature. Furthermore, unlike federal judges, state judges often remain ambitious politicians who want better jobs.

Defense lawyers, of course, salivate at the mere thought of a rich, guilty and scared client. There's a big difference between dream clients like O.J. and your neighborhood mugger or street pusher. A showboat trial will bag enough naive new white-collar customers that yesterday's court-appointed hack can make a down payment on a Bentley.

Unfortunately television and fair trials don't mix. Cameras must be banned from all court proceedings, both criminal and civil.

Politics taught me long ago that when men and women are asked to choose between fidelity to their clients (or the public) and personal advancement, the smart money bets on personal advancement. Whenever I get in front of the camera, even if for a fleeting moment, I change like Mr. Hyde from lawyer to carnival barker. Much to the consternation of television executives, human nature exerts natural limits on freedom of the press, which is the real lesson of the O.J. trial.

REVIEW & OUTLOOK

The Jury's Right

There is a school of thought which holds that juries, like democratic electorates, are always right. Not necessarily correct or appropriate, but *right*. What this means is that a jury's decision, like an electorate's, is a complex rendering of *opinion* about some public matter—a person on trial for a capital crime, a corporation on trial for personal injuries, or a politician presenting himself for the public's judgment of his policies or his character. We, individually, often don't care for the outcome of elections, and we often don't like the outcome of jury verdicts—but we would be fools not to see that the Simpson jury is trying to tell this country something important.

We would be fools for showing ourselves incapable of responding to the clearest signals that some part of our system is in trouble. It has come to be our view that the broad system of justice and law enforcement in the United States is damaged.

We can't know whether Mark Fuhrman's racist tapes tipped the case against the prosecution. But it's clear that the 12 women and men of the Simpson jury clearly do not trust the law enforcement institutions of Los Angeles. That may be galling to those who believe that any disinterested assessment of the prosecution's case against O.J. Simpson was overwhelming. But all who are maddened by this verdict would do well to make their own disinterested assessment of the credibility of our legal system.

The Simpson trial itself was widely viewed as almost anything but a serious criminal trial—a circus, a soap opera, a rich man's exercise. Similar sentiments emerged around the televised Menendez brothers trial in which two confessed murderers won a hung jury after the defense accused their dead father of molestation. In the Rodney King police-abuse case, LAPD officer Stacey Koon is tried and acquitted, south-central Los Angeles riots, so Koon is tried a second time near that neighborhood—and convicted. Television, though, only makes these the most obvious symptoms. There's much more.

Yesterday morning before the Simpson verdict was read, newspapers carried stories that some conservative Members of Congress, supported by Democrats, were pulling back from their support of the anti-terrorism bill passed in the wake of the Oklahoma City bombing. After congressional hearings into the Branch Davidian siege at Waco and the shootout with the Weaver family at Ruby Ridge, these legislators wish to think some about increasing the police powers of the FBI and other federal law enforcement agencies.

In the days preceding the Simpson verdict, stories appeared in which residents of black city neighborhoods generally expressed the view that their relations with the police are poor. That is, the most criminally besieged among us mistrust the people

whose job is to protect them from the criminals. Why?

Last Friday on this page, we published a piece by our Dorothy Rabinowitz about the picture-postcard town of Wenatchee, Wash., where local prosecutors, abetted by child-care workers, have arrested numerous citizens on accusations of the most lurid sexual abuse of children, have imprisoned the accused and taken their children from them. People who speak out are arrested and themselves charged. No higher state or federal legal authority seems inclined or able to intervene. Similarly wild prosecutions based on extreme child-abuse theories have resurrected the Salem witch trials in a surprising number of American communities. The accused are helpless.

In Congress there is legislation to finally address the abuses of this country's tort liability system, which even its defenders admit is riven with abuses such as junk science and hired-gun witnesses. Corporate executives regard the discovery process as a mockery of justice. Academics and reporters who write skeptically of tort cases get hit with broad, financially crippling subpoenas by plaintiffs' lawyers abusing their officer-of-the-court powers. On the political right, critics argue that federal agencies given the authority to undertake criminal prosecutions of environmental statutes have greatly abused that authority.

Whether one is of the political right or left, what must be admitted is that what we have here in total is an astounding level of public cynicism about the law and law enforcement. For many different reasons, people at all levels of American society—on the streets, on the farms, in the boardrooms—now think the legal system is rigged against them. Its credibility with the various publics it is supposed to serve is eroding. No one doubts that much honest, hard work gets done every day by officers of the court, but there is also obviously a broad problem that is damaging respect for the system. It is this problem that deserves our collective attention, much more so than any "race issue" from the Simpson verdict.

It is no doubt going to be impossible to avoid discussion in the days ahead of the role race played in the Simpson verdict. It's a stillborn subject. Our sense is that many people, black and white, are becoming exhausted by the constant raising of the "race issue," which for all the effort, seems to go nowhere. Can anyone seriously take pleasure in watching the Simpson verdict make it worse?

For all their notoriety, the men and women of that Los Angeles jury are just a small corner of the American criminal justice system. But on Tuesday their verdict offered us a large message about that system. They don't trust it. Neither do a lot of other people. We better find out why.

Shaky North Korea

News about the unraveling of North Korea's Stalinist regime continues to dribble out, at once tantalizing and terrifying. There are signs that Kim Jong Il's hold on power is shaky. But the question that will not wait for better information, however, is how the U.S. and South Korea should respond to the North's agonizing death throes and its pleas for aid.

A couple of weeks ago South Korea's intelligence chief warned that the North's economic difficulties could "trigger military provocations to diffuse internal discontent." Since then there have been indications of a military buildup along the DMZ, consisting of SAM missiles, long-range artillery, new reconnaissance flights and air exercises, and 54 Frog and 30 Scud missiles. Kim Jong Il made a Sept. 13 visit to a forward base to urge the soldiers to step up their combat readiness. Three U.S. spy satellites have been assigned to watch the 38th parallel around the clock, an indication of how seriously these provocations are being taken.

This is even more worrying since we don't know if any one individual has his hand on the tiller. Mr. Kim apparently does not have the necessary support to take over the presidency of the Worker's Party, a role that has been vacant since the death of his father Kim Il Sung last year.

The recent flooding and rice shortage bring up another troubling oddity. The North's abject plea for international aid is totally out of character with the regime of Kim Il Sung, whose namesake philosophy revolved around self-reliance. The effort to solicit aid and attract investment would seem to be contradicted and jeopardized by the military moves and continuing wrangling over the frozen nuclear program; donors tend to be wary of their aid being siphoned off to the military. Either the rumors of Mr. Kim's schizophrenia are true, or these opposing policies are

the vapor trails of battling factions.

The only bright spot in the recent news is China's growing disillusionment with the North as a result of generational change and South Korean investment. Beijing has rejected the North's call for a bilateral treaty with the U.S. as "impossible, unrealistic and irrational," apparently favoring the South's proposal of a treaty between the two Koreas. China's own food shortage precludes the generosity of the past, forcing the North into the arms of the international community. We can hope that might discourage any military adventures.

U.S. Ambassador-at-Large Robert Gallucci recently took credit for stopping North Korea's nuclear program, comparing his marathon performance to baseball great Cal Ripken's playing record. Yongbyon's reactors may be dormant for now, but we would remind him that the nuclear deal, in our view, made sense only as a holding pattern, with the presumption of the coming collapse of the North as a starting point. North Korea bears no resemblance to China after Mao; it cannot evolve, it can only continue as it has or collapse.

With a combination of carrot and stick the U.S. and South Korea might be able to maintain some degree of stability when the bottom falls out. The stick should be increased military preparedness to head off any thoughts of glorious victory. The carrot could be more generous aid than the \$25,000 the U.S. has pledged so far. Food aid should be given if it is needed to save lives, without additional life supports that could prop up an abhorrent regime.

There are those in South Korea who fear a deluge of refugees after the collapse, and no doubt the costs of rehabilitating the economy will be huge. But plans for the future of the Korean peninsula realistically must be conditioned on the end of tyranny.

NATIONLINE



By Jerry Kovach, Pensacola News Journal
IN PENSACOLA, FLA.: Brian Holley paints plywood protecting his cabinet shop windows as Opal nears.

Opal closes in on northeast Gulf Coast

Hurricane Opal strengthened considerably Tuesday and took aim at the northeast gulf coast. The storm, with 100-mph winds, is expected to further strengthen. A hurricane warning likely will be issued for Thursday for somewhere between Morgan City, La., to near Cedar Key, Fla. The Hurricane Center also advised that residents may have to notify Jewish neighbors in the warning area who won't be listening to radio or TV because of the Yom Kippur holiday, which ends at sundown today. Opal left seven dead and 20 missing in Mexico. The storm was centered late Tuesday 380 miles south-southwest of New Orleans. (Busy season, 16A)

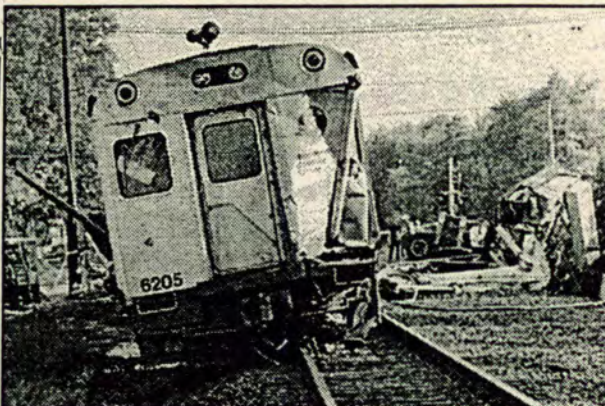
MOTOR VOTER: A federal judge ordered Virginia to implement by March 6 the "motor voter" law that Gov. George Allen calls an invitation to fraud and a federally imposed burden that the government doesn't pay for. The law, which took effect Jan. 1, requires states to register voters by mail and at offices where driver's licenses, welfare and other services are provided.

ARMY ACCIDENT: A military review board blamed human error and poor safeguards for the death of Army Capt. Christopher Williams during an exercise July 18 at Fort Sill, near Lawton, Okla. Williams, 29, of Houston was killed and 12 soldiers and Marines were hurt when a jet prematurely dropped a 500-pound bomb near an observation post. The Air Force grounded the pilot and suspended an air controller pending a disciplinary board review. The two were not identified.

PREACHER RULING: Street preachers in Beaufort, S.C., got a court order from a federal judge in Columbia who said authorities can't arrest or prosecute people just because they speak, preach or assemble on public streets. A divided state Supreme Court in June 1993 upheld Beaufort's ordinance that bans "loud and unseemly noise." The law, supported by merchants and others, led to arrest of at least 14 street preachers.

BANISHED YOUTHS IMPRISONED: Native Alaskans Adrian Guthrie and Simon Roberts, both 18 and banished to remote islands for robbing a pizza man in August 1993, were sentenced to prison by a Seattle judge who said the experiment by a tribal court was flawed. Roberts received 55 months; Guthrie, 31 months.

Commuter train smashes into truck



By Bob Child, AP

IN CONNECTICUT: Twenty-two people were hurt when a Metro-North commuter train from Waterbury to Bridgeport smashed into a stalled flatbed truck carrying a construction crane at a crossing in Milford. The engine and both passenger cars derailed.

ALSO TUESDAY . . .

► **MAIL CALL:** The Postal Service's rate of on-time delivery of overnight first-class mail was 87% between May and September — the best ever. The best among independent tests of 95 cites: Wichita, Kan., 94%. Worst: Baltimore, 81%; Washington and Chicago, 82%.

► **MOM CHARGED IN TOT'S DEATH:** Courtney Jones, 21, of Tunica, Miss., who initially said her 1-year old son, Christopher, was kidnapped by two women Friday, has been charged with murder. Authorities say she admitted she dropped the boy from a bridge into Walnut Lake. He drowned. Jones says she didn't do it.

► **ROYAL DISPUTE:** Mark Schaefer, a Montevallo (Ala.) High School student; is running for homecoming queen to make a point about sexism in schools.

► **SIGN LANGUAGE:** Mount Mitchell State Park officials in Asheville, N.C., said "United Nations" was struck from a park sign because some tourists thought the sign meant the United Nations was taking over the park. New sign: "International Biosphere Reserve."

► **SLICED ORGAN:** A New York prostitute cut off part of Domingo Morales' penis after he refused to pay her, police said. Morales, 67, of the Bronx was in stable condition. Police are searching for the severed part and for the woman, who fled after the attack Monday.

2nd woman joins Citadel fight



AP

MELLETTE: Officially joins lawsuit

Nancy Mellette formally replaced Shannon Faulkner in the court fight to get women into the corps of cadets at The Citadel in Charleston, S.C. A federal judge approved the change but rejected a move to make the case a class action on behalf of all women who might want to apply. Mellette, 17, is a senior at Oak Ridge Military Academy near Greensboro, N.C. Faulkner, 19, dropped out after spending most of her first week in the infirmary at the all-male military academy. A trial is scheduled for next month on whether a women's leadership program at private Converse College in Spartanburg is a suitable alternative to The Citadel.

Written by Paul Leavitt. With: Patricia T. Rivera and M. David Goodwin

WORLD ROUNDUP

France: Nuke test furor is just hype from media

French Foreign Minister Herve de Charette said Tuesday France faced no real international pressure over its South Pacific nuclear tests and accused the media and the Greenpeace environmental group of hyping opposition.

Hoots of derision rose from opposition benches when he told parliament: "There is strong media pressure whipped up by some, but there is no international public pressure against French nuclear tests. The public (anti-nuclear) movement which the press writes about does not correspond to reality."



Agence France-Presse
YELTSIN: Withstood revolt

COUP ANNIVERSARY: A small crowd of tearful mourners lit candles and laid flowers Tuesday to honor victims of a bloody revolt against President Boris Yeltsin two years ago. Fewer than 100 people attended a wreath-laying ceremony outside the television center, the scene of fierce clashes by hard-line members of parliament. Yeltsin eventually cracked down by ordering tanks to shell the parliament building, where the rebel deputies were holed

up, on Oct. 3, 1993. Latest official figures say 123 people were killed in the rebellion. "They will not be forgotten," said Alexander Rutskoi, one of the revolt's leaders.

ALSO... **MACEDONIA'S PRESIDENT** Kiro Gligorov, 78, survived a car bomb attack Tuesday that left his driver dead. The assassination attempt could inflame passions anew in the Balkans. ... **IRANIANS WHO WANT** a cup of java may soon have to meet somewhere other than in a coffeeshop. Iran's parliament gave approval to a bill banning English words such as coffeeshop, fax and mobile telephone. ... **THE ROMAN CATHOLIC** Church was on the verge of condemning Nazi persecution of Jews when Pope Pius XI died in February 1939, on the eve of World War II. His successor, Pius XII, dropped a draft encyclical, a new book discloses. The book will be published Thursday in France.

ALSO IN WASHINGTON

Clinton vetoes bill covering congressional spending

President Clinton Tuesday vetoed a bill that pays the costs of running Congress, telling lawmakers he won't approve their budget until more work is done on federal spending bills. Clinton's third veto as president came on a bill that allows for \$2.2 billion in congressional spending — a \$200 million reduction from fiscal year 1995.

Announcing the veto, White House press secretary Mike McCurry said only two of 13 appropriation bills have been sent to Clinton. "If they send this bill... after they completed the people's work, the president will be willing to take care of their business," he said.

The Republican majority in Congress sent the budget-cutting bill as a symbol of their eagerness to cut back government spending. But McCurry said Clinton used the veto to express his concern over what the spokesman said was sometimes "pretty pathetic" work on the budget by Republican lawmakers. The White House and Republicans are at odds over spending priorities.

Acting on the only other spending bill sent to him, the president today signed the Military Construction Act, despite his objections to \$70 million in spending.

JAPAN BASES: The United States ruled out cutting the number of U.S. troops in Japan to placate opponents enraged by the alleged rape of an Okinawa schoolgirl, but said it had been weighing base consolidations. "It's not a question of reducing the number of American forces in Japan," State Department spokesman Nicholas Burns said. "It is a question on an ongoing basis of determining if certain facilities can be consolidated."

NUCLEAR MOUNTAIN: The United States and Kazakhstan signed an agreement to seal off Degelen Mountain, the site of 220 Soviet underground nuclear tests between 1961 and 1989. With U.S. aid, the more than 180 tunnels into the complex will be collapsed over the next four years, foreclosing its future use.

MARINE DEATH: A Marine died of an apparent self-inflicted gunshot wound to her head late Monday in a Pentagon restroom, the Defense Department said. She was identified as Marine Lance Cpl. Jennifer Merrihew, 19, of Spring, Texas, assigned to Marine Headquarters' Service Company in nearby Arlington, Va.

Clinton apologizes for radiation tests

Seeks to right the wrongs of 30-year effort

By Paul Hoversten
USA TODAY

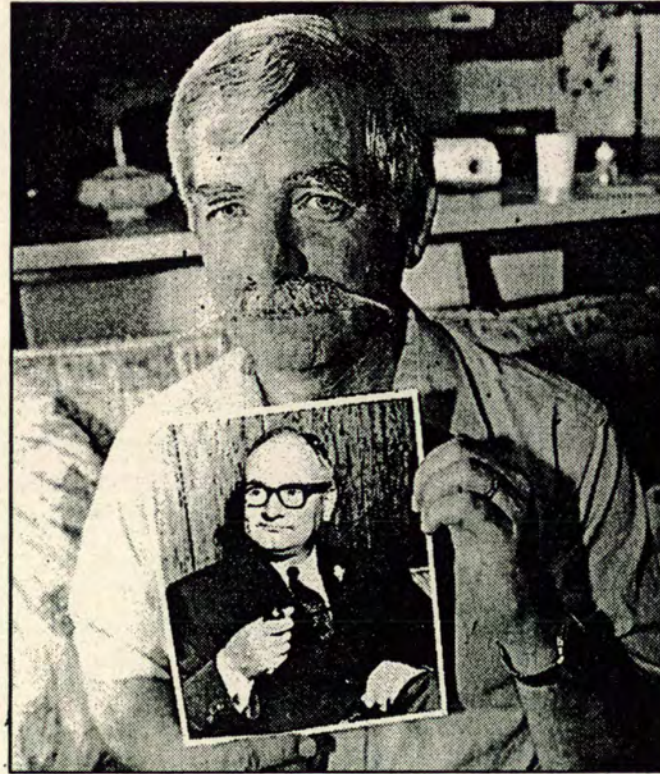
An unprecedented probe into a secret Cold War program that made thousands of Americans unwitting victims of radiation experiments drew to a close Tuesday, after two years of sifting through millions of formerly classified files.

The end came with President Clinton's apology to the victims in one of the most troubling chapters in U.S. history.

"When the government does wrong, we have a moral responsibility to admit it," Clinton said, accepting an advisory panel report urging government compensation to victims if they were clearly misled and suffered physical harm from tests.

Clinton ordered a government-wide review of research involving human subjects. Since 1974, government agencies have had strict guidelines governing such experiments, requiring informed consent.

"The story ... has many pieces," says Energy Secretary Hazel O'Leary, who launched the probe in December 1993 by unlocking millions of secret



By Shane Young, AP

files from the Atomic Energy Commission, abolished in 1974.

"There's a very positive and good side" to the information contained in those, classified documents, she says. "And of course, there is a dark side."

The 4,000 experiments, from 1944 to 1974, led to advances in nuclear medicine and ways of diagnosing and treating cancers and other illnesses.

But the commission found

that the government sometimes used "vulnerable" people — children, prisoners, the poor, minorities, the terminally ill — as subjects. The records hark to a time when Americans were inclined to let the government decide what was best for them.

"Most people doing these experiments revealed to the subjects what they thought they had to know," says Kenneth Mossman, professor of health



AP

EXPERIMENTAL: The test subject above, in a photo released by the Energy Department, was injected with radioactive tracers at Donner Laboratory in California in 1968. At left, Harold Bibeau holds a photo of Karl Heller, who Bibeau says performed radiation tests in Oregon in 1965. Bibeau says he now suffers from pain and rashes.

physics at Arizona State University. "But were they upfront with them? In some cases they were. ... The main problem was about informed consent."

With the threat of nuclear war as a backdrop, researchers considered as crucial to national security all data on how the body absorbed radiation.

"It was a very special time. ... We wanted a strong defense but there were excesses," says

Ruth Faden, professor of health policy at Johns Hopkins University and head of the presidential advisory commission.

Harold Bibeau considers himself one of those excesses. Bibeau, 53, a draftsman in Portland, doesn't want an apology. He just wants the government to provide medical follow-up for injuries he says he suffered.

He was one of 67 inmates to have their testicles irradiated in an experiment at Oregon State Prison, where he was serving time for voluntary manslaughter. An additional 74 prisoners were tested in Washington state.

In 1965, Bibeau lowered his testicles into warm water and received a dose of radiation stronger than that of 20 modern diagnostic X-rays. In exchange, he got a stipend of \$5 a month.

Bibeau now says he has lumps in his body and suffers testicular pain and rashes that other test inmates also report.

"If you're going to have experiments on humans, it's the responsibility of the physicians to make sure these people have a medical follow-up," he says. "We were lied to."

Faden says the search yielded about all it can: "We cast our nets as wide and far as humanly possible. But when you're taking on a project as large as this, there's always another archive around the corner or another collection in the basement."

WASHINGTON AND THE WORLD

GOP spares affirmative action, for now

Despite GOP denunciations of affirmative action and pledges to eliminate government-set quotas, the issue seems to be on a legislative back burner.

By Jessica Lee
USA TODAY

Eliminating affirmative action — a move all but promised by congressional Republican leaders last spring — has been dumped from the GOP's legislative agenda this year.

While both the House and Senate have heard fiery denunciations of government-enforced quotas and set-asides based on race as un-American, no specific bill to outlaw federal affirmative action programs has been debated and voted on.

And key Republicans say that while the movement is far from dead, a vote on any measure that would limit affirmative action programs is not likely this year.

"I don't think that it will come up on the floor of the House this year, certainly not as a free standing bill," says Rep. Charles Canaday, R-Fla., author of one of the plans to outlaw race and sex preferences in hiring and federal contract awards.

Both Senate Majority Leader Bob Dole, R-Kan., and House Speaker Newt Gingrich, R-Ga., now have relegated proposals like Canaday's, which would limit or abolish federal affirmative action programs, to the bowels of the congressional committee process for hearings and study.

Earlier this year, some action seemed to be almost guaranteed. Conservatives described affirmative action as synonymous with preferential treatment. Targeted employment opportunities, they argued,

amounted to reverse discrimination against white men — who overwhelmingly voted for Republicans in last year's elections.

Other opponents say opportunities based on race or sex stigmatized recipients.

Dole and Gingrich have publicly embraced that argument, but delayed action.

One reason for their lack of urgency is that the Supreme Court took some heat off the issue last June when it ruled that federal affirmative action programs must be narrowly tailored and strictly scrutinized.

Another big reason is that even though President Clinton also called for review of affirmative action programs earlier this year, he probably would veto any outright ban Congress sent him for both political and philosophical reasons.

And with huge budget battles looming in Congress over programs like Medicare and Medicaid, neither House nor Senate leaders want more controversy with a highly politicized battle over affirmative action.

Dole, who has introduced legislation that would outlaw discrimination for or against any person, is especially adamant that no anti-affirmative action legislation will move until there have been hearings and a chance to build more grass-roots support.

Both he and Gingrich have used their power over the Republican agenda to derail several attempts to use spending bills as a way to eliminate funding for affirmative action.

In the latest example, Dole last week slapped down a bid by rival Sen. Phil



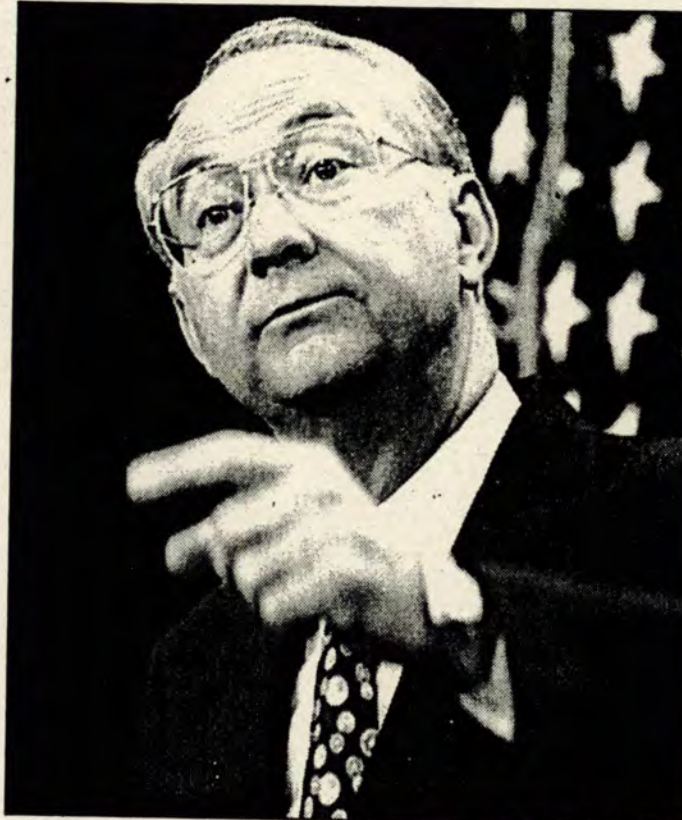
AP
DOLE: Grass-roots support should precede Congressional action



AP
GINGRICH: House speaker has opted to delay action

Gramm, R-Texas, to kill some federal affirmative action programs.

Gramm, who, like Dole, is running for president, wanted to prohibit paying for affirmative action programs with funds appropriated for operations of the Commerce Depart-



By John Duricka, AP
TALKING TAXES: Republican presidential candidate Sen. Phil Gramm, R-Texas, talks about tax-reduction proposals Tuesday.

ment, State Department, Justice Department and federal courts.

Without consulting Dole, Gramm lifted anti-affirmative action language written by Dole and used it as his own.

Gramm conceded he had little chance of

winning the back-door vote to outlaw affirmative action programs: He had tried a similar maneuver on another spending bill and failed. But he insisted on bringing the proposed ban to the floor to try and make the political point, that he, not Dole, is willing to move faster to eliminate affirmative action.

Dole then stepped forward to strip his words from Gramm's proposal, complaining that bringing up the measure now is premature because "I want to have hearings on my Equal Opportunity Act. It's a good bill. We can sell it to people."

Dole's proposal has been sent to the Senate Labor Committee where it will be reviewed sometime next year under the direction of Sen. Nancy Kassebaum, R-Kan.

Dole's action may ensure that affirmative action program won't become an election year issue within the GOP, said political scientist David Bositis of the Joint Center for Political and Economic Studies, a Washington think tank.

"Dole has prevented affirmative action from being used by Phil Gramm and sending it to a committee chaired by moderate Republicans," who aren't likely to completely eliminate such programs, Bositis said.

The House has not had any votes on measures or bills to ban spending on affirmative action. A move to force debate ended in fireworks.

Rep. Gary Franks, R-Conn., tried last summer to add an amendment to the Defense Department appropriation to outlaw spending for any program with quotas or set-asides for minority hiring. He says Gingrich promised to allow it.

When Gingrich changed his mind and blocked consideration of Franks' amendment, the Connecticut lawmaker denounced the speaker as "a liar."

Pope comes to USA with eyes on the future

In changing times, he still takes hard line

By Maria Puente
USA TODAY

Spurred by his own mortality, Pope John Paul II arrives in the USA today as an aging but tenacious apostle for an eve-of-millennium message of hope.

On his fourth visit here, the 75-year-old pontiff has made clear he has more on his mind than just pressing the flesh and posing for photos.

"Preparing for the year 2000 has become as it were a ... key of my pontificate," he wrote in *As the Third Millennium Draws Near*, an apostolic letter to the world's 960 million Catholics.

But the pope's flock is fractious and divided. Millions of American Catholics ignore his no-compromise pronouncements on abortion, birth control and divorce, or chafe against his I'm-in-charge approach to dissidence.

The Rev. Richard John Neuhaus of the Institute on Religion and Public Life, a New York think-tank, says John Paul is restating a theme from his first sermon as pope: Be not afraid. "At the end of this truly brutal, ugly century, this pope is the apostle of human hope."

To mark the new millennium, the 2000th anniversary of the birth of Jesus Christ, the pope is urging prayer, repentance and spiritual reflection. He's also planning regional conferences of bishops, papal meetings with leaders of other faiths, a menu of cultural events, and a possible pilgrimage to the Holy Land.

His message increasingly is focused on a few key themes: world peace. Renewal of Christian unity. Securing his imprint on the church. And positioning it to survive another 1000 years.

"He's looking ahead, and the things he's doing today are going to impact on how the church moves into the next millennium — either with him or without him," says the Rev. Thomas Reese of Georgetown University.

The pope's growing frailty was obvious during a six-day tour of three African nations last month. After hip-replacement surgery last year — which forced postponement of the U.S. tour until now — he can no longer kneel to kiss the ground upon landing; now, he is offered a bowl of earth to kiss.

But he still is determined to be in St. Peter's on Christmas Eve 1999, when he plans to knock a golden hammer on a long-sealed bronze door of the basilica to usher in the Jubilee Year 2000.

A place in history is already assured for the man who helped loosen communism's grip on eastern Europe. He combined charisma and a steely will to turn the papacy into a leading player on the world stage. He has appointed more bishops and cardinals, visited more countries, touched more people, sold more books — and now even CDs — than all his 263 predecessors combined.

"John Paul II will go down in history as probably the most important world

figure in the second half of the 20th century," says Reese. "He's on par with the pope who talked Attila the Hun out of sacking Rome."

That would be Leo I, whose powers of persuasion in A.D. 452 helped make him one of the few popes known by the epithet "the Great."

"Fifty years from now, people will talk about John Paul the Great," declares Neuhaus.

Still, John Paul II remains controversial, a man of equal parts compassion and inflexibility.

His authoritarian stances against contraception, abortion, female priests and "democracy" in the church have been cheered by traditionalists but at the same time have alienated centrists and liberals.

The Rev. Richard McBrien, theologian at Notre Dame University and a longtime critic of John Paul II's papal style, describes an "in-your-face pontificate."

"His wonderful qualities and real achievements notwithstanding, his ideas are wrongheaded," says McBrien, author of *HarperCollins Encyclopedia of Catholicism*. "He's alienated would-be allies. That's a major failing and comes with a terrible high price."

Conventional wisdom suggests that John Paul II's views will survive well into the next century because he appointed most of the cardinals who will elect his successor. But McBrien says the church is pragmatic, and in order to adapt to new times, every papal election in the last two centuries has produced a successor pope markedly different from his predecessor.

Current divisions in the church can't compare with the disaster at the end of the first 1000 years, following decades of corruption, debauchery, murder and blasphemy. Between 882 and 1048, 14 popes were clubbed, poisoned, beaten, strangled, mutilated, starved, or attacked (one by a jealous husband).

"It was the worst period in the history of church," says the Rev. James Hennessey of St. Peter's College, in Jersey City.

When New Year's Eve 999 came, according to medieval chronicles, the old St. Peter's Basilica in Rome was packed with weeping, terrified people waiting for the Apocalypse.

Today, few Catholics expect the world to end on New Year's Eve 1999, but challenges remain.

"One many point to is the decline in the number of clergy and women religious," says Margaret Steinfeld, editor of the liberal periodical *Commonweal*.

The number of priests in the USA has fallen 15% — from a high of about 59,000 men in 1970 — and the median age of remaining priests will be over 60 by the year 2000. And the number of nuns has dropped nearly 50%, from a high of about 180,000 in 1965.

The most cited reason: celibacy.

Yet, not even its harshest critics expect the church to wither with the new millennium — although they do see it taking on a new shape.

Vocations to religious orders still are strong in the Third World, making it inevitable that more black and Hispanic people will take power: "We're going to see a more colorful church in the future — we may see a pope from the Third World," says Reese.

USA TODAY • WEDNESDAY, OCTOBER 4, 1995

U.S. Catholics devout, but pick, choose teachings

By Maria Puente
USA TODAY

Pope John Paul II arrives in the USA Wednesday for a 5-day communion with thousands of U.S. Catholics, perhaps the most obstreperous in his flock.

The pontiff will visit New York, New Jersey and Maryland, deliver a major speech at the United Nations, conduct stadium Masses, meet with other religious leaders and visit a soup kitchen.

Tens of thousands will flock to see him. But Tom Fox, author of *Sexuality and Catholicism*, says he knows what they'll do later: "They'll go home to their beds and practice birth control that night without any qualms of conscience."

That's because "cafeteria Catholicism" — picking and choosing which church teachings to follow — has become an undeniable characteristic.

"Picking and choosing? That's what Protestantism is," says Mother Angelica, the cloistered Birmingham abbess who runs a cable network and appears as *Mother Angelica Live*.

Artificial contraception is only the best known issue on which Catholics and their pope part ways. There's also abortion, the death penalty, homosexuality, priestly celibacy

and women priests.

Yet millions of U.S. Catholics love and admire John Paul II.

"I don't consider myself a heretic, but if I am, then 90% of Catholic couples are heretics," says John Werth, 68, a retired engineer in Princeton, N.J.

"Catholics believe they are better prepared to evaluate their moral circumstances than the pope," says Frances Kissling of Catholics for Free Choice, an abortion-rights group.

Defenders of the pope say poll findings don't change the truth.

"If individuals push aside (church teachings), what's left but emptiness?" says Joe Crnkovich, 33, an electrical engineer in Alexandria, Va.

"You've got to believe it all; you can't say 'I believe in some, but I also believe in abortion,'" says Mother Angelica.

Conservative Catholic thinker Michael Novak says U.S. Catholics are more committed than Europeans. "The churches are empty there and here they're full — you can't get a parking space," he says.

Adds George Weigel, president of the Ethics and Public Policy Center in Washington: "At least they're in the cafeteria and not six blocks down the street in the espresso bar."



MOTHER ANGELICA: "Believe it all."



By Steve Barrett
KISSLING: Followers are better judges

O.J. Simpson acquittal a sad day for U.S. justice

If the cast of characters in the O.J. Simpson trial had been all white or all black, the defendant surely would have been found guilty. Due in large part to Johnnie Cochran using the race card, Lady Justice's blindfold has slipped down around her neck and she is choking. It is a sad day for the USA. I think the problem was that the black jurors were unable to return to their neighborhoods and face people almost unanimously favoring acquittal.

The racial situation is so polarizing that it is hard to get a verdict in white-on-black or black-on-white crime. Johnnie Cochran sank low by making the trial a race-relations case. It is all right to go after falsehoods, but to say it is about sending a message is wrong.

David Siltman
Gaithersburg, Md.

Jury must explain tragic end

The jury must come forth and explain this verdict. From the outside looking in, this seems to be a tragic ending. Only the jury can relieve our frustration. We deserve to hear from them.

Robert Koch
Lexington, Mo.

Cochran a great role model

Before the verdict was read, my heart pounded and I was as tense as if I were a member of O.J.'s family. As the verdict was read, I felt elated and overjoyed as if my own brother, father or son had been set free. I do feel sadness for the victims' families because they still do not have any closure to a traumatic time in their lives. If O.J. committed this crime, he will be judged by a greater judge — God.

I am also proud that America got to see a different image of an African-American male. Johnnie Cochran is a role model our children have been needing for a long time. He organized the defense, spoke eloquently and presented an image not seen enough of a successful, educated and intelligent African-American male.

Instead of criticizing Cochran for playing the "race card," America should try to do something at last to eliminate racism.

Donna L. Matthews
Chicago, Ill.

O.J. should have been in jail

O. J. Simpson is a crude, violent man who, as a wife batterer, should have been behind bars long before the murders were committed. Had he been where he belonged, Nicole Simpson and Ron Goldman would be alive today.

Paul S. Conklin
Port Townsend, Wash.

L.A. police ruined this case

I am a 65-year-old white man. I am not a racist, but I am still shocked by the verdict. I believe the case was ruined by sloppiness, incompetence and prejudice on the part of the police. The jury probably thought O.J. did it but in their minds had reasonable doubt.

Some of my best friends are police, and I know they will perjure themselves over a \$20 parking ticket. Not all, of course, but some will get on the stand and lie. I don't



Pool photo via Reuters

BEFORE VERDICT: O.J. listens to judge.

think this happens just in California. Some may follow the rules and have high principles, but a lot of police who think they know who did a crime will manufacture the evidence.

D. R. Egbert
Rohnert, Calif.

Don't call Darden a 'sellout'

I can't understand the people who called Christopher Darden a "sellout" for prosecuting a black man. As a white person, should I consider Robert Shapiro a "sellout" for defending a black man? Darden's job is to prosecute suspects, black, white, Asian, Hispanic, to the best of his ability.

To suggest that he limit his cases to non-blacks so as to not "sell out" is quite possibly the most ignorant and misguided statement I have ever heard. What would happen if white prosecutors refused to prosecute white suspects for fear of being labeled a "sellout"?

I can't help but wonder if the people carrying those signs and making those statements realize the ridiculous message they are sending. Crime, drugs and poverty are out of control in this country, but it seems some members of our communities are more interested in acquitting people of crimes because of the color of their skin and not because of their innocence.

Robert Hart
Columbus, Ohio

'It is our finest hour'

What we have just witnessed was democracy in action. It is our finest hour. We are a country of laws, and we all are guaranteed our day in court with a jury of our peers to decide our fate. Tuesday those laws were upheld, and the greatest country in the world stood with those laws.

Mike Hall
Phoenix, Ariz.

Faith in justice renewed

I am so thankful for the verdict in the O.J. Simpson case. In my heart of hearts, I know he did not kill Nicole Brown Simpson and Ron Goldman. And he never would have left those bodies for his children to discover and be traumatized for life.

Thank God justice prevailed, unlike in the John F. Kennedy, Martin Luther King

Jr. and Malcolm X assassinations, where there was a rush to judgment. As in those cases, I believe the actual killers will be revealed, even if it's a decade from today.

But for now, my faith in our justice system has been renewed.

Norlishia Jackson
Washington, D.C.

Always follow the money

I agree with the verdict wholeheartedly. This proves that the system works when you have reasonable doubt as a standard. Despite Fred Goldman's statements, no one can say absolutely that O.J. did it.

I have a simple rule I rely on: Always follow the money. Fred Goldman convicted O.J. before the prosecution even rested. Denise Brown talked about spousal abuse after first saying Nicole had not been abused. Both families have civil suits against O.J., so regardless of the acquittal in the criminal trial they may fatten their wallets. If this case isn't about how much money there is to be made, then Deion Sanders plays for the love of the game.

Patrick L. Lalor
Houston, Texas

Case didn't fit, jury acquitted

Lead defense attorney Johnnie Cochran said to the jury, "If it doesn't fit, acquit." The jury took those words to heart. It wasn't the gloves they were looking at, but the time line the prosecution gave for the murders. The time line didn't fit in their minds so they acquitted O.J. Simpson.

The concept of reasonable doubt is reaffirmed by their not-guilty verdict. The jury was under a lot of pressure to sacrifice O.J. to "white America" to prove they were worthy and not prejudiced. They resisted the pressure and made the decision on the evidence or lack of it.

The jury will be under attack from the "white media" for their short deliberation and the color of their skin. But the facts remain. It didn't fit, and they acquitted.

The Rev. Romy Lilly
African-American Male Watch
Los Angeles, Calif.

Notice whites aren't rioting

Now that O.J. Simpson has been declared innocent, you won't find whites burning, looting or killing if they are upset with the outcome.

That kind of response should never have been tolerated from blacks as it was in the Rodney King incident. If the verdict had gone the other way and violence had erupted, the National Guard should have had orders to shoot to kill. To do otherwise would condone that behavior.

John D. Helsley
Moreno Valley, Calif.

To comment...

If you would like to comment on editorials, columns or other topics in USA TODAY, or on any subjects important to you: Send e-mail for letters to the editor only to usatoday@clark.net on the Internet. Fax 1-703-276-5513. Or call 1-800-828-0909. Mail Letters to the Editor to 1000 Wilson Blvd., Arlington, Va. 22229. Please include address and day and night phone numbers. Letters and articles submitted to USA TODAY may be published or distributed in print, electronic or other forms.

Voices: What do you make of the verdict in the murder trial of O.J. Simpson?

More than 15 months have passed since Nicole Brown Simpson and her friend Ronald Goldman were found murdered outside her Brentwood, Calif., home. O.J. Simpson, accused of the slayings, was on trial from January until yesterday, when the jury's verdict was revealed: not guilty of either murder. USA TODAY asked readers for their opinions.



George Colombo, 40
Writer
Winter Springs, Fla.



Allenstine Willis, 69
Retired teacher
New Britain, Conn.



Maybelle Beasley, 60
Hospitality executive
Jackson, Miss.



Preddis Sullivan, 36
Dental administrator
Simi Valley, Calif.



Marc Murphy, 26
Sales rep.
Fairfield, Ill.

I believe this was a horrible miscarriage of justice. One can only hope that this serves as the basis for a comprehensive re-examination of what we do in the courts, how we conduct our judicial business.

The heaviness has been lifted from my chest. The investigation left a lot to be desired. I think it has put the race card on the front burner. It has always been part of this case. We all must confront racism; we'll be a better and stronger people for it.

The trial ran nine months, but jury deliberations lasted only three hours. That's an injustice to our judicial system. In my opinion, he should have been found guilty. I felt the evidence presented proved beyond a reasonable doubt that he was guilty.

I think that it was the prosecution's responsibility to prove guilt beyond a reasonable doubt, and I don't think they succeeded. That was not accomplished.

It's unbelievable. This is a sad day in America. Due process is a wonderful thing, but this proves that money and celebrity status can buy anything. It's a terrible reflection of our ethics.

The wrong O.J. lesson

Don't change laws now to make it easier to convict

Appellate lawyers are programmed to be pessimists. We also operate on the worst-case scenario, so I was prepared for the possibility of a conviction in the O.J. Simpson case.

I have also learned to discount the assessments of the media pundits, most of whom predicted a hung jury. Needless to say, I am gratified and relieved by the unanimous verdict of a jury composed of blacks and whites, men and women.

Defense lawyers must always be ready to appeal a guilty verdict and, in this case, the Simpson defense had a running start, since we had already written extensive trial briefs on most of the key appellate issues.

These include the constitutionality of the original search, during which the glove was found; the admission of extensive evidence of alleged spousal discord, including a dream and a joke; the admission of an unsworn and un-cross-examined videotape during which a police nurse recanted sworn testimony about the amount of blood taken from Simpson; the exclusion of most of the Fuhrman tapes, including admissions that the officer tampered with evidence and lied in other cases involving black defendants; and the omission of any instruction to the jury including Fuhrman's invocation of his privilege against self-incrimination when asked whether he tampered with evidence in this case.

Although there will be no appeal in this case, these issues still deserve careful consideration for future cases.

It is too early to conduct any autopsy on the trial itself or to speculate about what might have influenced the speedy verdict. But it will be interesting to see how the jurors react when they learn about the evidence that was kept from them, especially the Fuhrman tapes. They heard only two relatively mild racial epithets rather than the extensive evidence of racism, evidence of tampering and perjury reflected on the tapes.

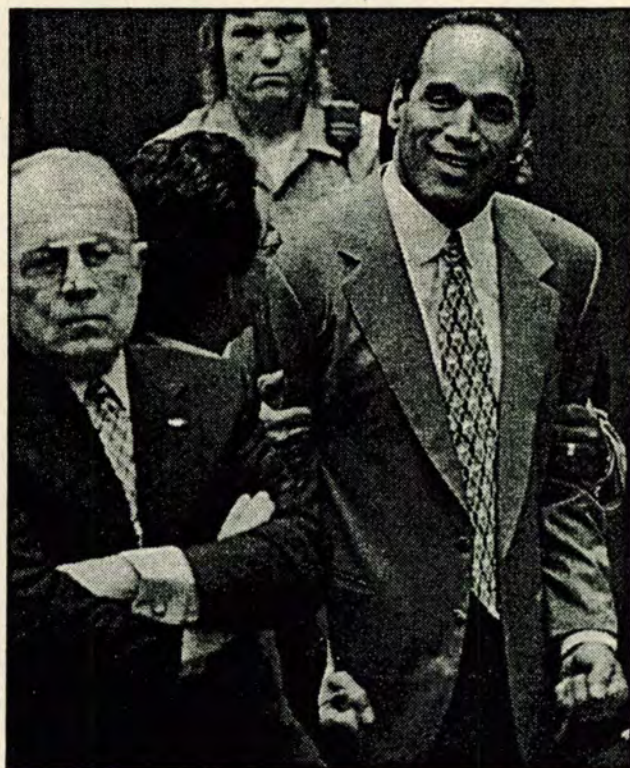
When these jurors learn who Fuhrman really is, they will be confirmed in their opinion and will be better able to defend themselves against anticipated criticism. We must always remember that a jury acquittal is not a referendum or the solution to a "whodunit" mystery; it is a decision about whether the prosecution's case has been proved beyond a reasonable doubt. In this case, reasonable doubt permeated the prosecution's case. It also will be important to see how the public — especially those who believe that a miscarriage of justice has occurred — reacts to the verdict.

The big issues raised by this case remain to be resolved. They include police perjury, unequal justice for the poor and racial division. They also included a widespread misunderstanding of the adversary system and the role of defense counsel.

Unfortunately, much of the media frittered away a unique opportunity to educate the public about the operation of our adversary system. Too many pundits spent too much time evaluating the day-to-day performance of the lawyers, as if it were an entertainment event, rather than



COMMENTARY
By Alan Dershowitz



Pool photo via AP

AFTER VERDICT: O.J. Simpson, F. Lee Bailey react.

presenting the big picture about civil liberties, the adversary system and U.S. justice.

There is great danger now that prosecutors and police will learn the wrong lesson from this case. They will seek changes in the system that make it easier to convict defendants rather than making the adversary system accessible to the poor as well as to the rich. It would be a tragedy if O.J. Simpson's acquittal resulted in the conviction of other innocent but poor defendants who were victimized by procedural changes brought about by prosecutors in the wake of the case.

There is significant disparity in the administration of justice today. A poor O.J. Simpson, faced with the forensic evidence, could not have successfully challenged it in the way that the real O.J. Simpson did. The solution to that disparity is not to bring the O.J. Simpsons of the world down to the level of indigent defendants, but rather to increase the resources available to all defendants so they can challenge the evidence of police laboratories, police officials and prosecutors. A government that is not susceptible to challenge is a government susceptible to corruption. Challenge is good for the adversary system, for justice and even for ultimate truth.

O.J. Simpson's acquittal is not a cause for celebration. There are many victims in this case. Everyone involved in this case feels enormous compassion for the victims and their families.

To everything there is a season. This is now the season for rebuilding, for constructive change and for looking toward the future.

Alan M. Dershowitz, a criminal lawyer and member of O.J. Simpson's defense team, is also a professor at Harvard Law School.

Race, not justice, wins out in verdict

Jury gave little deliberation to mountain of evidence and instead let prejudice, paranoia win the hour.

BETHESDA, Md. — O.J. Simpson's acquittal in the murder of Nicole Brown Simpson and Ronald Goldman shows that race still has the power to overwhelm reason and to pervert justice in America.

With little deliberation or examination of the mountain of physical evidence pointing to Simpson's guilt, the jury let prejudice and paranoia win the hour.

It's a sad day for the American legal system and an even sadder one for race relations in this country.

From the beginning, this trial polarized Americans by race.

A large majority of whites in recent polls before the verdict believed that Simpson was guilty. Nearly as many blacks believed he was not.

It is impossible to believe that anything other than race explains this mostly black jury's behavior. There was not even a pretense of deliberation.

Members of the jury went into the room to decide the verdict with their minds made up. They took less than four hours to evaluate a case that took nearly nine months to try. There is no possible way that the jurors could have carefully considered the 1,105 pieces of evidence or the 45,000 pages of testimony in the scandalously short time they took to reach their verdict.

The jurors telegraphed their attitudes during the closing arguments.

Observers in the court reported that many of the jurors looked bored and distracted when the prosecution summarized the overpowering physical evidence that tied Simpson to the murder scene and the victims' blood to his clothing, car and even to his home.

One juror was reported to have dozed off during the prosecution's summation, another to have laughed after images of Nicole Brown Simpson's and Ronald

Goldman's mutilated bodies were again shown to the jury and a recording played of Nicole's terrified voice during a 911 call to police.

But if the horror of the two murder victims in this case seemed tedious to the jury, defense lawyer Johnnie Cochran's recollection of years of racial discrimination in America mesmerized several jurors, evoking tears from one.

Perhaps some of the jurors became confused about who the victims in this case really were: themselves, all blacks who have ever faced discrimination in America, or the man and woman lying in pools of blood in the pictures before them.

Certainly the defense team used its considerable talent to obscure the truth in this case. They turned the murder trial into a trial about racism in the Los Angeles Police Department.

And, of course, prosecution witness Mark Fuhrman helped prove the defense's point. Once Fuhrman was shown to be a racist and to have lied about his own racist behavior, nothing else seemed to matter.

All Cochran had to do was convince the jury that convicting Simpson would be akin to condoning racism. And that Cochran did easily in one of the most demagogic speeches in recent memory, comparing Fuhrman to Adolf Hitler. Cochran managed to turn Fuhrman into the defendant in this case.

The Simpson trial is certainly not the only trial in which racism has played a deciding role in the verdict. For years, especially in the South, white defendants were routinely acquitted of killing blacks despite ironclad evidence of their guilt.

Three years ago in Los Angeles, a nearly all-white jury acquitted one Hispanic and three white police officers in the beating of Rodney King, who was black. Most Americans — of all races — believed that verdict was a travesty of justice. It resulted in days of rioting and 53 persons killed.

But the riots weren't the end of the story in the Rodney King beating. The U.S. Department of Justice intervened, filing charges against the police officers for violating King's civil rights, ultimately earning convictions against two of the officers.

Too bad the Justice Department won't be able to seek similar redress for Nicole Brown Simpson and Ronald Goldman, whose most basic civil right — to live — was brutally violated in June of 1994.

COUNTERPOINTS' four columnists provide views from diverse perspectives on today's issues. **Thursday:** Susan Estrich on the O.J. aftermath. **Mondays:** Tony Snow. **Tuesdays:** Michael Gartner. **Wednesdays:** Linda Chavez.



COUNTERPOINTS
By Linda Chavez

Not guilty

"We the jury ... find the defendant, Orenthal James Simpson, not guilty of the crime of murder."

Those words from O.J. Simpson's jurors brought anger and tears Tuesday — not least from the families of murder victims Ron Goldman and Nicole Brown Simpson. Who does not share their grief? But painful or joyous, they are words to live by.

The verdict was a powerful one — so fast and decisive that there's little doubt each juror reached the same conclusion independently.

A distraught Los Angeles District Attorney Gil Garcetti called it an emotional decision. But that's not likely. The jurors had more facts available and more time to

weigh them than most juries.

Nor was it exclusively a race-based decision, as many will leap to suggest. Nine of the jurors were black, but three were not. Any of those three could have kept Simpson from freedom. They chose not to.

The likeliest explanation is the obvious one. Each juror had reasonable doubt about Simpson's guilt. Instead of attacking their motives or their competence, better to ask a question: What did the jurors see that so many in the public did not?

The answer will emerge in coming days, and other questions will follow, for while the verdict ended the trial, it didn't begin to end the story. Too many compelling subplots remain incomplete:

What will happen to Simpson?

He's now a free man. But he is not likely any time soon to be free of punishment — or reward. He will soon be back in court again charged with murder. Not criminally, but civilly.

Garcetti said Tuesday that the Simpson case "was fought as a battle for victims of domestic violence." And that fight will go on with a suit by the estate of Nicole Brown on behalf of her children, Sydney and Justin. It alleges that Simpson "brutally and with malice aforethought stalked, attacked and repeatedly stabbed and beat" his ex-wife. Simpson thus faces a new avalanche of adverse publicity. He also may face a battle for custody of the children.

At the same time, Fred Goldman, Ron's father, is suing Simpson for his son's wrongful death. And since only money and not liberty is at stake, Simpson will have to answer questions: Was he sleeping? Chipping golf balls? How and when did he cut his hand? And if his answers aren't satisfactory, he won't have the high wall of proof beyond a reasonable doubt to protect him. In civil cases, jurors merely need to believe that a preponderance of evidence — 51% — proves the charge and they can award

damages in the millions.

Is this unfair to the now not-guilty O.J.? No. It allows the Browns and Goldmans a legal alternative to taking private revenge against a man they have considered a murderer. They, too, deserve their day in court.

Simpson, though, won't hurt for money. Not with *The National Enquirer* and *Hard Copy* ready to pay for his story. But he might skip them and go straight to the people — with pay-per-view TV. If Mike Tyson can beat up Peter McNeeley in a round and draw \$60 million in PPV dough by getting 1.5 million viewers to watch, what can Simpson expect from a call-in "Night with O.J." with all his millions of loyal supporters? A hundred million? Two hundred?

You can see this two ways: It's a reasonable reward for a man deprived of a year of freedom and substantial wealth for a crime a jury says he did not commit. Or it's an outrageous exploitation of tragedy, regardless of who's guilty.

Either way, it's macabre. For the sake of both the victims' families and public confidence in a justice system where money plays a troublesome role, it's a spectacle the nation would be better off without.

What of the murderer?

One thing is certain: A murderer is now walking free. And if O.J. didn't commit these murders, who did?

The defense has suggested assorted suspects: Colombian drug dealers out to kill Nicole Simpson's friend Faye Resnick. Four Hispanics on a hit-and-run raid. A jealous lover. Yet, despite \$10 million spent on Simpson's defense, no evidence points to any suspect other than Simpson.

Garcetti insists the guilty man got off. And Police Chief Willie Williams said the verdict "doesn't mean there's another murderer." So it's unlikely police will reopen

the investigation.

Simpson, though, promised in a note read by his son Jason: "When things have settled a bit, I will pursue as my primary goal in life the killer or killers that have slaughtered Nicole and Mr. Goldman. They are out there somewhere."

This all sounds like the plot of *The Fugitive*. Unless Simpson finds his one-armed man, he's unlikely ever to be cleared in the public mind. That may not be fair, but it is reality, which makes such a search the one place any profits from this tragedy should be spent.

What about the justice system?

Garcetti went out of his way Tuesday to praise the police, criminalists, technicians and prosecutors who worked on the case. No doubt the vast majority labored long, hard and honestly. But that's not quite the same as saying everything was fine.

It was not. If the jurors had reasonable doubt about the prosecution's case, that's because some alarming problems appeared in the way the case was handled. Blood samples cooked in an unrefrigerated van, degrading the DNA in them. Bloodstains on the back gate and on socks were missed until weeks after the murders. Those and other errors opened the door for the de-

fense to argue that evidence might have been planted. And this in a case where police knew they had to get everything right. Add a lying, racist police officer, and it's easy to see how some, particularly blacks, can see the justice system as frightening.

What could an indigent defendant do to expose such problems? Not much. More than anything else, the Simpson trial should serve as a clarion call for communities to explore how just their justice systems really are. Whether or not you like the Simpson verdict, the first responsibility of any justice system is to make sure the innocent don't get punished.

And what of race relations?

This trial has divided the nation along racial lines since its start. And the sad truth is that the verdict likely will drive the wedge deeper.

Where a guilty verdict by a predominantly black jury might have shifted the argument, a not-guilty verdict accelerates it.

It reinforces the overwhelming opinion of blacks that there was a rush to convict Simpson because of his race. And it reinforces the overwhelming view of whites that he got off because of his race. Today's USA TODAY/CNN/Gallup Poll shows the polarization.

Equally certain, the success of Johnnie Cochran's race-card defense will invite imitation.

The optimistic view is to say all this brings an alarming difference of perception into the light where it can be acted upon. And there's truth in that. Where injustice is

exposed, it is sometimes corrected. The end of racial lynchings is the most obvious of many examples.

But ultimately a way must be found to remove the race card from the legal deck or control its use. Exposing racial motives is one thing. But appealing to jurors' racial bias, as Cochran did, is something else. For a system of justice rises and falls with the public's faith in its ability to produce a just result. If people can't trust the system to produce colorblind outcomes, then there'll be more invitations for them to take the law into their own hands.

None of this means Simpson should have been found guilty. No one even knows yet how the race card played with the jury.

But it's one reason the story is not over. *California vs. Simpson* has exposed sores that may take years to heal.

**Los Angeles Times first-edition Page 1 for
Wednesday, Oct. 4, 1995:**

Top of page:

Col 1: The world absorbs the "Not Guilty" verdict in the O.J. Simpson murder trial with a gasp, a shrug and "I told you so" in uncounted millions. (SIMPSON-WORLD, moved).

Cols 2-4: For a tingling instant, the city of Los Angeles stops freeways empty, sidewalks clear, the day's business on hold as people gather silent before their TV screens. (with art). (SIMPSON-LA-TIMES, moved).

Cols 5-6: Ending one of history's most riveting courtroom dramas in a final, stunning moment, O.J. Simpson is acquitted of two counts of murder in verdicts that set the football Hall of Famer free 474 days after he was arrested and charged with a brutal double-homicide. (SIMPSON-TIMES 1stld-writethru, moved).

Above fold:

Col 6: Even though Marcia Clark argued from atop what she repeatedly called a "mountain of evidence," she never managed to break through into the clear air of clarity and confidence with the jury. (SIMPSON-LEGAL-TIMES, moved).

Bottom of page:

Cols 1-2: While O.J. Simpson has regained his freedom, one big question remains: Can he get his life back? (SIMPSON-FUTURE-TIMES, moved).

Cols 4-6: Three families the Simpsons, the Goldmans and the Browns had become inescapably entwined by killings that claimed the lives of two people they loved, and left a third accused of the brutal crime. (with art). (SIMPSON-FAMILIES, moved).

**Clinton Refuses to Sign Congressional Spending
Bill By John M. Broder= (c) 1995, Los Angeles
Times=**

WASHINGTON President Clinton, issuing only the third veto of his presidency, on Tuesday refused to sign a bill that provides money for the operation of Congress.

Although the bill cuts congressional spending by more than \$200 million from current levels, Clinton said he was vetoing it because he believes members of Congress have shirked their responsibility to complete work on the 1996 budget and other pending legislation.

White House press secretary Mike McCurry described Congress' efforts in recent weeks on the budget, Medicare reform, education funding and other issues as "pretty pathetic."

He said Clinton would consider signing the \$2.1 billion congressional spending bill "after they've completed the people's work." Congress has acted on only two of 13 appropriations bills for the fiscal year that started on Oct. 1.

Clinton believes it would be "inappropriate" to provide full spending authority for Congress "while funding for most other activities the government remains incomplete, unresolved and uncertain," McCurry said.

All other agencies are operating at roughly 90 percent of their previous year's appropriations under a "continuing resolution" that keeps government functioning until the 1996 budget is passed.

Ironically, Congress will get more money under the continuing resolution than under the bill that Clinton just vetoed, McCurry acknowledged.

He said Clinton felt that signing the bill would send the public the wrong message "symbolically, metaphorically, politically."

The Republican leaders of Congress reacted predictably. Senate Majority Leader Bob Dole, R-Kan., and House Speaker Newt Gingrich, R-Ga., said it was "regrettable" that Clinton had vetoed a bill that cuts congressional spending by \$206 million, 8 1/2 percent from last year.

"Instead of sending an important signal to the American people that spending cuts will start right here on Capitol Hill, President Clinton has sent the wrong message," the GOP leaders said in a joint statement.

"This certainly won't make it any easier for Congress to deal with this White House," they added.

Rep. Bob Livingston, R-La., chairman of the House Appropriations Committee, called Clinton's action "nothing more than muscle-flexing with a veto pen ... The president has no substantive grounds for a veto."

(Optional add end)

Clinton Tuesday signed the other spending bill that has reached his desk, the Military Construction Act, which pays for housing and recreational projects on military bases.

But McCurry scored that bill as well, saying it was marred by \$70 million in unneeded projects.

"You might describe them as pork," McCurry said. "And they will oink appropriately."

McCurry said the military spending bill illustrated the need for the line-item veto, which Congress has promised to give the White House but which has so far failed to pass.

"The president is disappointed that the act provides more funding than requested" by the Pentagon, McCurry said. "For that reason, the president indicates that if he had access to the line-item veto ... those certainly would have been provisions that would have been stricken from this bill."

Clinton's other vetoes came on a Dole-sponsored bill that would have lifted the arms embargo in Bosnia and a so-called "recisions" bill that cut spending in the fiscal year just ended on a number of education and job training programs that Clinton supported.

**Clinton Apologizes to Unknowing Victims of
Radiation Tests By Marlene Cimon= (c) 1995,
Los Angeles Times=**

WASHINGTON President Clinton Tuesday apologized to the survivors and families of those who unknowingly were subjects of government-sponsored radiation experiments, and ordered his Cabinet to devise a system of relief including financial compensation.

"When the government does wrong, we have a moral responsibility to admit it," Clinton said. "The duty we owe to one another to tell the truth and to protect our fellow citizens from excesses like these is one we can never walk away from."

Saying "our government failed in that duty," he apologized "to all the American people who must be able to rely upon the United States to keep its word to tell the truth and to do the right thing."

And, in proposing a system of restitution, he added: "We know there are moments when words alone are not enough."

Clinton made the remarks as he accepted the recommendations of an advisory committee he appointed to study the secret experiments, which began in 1944 and continued for three decades.

Although the panel studied about 4,000 radiation experiments that took place during that period, it recommended that only a handful of victims receive compensation. Panel members specifically cited three experiments, including one project where 18 hospital patients, most of them terminally ill,

were unknowingly injected with plutonium to determine how long the substance remained in their bodies.

The committee also recommended that several subjects of total body irradiation experiments conducted during World War II, and the subject of a zirconium injection experiment, known only as Cal-Z, also be included.

Nevertheless, administration officials appeared to leave the door open for additional restitution, if warranted.

Energy Secretary Hazel O'Leary said in an interview that there could be "thousands, many thousands" of individuals who deserved payment, but stressed that both the government and the panel had been hampered by poor or nonexistent record-keeping during that time period.

Since her department's investigation began, "of the 10,000 calls we received, about 3,000 individuals gave us enough information to enable us to look in records and, in all the searching of a quarter of a million pages, we found only 50 names," she said.

(Optional add end)

In the case of the 18 subjects of plutonium injections, however, she said discussions regarding compensation would begin immediately with their families.

The experiment, conducted between 1945 and 1947, was deemed necessary at the time to assess the risks that workers faced when exposed to such materials.

One patient was injected at Oak Ridge Hospital, in Oak Ridge, Tenn.; 11 at the University of Rochester; three at the University of Chicago, and three at the University of California.

O'Leary said the funds would come out of her department's budget.

"We are ready and willing to begin a negotiation," she said. "One thing all of us want to avoid is a protracted and expensive lawsuit against the government."

Clinton also ordered a review of the procedures involving all government-sponsored research on humans, and said he will create a bioethics advisory commission to police the research process to "see to it that never again do we stray from the basic values of protecting our people and being straight with them."

He acknowledged that medical and scientific progress "depends upon learning about people's responses to new medicines, to new cutting-edge treatments ... but there is a right way and a wrong way to do it."

Gramm Ready To Do What It Takes To Be Next President By Robert Shogan= (c) 1995, Los Angeles Times=

NEWPORT, N.H. The workers were waiting, the news photographers were in place and Texas Sen. Phil Gramm was just about to begin his tour of the Sturm, Ruger gun factory here when suddenly he paused.

Turning to his advance man, Gramm said: "Let's spend more time looking at the older guns. They make more interesting pictures."

Given Gramm's near obsessive drive to gain the Republican presidential nomination, no detail is too trivial to command his attention. "Listen, I want this job," he told the Los Angeles Times after rising at dawn one day last week to fly from Washington to campaign in New Hampshire. "And I'm willing to work for it."

At the start of his candidacy seven months ago, Gramm had to overcome doubts about whether he could be a convincing enough conservative to win the hearts of his party's right wing. That question still lingers, along with concerns that his sometimes overbearing manner will turn off more voters than he can win over.

Yet at the moment, aided by a disciplined message to go along with his boundless energy and prodigious fund-raising talents, Gramm can make a plausible argument that he is better positioned than any of his rivals to overtake the front-runner in the GOP race, Senate Majority Leader Bob Dole, R-Kan.

"In the end, either Sen. Dole is going to be the nominee or I am going to be the nominee," Gramm said during a two-day sweep through the New Hampshire countryside, interrupted by a quick trip to Boston for a fund-raiser. "I don't see another viable alternative."

This assertion is based largely on two factors. One is Gramm's fund-raising success: his \$14.2 million in contributions this year ranks only behind Dole's \$19 million among the GOP candidates, and well ahead of all the rest.

The other is his strong showing in straw polls among Republican activists. After shocking Dole by tying him for first in the much-publicized Iowa straw poll in August, Gramm has won similar contests at a meeting of the National Republican Women and at Minnesota's GOP convention.

Although the number of participants in such competitions is relatively minuscule, Gramm contends the results have far-reaching implications.

"In a primary and caucus process, what is more significant than who gets the support of party activists, who after all have information about candidates now that you hope voters will have on Election Day?" he asked. "These are the people who are the ground troops, who do work that win primaries and caucuses."

The heart of Gramm's appeal to conservatives is a pledge stark in its simplicity, particularly by comparison with Dole's often meandering rhetoric. Nearly everywhere he goes, he promises "to finish the Reagan revolution" by shrinking the size and power of the federal government. The result, he promises, will be to give middle-class families "who do the work and pay the taxes and pull the wagon in America" more control over their lives.

Judging from their stands on a host of issues, Dole and Gramm would wind up in the same place. But Gramm seems determined to get there sooner.

(Begin optional trim)

"I'm going to get the government out of your cash register," Gramm promised the owner of Hubba's coffee shop in Newport, as he bounded into the premises during a brief hand-shaking stop.

"He and Dole are about the same when it comes to philosophy," said Alvin Rousseau, one of the Hubba patrons whom Gramm greeted. "But Gramm's more outspoken than Dole. If he has something to say, he says it."

But Gramm's efforts to reconcile his goal of shrinking government with the concerns of voters who have come to depend on its services to help them over rough spots don't persuade everyone.

"I think he gave me a runaround," said Christopher McPherson, a Sturm, Ruger worker who asked Gramm how he was going to balance the federal budget without cutting programs that benefit the middle class. McPherson said he gets federal assistance to help pay his ailing young son's medical bills.

Gramm tries to soften the sharp edges of his speeches and of his sometimes abrasive personality with large doses of folksiness drawn from his humble roots in the rural South. It is an effort replete with frequent references to his "momma."

(End optional trim)

Ultimately, Gramm's best chance for success in the GOP race probably derives from his total commitment to the task at hand, a trait demonstrated dramatically when he converted the Iowa straw poll from a near disaster into a major boost.

As the contest approached, Dole was expected to win it easily while Gramm found himself in a close fight for second place with two other candidates former Tennessee Gov. Lamar Alexander, who had made a substantial investment in television advertising, and conservative commentator Patrick J. Buchanan. In fact, some party leaders expected Buchanan to finish ahead of Gramm, a result that would have been a severe setback for the Texan's campaign.

Alerted to the peril, Gramm stumped the state heavily himself and poured money and troops into the competition, keeping up the pressure even as 10,000 GOP activists gathered in Ames for the vote.

"The Gramm people knew how to play the game," said Drake University political scientist Hugh Winebrenner, author of a book on the Iowa presidential caucuses. "They had the best food, the best tent and the best entertainment and they spent a lot of money getting people out."

When Gramm tied Dole for first, he gained a moral victory that he has been exploiting ever since. The most obvious rewards have come in Iowa, where a Des Moines Register poll two weeks ago showed Dole's support dropping to 40 percent, from 57 percent before the straw poll, while Gramm climbed to 18 percent, from 11 percent.

On the surface, such movement has not occurred in New Hampshire, where some polls show Gramm still in single digits, trailing not only Dole but also Buchanan and Alexander. Gramm argues that Buchanan benefits from his focus on New Hampshire when he challenged then-President Bush in the 1992 primaries. And Alexander has spent about \$200,000 on television advertising in the state, far more than Gramm's investment so far.

At any rate, Charles Black, the Gramm campaign's senior adviser, claims the Iowa victory has had "a tremendous ripple effect" among GOP activists those who are political fund-raisers, donors or contributors and pay close attention to presidential politics at this early stage.

As they plot their strategy, Gramm's advisers are counting on the Ames victory paving the way for him to run well in the Iowa precinct caucuses, where the 1996 delegate selection process begins on Feb. 12. A strong Iowa showing, in turn, should boost him in the New Hampshire primary eight days later.

(Optional add end)

After New Hampshire, by Black's reckoning, "the political calendar gets real Gramm-friendly."

Black is referring to the slew of early March primaries in the South, the heartland of Republican strength and a region known for its conservatism, where Gramm is expected to enjoy ideological as well as geographical advantages.

Meanwhile, he is content to wait, convinced he is in charge of his own destiny. Regardless of the ups or downs of other candidates, "I'm going to win or lose based on what I do," Gramm said. "If I do my job, if I define my vision, if I deliver my message, I'm going to win."

which has threatened to overrun the territory if its status is not resolved by the end of next month.

Such a battle, Western diplomats say, could draw the powerful army of neighboring Serbia into direct combat with the Croatian army, setting off a broad escalation of the Balkans war and toppling the current U.S.-led peace effort.

"It is a dramatic first step," said U.S. Assistant Secretary of State Richard Holbrooke, who leads the U.S. peace effort. "Eastern Slavonia threatens the possibility of peace in Bosnia. ... This is the first time we have been able to announce progress, limited though it is, on this issue."

The narrow region of rich farmland and oil fields is the only Croatian territory still occupied by Serbian insurgents. The so-called Krajina Serbs were routed from Western Slavonia in May and from the Krajina region in August. Croatian President Franjo Tudjman, emboldened by those battlefield successes, has said he will not be satisfied until all Croatia is under government control.

U.S. Ambassador to Croatia Peter Galbraith, who helped broker Tuesday's session in this tiny Serb-held border town, said the agreement represents the most far-reaching acknowledgment by local Serbs that their dream of an independent state, or one incorporated into neighboring Serbia, will not be realized.

Although no timetable has been agreed upon, the principles would allow the Croatian government to re-establish Croatian institutions in the region, including post offices and passport offices, and would require local elections. They also call for the demilitarization of the region during an unspecified transition period, except for the presence of an international force to ensure compliance.

"This joint meeting was as different as night from day from previous meetings," Galbraith said. "The Serb delegation ... focused on providing the best possible guarantees for the Serbs of that area for a life in Croatia."

Hrvoje Sarinic, Tudjman's chief of staff, led the Croatian delegation, the first time a top-level Croatian official has traveled to the disputed territory to meet with local Serbs.

Sarinic predicted the talks would succeed where numerous efforts over the past three years have failed because of provisions assuring the region's inclusion in Croatia. Talks are scheduled to resume Monday at the U.S. Embassy in Zagreb, the Croatian capital.

(Optional add end)

But Milan Milanovic, the chief negotiator for the Serbs, spoke far more cautiously of the achievement. Guarantees that local Serbs would not be mistreated by returning Croatian authorities come against a stream of reports of atrocities against Serbs in other parts of Croatia. Tuesday, the United Nations confirmed another incident of elderly Serbs being murdered near Knin, once the capital of the Krajina Serbs.

Milanovic said Serbs have not given up on local autonomy, even though such a provision was not included among the 11 principles. And the transition period proposed Tuesday is disputed; the Croatians insist that it last no longer than 12 months, while Serbs want five years.

Croatia, Rebel Serbs Agree to Peace 'Principles'

By Dean E. Murphy= (c) 1995, Los Angeles Times=

ERDUT, Croatia One of the most difficult pieces in the Balkans peace puzzle began slipping into place Tuesday when top leaders from Croatia and the breakaway Serb-controlled region of Eastern Slavonia agreed for the first time to a set of "guiding principles" for a peace settlement.

The 11 tenets, if ultimately implemented by both sides, would reintegrate the region into Croatia and defuse a tense standoff between rebel Serb soldiers and the Croatian army,

Christopher: U.S. Troops in Bosnia Vital to NATO's Future By Norman Kempster= (c) 1995, Los Angeles Times=

WASHINGTON Congress will effectively destroy the North Atlantic Treaty Organization if it blocks the Clinton administration's plans to commit U.S. troops to a NATO-led peacekeeping force in Bosnia, Secretary of State Warren Christopher said Tuesday in some of his strongest language on the subject.

"If we get a peace settlement and the United States does not participate in the enforcement, I believe it would be the end of NATO," Christopher said during a breakfast with the Washington bureau of the Los Angeles Times. "If we do not join our NATO allies in that important endeavor, it would undermine NATO, which has been the most effective military alliance in the history of the world."

Christopher added that the Muslim-led Bosnia government has made it clear that it will not agree to a peace settlement at all unless it gets advance assurances that Americans will be part of the NATO supervisory force.

Some Republicans in Congress have expressed doubts about the wisdom of sending U.S. ground troops to the Balkans. They have demanded to be consulted before the administration commits Americans to the force and have suggested that they might push legislation to prevent it.

Christopher derided the opponents as misguided lawmakers who believe the United States should exercise world leadership but are unwilling to spend the money or run the risks that leadership demands. Nevertheless, he predicted that Congress ultimately will approve U.S. participation in the Bosnia force.

"I think when the president decides that something needs to be done in the national interest ... and begins to talk to the American people about it, that becomes something the country needs to do," he said. "When the time comes, if all of the issues get posed, if we answer them well, I think the Congress will support what the president has done here."

Christopher conceded that Congress has the authority to stop any troop deployment in its tracks by refusing to appropriate the necessary money. At the same time, he hinted that Clinton might try to defy congressional interference in the constitutional authority of the White House over the armed forces and send the troops anyway.

He pointedly recalled that former President Bush vowed to use American forces to expel Iraqi invaders from Kuwait even if Congress voted against it. Congress did vote to approve Bush's action.

"I think there's a very important lesson there," Christopher said. "It's really common ground between both parties that the constitutional powers of the president must be maintained."

Clinton pledged two years ago to contribute about half the NATO peace force estimated at about 50,000. Some U.S. and NATO officials have suggested recently that the force might be somewhat smaller.

Christopher declined to say how many troops will be required but he said they must be armed heavily enough to deal with any contingency.

(Optional add end)

Meanwhile, Defense Secretary William J. Perry said NATO defense ministers meeting in Williamsburg, Va., will consider a plan to assign some NATO peacekeeping troops to the job of training the Bosnian government army.

If approved by the alliance, the training plan would seem to further strain NATO's position as an impartial umpire in Bosnia's ethnic conflict. The United States and its allies have already made it clear that they consider the Bosnian Serbs to be the primary aggressors in the conflict.

At the same time, State Department spokesman Nicholas Burns delivered a rare criticism of the Croatian government, a

regime that Washington has long regarded as friendly. He said Washington was concerned about reports of atrocities by Croatian troops who drove Croatian Serbs out of the Krajina region of Croatia.

Clinton vetoes bill to fund Congress

Republicans accuse him of 'posturing'

By Paul Bedard
THE WASHINGTON TIMES

President Clinton yesterday vetoed a scaled-back \$2.2 billion bill for congressional operations in a symbolic move to draw attention to Congress' slow action on approving other government spending and budget bills.

"I don't think Congress should take care of its own business before it takes care of the people's business," Mr. Clinton said in a statement issued after his third presidential veto.

Republicans denounced his veto as "political posturing" and noted that it will have no impact because the president last weekend signed a stopgap spending bill that keeps the government in business through mid-November.

They also highlighted Mr. Clinton's changing reasons for opposing the measure, and the administration's inaccurate characterization of the so-called legislative appropriations bill — representing an 8.5 percent spending cut from current spending — as allowing for full funding of congressional operations.

In a rare joint statement, House Speaker Newt Gingrich, Georgia Republican, and Senate Majority Leader Bob Dole, Kansas Republican, said:

"It's regrettable that President Clinton has put politics ahead of cutting government spending by vetoing the legislative branch appropriations bill. When it comes to cutting spending, the Republican Congress is again leading by example — this bill cuts more than \$205 million from our own budgets, a reduction of 8.5 percent. . . . This certainly won't make it any easier for Congress to deal with this White House."

The spending bill provides money for congressional staffs, the Library of Congress and other congressional agencies. The bill,

supported by most Democrats in the House and Senate, eliminates the Office of Technology Assessment, moves to privatize services such as the House barber shop and beauty parlor, and cuts spending for the General Accounting Office and Government Printing Office.

"The president can't have it both ways. He can't lecture the Congress on political reform, while vetoing the first real effort in 40 years to reform the Congress," said Rep. Robert L. Livingston, Louisiana Republican and House Appropriations Committee chairman.

The president said previously that he had no complaints about the legislative spending bill other than the timing of its passage — first of 13 appropriations bills.

Mr. Livingston said, "I am disappointed and baffled by the president's veto. It is completely unrelated to the contents of the bill and it is unprecedented. The president should have judged the bill on its merits, not as a political tool."

White House spokesman Michael McCurry said Mr. Clinton "would sign [the legislative appropriations bill] under different circumstances" but vetoed it to highlight his charge that Congress is working too slowly to pass the fiscal 1996 budget.

"The president wants to say to them, 'Look, we've got to get down to business and get serious,'" Mr. McCurry said.

Meanwhile, Mr. Clinton signed the \$4.3 billion military construction appropriations bill even though he strongly opposed elements of the package, including another \$200 million more for projects than the president sought in his budget.

"The president describes them as unneeded projects. You might describe them as 'pork.' And they would oink appropriately," said Mr. McCurry.

Apology offered radiation victims

U.S. will pay for experiment fallout

By Warren P. Strobel
THE WASHINGTON TIMES

President Clinton yesterday apologized to thousands of Americans who were subject to Cold War-era radiation experiments and pledged that the U.S. government would compensate victims of the worst abuses.

Mr. Clinton based the apology on a 900-page report from an advisory panel that reviewed 30 years of experiments to determine nuclear radiation's effects on humans. Many were never told of the potential effects, and for years the government kept the subject secret on national security grounds.

Among the experiments for which the panel recommended apology and compensation was one in which 18 persons were unwittingly injected with plutonium. Mr. Clinton cited that case in an appearance with families of some of the victims.

Of the 18 persons injected with plutonium at four research centers in 1946 and 1947, several were found after their death to have suffered from severe bone degeneration. Two or three died within a few years of the experiments, although no link can be proven.

"Today . . . the United States of America offers a sincere apology to those of our citizens who were subjected to these experiments, to their families and to their communities," the president said.

The 14-member panel, chaired by ethicist Dr. Ruth Faden, stressed that most of the 4,000 hu-

man experiments it reviewed involved only minute amounts of "radioactive tracers" unlikely to have caused harm and are similar to those now used in research.

It also acknowledged that "the historical record remains incomplete" because vital documents, many dating from the 1940s and '50s, were either lost or destroyed.

Mr. Clinton accepted the recommendation of the Advisory Committee on Human Radiation Experiments that a structure be put in place to compensate victims. A White House official said the number of such people could exceed 30, but there was no estimate of the amount of money involved.

Rep. Edward J. Markey, Massachusetts Democrat, said he will introduce legislation to authorize compensation.

Many of the experiments were carried out by the Atomic Energy Commission, precursor to the Energy Department, and the Defense Department in an era when nuclear war with the Soviet Union seemed possible.

E. Cooper Brown, a member of the executive committee of the Task Force on Radiation and Human Rights, said there was "strong disagreement" with the panel's finding that there was no reason for a detailed medical follow-up on all those who may have been used in radiation experiments.

But he said his group was heartened by indications that the administration will continue trying to uncover the truth. "That's all-important," he said.

The president ordered steps to prevent further research abuses. He announced the creation of a Bioethics Advisory Commission to oversee research on humans. And he ordered all government agencies that conduct such research to immediately review their safeguard procedures.

The panel recommended that the government apologize to and compensate victims in two kinds of cases:

- Those in which the government tried to keep information from test subjects and their families to avoid potential embarrassment or liability, denying them the opportunity to pursue their grievances.

- Those in which there was no potential medical benefit or in which controversial procedures were presented to patients as standard practices, and injury resulted.

"Today . . . the United States of America offers a sincere apology to those of our citizens who were subjected to these experiments, to their families and to their communities."

— President Clinton

GOP's Medicare plan takes hit for weakness in stopping fraud

Cheating doctors would be harder to put out of business

By Nancy E. Roman
THE WASHINGTON TIMES

The Republican Medicare-reform proposal would make it harder to convict some doctors of defrauding the Medicare system.

According to a Justice Department official and senior Commerce Committee staffer anti-kickback laws and physician self-referral provisions would be more lenient under the GOP reform plan.

"This is the first time I'm hearing about this part of the bill," said Rep. Henry A. Waxman, California Democrat. "It is shocking to me that we're easing up on fraud and abuse."

Democrats hammered that theme yesterday at a hearing on the GOP's Medicare-reform proposal, which would save \$270 billion over seven years. Many of the same Democrats who stormed out of Monday's hearing on the proposed GOP Medicare reform gathered yesterday to drill their own witnesses about the proposal.

Donna Shalala, secretary of health and human services, was among those who testified that the GOP Medicare plan makes it harder to punish fraud and abuse.

Gerald M. Stern, special counsel for health care fraud for the Justice Department, said he is worried about provisions in the bill that:

- Strip money from federal agencies that fight fraud and abuse and transfer it to a fund containing money from criminal fines, penalties and damages. That fund would be used to contract with "private citizens" to review providers' actions.

- Overturn case law interpreting the Medicare anti-kickback

statute, heightening the government's burden of proof in criminal prosecutions.

Courts have interpreted the Medicare anti-kickback law to prohibit payment of remuneration if "one purpose" of the payment is to induce referrals of services paid for by Medicare.

The GOP bill would require it to be "the significant purpose," which Mr. Stern and others said is harder to prove in court. He said that under that standard, the government would not have won two of its biggest cases of the year — each returning hundreds of millions of dollars to government coffers.

"No wonder the doctors have been so quiet," Mr. Waxman said.

James Stacey, spokesman for the American Medical Association, said the GOP bill is aimed at punishing deliberate fraud without ensnaring innocent doctors who serve a large number of Medicare patients. Mr. Stacey declined to comment on whether the AMA had agreed to cuts in payments to doctors in exchange for that change in the law.

A senior Commerce Committee staffer said current law is too broad. For example, it prevents a doctor who has admitting privileges at a Medicare hospital from receiving free parking and free meals.

Rep. John H. Dingell of Michigan, the committee's ranking Democrat, said his office was being deluged with calls from seniors who wanted to testify at the next hearing.

"Regrettably, there will probably be no hearing," Mr. Dingell said, urging viewers to call Republican leaders in Congress.

When Republicans tested the waters on Medicare reform this summer, virtually every member reported that seniors were adamant that Medicare is riddled with fraud.

Republicans tried to address this concern in the bill. They allow seniors to keep a portion of money recovered based on their tips. They established a voluntary disclosure program that would allow corporations to "blow the whistle on themselves" if management finds wrongdoing. They increased maximum civil penalties for health care fraud.

But they have not emphasized those portions of their proposal, which the Congressional Budget Office estimates will save about \$2 billion over 7 years.

Rep. Dan Miller, Florida Republican and chairman of the GOP's Medicare Communications Task Force, met with seniors in his district last week to get feedback on the GOP approach to reform. He concluded that Republicans need to focus more on fraud.

"The more we can show how we address waste, fraud and abuse the better," he said.

In unveiling the Democrats' plan Monday, Sen. Tom Harkin held up a package of gauze bandages and said the drugstore price is 17 cents per bandage, while the Veterans Administration pays 4 cents per bandage and Medicare pays 86 cents.

"They save \$2 billion over seven years; that's surrender," the Iowa Democrat said, adding that the federal government wastes \$18 billion each year in fraud. "Eighteen times seven — that's 126 billion over seven years. Could we wring about half of that out? I believe so."

Marine invasion rattles Navy

Some lose choice Pentagon offices

By Rowan Scarborough
THE WASHINGTON TIMES

The Marine Corps, after 54 years of isolation in an annex on a hill overlooking Washington, is making a historic move to the Pentagon, but not without ruffling feathers in a building where the right office brings access, prestige and a nice view.

Undersecretary of the Navy Richard Danzig is the biggest casualty so far. He lost coveted space to the Marines but put on a brave face by hosting a soiree in his new digs, complete with hors d'oeuvres and the Army string quartet.

He was bumped from his office by Gen. Charles Krulak, Marine Corps commandant, who wanted and got the same proximity to Navy Secretary John Dalton enjoyed by Adm. Jeremy Boorda, chief of naval operations.

"Danzig knew the Marines were coming; he just didn't think they would take his office," said a Navy official.

"I think that if you gave people options, they would like to stay," said Rear Adm. Kendell Pease, chief Navy spokesman. "Feathers ruffled? I think that's too strong a word. Were people surprised? Yes."

At the annex, a 15-minute walk from the Pentagon, some Marine officers will leave only grudgingly. They say they'll miss the privacy, and the free gym across the street at Henderson Hall. The Pentagon's weight room requires a fee.

"There are a lot of people who are a little disgruntled being pushed out of their offices, and there are Marines that are unhappy. They don't want to come," said a senior Defense Department official, who spoke about the touchy subject on the condition that he not be identified. "But the top Marines want to end the perception the Marines are in a world of their own."

The first contingent, led by Gen. Krulak, is scheduled to invade the Pentagon by early December.

That one move started a chain reaction.

Gen. Krulak wanted equal access to Mr. Dalton, who presides over the Marines and the Navy and often must settle internal budget disputes.

The Washington Times

WEDNESDAY, OCTOBER 4, 1995

Adm. Boorda operates next door, connected to the secretary's office by a hallway, on the Pentagon's window-facing corridor, or E Ring, home to top officials, including Defense Secretary William Perry.

The move bumped Mr. Danzig, who helped plan the Marines' invasion but hoped it wouldn't result in giving up his choice spot next to the boss. Mr. Danzig set up shop down the hall, in offices held by the Navy office of research and development, whose personnel moved around the corner into the dreaded, windowless C Ring.

Gen. Krulak would not come without bringing the Corps' top enlisted man, Sgt. Maj. Lewis Lee, who is taking up residence across the hall, displacing Navy lawyers.

"Mr. Danzig, he went down the hall and took [research and development] offices and they moved across the hall and around the corner," Adm. Pease said.

At the annex, Marines talk of the pending move as if it were a beach assault on unfriendly territory.

The move will come in "three waves," with "satellite" groups of support staff relocating to the Pentagon in other office sites.

"General Krulak, he'll go on the first wave — the commandant, the assistant commandant, the key nucleus of the top leaders up here," said Brig. Gen. Terry Murray, the Corps' top spokesman.

"It just makes a lot of sense with the tremendous range of issues that are dealt with on a daily basis," Gen. Murray said. "The secretary wants us to move down there, and with good reason. He wants to have both services within arm's reach."

When Gen. Krulak and about 50 aides make the switch, it will mark the first time the Corps, a storied military branch favored by presidents and Congress, is headquartered at the Pentagon.

In all, 1,400 Marines will transfer by the year 2000.

Mr. Danzig held a "commissioning ceremony" Friday, complete with an Army string quartet and \$150 in food paid for by two military aides, Marine Col. Bob Lee among them.

"He gave a great speech at the little commissioning we had," said Col. Lee. He said Army musicians were summoned because the Navy and Marine bands were booked.

Halls of power halt for the decision

By Laurie Kellman
THE WASHINGTON TIMES

At 1 p.m. yesterday, official Washington spoke: Partisan fights and the budget battle could wait.

The O.J. Simpson verdict shoved such matters to the background as everyone from President Clinton to Supreme Court justices paused for the verdict.

Mr. Clinton broke away from considering a veto on a \$2.2 billion appropriations bill and stepped into his secretary's office at 12:58 p.m. to watch the verdict and scribble out a three-sentence statement.

He then returned to the Oval Office to veto the spending bill, White House spokeswoman Mary Ellen Glynn said.

Former Secretary of State James A. Baker III canceled a speech at the National Press Club. Sen. Sam Nunn, Georgia Democrat, postponed a highly anticipated announcement—awaited almost as long as the Simpson verdict—to avoid being overshadowed.

And in the Senate, the electronic

Official Washington is tuned in

monitor that announces press conferences bore a posting that read more like an order:

"1:00 p.m. Senate studio: No events scheduled."

Democratic Sens. Joseph I. Lieberman of Connecticut and Bob Kerrey of Nebraska complied by moving their 1 p.m. press conference to 11:30 a.m. to announce a proposal to allow parents to invest in their children's retirement.

"Everyone's focus was on something a few thousand miles away, so we thought it be best to move it to an earlier time," said Mr. Lieberman's spokeswoman, Kathie Scarrah.

Sen. Phil Gramm, Texas Republican, looked surprised to find reporters attending his 11 a.m. press conference, in which he vowed to oppose any reconciliation bill that includes less than \$245 billion in tax cuts.

"Let me begin by thanking all of you for coming. I think we all know what the lead on the news will be tonight," he said. Later, Mr.

Gramm held low hopes for his story making big news.

"Look, I don't expect this to make the front page," he said.

Other government officials who did not pause for the not-guilty verdict nonetheless made sure they were apprised of the decision.

At 1:11 p.m.—four minutes after the announcement—pages passed out notes on the verdict to the justices as they were hearing a racketeering case. Present yesterday were presiding Justice John Paul Stevens and junior Justices Ruth Bader Ginsburg and Stephen G. Breyer.

A similar operation was in the works in nearby Prince George's County, where County Council members were frustrated at the body's scheduled 1 p.m. meeting time.

As soon as the jury announced the verdict, Eugene Singleton, an aide to council member Marvin F. Wilson, jotted the words "Not Guilty" on a piece of paper and ran it downstairs to the council cham-

bers.

Ed Goeas, president of Tarrance Associates, a national polling firm, said his office decided to send out for pizza at lunch time so he and his staff could watch the decision. "But when we phoned our order in we were told that we were 75th in line," Mr. Goeas said.

One prominent Washingtonian who early yesterday professed a nonchalant attitude about the impending verdict nonetheless parked before his television with his lunch, like most of the rest of Washington.

Asked early yesterday what the verdict would be and whether he would be watching it at 1 p.m., Senate Majority Leader Bob Dole, who is running for the GOP presidential nomination, shrugged and said, "Beats me. I've got [campaign] events in Connecticut."

But later in the day, an aide to Mr. Dole said the Kansan did take time out for the big moment.

"He was here, he was eating his lunch and watching it," the aide said.

• Frank J. Murray, Donald Lambro, John Mercurio and Larry Witham contributed to this report.

Accent on the frivolous

Sen. Phil Gramm often makes fun of his own looks, which no one seems to mind. But Sen. Bob Dole's presidential campaign is betting that New Hampshire residents will be muttering under their breath because the Texas Republican poked fun at their New England accent.

Mr. Gramm, in an interview with Judy Woodruff on CNN's "Inside Politics," said his presidential campaign convened a focus group in New Hampshire to discuss political issues and to see what folks up that way think of his Texas twang.

"People in New Hampshire talk funny and therefore they think I talk funny," Mr. Gramm commented.

Rep. Bill Zeliff, New Hampshire Republican and a Dole stalwart, wasted no time clearing his throat. He stepped forward to defend the honor and verbal idiosyncrasies of his constituents.

"That's an insult to every citizen of the Granite State," Mr. Zeliff said. "It's been clear for a long time that Phil Gramm doesn't understand New Hampshire. Now maybe we know why — maybe he really doesn't know what we're saying. On behalf of every citizen of New Hampshire, I demand an immediate, Texas-sized apology from Phil Gramm."

The Dole campaign put out a press release with an 800 number for the "Dole for President Radio Actuality System," in which Mr. Gramm's offending snippet could be heard and recorded. There Mr. Zeliff also could be heard intoning his indictment of Mr. Gramm in what, to an untrained ear, sounded like a mid-American accent.

Mr. Zeliff's outrage, such as it was, might have been heightened had he known his name was twice misspelled as "Zelilff" in the Dole press release.

Who I am

Sen. Phil Gramm has moved to shore up his sagging New Hampshire campaign by unveiling a 60-second television advertisement.

"The purpose of this first TV spot is to begin to define to people who I am," Mr. Gramm said Sunday at the opening of his Manchester campaign office. "It's obvious we have not yet communicated to people who I am."

The ad began running Monday on New Hampshire's only statewide commercial station, WMUR-TV in Manchester, according to Boston Globe correspondent Gary Ghioto.

Called "Look Inside," the commercial focuses on Mr. Gramm's childhood after his father's death and his struggle to rise above a "poor background" to become a college professor.

The commercial also chronicles Mr. Gramm's political career, the Globe said.

The latest statewide poll shows Mr. Gramm with 6 percent of the vote, trailing former Tennessee Gov. Lamar Alexander, commentator Pat Buchanan and Senate Majority Leader Bob Dole of Kansas.

Sweet talking

Gloria Borger, writing in U.S. News & World Report, says President Clinton's funky, 45-minute confessional to reporters on Air Force One reminds her of his apology to Arkansas voters after he lost the governorship in 1980.

"So here we go again. Thirteen years after The Apology in Arkansas, the president is still an expert contritionist. 'We had a huge amount of success in the first two years. . . . But there was no perception of it on the part of the voters.'"

"Blame the voters, blame the communications strategy, blame the Republicans, blame your own shortcomings. It worked in Ar-

Inside Politics



Compiled by Greg Pierce

kansas; maybe it will work now. But maybe it won't: At some point, voters are entitled to ask why the president hasn't learned his lesson. If they do, they might figure out that Clinton's *mea culpas* are not about honest accountability. They are about sweet-talking the voters into taking him back."

Powell's reading list

Random House, publisher of Colin Powell's autobiography, has released a list of the retired general's favorite books in its house organ, *At Random*. Here they are, as reported by the *New York Post*:

- "Truman" by David McCullough.
- "Lincoln at Gettysburg" by Gary Wills.
- "The Personal Memoirs of U.S. Grant."
- "The Best and the Brightest" by David Halberstam.
- "We Were Soldiers Once . . . And Young" by Gen. Harold Moore.
- "The Creators" by Daniel Boorstin.
- "Colored People" by Henry Louis Gates Jr.
- "Complete Guide to Guys" by Dave Barry.

- "Nuremberg: Infamy on Trial" by Joseph Persico.
- "Band of Brothers" by Stephen Ambrose.

Mr. Persico co-wrote the Powell autobiography, and Mr. Ambrose is leading cheers for the general to enter the presidential race, the *Post* noted.

Carlton Rochell, New York University dean of libraries, described Mr. Powell's reading list as "middle of the road."

Buchanan's proposal

GOP presidential candidate Pat Buchanan will propose far-reaching campaign reforms at a press conference tomorrow, according to Michael Posner of Reuters news agency.

The plan, still being finalized, would ban all corporate campaign contributions — so-called "soft money" to political parties for general party activities — and bar senators from collecting campaign funds outside their states. House members would be forbidden to accept campaign donations from outside their congressional districts.

Reuters, citing campaign sources, said Mr. Buchanan's plan was designed to promote "citizen legislators" by taking "the corpo-

rate money out of the parties, and the big money from out of state out of the election campaigns."

It also would end congressional pensions, a move that coincides with Mr. Buchanan's proposal for term limits for members of Congress.

Weak policy

Pat Buchanan on Monday explained to students in West Des Moines, Iowa, why he opposes sending American troops to Bosnia as peacekeepers. However, one budding scholar challenged the conservative commentator and presidential candidate, asking if white people didn't come to America and force Indians off their land, much as Serbs want to do to Bosnian Muslims.

Mr. Buchanan responded: "They had a weak immigration policy and look what happened."

Conservative Catholics

Ralph Reed, executive director of the Christian Coalition, will address the Catholic Alliance's first national convention next month, the *National Journal's* Eliza Newlin Carney reports.

About 1,500 Catholic leaders are expected to attend the event. The group is a new Washington affiliate of the Christian Coalition.

Another Catholic group is poised to make its weight felt in the political arena, the *Journal* said. The 3-year-old Catholic Campaign for America, unlike the Christian Coalition, is primarily religious and has close ties with the Vatican.

Conservative luminaries dominate the board of the Catholic Campaign, including Republican culture czar William J. Bennett, Republican lecturer and writer Mary Ellen Bork (wife of onetime Supreme Court nominee Robert Bork), and Thomas Patrick Melady, former U.S. ambassador

to the Vatican.

Michael A. Ferguson, executive director of Catholic Campaign, says "people of faith have a place at the table" with the new Republican majority that was absent under the Democrats.

Tough crowd

Sen. Phil Gramm took time out Monday from his political battles with Sen. Bob Dole to answer questions from high school students in Wilmington, Del.

There were questions about teen-age drug use, jobs going overseas, welfare, health care, corporate influence on a Gramm administration, plans to end the federal school-lunch program and federal funding for arts and humanities, the Associated Press reports.

His answers mirrored his political agenda: Guns don't kill, people do; drug dealers need stiffer sentences; and there's no need for a trade barrier because a balanced budget will mean lower interest rates, the AP said. Mr. Gramm spent 45 minutes before the American history honors class at Brandywine High School, where sophomore Jarratt Roberts challenged his voting record on civil rights.

"No person is more committed to equal opportunity than I am," Mr. Gramm said. But the student said he was unpersuaded.

Nunn watch

The verdict in the O.J. Simpson trial has given Sen. Sam Nunn just what he needs — a little more time to think about whether he will run for re-election.

The Georgia Democrat, who has been publicly agonizing over the decision, canceled a news conference yesterday morning because it would have conflicted with coverage of the O.J. case.

An announcement is now expected late this week or early next week, Hotline said.

INSIDE THE BELTWAY

By John McCaslin

O.J.

Here's how Sen. Phil Gramm, Texas Republican and 1996 presidential hopeful, opened his news conference in the U.S. Capitol yesterday: "Let me begin by thanking all of you for coming. I think we all know what the lead on the news will be tonight."

Johnnie

Just because you live in Washington, don't think you've seen the last of O.J. Simpson defense attorney Johnnie L. Cochran Jr.

For those who don't know, Mr. Cochran maintains a law office on Capitol Hill — Cochran & Lotkin — and regularly represents the U.S. government in everything from ethics cases to criminal defense.

Minutes before the Simpson verdict was read yesterday, we dialed the law firm, at 201 Massachusetts Ave. NE, and spoke with Mr. Cochran's partner, Ralph L. Lotkin.

"Prior to this case, Johnnie and I would routinely go back and forth between coasts," he explained of their working relationship. "Johnnie comes here as needed, and I go to the West Coast as appropriate."

"He was just here last weekend with me," he added. "Had dinner with me Saturday night. We talked about the case."

Mr. Lotkin said Mr. Cochran has been holding up "fabulously well."

"There's tremendous stress in a case of this type because of the emotional as well as the physical demands. But Johnnie and everyone else on the defense team has been fabulously focused and professional," he said.

He is risen

Good Baptist that he is, Sen. Mark Hatfield, Oregon Republican, voiced this observation — and addendum — with regard to two appropriations bills before the Senate:

"To put it very bluntly, these are corpses, and all the prayers and all the amendments that you can pray or offer are not going to change the reality — that these two bills have been clearly iden-



Sen. Phil Gramm's news conference yesterday had major competition from Los Angeles.

tified as two bills to be vetoed.

"I, for the life of me, cannot understand the wasted effort ... in trying to revive a corpse. It just does not happen this way. It only happened once."

Joke's on you

In his quest to become the next president of the United States, Sen. Phil Gramm, Texas Republican, is leaving no New Hampshire stone unturned.

"We did a focus group in New Hampshire to begin to focus on issues and see what people thought when they heard my accent," Mr. Gramm disclosed in one television interview this week.

And the results?

"People in New Hampshire talk funny, and therefore they think I talk funny," he said.

Cake and ice cream

Congress, through legislation backed by both sides of the aisle, is making it tougher for prisoners to file frivolous lawsuits against taxpayers.

How frivolous? Sen. Jon Kyl, Arizona Republican, presents us with his top 10 list of wacky inmate lawsuits filed nationally. You be the judge.

10. Inmate claimed \$1 million in damages for civil rights viola-

tions because his ice cream had melted. The judge ruled that the "right to eat ice cream ... was clearly not within the contemplation" of our nation's forefathers.

9. Inmate alleged that being forced to listen to his unit manager's country-and-Western music constituted cruel and unusual punishment.

8. Inmate sued because when he got his dinner tray, the piece of cake on it was "hacked up."

7. Inmate sued because he was served chunky instead of smooth peanut butter.

6. Two prisoners sued to force taxpayers to pay for sex-change surgery while they were in prison.

5. Inmate sued for \$100 million alleging he was told that he would be making \$29.40 within three months, but he only made \$21.

4. Inmate claimed that his rights were violated because he was forced to send packages via UPS rather than U.S. mail.

3. Prisoner sued demanding L.A. Gear or Reebok Pump athletic shoes instead of Converse.

2. Prisoner sued 66 defendants alleging that unidentified physicians implanted mind-control devices in his head.

1. Death-row inmate sued corrections officials for taking away his Gameboy electronic game.

Food for thought

The Columbus Day recess arrived in the nick of time for Sen. Robert C. Byrd, West Virginia Democrat, who found himself deprived of the most important things in a man's life.

"I am one of those senators who stayed around all afternoon waiting on a vote yesterday," he observed. "I was told there would be a vote at 9 o'clock last night, so I went home about 6:30 or 7 to get some dinner, to be with my good wife, Lady Byrd, and my little dog, Billy Byrd."

"So I came back. Then after I got back, it was my understanding there was not going to be any vote until this morning. ... I do not know about other senators, but with that kind of discussion here, it is pretty hard to keep body and soul together with a good meal once in a while."

Embassy Row

By James Morrison

O.J. and lunch

The ambassador sat down to lunch at 12:30 p.m. yesterday and told the waiter to come back as soon as he heard the verdict in the O.J. Simpson trial.

He and his guests began talking about conditions in his country.

Shortly after 1 p.m., the ambassador put down his fork and looked out the restaurant window as a black cab driver jumped out of his parked taxi and danced in the street.

When the waiter returned, the ambassador said, "We already know the verdict."

The ambassador, like most diplomats, did not want to be identified commenting on the American judicial system, but privately he was disappointed.

"It is evident the racial issue was used in the whole process and the material issues were ignored," he said.

O.J. and Embassy Row

At embassies across town yesterday, many diplomats paused to watch the O.J. verdict.

Peter Bean, the spokesman at the British Embassy, said the trial was followed by many of his colleagues and the British press extensively covered the case.

"There was a lot of interest here, but I don't think work came to a stop," he said.

For Mr. Bean, the hours between 1 p.m. and 3 p.m., when this column called, were very peaceful.

"My phone has been absolutely silent," he said.

The British press was evidently busy writing about the trial.

Italian Ambassador Boris Biancheri did not watch the verdict but instructed an aide to let him know as soon as the decision was announced.

"It was quite extraordinary," said one Italian diplomat, who said he and his colleagues expected a guilty verdict.

Argentine Ambassador Raul Enrique Granillo Ocampo watched the verdict but did not comment on the trial, an Argentine diplomat said.

"People here have been following the case," the diplomat said. "Today many of us were in front of the TV."

One diplomat was so familiar with the case that names like "Kato," "Darden" and "Clark" rolled off his tongue as in a soliloquy. He talked about "the lost blood" and the "prosecution timeline."

"There is a fascination with the case because of the potential impact on this country," he said.

The Washington Times

WEDNESDAY, OCTOBER 4, 1995

O.J. and Cyprus

Sometimes explaining Cyprus can be like explaining DNA to the Simpson jury, but yesterday Cypriot Ambassador Andrew Jacovides found an attentive audience even though he spoke while the verdict was announced.

"It is a sign of dedication on the part of those who attended," Mr. Jacovides said of the prominent Washingtonians who are members of the Federal City Club.

Mr. Jacovides recapped recent diplomatic developments and said Cyprus looks for support from the United States.

"Two points are clear," he said. "The one is that active American support for a just Cyprus solution falls under the category of 'bipartisan foreign policy'..."

"The other is that a breakthrough with determining input from the administration will clearly constitute a 'foreign policy success' for both the administration and for the United States."

O.J. and the briefing

The Simpson verdict delayed the daily press briefing at the State Department.

Spokesman Nick Burns yesterday said he held the briefing after the verdict because he did not think any reporters would have shown up.

Mr. Burns said he was preparing for questions on Bosnia, China and the Middle East peace process, not O.J. Simpson.

"I think that most people here, like most people throughout the United States, were fixed on their television sets at 1 o'clock," he said, referring to the diplomatic reporters.

"I was perfectly willing to be here, but we just didn't think you'd show up."

Secretary of State Warren Christopher, a Southern Californian, however, was more interested than his spokesman.

Mr. Christopher had lunch with Central Intelligence Director John Deutch and turned on the television to hear the verdict "and then turned it off," Mr. Burns said.

• If you have a tip, suggestion or question, call Embassy Row at 202/636-3297.

U.S.-Vietnam pact on trade pursued

Hanoi officials meet counterparts

By Martin Sieff
THE WASHINGTON TIMES

Vietnam's foreign and trade ministers launched what looks like a long road to a trade treaty with the United States yesterday.

Foreign Minister Nguyen Manh Cam and Trade Minister Le Van Tiet met with Secretary of State Warren Christopher and other top U.S. officials. They will also meet with Trade Representative Mickey Kantor.

Undersecretary of State for Economic Affairs Joan Spero told reporters senior U.S. officials will return to Hanoi in November for talks on a trade agreement. But she warned it would not come soon.

"It's important from the outset to understand that an agreement will not come quickly or easily," Ms. Spero told reporters. "The United States and Vietnam have a lot to learn about each other's trade regimes and economic systems."

This is the first ministerial visit to Washington by Vietnamese officials since President Clinton's decision to establish diplomatic relations in July. In August, Mr. Christopher became the first U.S. secretary of state ever to visit the Vietnamese capital, Hanoi.

Ms. Spero said Vietnam's immensely complicated government regulations make it difficult for U.S. firms to do business in Vietnam. The problems include a bureaucratic trade regime, import quotas and licensing restrictions.

"From what the Vietnamese have said to us, there is great enthusiasm on their part for entering into a trade relationship with us," Ms. Spero said. "I don't know how they will react when they begin to

see... what the difficulties are."

The negotiations will also address issues that will clear the way for U.S. Export-Import Bank export financing programs and Overseas Private Investment Corp. investment-insurance programs.

"Each side is engaged in learning more about the other," said Keith Eirinberg of the Center for Strategic and International Studies. "There is a lot of homework to be done. It will take some time to reach an agreement."

State Department spokesman Nicholas Burns told reporters the Vietnamese will also discuss regional security issues with U.S. officials.

Vietnam is alarmed by the growth in power of its giant neighbor China. Both countries claim ownership of the strategic Spratly Islands in the South China Sea, which are surrounded by major oil reserves.

Mr. Burns appeared to hint that the Washington talks would also touch on the possibility of negotiating an access agreement allowing U.S. Navy warships to visit Vietnamese ports.

Officials would discuss "the desire of the United States to maintain a military presence in Asia; to maintain free access for our commercial and military shipping in the Pacific, [especially] in the South China Sea."

Mr. Eirinberg also suggested there might be some discussion of visits by U.S. warships but noted the preliminary nature of the talks.

"At this point, it is a matter of working on a security dialogue, not a security relationship," he said. "We are at the beginning of a new relationship."

Perry talks of Somalia lessons

Says peacekeepers
must be well armed

By Bill Gertz
THE WASHINGTON TIMES

Defense Secretary William Perry said yesterday a key lesson of peacekeeping operations in Somalia is that military field commanders should be supplied with the weapons they need or they should be withdrawn from an operation.

"It's very important to have a congruence between the mission that has been assigned to the forces and the commander's judgment of... the personnel and the equipment needed to meet that mission," Mr. Perry told reporters in advance of a NATO defense ministers meeting set to begin tomorrow in Williamsburg.

Mr. Perry's comments came on the second anniversary of a deadly firefight in Mogadishu, Somalia, that left 18 U.S. soldiers dead and altered U.S. policy toward U.N. peacekeeping.

A report on Somalia operations issued Friday by the Senate Armed Services Committee criticized Defense Secretary Les Aspin's decision at the time not to send tanks and armored vehicles to support U.S. forces in Somalia, despite a request from the U.S. military that said they were needed to protect troops.

The Senate report said casualties in the battle of Oct. 3, 1993, would have been reduced if the troops were equipped with tanks, armored vehicles and AC-130 gunships. The weapons were not sent because of political concerns by Mr. Aspin and his advisers that they would appear to Congress to be an escalation of the urban conflict.

Mr. Perry said there were several important lessons learned from the Somalia operation, when a strictly humanitarian operation to feed starving Somalis was transformed into a U.N.-led hunt for a Somali warlord without the proper forces.

Some can be applied to a future operation in Bosnia, he said.

"Certainly one of the strong lessons that I learned... looking back at the decisions made by the secretary of defense and the chairman at that time, is that you have to take seriously every request that comes in from your commanders in the field," Mr. Perry told reporters at a Pentagon briefing.

"And if you're not prepared to accept those requests for equipment, you ought to be prepared to change the mission or withdraw the forces," he said.



"You have to take seriously every request that comes in from your commanders in the field."

— Defense Secretary
William Perry

On Bosnia, Mr. Perry said a cease-fire in the war-torn Balkans could take place within days and that any U.S. military forces sent to the region for NATO-led peacekeeping must be strong enough to deter attacks by rebels.

Commenting on reports that Bosnian government forces had fired artillery yesterday in U.N. safe zones, Mr. Perry said the combatants should refrain from actions that could undermine a peace accord.

He also said planning for a peace force in Bosnia is well under way and could include between 40,000 and 80,000 troops who may be in the Balkans for up to a year.

Early estimates of the U.S. military contribution to the force is "a division-plus" in support of NATO that could be in the country from nine to 10 months, Mr. Perry said. A division is about 20,000 troops.

To minimize the risk of casualties, U.S. military forces should have "the biggest and meanest and toughest force in the area," he said.

A final NATO decision on the size and what weapons would be included in the peace force is "about two weeks away," Mr. Perry said.

The U.N. peace force would stay in Bosnia long enough to train Bosnian government forces so they can provide for their own defense, which could take up to 10 months, Mr. Perry said.

A yearlong NATO peacekeeping operation could cost between \$1 billion and \$2 billion, he said, depending on the size of the force.

The NATO ministers will discuss the peace force at the Williamsburg session, as well as how to integrate Russian forces, who oppose being under NATO command, into the peace operation.

Mr. Perry said he expects one mission of the U.N. forces will be to take part in disarming the factions of their heavy weapons — tanks and artillery — under the peace settlement.

U.S. rabbis pray for Rabin's success

Peace Now tries rebuilding support

By Larry Witham
THE WASHINGTON TIMES

In the days after Israeli Prime Minister Yitzhak Rabin signed new peace accords in Washington, he scolded some Jewish groups in America for opposing his policy.

Last night, however, hundreds — and perhaps thousands — of the nation's rabbis prayed for Mr. Rabin's success during Yom Kippur services marking the end of the High Holy Days of the Jewish New Year.

"In this time of transition in the Middle East, open for us the gates to the future," said one proposed prayer sent to 2,000 rabbis nationwide. "Even as there are those who try and close the gates, those who are afraid of what lies ahead."

The prayers and readings have been circulated for a second Jewish New Year as part of the battle to win American Jewish support for the land-for-peace strategy of Israel's Labor government.

"Avinu Malkenu [God], may you sustain the government of Israel, its leaders and advisers, with good counsel, and may you strengthen their efforts to grant us great courage and peace," said a prayer by Israeli Rabbi Michael Tzvi Nehorai.

In Washington, Mr. Rabin and the Palestine Liberation Organization signed new accords that expand Palestinian self-rule in the West Bank. However, American Jewish support of cooperation with the PLO has dropped dramatically since the peace process began in September 1993.

The prayers, circulated by the pro-Rabin group Peace Now, are aimed to rebuild the support.

"Our prayers and hopes for peace and security are now finally about to be realized," Rabbi Sam Gordon of Congregation Sukkat Shalom in Chicago said in his cover letter to the prayers.

He said that recent terrorist acts, such as the bus bombing in Jerusalem, are chilling American

Jews to the peace initiative. But he said those acts and the protests by settlers are only attempts to derail the process.

The list of 2,000 rabbis "are probably middle-of-the-road Jewish communities with mixed views," said Gail Pressberg, director of the Washington office of Peace Now.

She said that after the High Holy Days in 1994, scattered response letters showed interest in the prayers. Otherwise, she said, "they spark the rabbis to think about the issue, and they may use their own materials."

There are 6,500 rabbis in the United States, serving 3,600 congregations. The strongest support for the Labor government is in the more liberal Reform branch of Judaism.

While American Jews backed the general land-for-peace approach of the peace accords by up to 80 percent in 1994, that support plummeted after terrorist acts and reports that the Palestinian Authority had misused funding sent to it by the U.S. government.

The most recent poll of American Jewish opinion, conducted by the mainstream American Jewish Committee, found that only 37 percent of respondents believed the Palestinians want "a just and lasting peace with Israel." Fifty-one percent said they did not want lasting peace.

And 56 percent of the 1,000 Jews polled believe that Arabs still seek the destruction of Israel. Only 37 percent do not believe it.

The least confidence in PLO intentions was over terrorist acts — 91 percent of American Jews said the PLO, which runs the Palestinian Authority in Gaza and Jericho, is not doing enough to control terrorism.

Another reading for Middle East peace states: "Between Israelis and Palestinians, it has become a clash not between right and wrong, but right and right. Such a clash is called a tragedy."

The Washington Times

WEDNESDAY, OCTOBER 4, 1995

Japan requests fewer GIs in Okinawa

By Willis Witter
THE WASHINGTON TIMES

TOKYO — Japan pressed the United States yesterday to cut back its military presence in Okinawa amid continuing public outrage over charges that U.S. servicemen raped a 12-year-old Japanese girl.

Foreign Minister Yohei Kono, during a half-hour meeting with U.S. Ambassador Walter Mondale, reportedly emphasized the need to accelerate scheduled cuts at American military bases on the southern island.

But officials in Washington later ruled out any cut in U.S. troop levels in Japan. When asked whether the number of U.S. troops here would remain the same, State Department spokesman Nicholas Burns replied, "That's right."

Okinawa houses 75 percent of the U.S. military installations in Japan as well as about two-thirds of some 45,000 servicemen based here under a 1960 security treaty.

It was not clear whether yester-

U.S. mulling consolidation of bases

day's meeting, which was widely publicized by Japan's Foreign Ministry, represented a shift in policy.

A U.S.-Japan Joint Committee in Tokyo, set up last month, is reviewing the U.S. military presence on Okinawa as part of a consolidation of U.S. forces in Japan, Mr. Burns said.

But he denied this meant the United States was thinking of scaling back its presence in Asia or in Japan.

"It is not a question of reducing the number of American forces in Japan; it is a question . . . of determining if certain facilities can be consolidated," he said.

Tokyo hopes to reach agreement with Washington before President Clinton's official visit to Japan in mid-November, when the countries are expected to issue a declaration reaffirming their security ties.

Prime Minister Tōmichi Mura-

yama, whose Socialist Party last year dropped nearly 50 years of opposition to U.S.-Japan security ties, told reporters he will raise the reductions and other Japanese demands in talks with Mr. Clinton.

"In view of the feelings of Okinawa and the nation, I will discuss those issues which must be deliberated," said Mr. Murayama.

The reductions discussed by the two officials had been planned long before the Sept. 4 rape, which inflamed anti-U.S. sentiment on the island province of 1.3 million.

Three sites already targeted for return to Japanese control include the U.S. Naval Base in the capital of Naha, an airport for U.S. forces in Yomitan and a firing range that crosses a major highway.

U.S. officials have long expressed a willingness to vacate the three sites but said Japanese officials have failed to come up with alternate locations.

In 1990, a bilateral agreement

targeted the three bases plus an additional 23 sites for eventual return to the people of Okinawa.

U.S. facilities occupy 20 percent of the land of the province's main island.

In yesterday's meeting, Mr. Mondale and Mr. Kono reportedly discussed efforts to redefine criminal jurisdiction under the Status of Forces Agreement (SOFA) between the two nations.

The present agreement prevented U.S. officials from relinquishing custody of the three suspects — two marines and a sailor — until Japanese prosecutors produced a formal indictment last Friday.

The indictment charged the three with abducting an elementary school girl on her way home from shopping and forcing her into the back seat of a rented car. It said they bound, gagged, beat and finally raped her.

• Martin Sieff in Washington and wire services contributed to this report.

What kind of immigration reform for America?

Editorials such as "Closing the door?" (Sept. 26) are irresponsible because they use extreme examples to stir up fear in those who are unfamiliar with immigration reform legislation.

The Census Bureau projects that the U.S. adult population will grow by 21.1 million in the 1990s. This population figure is reached by studying births, deaths and net immigration figures. To curb the rapidly growing population, there are three avenues to pursue: Limit births, control deaths or enforce tougher immigration laws.

Both political parties agree that immigration reform is necessary. The bill sponsored by Rep. Lamar Smith, Texas Republican, is neither "anti-immigration" nor "Draconian." It is pro-American.

This country cannot continue to "grow and prosper" if U.S. citizens are homeless and jobless. The preventative measures in the bill encourage immigrants who will make a significant contribution to the prosperity of the country instead of being a liability to the pursuit of a broken dream.

We must support Mr. Smith in his efforts to hold down the population growth through immigration reform. If the population is not controlled now, more radical methods of growth control may be implemented years from now in a country that only vaguely

resembles the America we live in today.

SUSAN ANN JENKINS
Crofton

In "Immigration reform urgency" (Commentary, Sept. 25), Rep. Lamar Smith unfortunately misstates several facts about the contents of his immigration bill and current immigration law.

Mr. Smith misrepresents current immigration laws by writing, "Supporting the current system means favoring the admission of aunts, uncles and cousins before the admission of spouses and minor children—hardly a pro-family position." Under current law, a U.S. citizen can only sponsor a spouse, parent, son, daughter or sibling. A lawful permanent resident can only sponsor a spouse or an unmarried son or daughter. No one can sponsor an aunt, uncle or cousin for immigration.

In his article, Mr. Smith expresses concern about the current family immigration backlog, but the reason this or any backlog exists is because the ceiling is too low. Artificially low ceilings create backlogs. Mr. Smith's bill reduces the backlog, in part, by simply removing people from the waiting list so they are no longer eligible to immigrate.

Mr. Smith's bill clearly is not

favorable to business. His new "employment eligibility" system would require companies to check with a government computer on the legal status of anyone they wish to hire. Rep. Steve Chabot, Ohio Republican, noted that not only will this computer system likely lead to a national ID card but he said, "I do not believe I was sent here to expand the scope of government in that way, nor do I believe that we should further encourage the habit of requiring small business to act as an arm of the federal government."

Mr. Smith plays a little smoke-and-mirrors game in his article when he writes about his bill "increasing high-skilled immigration to the United States." His bill would actually reduce up to 22,500 employment-based visas during any year that family-sponsored immigration numbers exceed 330,000. This raiding of employment visas is projected to happen as early as the bill's first year and will continue for many years after.

The November 1994 election was supposed to usher in a sea change in the way Congress does business. Instead, with this legislation, we are confronted with more government as usual, where the implications of new laws are not made clear up front.

STUART ANDERSON
Policy Director
Alexis de Tocqueville Institution
Arlington

Poor countries' economies may become casualties in war on toxic trash

Allow me to respond to James Sheehan's Sept. 22 Commentary article, "Toxic trash treaty with trade traps," on the Basel Convention, a U.N. treaty to control "dumping" of hazardous wastes in unsuspecting countries. The treaty is a wonderful goal with awful implementation.

International negotiators met last month in Geneva, for the biannual meeting of the parties to the Basel Convention. The prime focus of the meeting was a proposed amendment to the convention that would have banned exports of wastes covered in the Basel Convention from member countries of the Organization for Economic Cooperation and Development (OECD) to non-OECD countries for final disposal (such as landfilling) immediately and for recycling (such as the smelting of scrap metals) in 1998. The amendment was proposed by the European Union (EU) with strong support from its friends at Greenpeace.

These environmental utopians did not get their way. Many countries, mostly not in the OECD, saw through the proposed neocolonialism and joined with their private sectors in a revolt. The victory was only partial; the high environmental ideals of the convention have still given way to serious threats of trade restrictions that ignore international agreements. Ways out were established but need work.

The noble goal of the convention of protecting the least and lowest-developed countries from egregious dumping of hazardous wastes has been overshadowed by potentially denying these countries, and other more advanced non-OECD countries, essential secondary raw materials.

The EU and Greenpeace would rather impose neocolonialism by controlling what these countries can buy and forcing them into a mer-

cantilistic or even more primitive society. Worse, Greenpeace and the EU believe the non-OECD countries are incapable of handling "hazardous" materials. Presumably, they would then deny "hazardous products," such as automobiles, computers, medical diagnostic equipment and so forth.

Even a cursory look at the technology distributed among non-OECD countries shows they are not all equal but have a wide range of capabilities. For example, compare the technological status of Chile or South Korea with that of Rwanda or Burundi. Greenpeace ignores this as it ignores other facts. Why the EU would ignore this and want to impose a new order on the developing world, is a mystery.

Worldwide industry organized for this fight. The private sector was represented by 62 persons from 15 countries, 22 from non-OECD countries. They worked with their national delegations and several addressed the convention. To the surprise of many, some non-OECD countries reversed their former strong support for a ban. India, Chile, Brazil, the Philippines, Korea and Estonia spoke out strongly. Others had tempered support compared to the past. Greenpeace and some of the EU countries responded with strong-arm tactics and threats. Greenpeace accused one country, in its home capital newspapers, of leading a charge to promote illegal traffic in hazardous wastes.

The basic problem is in the convention's definition of "hazardous waste" so that secondary raw materials, such as scrap metals, paper, some plastics and used clothing are arguably hazardous wastes. Since March, there has been an effort to clarify these definitions, and the final decision of the recent Conference of the Parties also strongly encourages speed-up of that work.

The private sector set three major goals to modify aspects of the proposal: Clarify the definitions, preserve the sovereign right of countries to engage in bilateral agreements for trade and avoid any division or restrictions by geographic or economic groupings, such as OECD vs. non-OECD. The good news is all these goals were met. The bad news is that some of them are only in the preamble of the amendment, probably with the force of persuasion rather than force of law. Much more work needs to be done by countries and their private sectors to preserve their rights and trade freedom for needed raw materials.

Industry's goals were partially met because of the non-OECD countries. In 1994, they preached and practiced solidarity. In 1995, they could not reach consensus because so many of them realized the threat of Greenpeace and the EU.

The United States is not a party to the convention (a good thing, right now), although a first-class U.S. delegation played a strong and important role. The Senate gave its advice and consent to the Basel Convention in summer 1992. To ratify the treaty, Congress must pass enabling legislation. This is highly unlikely as long as threats of trade bans and loss of sovereignty persist. The Clinton administration has been clear that it is not going to do something contrary to U.S. interests in this arena.

HARVEY ALTER
Manager
Resources Policy
U.S. Chamber of Commerce
Washington

■ Mr. Alter has been representing business at Basel Convention meetings for the past two years.

— The Editor

H. ERICH HEINEMANN

End of thrift as we know it?

Echoes from the great savings and loan debacle of the 1980s still reverberate through the U.S. financial system. Partly in response to the S&L crisis, members of the baby-boom generation (people aged 35 to 50) have shunned traditional investments in insured bank deposits and have assumed far greater personal financial risk as they save for retirement.

Congress is now hard at work on legislation to merge the separate government insurance funds that today cover deposit accounts at banks and thrift institutions and create a common federal charter for all depository institutions. While important differences between the House and Senate versions of the bill remain to be resolved, some form of the Thrift Charter Convergence Act of 1995 is likely to become law.

Enactment of this bill would effectively end the separate role of S&Ls and savings banks as specialized providers of home mortgage credit. It is a striking measure of the sea change in the U.S. financial landscape in the past decade that this bill has gone largely unnoticed except by those directly involved. Not long ago, thrifts had one of the strongest lobbies in Washington. Any attempt to curtail their privileges — let alone their role in mortgage lending — would produce an immediate uproar on Capitol Hill.

For practical purposes, thrift

institutions disappeared as the key source of mortgage finance in the late 1980s. During the 1960s and 1970s, S&Ls and savings banks held roughly 45 percent of all home mortgage loans; at midyear 1995 they had 13 percent. Since 1985 thrift institutions have in fact collected more loans than they have made.

Yet the relative cost of financing a new home has hardly changed. In the 1990s, home mortgage rates have averaged 153 basis points (hundredths of 1 percent) more than the yield on 10-year Treasury securities. That was down from 191 points in 1980s but about the same

as the typical spread in the 1960s and 1970s.

The decline of the thrift industry is simply the most obvious example of the tectonic shifts that have transformed the topography of American finance in recent years. Deposit

institutions — commercial banks as well as S&Ls and savings banks — have lost much of their traditional role as middlemen in channeling funds from savers into productive investment.

In their place, savers are either investing directly (with no one in the middle) or through mutual funds. The funds perform the same economic role as do deposit institutions, but they do so at what appears to be a lower cost to investors and therefore a higher yield. Two government-sponsored enterprises — the Federal National Mortgage Association and the Federal Home Loan Mortgage

Corp. — are now dominant suppliers of home mortgage credit.

The common theme that runs through all these changes is that the public — wittingly or otherwise — has assumed a much greater risk in its quest for higher rates of return. Deposit accounts are insured up to \$100,000, which means they pay 100 cents on the dollar. By contrast, market investments can vary widely in value for many reasons.

Economist Henry Kaufman, who heads his own eponymous investment firm, is worried about the potential impact of an abrupt drop in household sector wealth. "Millions of people," he told the Money Marketeers of New York University, "have shifted from stable deposits to mutual funds with variable asset values."

Dr. Kaufman — famous as "Dr. Doom" because of his forecasts of sharp rate increases in the 1970s — warned that panicky withdrawals from mutual funds in a market break could compromise Federal Reserve policy. "Central bank successes at restoring market stability will encourage a new attitude among all types of investors, a kind of analogue to deposit insurance, whereby you can count on the central bank to bail out the market. That will lead to a far more asymmetrical financial world (where) greater risk-taking will be the norm."

Such concerns are likely overblown. Large shifts of money from one type of financial instrument to another can create a temporary dislocation in the credit market. However, such changes would not lead to a shortage of funds available to purchase short-term assets, the liquidity crisis that Dr. Kaufman seems to fear. To the contrary, monies withdrawn from mutual funds have to be reinvested some-

where, usually in Treasury bills or bank deposits. A run on the mutual funds would be more likely to increase liquidity than to reduce it.

A more serious problem could develop if financial asset values were to decline sharply, say, between 2025 and 2035. Should that occur, the chronically low personal saving rate in the United States could come home to roost with a vengeance. That is also the time when the government's principal programs to support the elderly — Social Security and Medicare — could go bankrupt. Congress could change the current trends in revenues and outlays, but to date it has not done so.

The risk of a cosmic cataclysm in the next century aside, Congress has to resolve the current problems confronting the Bank Insurance Fund and the Savings Association Insurance Fund. The two funds offer identical insurance coverage, but the bank fund charges much less.

As Federal Reserve Chairman Alan Greenspan told Congress recently, this "structure is inherently unstable." Well-managed, profitable thrifts have a powerful incentive to convert to commercial bank status, which leaves the savings fund with declining premium income and a rising residue of risk. According to members of the Shadow Financial Regulatory Committee, a private group that comments on such issues, technical means are at hand to "provide a win-win opportunity for everyone." Let's all hope they are right.

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Congress has to resolve the current problems confronting the Bank Insurance Fund and the Savings Association Insurance Fund.

The Washington Times
WEDNESDAY, OCTOBER 4, 1995

RALPH REILAND

Eustace Uku and I were in a meeting at the White House Conference on Small Business when the news came that the Supreme Court had delivered a blow to affirmative action. Mr. Uku immigrated to the United States from Nigeria in 1979 and is now the president of Exico, a management consulting firm in Pittsburgh.

"Clarence Thomas benefited from the ladder of affirmative action," Mr. Uku said, "and now he's voted to cut it off. He had special scholarships and his work at EEOC was with affirmative action. He's not the most qualified lawyer for the Supreme Court."

Ironically, that's one of Justice Thomas' arguments against affirmative action. With the government's preference programs in place, women and minorities too often carry the stigma of being unqualified, no matter how competent they are or how hard they work.

"Successful women used to be accused of sleeping their way to the top," says feminist writer Wendy McElroy. "Now men can accuse them of being in bed with the government."

After 25 years of affirmative action, most Americans now contend that the government's programs to redress discrimination have gone too far. "In the future," orders a Defense Department memo, "special permission will be required for the promotion of all white men without disabilities."

At the Justice Department, workplace discipline cannot "be initiated against any group of employees at a statistically significant higher rate than any other group." The U.S. Forest Service posted job openings that specified that "only unqualified applicants will be considered." Some social engineer must have determined that the government was putting too many white males into the woods.

With an ABC News poll reporting 81 percent of Americans being opposed to affirmative action, it's more than just white males who are part of the backlash. The California Civil Rights Initiative that bans preferences in government contracting and education has the support of 59 percent of women and 42 percent of African-Americans in a recent Field Institute survey.

Last year, the federal government allocated \$10 billion in contracts under set-aside programs for companies owned by women or minorities. Reflecting the shifts in public opinion, the Supreme Court now takes a dim view of these group preferences and entitlements.

The Constitution, says Supreme Court Justice Sandra Day O'Connor, protects "persons, not groups." Justice Antonin Scalia states that "Under our Constitution, there can be no such thing as a creditor or a debtor race."

An unintended fallout from the government's attempts to overcome inequality and discrimination through proportional set asides, affirmative action awards, quotas, lawsuits and fines has been a heightening of group resentments.

"Government cannot make us equal," says Justice Thomas. "Affir-

Economic forces of upward mobility

mative action programs stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are entitled to preferences." Group entitlements, proclaims Justice Thomas, are "government-sponsored racial dis-

The most effective affirmative action policy the government can deliver is to provide incentives for growth in the private sector.

crimination."

President Clinton, who only a few years ago was looking for a Cabinet that "looked like America," now defends the concept of affirmative action but wants to "mend it." There shouldn't be any quotas or reverse discrimination, says the president, and the affirmative action programs that have served their purpose should be terminated. The lawyers will be busy defining the difference between preferences and reverse discrimination.

"We want black businessmen to scream enough to let angry white males understand that we've done something for them," a White House official was quoted in the New York Times as saying at the beginning of the Clinton administration's review of affirmative action.

A rollback of affirmative action by the politicians, public opinion and the courts, however, doesn't leave the nation at a dead end in terms of economic fairness. Instead, it can open the roads that lead to the real causes of disadvantage and inequality. In the black community, for instance, progress in lowering the high dropout rates in schools and raising the proportion of intact families would produce more upward mobility than all of the government's affirmative action programs combined.

"For nearly 20 years, young blacks who manage to stay married have had family incomes almost identical to those of young white couples," reports Jared Taylor in "Paved with Good Intentions."

Too many young blacks hear a daily mantra of hopelessness that

says nothing is lost if they drop out of school. The loudspeakers that are exaggerating the obstacles should be balanced by voices that tell the truth about the success of those who stay in school.

"By the 1970s, young black male college graduates attained rough income parity with young white graduates," reports Harvard economist Richard Freeman. "Black college-educated females currently earn 125 percent of what white college-educated females earn," writes Joseph Conti in "Profiles of a New Black Vanguard."

In terms of national policy, the most effective affirmative action policy the government can deliver is to provide incentives for growth in the private sector. Discrimination shrinks in a full employment economy.

Affirmative action programs were in place during both the Carter and Reagan terms, but it was the differences in the economic growth rates during those two administrations that had the greatest impact on the economic success of women and minorities. The real median income of black families increased 17 percent during the Reagan economic expansion from 1982 to 1988, after falling 10 percent in the Carter years. By the end of Ronald Reagan's terms, female entrepreneurs employed more people than all of the Fortune 500 companies combined. For the vast majority of these firms, federal contract preferences and set-asides had nothing to do with their business.

The unprecedented 91 months of growth in the 1980s produced 16 million new jobs, pulled 4 million people out of poverty, increased women's earnings 8 percent faster than men's, and doubled the number of black families earning more than \$50,000, in real terms, adjusted for inflation.

The Federal Reserve reports a real increase in wealth among white families of 24 percent from 1983 to 1989. The increase in real wealth, adjusted for inflation, for black families and Hispanic families in the same period was 35 percent and 54 percent, respectively.

"Our 1960s success in making demands on government has led us to the mistaken assumption that government can give us what we need for the next major push toward equality," says William Raspberry, an African-American columnist at The Washington Post. "Unfortunately, that period taught us to see in civil-rights terms things that might more properly be addressed in terms of enterprise and exertion rather than in terms of equitable distribution. The emphasis ought to be finding ways to get more of us into business and thereby creating the jobs we need."

That focus on individual effort is a better program for economic success than one that's preoccupied about the ideological shifts of the Washington politicians.

Ralph R. Reiland is associate professor of economics at Robert Morris College in Pittsburgh.

DAVID ROTHBARD / CRAIG RUCKER

Superfund in need of clean-up

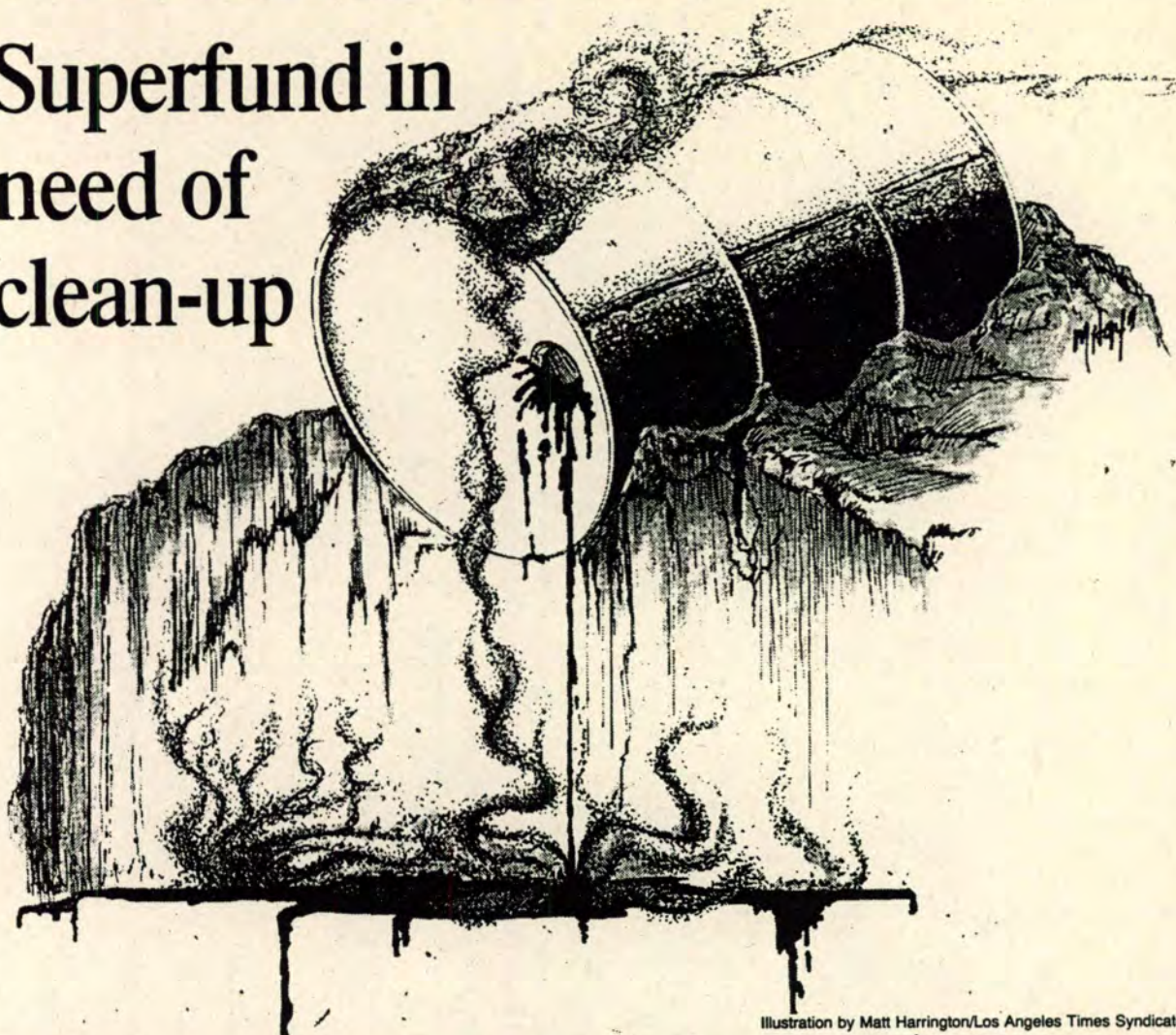


Illustration by Matt Harrington/Los Angeles Times Syndicate

With Labor Day well past and autumn fully upon us, Congress has dug in for yet another session of rustling debate. But like a bough-full of dying leaves, one issue that continues to hang over Capitol Hill is the desperate need for Superfund reform.

Of the roughly 1,300 sites currently on Superfund's National Priority List (NPL), only a small fraction have been cleaned up. Only 60 sites have ever been scrubbed off the list completely. And with many new sites likely to be added, the cost of the program, which already accounts for 1 out of every 4 dollars spent by the Environmental Protection Agency, will easily reach the fiscal stratosphere of hundred of billions of dollars.

So how in the world did this well-intentioned cleanup program ever go awry? Well, experts generally point to three main problems that include absurd citing criteria, absurd cleanup standards, and an absurd liability scheme that almost inevitably ensure the smallest bang for the most bucks.

In the first of these that concerns the way the EPA decides whether a site is dirty enough to be listed, the feds are simply overcautious and unrealistic. To begin with, they assume an area is as contaminated as the location's most polluted spot. But even worse, as can be seen with the case of Bluff Road, S.C., they assume the most unlikely and even ridiculous "future uses" for Superfund sites.

Bluff Road hit the NPL after being used by chemical manufacturers for the disposal and recycling of hazardous waste. Although tests indicate the abandoned site posed virtually no threat to public health, it became South Carolina's numero uno cleanup priority because the EPA saw it as a danger to sportsmen. Its reason? Because if hunters and fishermen ate wildlife for dinner twice a week for 70 years and all of their catch had either lived in or passed through the site, their exposure to carcinogens would be too high. That the site is merely two acres barren of vegetation apparently did not seem to matter to the bureaucrats.

The second major flaw with Superfund is that it attempts to reach safety levels that are both unnecessary and, for the most part, unattainable. The EPA's own administrator, Carol Browner, testified before Congress, "How clean is clean is one of the most complicated issues facing us." Yet by often using the cri-

teria of "1 in a million," the agency is setting standards that, as expressed by the Political Economy Research Center (PERC), are based on risks that are "far smaller than the chance of being killed by a falling airplane."

No doubt, this is why a site in Columbia, Miss., is undergoing a \$20 million remediation when the whole project could have been cleaned up for less than \$1 million simply by spreading a layer of cleaner soil on top of the contaminated area. The cheaper method, however, would not protect against the minute chance of developing cancer for those children who might eat one-half teaspoon of the toxic dirt every month for 70 years — a scenario the EPA strangely considers plausible — so the agency is going with the more expensive approach.

The third and probably most important reason why Superfund has been an hazardous waste of money is the legal quagmire that is resulting from its unfair and tangled liability scheme. This scheme employs what is known as joint, several and retroactive liability, and is fueling constant litigation that is eating up roughly \$6.7 million, or 21 percent of the total cost, for every Superfund site.

One of the most bizarre examples of the way this liability madness has played out is the story of Russ Zimmer who found himself on the hook for partial Superfund cleanup of a battery cracking plant in Torrington, Wyo. His offense? He had accepted a third-party check issued by the company as payment for some dog food and bird seed he had sold some years back. Mr. Zimmer was sued as a PRP and settled for paying \$3,500 to avoid a costly legal battle.

At this point, the foul odors issuing from the Superfund program are probably far worse than anything ever smelt at Love Canal. Costs are too high, cleanup standards are preposterous, and the liability rigma-role is tying up the whole system in legal knots. Whether this program can be salvaged is still anyone's guess, but unless some common-sense changes are made, and made fast, it seems highly unlikely that Superfund will ever rid itself of the need for drastic toxic cleanup.

David Rothbard is president of the Committee for a Constructive Tomorrow (CFACT). Craig Rucker is the group's executive director.

Justice, injustice, race and the O.J. acquittal

By Armstrong Williams

In a column that appeared on this page in January, I outlined why I thought O.J. Simpson would go free. The defense tactics would be merely to "confuse or befuddle to sow a seed of doubt, and the defendant goes free."

I also mentioned our judicial system's susceptibility to emotionalism. The defense didn't establish anything but that Mark Fuhrman was a racist. That seems to be enough. After that, all the evidence was suspect. Enough evidence to easily convict the average defen-

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dant — the hair, the blood, the DNA, the flawed alibi, the bag that disappeared, the cut on O.J.'s hand, the clear motive and history of violent abuse — it was all tossed out by the jury.

Nicole Brown Simpson predicted this, too. She told her friends that O.J. Simpson was going to kill her, and that he would get away with it. She filed away pictures detailing his violence. She wrote a will. She screamed from the grave on taped 911 phone calls that he was going to kill her.

If O.J. is not the murderer, then who is? All the blood, hair, and DNA samples from the crime scenes are O.J.'s, planted or not.

Regardless of how we feel about this verdict, the truth is that this ties in a series of "celebrity" trials and

race trials where defendants who seemed clearly guilty walked free. The verdict shows two distinct factors that trump justice in our nation's courtrooms: race and wealth.

The Menendez brothers were a perfect example of the advantages of wealth. The defendants actually admitted to doing the deed, yet their tremendous resources overwhelmed the prosecution.

The Crown Heights incident shows how race outweighs the facts in our courts. A young man who stabbed a Hasidic Jew, and was found with the weapon and victim's blood on him moments afterward, was acquitted. One black woman on the jury said afterwards that she flatly refused to convict him because he was black. O.J. had both

factors in his favor.

Race had become an underlying issue through much of the trial. Worst of all was the blatant exploitation of this emotional appeal to racism in Johnnie Cochran's closing statement. Rather than uphold their sworn duty to judge the merits of the case, he asked them to "send a message" and judge the racial failings of American society.

This Simpson jury has parallels to the Simi Valley jury that acquitted the police officers in the first Rodney King trial. Presented with apparently overwhelming evidence demanding conviction, the jury chose to acquit. In the King trial, the jury looked at King, a person who had regularly gotten in trouble with the law, and compared him with the "thin blue line" of police

officers whom they trusted to protect them. In the Simpson trial, the jury looked at a man who had been

The verdict in this case shows two distinct factors that trump justice in our nation's courtrooms: race and wealth.

a sports hero and movie star, and compared him with a sullied LAPD and the rabid racism of Mark Fuhrman.

The jury made a determination that comes down to a personal view one has towards law enforcement: Is it to be trusted or not? This jury did not think so. The trial was successfully turned into a referendum on the Mark Fuhrmans of the LAPD, and the department was found guilty.

The O.J. acquittal is a miscarriage of justice, certainly. I have no doubt that he did the deed, and that the future will bear me out on that. This injustice, though, springs from abuses in the Los Angeles Police Department by its officers brought to light by the trial — equally a miscarriage of justice.

Unfortunately for America, and contrary to Mr. Cochran, the wrong of this verdict will not right what is wrong with the LAPD or America. It only means that more Americans will perceive that the justice system is rigged and that a murderer will not be brought to justice for a brutal double slaying.

It was a year ago that hundreds of candidates for Congress gathered on the Capitol steps to sign the "Contract with America", the brainchild of then minority whip Newt Gingrich and the chairman of the GOP Conference Dick Armey.

It was a brilliantly crafted document, aimed at getting not only candidates for Congress but most incumbents to sign on. Thus the "Contract" only promised to bring measures up to vote, not to actually pass the measures. But when Mr. Gingrich unexpectedly became speaker of the House, expectations quickly rose. Moreover, the "Contract with America," which was understood by only a quarter of the electorate before the election, suddenly became the operative document for the so-called Republican revolution.

In the 1994 elections, the voters also gave the U.S. Senate to the Republicans and while they had never agreed to the "Contract," they began to tag on to the media exposure given Mr. Gingrich and his crew during the first 100 days of the new Congress. Expectations grew even higher.

Then came the balanced budget vote. The balanced budget amendment already had to be watered down in the House to exclude the provision which required a super majority to raise taxes. But Speaker Gingrich did manage to get the amendment passed by two-thirds of the Congress with 10 votes to spare. When the Senate took up the vote, it was a different matter. Six Democrats who had previously supported the amendment changed their position and with one Republican defection, the amendment failed by a single vote to get two-thirds approval.

Expectations began to fall and now at the celebration of the one year anniversary of the "Contract," morale among the freshmen class elected last November is low. Mr. Gingrich told *The Washington Times* that were he more clever he

Freshman class in search of leadership

would have persuaded the Senate to sign on to the "Contract" last year and maybe things would have been different. I frankly doubt it. The Senate is a very different institution and it doesn't lend itself to the sort of "group leadership" that the Contract represents. Moreover, a single determined senator can gum up the works pretty well, and that is as our Founding Fathers wished it. They did not want us to rush into hasty legislation. They were right. The

one Congress capable of passing whatever legislation the president wanted was the 89th Congress, elected in the Lyndon Johnson landslide of 1964. That Congress gave us the Great Society, the effects of which the 104th Congress is trying to grapple with every day.

Now the freshmen House Members are worried they are going to get the blame for the Senate not passing what the House has agreed to. The freshmen, however, are ready to blame the Senate and some of their own renegade House Members for not accomplishing more. This has become such a problem that twice GOP National Chairman Haley Barbour and Senate Leader Bob Dole have held meetings with the freshmen pleading with them not to attack the Senate. It isn't working.

The problem is that the leadership doesn't want to admit they simply don't have the votes to do what is really needed. I happen to think that if the congressional leaders would level with the American people,

it would bring significant rewards. If they said over and over again: "Here is what we want to do. Here is what we think we can accomplish. But we are 20 votes short in the House and about 15 votes shy in the Senate. Send back those who have kept their word, send us some reinforcements, and we guarantee we will do the job." I am confident that the American people would understand the message and would act accordingly.

Instead, the leadership waters down measures in an effort to get them passed. When even that doesn't work, they absolutely refuse to admit that some of their own Republicans are to blame for the lack of progress on the agenda. They are so afraid they will be asked to name names. So they act in a state of denial, as if their being in control really has solved a lot of the problems.

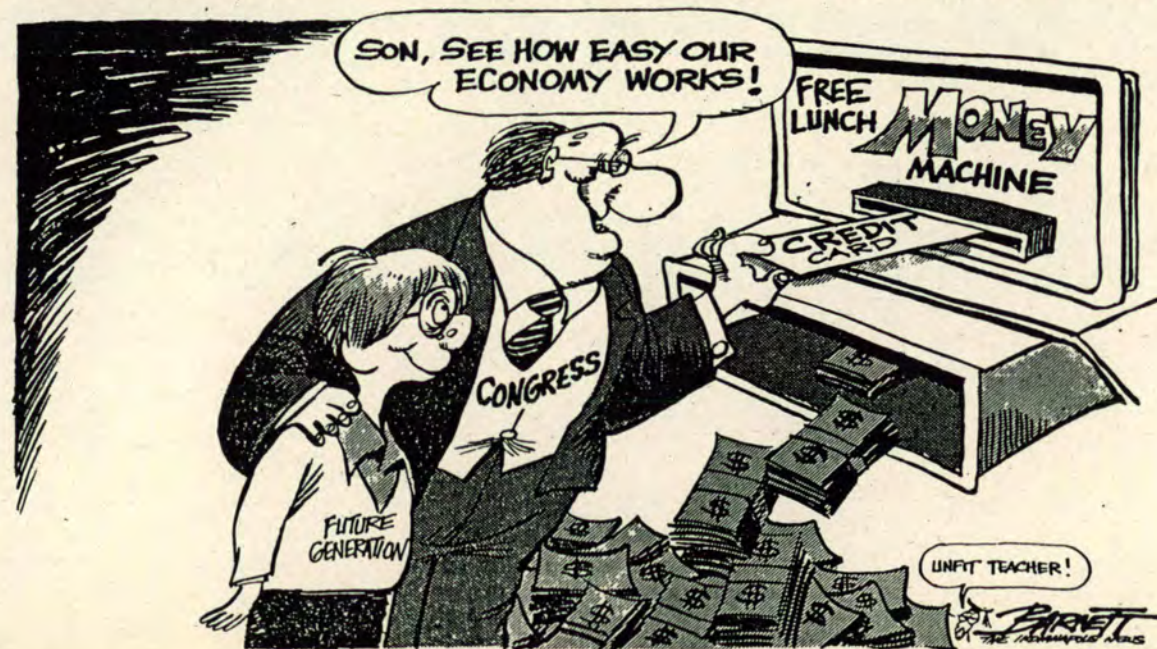
The problem is not a partisan one. The problem is a philosophical one. While there are almost no conservatives left in the Democratic

Party, there are still liberals in both parties. They work together to protect the existing order. What is necessary is to break the hammerlock that the liberals have on Washington. Just electing Republicans isn't enough. Men and women who truly want to change things need to be elected. If there are enough of them, they in turn can elect congressional leadership reflective of that change.

It is no wonder there are morale problems among the freshmen. Not only won't their leadership be candid with the American voters about the real state of affairs in the Congress, but their party is now flirting with a presidential candidate who repudiates everything these freshmen stand for. Election year 1996 is looking like 1948 all over again. After the huge Republican gains in 1946, an aggressive House of Representatives was thwarted by a Senate resistant to change. And then Republicans nominated Tom Dewey as their presidential candidate. He was above it all and didn't identify with the average voter. Harry Truman was unpopular and there was a third party candidate in Dixiecrat Strom Thurmond. The anti-Truman vote was split. Harry Truman won another term and the Democrats returned to control the Congress. Does any of this sound familiar? It is exactly what is playing out in the Congress and the Republican Party at this very time.

The sad part of it all is that it is wholly unnecessary. There is still time for truth. The American voters will reward honesty. But if the Republicans persist in pretending that things are just fine with them in control, they are very likely to meet the same fate as the "do-nothing 80th Congress," as Truman labeled them. True, Bill Clinton is no Harry Truman, but he does great imitations.

Paul M. Weyrich is president of the Free Congress Foundation.



CAL THOMAS

Some experts, including many in the media said California Gov. Pete Wilson's presidential candidacy would succeed chiefly because of his "moderate" views on abortion and gay rights. Mr. Wilson's withdrawal, just one month after announcing, has forced those "experts" to regroup. Now they say his pullout had nothing to do with the social issues, but rather with his "harshness" on immigration and his broken promise not to run for president if he won re-election as governor.

What is a "moderate"? Reading the definitions is instructive. They include: "having average or less than average quality; mediocre; limited in scope or effect; of medium lightness and medium chroma." Could there be a better description of Pete Wilson?

The moderation that some supposed would attract so many voters, presumably disenchanted with the "extremes," didn't. Mr. Wilson's standing in the polls was negligible. His fund raising fell far short. The New York Times says Mr. Wilson "only months ago had been widely viewed as Sen. Bob Dole's toughest rival for the nomination." Widely viewed? By whom? Will the Times now say Mr. Dole is the better or best candidate? Not likely. They'll search for another "moderate" to push to the front of the pack or, if none emerges (other than Sen. Arlen Specter, whose campaign isn't going anywhere either) begin

'Moderate' minions forced to regroup

painting those with convictions as "extremists."

The Times admits its reading of Mr. Wilson's tea leaves was dead wrong: "... his fiscally conservative, socially moderate brand of Republicanism ignited no real enthusiasm." Why, then, are some conservatives moving in the direction of "moderation" when it ought to be clear they should remain where they've been?

William Bennett, author of "The Book of Virtues," says, "There are pro-choice candidates I could support." Mr. Bennett, Jack Kemp and even Newt Gingrich have had only kind words for Colin Powell, the pro-choice, pro-affirmative action, pro-gun control, more-Democrat-than-Republican possible presidential candidate. Even the Christian Coalition's Ralph Reed says he's "reserving judgment" on Gen. Powell. What is going on?

Pragmatism without principle equals Pete Wilson. Are Republicans so desperate for the White House that they will sell their souls for the place? Are they saying 30 million dead babies can be forgotten if the next White House occupant wears a Republican label and makes the trains run on time?

Mr. Bennett once said, "Let's be strong. Let's be principled ... polit-



PETE WILSON DISCOVERED ONE DISASTER HE COULDN'T JUGGLE...

ical leadership is telling people what you think they ought to hear, and this itself is one of the influences on how the public thinks on any issue." Addressing the 1990 GOP Governors' conference, Mr. Bennett continued, "If you'll futz around on something as serious as life, you'll futz around on anything."

Former Reagan domestic policy

adviser, Gary Bauer, got it right when he said, "The GOP must not send a message to an already cynical public that a Republican nameplate at 1600 Pennsylvania Avenue matters more to it than having a core philosophy."

Republicans have been down this road before. When the GOP was created in the mid-1800s, Republi-

cans rose to power and kept it for years because of their strong opposition to slavery — a moral issue. They lost power when they put the economy first, sinking into the corruption of the Gilded Age.

In 1884, Republicans nominated James Blaine, a "moderate," for president. Radical Republican leader Carl Schurz announced: "I yield to none of you in pride of the spirit and the great achievements of the Republican Party in the past ... Remember how, under Republican guidance, the American Union was washed clean of the stain of slavery? ... And now after 24 years of uninterrupted ascendancy, what has the party come to? Look at it, the party of moral ideas ... now dodging and squirming around that record as something too hot to touch. ... Those of us who are truly proud of the good this party has done will be too proud to consent to its degrading perversion."

That's conviction, not "moderation." Lack of conviction killed Pete Wilson's candidacy. Other Republican leaders can follow Mr. Wilson's way to irrelevance, or they can stick to their principles.

Cal Thomas is a nationally syndicated columnist.

Many today characterize our illegal immigration problem as a crisis. And it is true this illegal activity has increased even in the face of a ban on the hiring of undocumented workers. Illegal immigrants now make up 1.5 percent of our population. That is too high. Immigrating illegally is a crime and a statement of disdain for the rule of law that forms the very basis of American liberties. This is why we support measures such as more efficient border patrol, better visa control and measures to ensure that illegal immigrants are swiftly deported.

But we must not allow this difficult situation to lead us into mistakes of judgment. We must not make the vast majority of law-abiding U.S. citizens and legal immigrants suffer because of the 1½ percent who have broken our immigration laws. Unfortunately, some proposals being discussed in Congress would do exactly this.

Particularly worrisome is legislation advancing in both chambers that would force Americans to comply with a national identity verification system, administered by a new and powerful government agency. This legislation would require employers to ask the government's permission before every one of their hiring decisions. These programs would force Americans to abide by inefficient regulations, produce a bureaucratic nightmare of mistaken identity, cost jobs and even endanger our fundamental liberties — all without making any significant progress against illegal immigration.

The costs of this program will be unduly burdensome. Employers will be forced to purchase equip-

Outline of a national computer I.D. crisis

ment and provide clerical support for the national computer I.D. system. In addition to increased federal regulation, the system will impose compliance costs that will reach into the billions of dollars.

Some advocates of the national I.D. system would force all Americans to carry identification cards that would put their civil liberties in serious jeopardy.

Current estimates suggest that each workplace will have to spend nearly \$800 for needed equipment alone. And the costs could rise rapidly. The Immigration and Naturalization Services' Telephone Verification Pilot System is frequently cited as a prototype for national identification. Yet in this system, that checked the identity only of immigrants, not citizens, nine employers ran up administrative fees of more than \$31,000. This represents a burdensome unfunded mandate on employers and small

businesses in particular; a mandate that will cause more and more businesses to decide not to hire new employees. That's why the National Federation of Independent Business, America's leading small business lobby, opposes the national I.D. system.

What is more, the system would be riddled with mistakes that would cost even more American jobs. A recent pilot program run by the Immigration and Naturalization Service discovered that its own files contained error rates of 28 percent. These highly problematic records would be used in any national I.D. system, along with those kept by the Social Security Administration, which an SSA internal memorandum estimated will contain discrepancies 20 percent of the time during the initial verification process. Just to clean up these data bases, never mind to manage them, would entail hiring thousands of new government employees.

And, since Americans either enter the labor force or change jobs about 65 million times each year, any national I.D. system would have to undergo 65 million checks annually. An error rate of just 3 percent, quite an improvement over current rates, would mean that every year the federal government would place in bureaucratic limbo or possibly deny jobs to nearly 2 million

Americans, most of them native-born citizens. This is too high a price to pay.

And the possibilities get worse. Some advocates of the national I.D. system would force all Americans to carry identification cards that would put their civil liberties in serious jeopardy. The Senate legislation would require parents to have their children fingerprinted, stating (in section 115) that by the time they are age 16 all children's birth certificates would be personalized by the addition of a fingerprint or other biomedical data such as a retina scan.

While some may enjoy the science-fictional quality of such possibilities, it is not unwarranted to fear that the results will more closely resemble a Kafka novel. With such a system in place, the government will have gained access and control over our very identities. The possibilities for abuse would be tremendous. Retina scans, and thus access to private information, could be required for any number of public or private acts.

Stuart Anderson of the Alexis de Tocqueville Institution argues that the system's flaws also will lead inevitably to a national I.D. card system, with all the dangers to our liberties and privacy that such a system implies. The computer system would be so vulnerable to mistakes and fraud that "to make sure this massive new federal undertaking is not a complete exercise in futility and expense I.D. cards will be deemed necessary. It is likely, however, that counterfeiters and forgers will stay one step ahead of the government in thwarting any 'foolproof' I.D. card."

Under an I.D. card system, government bureaucrats would gain

the power to deny services for failure to show the card. We might even see the rise of a significant black market in I.D. cards and database access that would endanger law-abiding citizens.

All this for a system that would not significantly decrease illegal immigration. It is already illegal to hire undocumented workers, who desire the wages paid in the United States, and employers still manage to avoid the law. Most employers who hire illegal aliens know that they are doing so. They ignore requirements that they verify citizenship and/or residency and check Social Security numbers because they believe they can get away with it.

Even if a national I.D. system were error-free, these employers would continue to flout the law. The American job magnet would maintain its strong pull for foreign workers, and a national I.D. system would not change this. We would be left, then, with our liberties in peril, our jobs held hostage to a bureaucratic database and our illegal immigration problem as bad as before.

Thankfully this result is not inevitable. We do not need to turn to Big Brother and a bigger government to protect our borders. Measured reforms aimed at tending the borders and deporting violators will allow us to protect ourselves and our laws without surrendering our liberties.

Sen. Spencer Abraham of Michigan, a member of the Senate Judiciary Committee, and Rep. Sam Brownback of Kansas, a member of the House Budget Committee, are freshmen Republicans.

MONA CHAREN

Candor from a pro-choice feminist

Naomi Wolf, feminist and liberal, has written an absolutely extraordinary article about abortion in the New Republic. The piece, coming as it does from a best-selling pro-choice, feminist writer, is so surprisingly honest and so distant from feminist dogma that it is certain to be seen as a watershed in the (usually) sterile debate between the two sides.

What Ms. Wolf has done is to concede, wholly, that the pro-lifers have a point when they argue that the unborn child has moral standing — and to castigate pro-choice feminists for adopting a callous, selfish and even cruel approach to what they characterize as mere “fetal tissue.”

That is a monumental departure from pro-choice orthodoxy, which has always held that a fetus is not a “life” and that killing it is an act of personal autonomy and self-expression, not an unprovoked act of violence.

Ms. Wolf quotes an illustrative account from Mother Jones magazine. D. Redman writes triumphantly of her decision to have a chemical abortion and quotes her doctor as saying: “By Sunday, you won’t see on the monitor what we call the heartbeat.” Ms. Wolf is offended. “The pro-life slogan

What propelled Ms. Wolf to reconsider the morality of abortion? She had a baby.

‘Abortion stops a beating heart’ is incontrovertibly true,” she writes. “While images of violent fetal death work magnificently for pro-lifers as political polemic, the pictures are not polemical in themselves: they are biological facts. We know this. . . . How can we charge that it is vile and repulsive for pro-lifers to brandish vile and repulsive images if the images are real? To insist that the truth is in bad taste is the height of hypocrisy.”

In her Mother Jones piece, Ms. Redman included an account of her infertile friend Judith’s plea for the baby the author did not want. “Let me have the baby. You could visit her anytime, and if you ever wanted her back, I promise I would let her go.” But Ms. Redman does not see beyond the end of her own very

The Washington Times

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pampered nose and fails even to consider placing her child for adoption. When the drugs have done their work and she begins to bleed, she writes that she feels “luxuriating with possibility.”

Ms. Wolf challenges the feminist self-congratulatory view that all women who choose abortion are making morally serious decisions. “Of the abortions I know of,” she writes, “these were some of the reasons: to find out if the woman could get pregnant; to force a boy or man to take a relationship more seriously; and again and again, to enact a rite of passage for affluent teenage girls.” Fifty-seven percent of unwanted pregnancies, Ms. Wolf notes, result from parents failing to use contraception. “With the pro-choice rhetoric we use now, we incur three destructive consequences . . . hardness of heart, lying and political failure.”

What propelled Ms. Wolf to reconsider the morality of abortion? She had a baby. As she relates in the New Republic, “When I was four months pregnant, sick as a dog and in the middle of an argument, I realized that I could no longer tolerate the fetus-is-nothing paradigm of the pro-choice movement.” She had seen the ultrasounds, felt the physical mystery of pregnancy and began to engage in what Joycelyn Elders so obnoxiously characterized as “a love affair with the fetus.” Very few leading feminist thinkers have married and borne children.

The Wolf article will disappoint those who hope, as one pro-choice shibboleth after another falls, that she will announce her total conversion to the pro-life view at the end. She doesn’t. Hers is a plea for a more serious moral rhetoric about abortion but not, alas, for more serious moral policy. She wants pro-choice feminists to mourn the deaths of the fetuses who die in abortions, she wants the women themselves to rediscover a sense of sin, and she hopes all will turn to God for redemption.

But that is no reason not to celebrate this first of its kind of feminist rethinking of abortion. I would even venture to guess that anyone who has reflected so honestly about abortion may not yet have reached her final destination. She has taken pro-life arguments to heart, she has grappled with life and death, and she has allowed something beyond selfishness to color her opinions.

Mona Charen is a nationally syndicated columnist.

Missing the point of the 1980s Pentagon

By Philip Gold

When journalists write books, the results are apt to be disappointing. There is always an impetus toward data dump — pouring the tonnage of one's unused notes into the text, in effect creating book-length articles. There is also the tendency to indulge one's frustrated literary creativity. But, worst of all, there is the danger that the author will demonstrate, at length and in detail, the fundamental failure of modern journalism: knowing everything and understanding nothing.

Andy Pasztor is a well-regarded Wall Street Journal reporter who covered the Pentagon during the 1980s. His hyperbolically titled "When the Pentagon Was for Sale" chronicles the major procurement scandal of that decade, as exposed during Operation Illwind, plus a few others involving workaday sleaze and the unauthorized use of classified documents. Mr. Pasztor draws upon his work (and everybody else's) during that period. He also conducted extensive recent interviews with participants.

The result is pure data dump, enhanced by the kind of extraneous trivia known in second-rate writing courses as "vivid details": who drove what color car or favored what kind of neckties, etc. Occasionally, he gets his vivid details wrong, for example placing Marine Corps Headquarters in Alexandria or awarding someone a nonexistent medal.

Still, Mr. Pasztor tells the story reasonably well. Crooked consultants and ruthless bureaucrats, manic prosecutors and craven CEOs, sexual high jinks and expense-account lifestyles make for good copy. But beyond the reportage, in his opening and closing attempts at understanding, Mr. Pasztor fails utterly, and in a distastefully banal, rather moralistic way.

In the 1980s, not for the first time and not for the last, defense procurement fell victim to the predations of the zestfully immoral. Melvyn Paisley, assistant secretary of the Navy and close friend of the secretary, John Lehman, ran what amounted to a criminal network within the Pentagon, and among defense consultants and contractors. Mr. Pasztor takes great delight

in chronicling Paisley's downfall; he regrets that many others escaped or got off lightly.

OK, the crooks had it coming. But Mr. Pasztor moves beyond the "Gotcha!" so beloved of investigators (journalistic and legal) to demonstrate an ugly vindictive streak — a desire not just to get people, but to keep expanding the list of gettables while simultaneously passing pharisaic judgment on that most evil of decades, the 1980s. He also shows no comprehension of

POLITICAL BOOKS

WHEN THE PENTAGON WAS FOR
SALE: INSIDE AMERICA'S
BIGGEST DEFENSE SCANDAL

By Andy Pasztor
Scribner, \$25, 416 pages



either the structural problems of the procurement system or what the buildup of the 1980s was really about.

Mr. Pasztor feels comfortable with phrases like "corporate greed," but he ignores the peculiarities of defense contracting. It's a lunatic business — only one major customer, a mercurial, untrustworthy, unpredictable behemoth with a number of separate, uncoordinated brains (the Pentagon, Congress, the Office of Management and Budget) each capable of screwing up everything in sight. Much of the vital information companies need to plan and profit — information normally provided by

the market — simply doesn't exist in the defense business.

The writer rightly excoriates bribery, fraud, collusion. But he is shocked — shocked — to discover that contractors sometimes disregard the sanctity of government security classifications to acquire information on their customer's possible needs — information that, many times, should never have been withheld. Excessive classification is often the real problem. And when was the last time a reporter genuflected before the holy secret stamp while hot on the trail of a Pulitzer Prize or book contract? What the defense establishment needs is less classification, coupled with real penalties for violation.

Nor does Mr. Pasztor understand the purpose of the 1980s buildup, which was to force the Soviets to continue wrecking their own economy by massive military expenditure. Back then it was known as "competitive strategies." It was messy, but it worked. Gargantuan undertakings are never neat.

But Mr. Pasztor shows no interest in the buildup beyond the inquisitorial. He sneers at Defense Secretary Caspar Weinberger's assertion that, if the buildup did indeed cost too much, so be it. Indeed, Mr. Pasztor excoriates Mr. Weinberger for not behaving like a mid-level cost-accountant or gumshoe, spending his days obsessively ferreting out evildoers.

He even asserts that the procurement scandals will permanently tarnish the historical reputation of the rearmament — a bit like saying that the World War II victory was sullied because we let some crooks get a piece of the action, or ended the war with more stuff than we needed to fight it. History will record that the Reagan rearmament program, sloppy as it was, helped break the Soviet back. Illwind will be no more than a footnote to that story, a curiosity.

Finally, Mr. Pasztor feels compelled to warn that the scandals, like the rest of the "decade of greed," will continue to "resonate." He frets that a shrinking defense budget will drive people to criminality, just as a rising defense budget did in the 1980s, and will do again as the evil Republicans continue "to scrap social programs in favor of defense spending." (Has he read the budget?)

His solution to the problem: more regulations, more oversight, more prosecutions. He ends his book with a thinly veiled call for another Illwind. His proposals demonstrate neither understanding of the structural problems of defense nor proper citizen concern. Rather, they reflect one of the most unfortunate aspects of contemporary American life: the progressive criminalization of questionable activities that can and should be dealt with in less Draconian and dramatic ways.

But then, that wouldn't make for good copy.

Philip Gold is director of defense and aerospace studies at the Seattle-based Discovery Institute, and a lecturer at Georgetown University.

Fool me twice, Mr. Perot, then shame on me

By Margarita Ajamian

It is important for those who might be tempted to jump on Ross Perot's bandwagon to examine his record. He is certainly correct when he claims that a majority of voters in this country are disillusioned and don't trust their government. He is correct again when he asserts that the electorate is disgusted by childish name-calling that so frequently supplants substantive dialogue and political debate.

There was a time when many turned to Mr. Perot as the answer. In 1992, millions gave their time, their energy and their money (in many cases more than they could afford) to put him on the ballot against incredible odds in all 50 states. They did it because they truly believed in him.

I know — I was one of them. Mr. Perot reminded us all that we are the owners of this country — that it's up to each one individually to become involved, and that collectively we could make a difference. He reminded us that the election would be only the beginning, he asked for our commitment to stay in the ring. Then, for reasons that still stretch credulity, he abandoned us.

A greatly reduced number of us kept the flame of hope alive because we knew he'd be back. And he was. He helped us, the abused taxpaying citizens, get the attention of the political establishment.

I am unrepentant for my active role during the 1992 petition drive and the campaign and in United We Stand America. I believe that Mr. Perot, through his followers, brought Republicans back around to their core beliefs after the end of the Cold War. In my opinion, that was the significance of '92.

After World War II, it wasn't Smaller Government and Lower Taxes that defined the Republican Party. There was a different distinction — the Republicans were anti-communists and the Democrats were appeasers. Everything always boiled down to the Red threat. And when communism came crashing down, while George Bush, the leader of the Republican Party,

groped hopelessly for the illusive vision thing, it was Mr. Perot who spoke to the issues that matter to most Americans. He helped the Republicans bring their mission back into focus.

Now that the Republicans are working tirelessly to pass the reforms he talked about in 1992, the issues that were spelled out in the Contract With America, Mr. Perot wants to undermine them because they aren't jumping to his tune

Ross Perot reminded us all that we are the owners of this country — that it's up to each one individually to become involved, and that collectively we could make a difference. Then, for reasons that still stretch credulity, he abandoned us.

today. We are again hearing the now-familiar proclamations that were first emphatically stated during the '92 campaign and then again in January 1993 when he founded United We Stand America: "It belongs to [the members]; I am incidental; I am but one vote, [the members] control it."

We believed it then, and signed on wholeheartedly. But we've come to understand differently. He may be only one vote, but his is the one that matters. When the members tried to exercise ownership responsibilities in their organization, they were repeatedly thwarted. When we, the foot-soldiers, raised questions, we were discredited and discarded. When state leadership was elected that was not suitable, "yes"-people were appointed by Mr. Perot in newly created positions in parallel and in direct counterpoint to those chosen by the members themselves.

This is hardly a model for a democratic organization. We came to realize that United We Stand America never belonged to the members. That's why hundreds of thousands of members fell away.

Mr. Perot says that he's been listening to the people and that they want a third party. Surely he can't be referring to the widely publicized meetings that United We Stand held all over the country early this year that in most cases drew a mere handful of people. While Mr. Perot says that he gets this information from public opinion polls, nowhere has there been one to suggest that more than 60 percent of the people want a party led by him.

Ross Perot again says that he is doing this for the people — "that this isn't about [him]." But then why does Mr. Perot, the person, have to come with the funding that he is so generously offering for this effort? Surely there are others with reform-minded credentials who could be the standard-bearer for the movement. No — this, too, is like our United We Stand experience. We were promised world-class, and we got mediocrity; the only thing that was world-class was the bureaucracy.

Instead of pushing others who were true authorities on various issues to the fore, Mr. Perot had to be the one in the limelight. And the volunteers — the ones working their hearts out where the rubber meets the road — they were just one more

bauble in Mr. Perot's expensive war chest.

It is obscene for Mr. Perot to talk about the public's lack of trust. He, by his past actions, bears a share of the responsibility for the cynicism that abounds. And now he wants us to buy the same song for his new Independence Party. Again, small contributions are being solicited. But we've not been told who will control the disbursements; how those decisions will be made. On the Larry King show he announced that this non-party already has a platform. Drafted by whom, when and where? Mr. Perot always warned us to demand a detailed plan first. We learn quickly: We're demanding.

Why should we believe that this time it really will belong to the members; that this time state leaderships and budgets will be controlled at all levels by the members themselves; that this time dues will be paid locally, with only a small percentage going to the headquarters — not the other way around; that this time cronyism will not be tolerated; that this time the democratic process will always prevail? What assurance do we have that this new party will be different from, and better than, those we already have; that it will set the standard for ethics in politics; that its leadership (to be identified, I presume) will be above reproach?

Lastly, Ross Perot always told us to ignore what they say and judge them by what they do. When we apply that standard to him, it makes it tough to buy into it one more time.

Margarita Ajamian is a former member of the executive committee of the board of directors of United We Stand America-California. After resigning in July, 1995, she founded Up Front, a San Francisco-based non-partisan political action committee dedicated to electing reformers to Congress.

The people speak, the politicians don't listen

By Scott Rasmussen

Sixty years ago, Gallup pollsters asked 1,500 adults a question that is now the oldest polling question recorded in the Roper Center's extensive database. During the depths of the Depression, while Franklin D. Roosevelt and the New Deal were riding high, Gallup found that 60 percent of those surveyed felt the government was spending too much for "relief and recovery." Another 31 percent thought government spending was "just about right" while only 9 percent thought the government was spending "too little."

No wonder voters are angry! We've been sending the same message for 60 years and we've been ignored all that time. Of course, we have muddled the message by continuing to elect people who thought government was spending "too little." As a result, federal spending today (adjusted for inflation) is more than 10 times higher than in 1935.

Since then, while big spenders won elections, Gallup had repeatedly documented voter interest in restraining government. Decades of data show that voters consistently believe taxes are too high, roughly half of federal spending is wasted, term limits are a good idea, and Big Government is more of a threat to the nation's future than

Big Labor or Big Business.

This difference between voter actions and voter opinions is a major paradox of the New Deal era. Politicians appealed to both strands by pitching new spending programs while providing assurances that overall spending and taxes would not increase. For a while, the miraculous economic growth of the 1950s and '60s provided enough maneuvering room for elected officials to have it both ways. Not any more.

While the history books focus on the election results and new government programs, there was always an undercurrent of resistance that has been generally ignored. For example, it was during the 1930s that Will Rogers raised mockery of public officials to an art form. Later, when TV became a staple in America's households, anti-tax jokes became a staple on TV sitcoms. For Don Adams and others, the Bureau of Internal Revenue was always good for a laugh.

More substantively, a drive began in the 1930s to abolish the 16th Amendment and eliminate the income tax. With a second push in the 1950s, a total of 35 states applied to Congress for a constitutional convention to propose federal tax-limitation amendments (some rescinded their applications, so a convention was never held). Seen in this context, the only surprise about the Proposition 13 tax revolt in California is that voters waited so long.

Ironically, the strongest evidence of the anti-government undercurrent comes from the politicians themselves. From Roosevelt

to Clinton, career politicians have done what comes naturally to elected officials — they have tried to please everybody. While selling new programs, they also worked hard to go on record sharing voter concerns about excessive government spending and deficits.

Lyndon Johnson had government accounting procedures changed to hide growing deficits. His administration mingled trust-fund surpluses with the government's operating budget. Not only that, the passage of Medicare and other Great Society programs during his administration was facilitated by budget projections grossly underestimating their cost.

Johnson, of course, was not alone. Politicians of both parties loved an income tax system that used inflation to raise taxes by pushing people into higher tax brackets. This saved them from the political risk of having to vote for tax increases. Even better, it allowed members of Congress to periodically vote for tax cuts that they could talk to voters about during election time. Naturally, the tax cuts gave back only a portion of the government's windfall.

The Reagan administration ended this political free ride by indexing the tax code to protect taxpayers from inflation. Unfortunately, though, the Reagan years had gimmicks as well. David Stockman wanted to show spending cuts in the budget without identifying which programs should be cut. His solution was to create a "magic asterisk" representing \$44 billion in savings to be

identified later. Surprise, surprise — these savings never were identified.

By the Reagan years, career politicians had also created "current services" budgeting which labels any reduction in the rate of spending growth as a spending cut. This fraudulent technique still allows Congress to vote for spending "cuts" while approving



larger and larger budgets. In Washington, the pols can keep their empire growing. At home, the can talk about their votes for spending cuts.

Even Franklin D. Roosevelt recognized the deep public resistance to government growth. When pitching Social Security, he made it sound as if the government would be administering a conventional pension plan. He implied that workers would pay money into a trust fund and draw upon that fund in retirement. The government's role was merely to put the "trust" in the trust

fund. FDR did this because he knew that voters would never support the massive Ponzi scheme that was actually being created.

Eventually, politicians came to believe that voters liked spending cuts in the abstract, but not for specific programs. Polls were then conducted which seemed to back up this theory when respondents rejected spending cuts being debated by the politicians. For example, surveys on Social Security generally have found that more than 90 percent of respondents would rather leave the system alone instead of cutting the cost-of-living adjustments (COLAs) for retirees.

What this polling misses is that voters were rejecting spending cuts proposed by politicians, not all spending cuts. Six years ago, to highlight this distinction, I commissioned a national opinion poll of 519 adults. Respondents were given five options for the future of Social Security — leave the system alone, cut COLAs, means-test it, make Social Security voluntary, and raise the retirement age while cutting the payroll tax. Given legitimate choices, 2 out of 3 respondents wanted to change Social Security.

Not surprisingly, cutting COLAs was the least popular reform. That's precisely why it was used for years to "prove" that people don't want to cut Social Security spending.

What all of this means is that today's anti-government mood is not something new and different. It is merely an expansion of a very large political base that has been around for at least 60 years. The base has expanded to become dominant today because one aspect of public opinion has changed since the New Deal. In 1935, years ago, voters trusted their government to do the right thing. Today, they don't.

Not guilty

Notwithstanding the swiftness with which the jury in the O.J. Simpson case reached its verdict, you couldn't really blame the experts, analysts and professional trial-watchers who expected something different — in particular, highly protracted deliberations leading to a hung jury.

The trial seemed, at various points, more of a piece with the circuses of a declining Roman empire than with the pursuit of the facts in an especially grisly double murder. The fame of the defendant, the slickness of his high-priced counsel, the beleaguered and sometimes confused prosecutors, the weeping judge, the racist detective — and then the endless (and endlessly fascinating) stream of commentary and analysis from the nation's best prosecutors and criminal defense lawyers, to say nothing of the David Letterman "Top Ten" lists and the "Dancing Itos" on Jay Leno. The courthouse upon the arrival of F. Lee Bailey and Johnnie Cochran yesterday afternoon had some of the flavor of the Dorothy Chandler Pavilion on Oscar night. The scene outside after the verdict ran more toward a post-Super bowl hometown victory celebration.

Saturation media? Perhaps never have we been so saturated. And the overwhelming impression, the one to which the analysts all reacted — even as they contributed to it — was that the trial was a fiasco: a judge barely in control, prosecutors who misplayed their case, bungling investigators, defense lawyers willing to make any argument no matter how appar-

ently baseless — who on earth could imagine such a thing?

As for the jury, well: How they were analyzed, scrutinized, their every thought and reaction to each bit of evidence endlessly speculated upon as the trial played out: Was this defense argument compelling? Was that witness' testimony impeached? Did this rebuttal by the prosecution rehabilitate the witness? All of that speculation without so much as shred of evidence as to what was really on the minds of the 12 people sitting in judgment.

The trial is over, but the speculation must go on. What was on the jurors' minds? Based on the shortness of the deliberations, it's clear they spent little time on the particulars. Was the prosecution case really so bereft of evidence as to make it possible to evaluate and dismiss all of it in three or four hours? That is understandably hard for any reasonable person who watched the trial to fathom. And this in turn means that something else was going on.

Whatever it was, it wasn't good. Boredom and frustration from the long sequestration? Jury nullification? Racial solidarity from a three-fourths black jury? Too much chaff from the defense to fly through? We don't know.

We have trials by jury not because the result is always justice, but because no one has come up with a fairer way to ascertain the facts of a case. The O.J. Simpson case is a reminder of that.

CPI, the ultimate inside-the-Beltway fix

How convenient. Just when the going gets tough, the U.S. Senate seizes upon the magic bullet its Finance Committee commissioned earlier this year. Right on schedule, when the tough budget decisions could no longer be avoided, five eminent economists have issued their most timely report confirming that the consumer price index (CPI) does in fact overstate the rise in the cost of living.

The budgetary upshot is that the various federal spending programs indexed to the CPI have been receiving windfalls in their annual cost-of-living adjustments. If the real cost of living increases by 2 percent but the CPI reflects a 3 percent increase, recipients of CPI-induced adjustments receive a 1 percent bonus, and the deficit rises accordingly. The interim report, "Toward a More Accurate Measure of the Cost of Living," estimates that the CPI's upward bias has been about 1.5 percentage points a year. Its "best interim estimate" of future upward bias is 1 point annually.

Essentially confirming what economists have believed for years, the report reasonably attributes the upward bias of the CPI, whose fixed basket of goods and services is updated once a decade, to several factors: Its failure to account for consumers' substitution of cheaper products for goods whose prices are rising (when the price of beef increases, you eat more chicken); the proliferation of discount stores (who shopped at Wal-Mart or warehouse clubs in 1984?); the difficulty in adjusting for product-quality improvements (compare a Pentium microprocessor to its predecessors); and the delayed treatment of new products.

By one reckoning, about \$300 billion in Social Security benefits have been overpaid as a result of the CPI's bias. Taxpayers, whose standard deduction and income-tax brackets are indexed to the CPI, pay less taxes to the extent that CPI-induced adjustments overcompensate for actual inflation. Further budget savings result from the debt service that does not

have to be paid because of smaller outlays and larger revenues.

What makes the CPI magic bullet so appealing to so many senators is its hidden tax increase. Indeed, big money is involved on the tax front — over seven years, \$98 billion; and over 10 years, about \$200 billion. It is in the nature of many of the solons of the Senate to seize upon the ultimate insider tax increase, so much do they live in fear of offending any entitlement beneficiary by reducing the stipend's rate of growth.

It evidently bears repeating: The budget crisis has resulted from government spending too much, not from taxpayers paying too little. Nobody won election last year by saying the people have not been doing their bit to feed the government beast. Indeed, the cost-of-living overstatement of the CPI has been the only source of tax relief for working Americans since tax reform of 1986. Naturally, this offends not a few members of the world's greatest deliberative body.

Now comes a neat and elegant solution. Cowardly senators can be relieved of the burden to vote to cut the rate of increase of runaway entitlement spending by forcing working stiff to fork over another \$100 billion or so over the next seven years. In this predictable business-as-usual scenario, nothing of any substance changes, and the so-called ballot-box revolution of 1994 fizzles at the altar of senatorial expedience.

The CPI problem should be fixed because it obviously does overstate inflation, causing bloated entitlement programs to unjustly plunder the Treasury. Taxpayers, however, are not the problem, and any CPI solution should make sure that tax rates are sufficiently lowered to guarantee that the budget gap isn't narrowed on the backs of overtaxed workers.

Meanwhile, the Senate should concentrate on the spending side of the ledger, where promises of a balanced budget in seven years need to be taken off of hold.

Teens and alcohol again

Poor Sarah Gore had the misfortune to be cited by police for underage drinking while her father is vice president. If it had happened when he was a mere senator, the reverberations would have been on a much smaller scale. As it is, however, and as her mother pointed out on television this week, the teen-ager now has to deal not only with the disapprobation of her parents and teachers, or the humiliation of a run-in with the law, she must also face the curiosity and attention (friendly and hostile) of the media and the American public — and a suddenly O.J.-deprived media and public at that.

That's a weighty burden for a 16-year-old, and Miss Gore may well be feeling some pangs of envy toward the several other — also chastened but obscure — teen-agers caught drinking beer outside the same party. They were, by some accounts, drinking outside the house because the parents of the party-giver had gone to some lengths to prevent drinking *inside*. Reportedly, both parents were at home during the party in the very affluent suburb; and they had also hired someone to man the door and keep liquor out. So, the kids restricted their drinking to the cars parked in front of the house; until, apparently, some meddlesome neighbor turned them in. One can't help wondering whether a parent patrolling the sidewalk, making it very clear to all concerned that alcohol was absolutely forbidden, might have prevented the whole incident.

In any event, there is a very strong temptation to take this act of adolescent rebelliousness lightly. We are all too familiar with other, far more serious scenarios than getting caught with an open can of beer. One can of beer will surely not ruin anyone's life, it seems utterly logical to believe, particularly if not accompanied by driving.

But there is always, for one thing, going to be that one child for whom one beer will be meaningful, in

an unhealthy way, or that one teen driver who becomes (or turns passengers into) an accident statistic. And the issue here isn't entirely which substances we decree off-limits to our children, but the fact that it's worse than pointless to set such limits without being prepared to take the time and energy to make sure they're adhered to. There are parents who slide over the line between the gentle letting go necessary with growing-up children and neglect.

Nothing could be more chilling, in fact, than the comment of one Montgomery County teen-ager in response to the Gore incident. She explained to a reporter that parents of teen-agers caught drinking just hire the best lawyer they can find, and get the kids off with, at worst, having to "take a class." And she treated the "educational" punishment with appropriate contempt; one can hardly underestimate the effect on teen-agers of classes on the dangers of alcohol — or fast cars, sex and drugs, for that matter.

But conversely, one cannot *overestimate* the importance of parents to keeping teen-agers on an even keel. The Gores, being so much in the public eye, and expected to stand as models for the nation, will not be able to take the easy way out described above; and their children will be better off for it, painful as it must be to live in the Washington fishbowl.

Getting charges dismissed, paying off fines and sending the kids off to "school" simply cannot replace serious parental involvement (even to the point of embarrassing interference) in their children's lives. Nor can ultimately penaltyless encounters with the justice system provide the control and guidance that teen-agers need to make the difficult transition to adulthood. That can only come from stern judgment and meaningful punishment meted out by loving, concerned and engaged parents.

Gramm accuses Dole of going back on Republicans' pledge to cut taxes By Steve Daley Chicago Tribune

WASHINGTON Sen. Phil Gramm of Texas kept up his intramural battle with Senate Majority Leader Bob Dole over tax cuts Tuesday, accusing the GOP presidential front-runner of "hedging" on a Republican pledge to reduce taxes by \$245 billion over seven years.

Ducking criticism from Gramm and other conservatives in his party, the majority leader has beaten a frantic retreat from remarks he made Sunday suggesting that GOP lawmakers might have to lower the dollar figure in their sweeping tax-reduction package.

On Tuesday, Dole took another break from campaigning for the White House to stand with Senate Finance Committee Chairman Sen. William Roth (R-Del.) and renew his commitment to the tax cuts.

"As far as I'm concerned, \$245 billion is the figure," Dole said.

Gramm was unrelenting, however, chiding Dole for betraying the spirit of the tax-cut plan first offered in the House GOP's "Contract with America."

"I understand Sen. Dole is now trying to back away from what he said Sunday, but he is not setting down a permanent marker," Gramm said. "We are not going to compromise on this issue."

Dole, seeking to advance his party's seven-year balanced-budget plan while overhauling Medicare and Medicaid, last week heard ripples of dissent from moderate GOP lawmakers over the tax-cut proposal, which never has been popular with Senate moderates.

Several GOP members of the tax-writing Senate Finance Committee expressed reservations about tax cuts at a time when \$540 billion in savings were being drawn from Medicare and Medicaid by the year 2002.

Sen. Orrin Hatch of Utah, Alan Simpson of Wyoming, and Alfonse D'Amato of New York voiced uncertainty over the magnitude of the tax-cut proposal, seeking a more modest goal.

But that argument appears to have collapsed under pressure from tax-cut advocates on Capitol Hill.

"It is my intent to provide a tax cut of \$245 billion," said Roth, who recently replaced retiring Sen. Bob Packwood as panel chairman.

Gramm, who trails Dole in most presidential polls, is a strong advocate of the \$350 billion tax-cut plan first outlined in the "Contract with America." That figure was lowered to \$245 billion last winter by a House-Senate conference committee.

In attacking Dole, Gramm sought to reinforce his alliance with House Republicans and their leader, Speaker Newt Gingrich, who are adamant about the tax-cut plan.

Earlier this week, reacting to Dole's equivocation, Gingrich maintained that Republicans were "honor bound" to enact the \$245 billion tax-reduction package.

The Republican spat was good news for the White House, where President Clinton has been arguing that the GOP tax-cut plan as well as the Medicare and Medicaid plans were extreme and damaging to middle-class Americans.

"Increasingly, it looks like the congressional leadership might be winding their way around to the president's point of view," White House spokesman Mike McCurry said.

Meanwhile, Sen. Larry Craig, R-Idaho, one of the most conservative GOP lawmakers, was circulating a letter suggesting that the GOP change its seven-year tax plan to a four-year tax plan, essentially lowering the \$245 billion figure to about \$200 billion.

But Gramm, who joined the Finance Committee over Dole's objections, insisted he would vote against any measure that did not fulfill the \$245 billion promise.

The political dimensions of the tax-cut argument were

evident this week at a raucous meeting of the House Commerce Committee.

Democrats aired charges that congressional Republicans are slowing the growth of Medicare by \$270 billion and cutting \$182 billion in Medicaid over seven years to pay for the tax cuts.

Rep. Edward Markey, D-Mass., earned the wrath of GOP colleagues when he suggested the Republican budget plan was designed to "tip (seniors) upside down and shake the money out of them."

Fearing polls that indicate that message is beginning to resonate with voters, Republicans countered that their Medicare plan would save the program from insolvency early in the next century.

Visit to United Nations will be centerpiece of Pope's Visit By Paul Galloway and Mike Dorning Chicago Tribune

NEW YORK In his fourth and perhaps final journey to the United States during his papacy, Pope John Paul II arrives Wednesday for a five-day visit that includes a major address to the United Nations and a customary mix of large-scale public worship services, traditional liturgies, pastoral calls and private talks.

The centerpiece of his visit is expected to be the appearance before the United Nations General Assembly on Thursday, where he is likely to emphasize two of the recurring themes of his papacy: commitments to peace and to social justice for the powerless.

"I'm sure he'll be talking about the responsibility of the world community to work for peace, especially in places like Bosnia and Rwanda, and justice for the poor of the Third World, and refugees," said Rev. Thomas Reese, associate editor of the Jesuit magazine *America* who is completing a book on the Vatican.

For Americans, the rest of the pontiff's schedule reflects the message that John Paul will bring to the country as it wrestles to define its commitment to aid for the poor and the role traditional family values should play in society.

His first pastoral appearance will be at the inner-city Sacred Heart Cathedral in Newark, N.J., a poverty-plagued urban area largely populated by minorities and recent immigrants.

Friday's outdoor papal mass at the Aqueduct racetrack in Queens will include a special blessing for the Knights of Columbus 1994 National Family of the Year, Debbie and Pat Wahlmeier of Juanita, Neb., and their 11 children.

Among the religious leaders John Paul II has invited to a meeting Saturday is Pat Robertson, the founder of the Christian Coalition who has gained political importance by energetically espousing some of the same traditional family values the pope preaches.

When he arrives at Newark International Airport Wednesday, he will be greeted by a delegation that is to include President Clinton. The president will fly up from Washington at the start of an election cycle to be photographed beside the spiritual leader of some 60 million American Catholics.

Along with his civic role, the pope will play pastor. He will celebrate large outdoor masses at Giants Stadium in New Jersey on Thursday, Aqueduct Racetrack on Friday, the Great Lawn of Central Park in Manhattan on Saturday and Oriole Park at Camden Yards in Baltimore on Sunday.

John Paul II's papacy has been marked by its evangelism. As pope, he has traveled to more than 115 countries, added to an already considerable repertoire of languages, and embraced the potential of modern media all to bring his message to a broader audience.

Even as he ages, he continues to expand his evangelical reach. For months, he has studied Chinese so that he can

address the UN in all its working languages. And his visit will include a presence on the World Wide Web, including the first-ever real-time audio and video of a papal mass offered in cyberspace.

At 75 years old, the pope seems to have made a strong recovery from the hip-replacement surgery that forced him to cancel a U.S. tour planned for last October and from the frailty and pallor that led to rumors of a serious illness.

Nevertheless, some observers say the pope is aware that this could be his valedictory journey to a country that poses a particularly daunting challenge to his bedrock beliefs.

"I compare him with the head of a household who knows his days are numbered and wants to pull together the main concerns of his life into a whole, to reach out to those family members who are estranged, to leave the household in as good a condition as he can," said Roy Larson, pastor-journalist with the Center for Religion and the News Media at Garrett-Evangelical Theological seminary at Northwestern University.

If the pontiff is parent in this metaphor, many American Catholics are perhaps in his eyes prodigal daughters and sons. On several occasions, he has lamented what he perceives as a generally flaccid, pick-and-choose faith among too many of the Church's members.

Recent polls commissioned by several news organizations bear him out, confirming the paradox revealed by earlier surveys: A large majority of American Catholics like being Catholics and hold the pope in high regard. But only a minority agree with him on church strictures against abortion, contraceptives, married priests, women's ordination. And another large majority wish he'd share more authority with bishops.

The pope also has denounced the materialism and excessive individualism of American society as epitomizing a "culture of death" a key concept from his "Evangelium Vitae" encyclical that undermines family and community.

Notwithstanding the differences American Catholics may have with John Paul II, he retains almost unmatched popularity among Americans. This is a pope who sells; indeed, he has authored a best-seller, "Crossing the Threshold of Hope," and recently released a compact disc, a recording of a papal rosary recitation.

Well aware of that appeal, the host dioceses, which must defray the multi-million-dollar cost of his visit, have turned to the pope's power for financial as well as spiritual sustenance.

Although only 120,000 tickets have been issued for a mass at Central Park and 88,000 for a mass at Giants Stadium, more than a million official souvenirs have been ordered for the church-sanctioned merchandising tents that will ring the two venues. Each sale will produce a 20 percent royalty for the host diocese.

Along with the traditional T-shirts, sweatshirts, caps, jackets and rosary beads, the faithful will be offered such modern memorabilia as official papal phone cards and papal bottled water unblest but emblazoned with the pope's coat of arms.

And to memorialize the visit for children, the New Jersey diocese of Camden is distributing free papal pogs, a custom-designed version of the game pieces popular with the elementary school set.

WAFFLING ON TAXES

By Jack W. Germond and Jules Witcover

WASHINGTON -- There are several political messages in Senate Majority Leader Bob Dole's tortured dance on the size of the tax cut the Republicans seem determined to pass sometime this year.

The most important perhaps is that we are getting a glimpse of the real Bob Dole, the pragmatic politician who has spent a

lifetime in the Capitol learning how to get things done rather than carrying on ideological warfare. But that pragmatic Dole is also clearly at war with Dole the presidential candidate who has spent most of the last few months trying to placate the extreme right of his party.

Dole reflected the realities of the Senate when he first said that the \$245 billion figure for the tax cut was "not certain at this time." The fact is that there are more than a few Republicans not willing to go that far, particularly since it has become apparent that the Democrats are scoring with the voters by arguing that the \$245 billion the Republicans want to give back to affluent taxpayers is suspiciously similar to the \$270 billion they intend to cut out of Medicare in the same seven years.

But Dole's statement set off predictable howls of complaint from the ideologues. Speaker of the House Newt Gingrich declared the Senate "honor bound" to go for the whole \$245 billion. And Sen. Phil Gramm of Texas, Dole's rightist rival for the nomination, announced that he remained "committed" to go the whole nine yards.

The result was a classic waffle 24 hours later. Dole allowed that the \$245 billion remained "a goal" to be reached in cutting taxes, which Gramm quickly dismissed as "not setting down a permanent marker."

So a second lesson from this dust-up over taxes is that Dole is finding it increasingly tricky to run for president, where the premium is on promising them everything, with running the Senate, where you have to take some responsibility for your actions -- something that doesn't trouble either Phil Gramm or Patrick J. Buchanan, the other Republican baying in the wind about tax reduction.

Probably the most telling lesson, however, may be that President Clinton missed a rich political opportunity when he decided to play me-too politics and promise a tax cut of his own, albeit a more modest reduction targeted at helping middle-class families pay for their children's education.

If Clinton had declared back in January that any tax cut would be irresponsible at a time when the first priority for the government must be reduction of the federal deficit, he would have been showing the kind of political leadership the voters have been saying that he most lacks. Instead, he went for the crowd-pleaser and put forward his own plan even though well aware it had little or no chance for approval by Congress.

Moreover, Clinton could have taken whatever political risk was involved confident that he would have been supported by most of the leading Democrats in both the Senate and the House and perhaps even by a majority of Democratic senators. They understand that there is something fishy about cutting Medicare and Medicaid while voting tax cuts.

The result of all this is, of course, that no one holds the high ground on the tax issue. And when Dole tried very tentatively to claim that ground, he ran into the kind of rightist pressure that has been driving the debate among Republican presidential candidates all year.

No one would argue that voters don't like tax reduction. The old axiom that "they don't shoot Santa Claus" still applies. But the voters are not so obtuse that they are going to believe it is possible to take \$270 billion out of Medicare without somebody suffering, which is the core of the case the Republicans have been making for their seven-year plan. And the voters are certainly going to catch wise when they see that \$270 billion figure next to the \$245 billion tax cut.

Bob Dole knows that, and it is clearly one of the reasons he began trying to inject an element of responsibility into the debate by backing away from the \$245 billion. But the question is whether there is any market for political responsibility these days.

Pope John Paul to arrive in New York | By Terence Samuel Knight-Ridder Newspapers

NEW YORK After the gloves and the guessing and the rhetoric, after the facts and the fury and the final judgment in the O.J. Simpson trial, America turns its eyes eastward to welcome Pope John Paul II, who is to arrive here Wednesday with a message of prayer, peace and healing.

In speeches to world leaders at the United Nations Thursday, homilies in small parishes, and sermons in large stadiums, the Pope will attempt to rally the nation's 60 million Catholics and the world with themes of spiritual renewal.

Preparations for the pontiff's five-day visit to the United States have included enormous security precautions and elaborate planning of details from the whereabouts of his world famous Popemobile to the laying of a huge carpeted cross in Central Park for a Mass that is expected to draw more than 200,000 people on Saturday.

Already carefully decided are the names of those who will receive Holy Communion from the pontiff that day and the songs to be sung at a series of Masses.

In a week that began with a federal jury's conviction of Sheik Omar Abdel Rahman and nine other Islamic terrorists, that continued with the end of the O.J. Simpson trial, the Pope's visit and his upcoming address to a gathering of world leaders at the United Nations offers the nation a break from courtroom drama.

But not beefed up security.

The Popemobile, a modified Mercedes-Benz, arrived in the city late last week for use throughout the papal visit, which is to end Sunday in Baltimore. The bubble-topped vehicle has become known throughout the world.

The vehicle is to be brought from its hiding place Thursday to make its first appearance at Aqueduct Racetrack. The vehicle will allow the Pontiff, whose hip surgery has restricted his mobility, to make something resembling victory laps in many of the arenas in which he will appear: Aqueduct, Yonkers Raceway, Giants Stadium and Camden Yards in Baltimore.

The very existence of the odd-looking vehicle highlights the security concerns during an event such as the Papal visit. When the Pope visited New York 16 years ago, he sometimes toured the city in an open limousine and mingled frequently with the crowds. That was before 1980, when he was shot in an assassination attempt.

Times have changed. The Popemobile is not the only security measure brought into play by the papal visit. Thousands of local and federal agents have been amassed in the city as part of one of the most extensive security details ever. The local police department has announced that it will spend more than \$6 million in overtime for the visit.

While many of the precautions are not visible, the city has taken on a different feel this week, with throngs of police officers standing guard everywhere. It is not simply their number that has heightened the sense of danger. Their uniforms have taken on a darker, more menacing look. New York City Police officers have swapped the softer-looking sky blue shirts for navy blue shirts that match their trousers and create a dark, SWAT-team look, that some New Yorkers have described as "intimidating."

One security measure is not either as dark or as obvious. David Numark, a Manhattan flooring contractor, has the daunting job of laying 38,000 square feet of carpet in Central Park for Saturday's Popemobile tour and Mass. Already he is worried.

The carpet will be laid in the form of a large cross on the Great Lawn in the Park. The cross will be 1,000 feet long and its crosspiece will be 700 feet wide. The carpet has been custom-dyed for the event: Gold.

Numark foresees problems. "The weather is going to turn on us tomorrow," he said Tuesday.

To preserve some dry ground where the Pope will walk, Numark and his crew will lay a plastic covering Wednesday where the carpet is to be put down.

Thursday, in what he hopes will be a one-day operation, they will peel back the plastic and lay down the carpet. A second plastic covering will then be placed on the carpet until early Saturday morning.

Numark's carpet-laying operation turns out to be a critical part of the highly-organized security plan. The carpet, which will be cordoned off from the public will mark the Popemobile's path, as well as the emergency exits from the park.

Yet Numark has some other concerns.

"We have to lay it down and stretch it so that there are no bumps in it," Numark said. "All I need is to trip the Pope while he is walking on it."

(This article is from the Philadelphia Inquirer.)

Accord fosters what Israel once thought unacceptable: a Palestinian state By Alan Sipress Knight-Ridder Newspapers

JERUSALEM Hardly anyone remarked upon it at the time, but last week's Mideast accord establishes the beginnings of something Israelis have sworn for years they could never tolerate: an independent Palestinian state.

It is buried amid 460 pages of dense legalese, but it is there, implicitly yet clearly, in the accord's provision for election of a Palestinian parliament.

A Palestinian state was once so repugnant an idea to Israelis that only fringe politicians would suggest it.

Now, though, such a prospect seems to matter less to Israelis than it used to. A recent survey reported that one-third of Israelis support the establishment of a Palestinian state. And two-thirds believe that this is exactly where the peace process is headed.

"I think it's very clear where we're going," said Joseph Alpher, a leading Israeli strategic analyst. "... While the government of Israel does not want to enunciate that clearly, already there are ministers who openly do so."

Israeli Prime Minister Yitzhak Rabin, though he remains cool to the prospect of a Palestinian state, recently displayed a surprising willingness to consider it. "Now I am opposed," Rabin told the Yediot Ahronot newspaper on the eve of last week's treaty-signing. "I stress the word 'now.' In the future we shall seek all sorts of solutions."

By and large, Israelis are less concerned about the prospect of a Palestinian state next door than they are about other issues on the agenda. These include the future of Jerusalem, the ultimate borders of the Palestinian areas of self-rule in the West Bank and Gaza Strip, and the fate of about 140 Jewish settlements in the West Bank.

These matters will be addressed in the next round of negotiations, due to begin in May.

PLO Chairman Yasir Arafat's self-rule authority already shows many of the trappings of a state. The government issues Palestinian passports, now widely accepted abroad, and Palestinian postage stamps, which are less so. Slowly, automobile owners are trading their Israeli license plates for the white-and-green tags of Palestine. And next year, the Palestinians will send their own contingent to the Olympic Games in Atlanta.

Three years ago, Israeli soldiers were still arresting schoolchildren in the West Bank and Gaza Strip for raising a Palestinian flag. And even after the first breakthrough toward a peace deal in 1993, Israeli and Palestinian delegations continued to quibble over symbolic issues, such as postage stamps.

The Palestinian assembly provided for in last week's accord is more than symbolic, though. This is not the small executive

panel the Israelis first urged. It will consist of 82 members to be elected from districts across the West Bank and Gaza Strip. A chief executive is to be elected separately.

This is the stuff from which states are built.

The council will have the authority to adopt ordinary laws and regulations as well as measures akin to constitutional articles.

It will not be free to abrogate existing laws or Israeli military orders without approval from Israel, nor to adopt any measures contrary to the peace agreements. But the legislative powers provided to the council go well beyond what many Palestinian skeptics had expected.

"This is the process of establishing our independent statehood," said Mahdi Abdel Hadi, director of a Jerusalem public policy center. "Now it depends on us as a people to be united and not divided in order to build on it."

Israeli negotiators have long insisted that the Palestinian government be precluded from conducting foreign relations. Establishing embassies and dispatching diplomats smacked too much of independence, and the ban on foreign policy remains part of the latest accord.

But the accord makes broad exceptions. The Palestinian council will be able to reach economic arrangements with other countries and global organizations, enter into international cultural, scientific and educational agreements, and participate in regional development projects.

PLO leaders are waving the latest agreement as proof that a state is within sight.

(EDITORS: STORY CAN TRIM HERE)

Israelis have traditionally opposed a Palestinian state on several grounds.

For years, many Israelis refused to acknowledge the existence of a separate Palestinian people, much less that they deserved a state.

Some Israelis rejected a Palestinian state in the West Bank because this would mean surrendering the dream of Israeli sovereignty over the entire biblical homeland of the Jews. And some Israelis also fear that a Palestinian state would pose a military threat.

In acknowledgment of this last concern, most analysts, including Palestinians, say a new state would have to remain essentially demilitarized as a condition of independence.

(This article is from the Philadelphia Inquirer.)

U.S., Vietnam to Begin Trade Talks Next Month **By Richard Lawrence, The Journal of Commerce** **Knight-Ridder/Tribune Business News**

WASHINGTON--Oct. 4--The United States and Vietnam are expected to launch negotiations early next month toward a comprehensive trade agreement aimed at fully normalizing trade relations between the two countries.

The trade agreement, which, among other things, would sharply reduce U.S. tariffs on Vietnamese goods, would be subject to congressional approval.

Whether it would become hostage to congressional demands for greater Vietnamese cooperation in accounting for Americans imprisoned or missing in action during the Vietnamese war remains uncertain.

Meanwhile, the Clinton administration will review making Vietnam eligible for such federal programs as Export-Import Bank financing, Overseas Private Investment Corp. investment guarantees and project feasibility study grants by the Trade and Development Agency.

To help develop the basis for closer U.S.-Vietnamese economic links, Nguyen Manh Cam, Vietnam's foreign minister, and Le Van Triet, Vietnam's trade minister, met here Tuesday with Secretary of State Warren Christopher, U.S. Trade Representative Mickey Kantor and other senior U.S. officials.

The next step, said Joan Spero, undersecretary of state for economic affairs, will be a meeting in Hanoi in early November when a U.S. interagency team headed by Alan Larson, a deputy assistant secretary of state, will lay out the "elements" for negotiating a U.S.-Vietnamese trade agreement.

The negotiations, she and other officials said, "will not be easy or quick." She declined to estimate how long the negotiations might take.

They will encompass, she said, a wide range of issues, including Vietnam's plans for trade, investment and other economic reforms, its labor and emigration practices, and its nearly \$150 million in U.S. debt. In the background are other talks covering human rights, MIAs and POWs, and regional security.

Vietnam, Ms. Spero told reporters, is "a very difficult place to do business," although more than 100 U.S. firms now have offices there, U.S. investment totals \$600 million, and two-way trade this year may approach \$200 million.

Vietnam's import regime is "highly protectionist," while foreign business in Vietnam is broadly regulated, she said. She also cited Vietnam's "strict" exchange rate controls and its lack of dispute settlement procedures and intellectual property rights protection, all to be addressed in the coming trade negotiations.

The United States, she said, also will press for legal reforms, such as due process, which she called "critical."

Whether President Clinton will declare Vietnam eligible for U.S. government trade-related programs, such as Ex-Im Bank financing and OPIC guarantees, before a formal trade agreement is concluded has yet to be decided, Ms. Spero indicated.

Clinton vetoes bill funding Congress, criticizing budget pace By Robert Dodge Dallas Morning News

WASHINGTON President Clinton, sending Congress a message to pick up the pace of writing a federal budget, Tuesday vetoed a bill that provides funds to operate Congress.

Describing the work of the Republican-controlled Congress as "pretty pathetic," White House press secretary Mike McCurry said Clinton wouldn't approve their bill until more progress was made on fiscal matters affecting Americans.

"It would be inappropriate to provide full-year, regular funding for Congress and its offices while funding for most other activities of government remains incomplete, unresolved and uncertain," said Clinton, explaining the third veto of his presidency in a letter to the House.

In a statement, Senate Majority Leader Bob Dole, R-Kan., and House Speaker Newt Gingrich, R-Ga., accused the president of putting politics ahead of the budget.

"This certainly won't make it any easier for Congress to deal with this White House," they said.

Congress, which is on recess this week, has finished only two of the 13 appropriation bills that fund the government's discretionary programs. The president has threatened to veto as many as eight of them, and overriding them is considered unlikely.

Lawmakers approved a temporary funding measure last week to keep the government running until Nov. 13, while negotiations continue.

The legislative appropriations bill would allow Congress to spend \$2.2 billion during the 1996 fiscal year that began Sunday, or \$200 million less than last year. Clinton signed a military construction bill, even though he said it included \$70 million in pork-barrel projects.

Republicans on Capitol Hill, meanwhile, were embroiled in an intra-party spat replete with presidential politics. The issue: Whether they should reduce their proposed \$245 billion tax cut.

The tax tempest was sparked last week when several GOP members of the Senate Finance Committee expressed doubts about the tax cut. The tax debate took an additional turn Sunday when Dole also expressed doubts.

"Will it be \$245 billion? I am not certain at this point," he said on CBS-TV's "Face the Nation."

But Monday, with Republicans appearing more divided over the tax issue, Dole pronounced his commitment to the tax cut.

"As far as I am concerned, \$245 billion is the figure," he said.

On Tuesday, Texas Sen. Phil Gramm, Dole's chief rival for the 1996 GOP presidential nomination, charged that Dole was waffling on a GOP commitment during the 1994 election to cut taxes.

Gramm also expressed his contempt for a proposal to scale back the GOP's seven-year tax cut to a temporary, four-year plan.

"It has a phony ring to it," he said.

The four-year tax cut was included in a memo to Dole from Sen. Larry Craig, R-Idaho, a member of the finance committee.

Craig's proposal would include many of the individual and business tax cuts now in the House tax bill. But it would cost \$152.2 billion, instead of the \$245 billion provided in the congressional budget resolution.

Gramm could have considerable leverage over such a plan when he joins the finance panel.

The panel has 11 Republicans and nine Democrats. And without any Democratic support, Republicans will need all their votes to maintain their slim majority.

"I did not go on the Finance Committee to cut deals with Bill Clinton, the Democrats, or, for that matter, with Bob Dole," Gramm said.

Not all Catholics thrilled with pope's visit to U.S. By Ed Timms Dallas Morning News

NEW YORK Pope John Paul II is about to begin a five-day U.S. road tour that will take his spiritual message to millions.

He will speak to racially and ethnic diverse crowds of the faithful, as well as the curious.

But not everyone will be excited. Or in agreement. Or even going to see him.

The disaffected include Catholics whose beliefs are at odds with the pontiff: those who want to see women ordained as priests; those who want priests to have the opportunity to marry; those who want to see a change in the Catholic Church's censure of birth control, homosexuality and abortion.

Karen Doherty, who heads the New York-based Conference for Catholic Lesbians, said her group had considered staging an event in conjunction with the papal visit which starts Wednesday, but opted not to.

"There's not any interest at this point in entering into any kind of dialogue or debate with members of the institutional church or professional clergy," she said. "Because there isn't any flexibility. ... It's a big waste of our time."

Frances Kissling heads Catholics for a Free Choice, an organization that believes support of abortion rights is not contrary to being a good Catholic. She asserts that "Catholics are sort of 'poped' out."

"We know what he's going to say he's not going to say anything new," she said. "The hallmark of this papacy has been strict adherence to what the pope sees as eternal and unchanging truths."

In the eyes of his supporters, the pope is a resolute defender of morality and beliefs that are fundamental to Catholicism.

Some detectors describe him as an inflexible throwback to a more conservative era in church history, a religious leader who is increasingly out of touch with the concerns of his flock and the realities they face.

Several recent polls have concluded that American Catholics aren't in sync with many of the pope's stances.

Results from a recent U.S. News & World Report survey indicated that two-thirds of Catholics did not see abortion as morally wrong in every case. Catholics were split almost evenly on the church's position that homosexuality is morally wrong but they overwhelmingly voiced support for priests marrying and the ordination of women.

Papal defenders counter that theology should reflect spiritual truths, not popular opinion.

For example, the ordination of women is strictly a theological issue for the church, said Father Paul Keenan, a spokesman for the Archdiocese of New York.

"It's not for him a pragmatic issue," Father Keenan said. "The pope's feeling is that you can't change the nature of the priesthood just to adapt to sociological data."

Charles Curran, a nationally respected theologian and priest, said he expects the pope to reiterate "the same fundamental themes," among them, the Catholic teachings on sexuality and abortion.

"I frankly don't think that anybody who is involved in the church ... conservative or liberal, expects this visit to make any difference," said Father Curran, who teaches at Southern Methodist University. "The same differences are going to be here the minute the pope leaves."

Insurers Add to Risks of Moms. Babies

Before my daughter was born, I did everything I could think of to prepare for the arrival of my new baby.

I asked my doctor hundreds of questions. I read every book I could get my hands on. And my husband and I went together to childbirth classes.

Even so, I was in for some surprises.

I remember lying in bed a few days after Chelsea's birth, when I was still getting accustomed to breast-feeding. Suddenly, I noticed foam in her nose. Afraid that she was convulsing, I pushed every call button within reach.

When the nurse arrived, she assured me that I was simply holding the baby at an awkward angle, making it difficult for her to swallow the milk she took in.

That wasn't the only time nurses came to my rescue during my stay at the hospital. They taught me to bathe and feed my daughter, and also gave me a chance to recover from the emotional and physical toll of a Caesarean section.

Nowadays, experiences like mine are far more common in countries like Australia, Germany, Japan, Ireland and France than here in the United States.

As insurance companies look for ways to cut costs, new mothers routinely are rushed out of the hospital 24 hours after an uncomplicated birth and three days after a Caesarean.

I have one friend who was pregnant with twins and began hemorrhaging during labor. She had to undergo an emergency Caesarean under full anesthesia. After the delivery, she was severely anemic and was placed in intensive care.

Even so, based on a "checklist" of medical factors, her insurance

company said it would not pay for more than three days in the hospital. In the end, the company did cover a longer stay, but only because her doctor spent hours on the phone arguing that it was medically unsafe to send her home.

Unfortunately, some doctors won't take on such battles because they fear being dropped by the managed care companies with which they do business.

Another friend's wife was covered for seven days in the hospital after a complicated childbirth. But the insurance company wouldn't cover the child after three days, making it impossible for the mother to nurse the baby and much more difficult for mother and child to bond.

When my friend was told the child was considered independent of its mother, he asked, "Do you expect the

baby to walk down to the parking lot and drive himself home?"

Insurance companies insist that limiting a baby's time in the hospital is not only a money-saver, but it also reduces exposure to hospital germs.

Most experts agree there is little medical risk to the majority of new mothers and babies discharged in the first 24 hours. But what happens if the baby develops an infection or other complication like jaundice that only becomes apparent on the second or third day after birth? What if the new mother has difficulty learning to breast-feed properly, which could result in dehydration or other serious problems for her baby?

Insurance companies say most new mothers are entitled to home visits by a nurse who can help spot problems after they leave the hospital.

But the reality is that many

insurance companies only cover one home visit per patient; others simply provide for a phone consultation with a nurse in the days after childbirth.

A retired transit worker in New Jersey, Dominick A. Ruggiero Jr., told this story to the New Jersey legislature earlier this year:

His niece had an uneventful pregnancy and childbirth and was discharged after 28 hours. At home, however, her baby, Michelina, suddenly took a turn for the worse. A nurse was supposed to visit the home on the second day but never came. When the family called, they were told the visiting nurse wasn't aware the baby had been born.

Several times, the family called the pediatrician, who said the baby had a mild case of jaundice and did not need to be examined.

The baby died from a treatable infection when she was 2 days old.

Thanks in part to Ruggiero's testimony, New Jersey now has a law that will make sure that insurance covers mothers for a minimum of 48 hours in the hospital after uncomplicated deliveries and 96 hours following Caesarean deliveries. Maryland passed similar legislation last spring, and Congress is now considering a bill.

Although some critics have suggested that this is another example of government intrusion into the health care system, I think that protecting the health of new mothers and infants is a clear case where government safeguards are needed.

No government employee should ever decide whether an infant has jaundice or a new mother is anemic. But at the same time, no insurance company accountant should make the final judgment about what is medically best for newborns and their mothers.

That decision should be left to doctors, nurses and mothers.



HILLARY
CLINTON

*Call Nuyeh
Star Jones
on way home -
- how good a job
- congrats on the Cardinal
- will be - NJ*

Clinton Cracks Veto Whip on Congress (Washn)

By Martin Kasindorf= (c) 1995, Newsday=

WASHINGTON In a largely symbolic move to needle the Republican-run Congress into budget compromise, President Clinton Tuesday vetoed the legislators' spending bill for their own fiscal 1996 operations.

At the same time, Clinton signed Congress' \$11.1 billion appropriation for new military construction despite his protest that \$70 million of it is unneeded.

Clinton's veto message, the third of his presidency, was not all negative: He praised the \$2.2 billion legislative-branch appropriation as "a disciplined bill" because it chopped \$200 million, or 8.6 percent, from 1995 spending for congressional staffing, mail, office accounts and support services.

But Clinton complained that Congress had passed only two of 13 spending bills needed by Oct. 1 to keep the government running. He said it was wrong for lawmakers to fund themselves while the executive branch sputtered along under a stopgap "continuing resolution" at 90 percent of 1995 spending levels.

"The president just feels that it's inappropriate for Congress to take care of Congress and leave everybody else hanging," White House spokesman Mike McCurry said.

McCurry said Clinton would sign off on the money to run Congress "after they have completed the people's work." For their part, congressional Republican leaders have explained that they cut their own houses first to set an example of sacrifice.

The White House's operations money is snagged in a conference on another appropriations bill.

McCurry said the president's veto was meant to prod Republicans into giving ground in appropriations fights and on an overall budget reconciliation bill that sets the two sides at odds over Medicare, Medicaid, education and other priorities.

Recently, McCurry said, there have been "some pretty pathetic examples of Congress standing fast and not being willing to compromise."

On the bill for new Defense Department facilities, McCurry said Clinton would have used a line-item veto, if Congress had kept a promise to give him one, on \$70 million in low-priority projects. "You might describe them as pork, and they would oink appropriately," McCurry said.

In his earlier vetoes, Clinton shelved a congressional resolution lifting the arms embargo in Bosnia in August and a bill in June withdrawing \$14 billion from 1995 appropriations.

altars used for outdoor Masses, to save him from climbing.

On the eve of the visit Tuesday, the office of New York Mayor Rudolph Giuliani estimated that it would cost taxpayers as much as \$8 million: \$5 million to \$7 million in overtime for 25,000 to 28,000 police officers and \$1 million for other agencies, such as parks and sanitation. But the city expects federal reimbursement for some of the costs, and the nearly \$45 million in spending that the visit will generate could bring in \$2 million in taxes.

The impending visit triggered a prayer vigil Tuesday night in New York's Greenwich Village by gays and lesbians protesting what they called the pope's "anti-gay statements."

The schedule calls for John Paul to meet with Clinton Wednesday and speak at an evening prayer service at Sacred Heart Cathedral in Newark. Thursday is the centerpiece of his trip, a speech to the United Nations.

The pope will celebrate Mass Thursday night at Giants Stadium in East Rutherford, N.J., where there is a significant threat of rain. He will also offer Mass Friday morning at Aqueduct Race Track in New York City, Saturday morning in New York's Central Park, and Sunday morning at Oriole Park at Camden Yards, in Baltimore. This is his second visit to New York the first was in 1979 and the first by any pope to Baltimore, the oldest Catholic diocese in America.

John Paul II Makes Fourth Papal Visit to U.S.

By Bob Keeler= (c) 1995, Newsday=

A year after the trip was originally scheduled, Pope John Paul II begins his fourth papal visit to America Wednesday, overcoming health concerns that forced last year's postponement, and stirring excitement among Catholics.

John Paul arrives at Newark, N.J., airport 30 years to the day after Pope Paul VI became the first pope ever to visit the United States. John Paul's schedule for this trip, which runs through Sunday, includes meetings with President Clinton, an appearance at the United Nations and four public Masses.

The pontiff, now 75, had to postpone last year's visit because he was slow to recover from hip-replacement surgery in April of that year. But he is now walking without a cane and apparently gaining strength.

During his African trip, which ended two weeks ago, the pope did not need his cane. And when a crowd at an outdoor Mass in Nairobi, Kenya, yelled, "Long live the pope," John Paul smiled and said, "I hope to be back."

Still, the pope does make some concessions to his age and health. He no longer bends over to kiss the ground on his arrival, for example, but blesses a basket of soil. And organizers usually set up special lifts at most of the raised

Date: 10/03/95 Time: 08:28

Panel Urges Government to Pay Radiation Experiment Victims

WASHINGTON (AP) A presidential advisory committee is urging the government to pay compensation to victims of human radiation experiments if they were clearly misled and suffered physical harm from the tests.

But the advisory panel in its report to President Clinton is singling out only three experiments where it says compensation clearly is warranted. The panel says most of the 4,000 Cold War-era experiments it documented involved small amounts of radiation and "are unlikely to have caused physical harm."

The 14-member panel also recommends against the government notifying victims of radiation tests or conducting medical follow-up tests, concluding that in most cases that would be of little benefit.

Instead, Clinton today was expected to immediately accept a recommendation to speed the release of documents and improve their accessibility to the public, so that individuals seeking information about radiation experiments will have new sources for their research, said sources familiar with the panel's findings.

Clinton directed the Advisory Committee on Human Radiation Experiments in late 1993 to investigate Cold War-era radiation testing on humans and recommend a compensation policy. He acted after disclosure of a series of experiments in the 1940s in which 18 civilian hospital patients were injected with plutonium to learn more about its effect on the body.

Dr. Ruth Faden, the panel's chairwoman, said Monday that committee members were "morally outraged" by the plutonium experiments and recommended that the victims' families receive financial compensation even if direct physical harm cannot be proven.

"There was active misrepresentation. You can call it lying" to the subjects of the plutonium experiments and their families, said Faden, an ethics professor at Johns Hopkins University.

The panel also recommended financial compensation in connection with the experimental injection of a person in the 1940s with zirconium and a World War II-era experiment in which individuals were subjected to whole-body radiation. The identity of these subjects is not known, however, said the sources, who spoke on condition of anonymity.

The cases involved "deliberate attempts ... to conceal (the experiments) for the declared purpose of avoiding potential liability and public embarrassment," the presidential panel concluded, calling the experiments "assaults on privacy and individual rights."

The advisory committee was less certain about how to deal with some of the other questionable Cold War-era experiments, various details of which have surfaced in recent years.

These cases included the irradiation of prisoners' testicles in Washington and Oregon, experiments involving children at the Fernald School in Massachusetts, and research on pregnant women at Vanderbilt University in Nashville, Tenn.

"It's possible that people there were harmed. And if they were harmed, they ought to be compensated," said Faden. The panel urged the government to issue a formal apology in some of these experiments.

The committee outlined a "framework" that calls for

compensation in any experiments where subjects were deliberately misled and did not give clear consent, and physical harm can be shown. Faden said the committee did not rule out eventual compensation in connection with these and other experiments, but did not have enough information to recommend compensation at this time.

Referring to the low-dose radiation experiments at the Fernald School, the report said "there is sufficient evidence that wrongs were committed" and urged an apology.

The experiments reviewed by the panel took place over three decades beginning in the 1940s.

Faden told reporters the panel believed resoundingly that individuals have a right to know whether they were subjected to a government-sponsored experiment, but the process should start by providing them efficient access to documents.

She said among the most troubling aspects of the Cold War-era experiments was the cloak of secrecy that surrounded them. The panel urged new government guidelines for openness and continued declassification of documents related to Cold War-era experiments.

"It is absolutely imperative that this nation never again conduct secret research on human subjects," Faden said. "We don't want 50 years from now there to be another committee ... investigating allegations of abuses of human subjects."

APNP-10-03-95 0838EDT

Radiation probe ends, few apologies

US panel opposes broader penalties

By Scott Allen
GLOBE STAFF

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The committee's voluminous report — already under attack more than a week before its official release — caps nearly two years of study that followed Energy Secretary Hazel O'Leary's promise to investigate government-backed experiments during the Cold War, such as injecting people with deadly plutonium to see how it affected their bodies.

The Advisory Committee on Human Radiation Experiments agreed that the plutonium injections, blamed for the deaths of at least two people, were so heinous that the government should pay the victims' families, according to a copy of the final report obtained by the Globe. In all, the panel calls for payments to the families of about 25 test subjects in three experiments.

President Clinton appointed the panel in December 1993 to determine the extent of human radiation testing during the Cold War, and to decide whether any of the research was either unethical or harmful to test subjects.

But the panel's inability to reach a verdict on thousands of other Cold War-era experiments — including high radiation doses blamed for at least eight deaths in Cincinnati, the irradiation of prisoners' testicles in Oregon, and experiments on children in Massachusetts — has angered advocates for test subjects across the country.

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RADIATION, Page 19



HAZEL O'LEARY

Probe was promised
■ RADIATION

Continued from Page 1

achusetts General Hospital over radiation experiments on the terminally ill.

The task force, chaired by Johns Hopkins University bioethicist Ruth Faden, concluded that there are too many unknowns for the group to make final judgments in the vast majority of experiments conducted on tens of thousands of Americans. Instead, the panel set up ethical guidelines for others to apply to individual cases.

The task force also identifies some seemingly abusive research where test subjects would be "candidates" for an apology and compensation once key facts, such as whether the radiation exposure hurt people, are known.

But the task force seems to oppose the kind of notification and medical follow-up necessary to find out those key facts, say advocates.

Recommends against notification

The report suggests that people who still do not know they were used in radiation experiments, in general, should not be notified. According to the draft, even those who face an increased risk of brain cancer from having radioactive radium inserted in their noses as children should not be told what was done to them, on the grounds that there is no early detection method for brain cancer anyway.

"By not reaching out to the victims, it perpetuates the original cover-up. It reeks of, at best, paternalism," said Dan Burnstein of Brookline, president of the Center for Atomic Radiation Studies that revealed the radiation research on children at the Fernald School in Waltham.

The hostile reaction could put Clinton in the line of fire when he receives the report at a public event scheduled for Oct. 3. Clinton had hoped to use the 932-page document to dramatize his administration's commitment to revealing government-backed radiation experiments and doing justice to people hurt by them.

A spokesman for the task force declined comment on the upcoming report, saying the group preferred to wait for the official release date.

The report, the fruit of more than a year of poring through archives and listening to testimony, lays out a framework for judging vast amounts of government-funded or executed research that took place from 1944 to 1974.

By all accounts, the combined efforts of staff on the task force and at the Department of Energy have produced an impressive accounting, ranging from the relatively benign use of trace amounts of radiation to the deliberate poisoning of people to simulate how bodies would respond to nuclear war.

Defenders of the experiments argue that attitudes about radiation were different then than today — people willingly had their feet X-rayed to see if new shoes fit, for example. They also stress that most of the research had legitimate goals — for instance, research on children at the Fernald School was aimed at better understanding human nutrition.

But the Advisory Committee finds that neither the differing standards of the times nor the often-laudable goals of the researchers excuse the exploitation of people. The panel said researchers should be held to the same standard as Nazi doctors tried as war criminals: patients shouldn't be subjected to potentially harmful procedures without their consent.

The task force was harshest in judging three research projects: the plutonium experiments, an experiment where a person was injected with zirconium, and another where people had their entire bodies irradiated. Not only were people injured, the panel found, but the government concealed the nature of the work from the victims.

"Because of the offensiveness of the government's actions, justice today warrants a remedy of financial compensation," according to the panel's draft report.

But the other experiments, involving tens of thousands of test subjects, fall into a grayer area for the task force.

For instance, the task force finds the use of institutionalized children in experiments at the Fernald School "morally troubling" largely because the children were lured into taking part with promises of gifts or occasional trips to a Red Sox game. Even when children refused to participate, the panel concludes "the investigators seem to have been unwilling to respect the child's decision."

But, having determined that the Fernald children were "unfairly burdened" by the researchers from Harvard University and the Massachusetts Institute of Technology, the draft report makes no recommendation on what should be done for the victims.

Information lacking

The panel also said it lacked the information to make a judgment on other highly publicized radiation experiments including the high radiation exposures at the University of Cincinnati, research on pregnant women at Vanderbilt University, testicular irradiation of prisoners in Oregon, and uranium injections into the terminally ill at MGH.

If someone proves that people were harmed as a result of those research projects, the panel concludes, "the government should take steps to ensure that the remedies of apology and financial compensation are awarded."

The task force had fewer reservations about the vast majority of experiments, finding that test subjects generally don't need to be notified that they were used in experiments if they don't already know.

The draft report recommends notifying only those test subjects who face more than a 1 in 1,000 cancer risk as a result and who could benefit medically from knowing about the research. The panel predicts that few, if any, test subjects would qualify for notification.

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Department of Energy
Washington, DC 20585

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probe ends, few apologies

US panel opposes broader penalties

P1

By Scott Allen
GLOBE STAFF

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President Clinton appointed the panel in December 1993 to determine the extent of human radiation testing during the Cold War, and to

decide whether any of the research was either unethical or harmful to test subjects.

But the panel's inability to reach a verdict on thousands of other Cold War-era experiments - including high radiation doses blamed for at least eight deaths in Cincinnati, the irradiation of prisoners' testicles in Oregon, and experiments on children in Massachusetts - has angered advocates for test subjects across the country.

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Sep 25 '95 3:48 P.06

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Recommends against notification

The report suggests that people who still do not know they were used in radiation experiments, in general, should not be notified. According to the draft, even those who face an increased risk of brain cancer from having radioactive radium inserted in their noses as children should not be told what was done to them, on the grounds that there is no early detection method for brain cancer anyway.

"By not reaching out to the victims, it perpetuates the original cover-up. It reeks of, at best, paternalism," said Dan Burnstein of Brookline, president of the Center for Atomic Radiation Studies that revealed the radiation research on children at the Fernald School in Waltham.

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The task force was harshest in judging three research projects: the plutonium experiments, an experiment where a person was injected with zinc-65, and another where people had their entire bodies irradiated. Not only were people injured, the panel found, but the government concealed the nature of the work from the victims.

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But the other experiments, involving tens of thousands of test subjects, fall into a grayer area for the task force.

For instance, the task force finds the use of institutionalized children in experiments at the Fernald School "morally troubling" largely because the children were lured into taking part with promises of gifts or occasional trips to a Red Sox game. Even when children refused to participate, the panel concludes "the investigators seem to have been unwilling to respect the child's decision."

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The draft report recommends notifying only those test subjects who face more than a 1 in 1,000 cancer risk as a result and who could benefit medically from knowing about the research. The panel predicts that few, if any, test subjects would qualify for notification.

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"This is the perfect report for a commission appointed by Clinton. It's wishy-washy. It tries to please everybody, so it pleases nobody," said Egliman.

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Sep 25 '95 7:37 P.05

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SEP 24 1995

U.S. compensation suggested for 3 radiation experiments

Boston Globe

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BOSTON - An advisory committee to President Clinton that documented evidence of 4,000 human radiation experiments, some of which seem to leap from the pages of science fiction, has recommended only three cases in which the federal government should apologize and compensate the test subjects.

The committee's voluminous report - already under attack more than 2 weeks before its official release - caps nearly two years of study that followed Energy Secretary Hazel O'Leary's promise to investigate government-backed experiments during the Cold War, such as injecting people with deadly plutonium to see how it affected their bodies.

The Advisory Committee on Human Radiation Experiments agreed that the plutonium injections, blamed for the deaths of at least two people, were so heinous that the government should pay the victims' families, according to a copy of the final report obtained by the Globe. In all, the panel calls for payments to the families of about 25 test subjects in three experiments.

O'Leary appointed the panel in December 1993 to determine the extent of radiation testing and to make recommendations on whether the government should compensate anyone.

But the panel's inability to reach a verdict on thousands of other Cold War-era experiments - including high radiation doses blamed for at least eight deaths in Cincinnati, the irradiation of prisoners' testicles in Oregon, and experiments on children in Massachusetts - has angered advocates for test subjects across the country.

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Radiation recommendations

The task force recommended compensation in three research projects:

- One in which deadly plutonium was injected into people to see how it affected their bodies. At least two died.
- One in which a person was injected with zirconium.
- One in which people's entire bodies were irradiated.
- Not only were people injured in the above experiments, the panel found, but the government concealed the nature of the work from the victims.

compensation once key facts, such as whether the radiation exposure hurt people, are known.

But the task force seems to oppose the kind of notification and medical follow-up necessary to find out those key facts, say advocates.

The report suggests that people who still do not know they were used in radiation experiments, in general, should not be notified. According to the draft, even those who face an increased risk of brain cancer from having radioactive radium inserted in their noses as children should not be told what was done to them, on the grounds that there is no early

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Sep. 25 '95 7:34 P.03

Denver Rocky Mountain News SEP 24 1995

Panel urges payment in only 3 nuke tests

By Scott Allen

The Boston Globe

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The task force concluded that there are too many unknowns for the group to make final judgments in the majority of experiments.

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Radiation probe ends, few apologies

US panel opposes broader penalties

By Scott Allen
GLOBE STAFF

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PHOTOCOPY
PRESERVATION

Payment in 3 radiation tests advised

Broader penalties opposed by US advisory committee

■ RADIATION

Continued from Page 1

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PHOTOCOPY
PRESERVATION

Date: 08/18/95 Time: 08:29

Energy Department Says Most Tests On Humans Were For Good Cause

WASHINGTON (AP) Without flatly condoning the practice, the Energy Department says some of the government's Cold War-era radiation experiments on people led to important, even heroic, advances in medical science.

The federal government has been pulling together records some long held secret, others simply forgotten or obscure to quantify the experimentation that began in the early 1940s and continued into the 1970s.

The Energy Department announced Thursday that it has documented 435 such experiments involving an estimated 16,000 men, women and children. Other government agencies that did experiments haven't released tallies.

Though questions about the ethics of the experimentation persist, Energy Department officials said their inquiry has shown that most of the human research was justifiable and relatively little was classified secret.

"Much of it was to go after breakthroughs on the medical front," Energy Secretary Hazel O'Leary told a news conference. But, she added, "There is a dark side," too.

The question remains whether people used in the experiments gave their consent, and whether, in cases of volunteers, they knew the health risks.

Ellyn Weiss, director of the department's Office of Human Radiation Experiments, said available documents left unclear the extent of subject consent.

Department officials declined to discuss the ethics of individual experiments. They said that issue and whether subjects or their families should be compensated was up to a presidential advisory committee that is reviewing human radiation experiments, including those done by the Pentagon. The presidential panel is to make its recommendations in September.

Tara O'Toole, the assistant energy secretary for environmental safety and health, said that in her view, about 10 percent of the 435 confirmed experiments "raise some troubling ethical questions." She cited three main concerns:

Some of the subjects were children, mental patients or prison inmates.

For example, at the University of Arkansas Medical Center in Little Rock in the early 1960s, mentally retarded children as young as 13 who were wards of the Arkansas Children's Colony were given small amounts of iodine-131 in a thyroid study. A similar University of Arkansas study in the 1950s used infants as young as nine months. A University of Washington study in 1954-58 used mental patients at Northern State Hospital in Sedro-Woolley.

Aborted fetuses were used in some cases.

In 1947, for example, two Massachusetts hospitals and the Massachusetts Institute of Technology collaborated on an experiment in which nine pregnant women were injected with small amounts of iodine-131 before undergoing scheduled therapeutic abortions. The thyroids of the fetuses were measured for radioactivity. The study showed that radioiodine could be given therapeutically until the fourth month of pregnancy without the fetus absorbing any.

Some people were given very high doses of radiation.

In experiments at Harvard Medical School in the early 1960s, for example, one patient received 650 rads of X-ray radiation over the

whole body. Today's established safety limit for whole-body exposure is the equivalent of 2 rads per year. The unidentified Harvard patient died 28 days later; death was attributed to the radiation.

The Atomic Energy Commission, a predecessor to the Energy Department, either approved or gave financial support to each experiment.

Ms. O'Toole said many of the experiments addressed important, even pioneering, research that has had lasting benefit for the American public. Many, for example, dealt with early efforts to diagnose and treat thyroid problems in children. Others focused on important issues in heart disease and the diagnosis of cancers.

"It's really quite heroic," Ms. O'Toole said of some of the work.

Some experiments, however, had no direct therapeutic applications. From 1962 to 1966, for example, the Atomic Energy Commission used humans in studying reliable ways to measure levels of cesium-137, a product of fallout from nuclear testing. The test subjects were two members of a special committee appointed by the Division of Biology and Medicine of the Atomic Energy Commission.

APNP-08-18-95 0837EDT

Hunting radiation records — and truth

By Paul Hoversten
USA TODAY

The Department of Energy cast a wide net — turning some of its employees into sleuths — in the hunt for information into government-sponsored human radiation experiments.

Researchers pored through literature, dug into the files of government centers across the country and fielded calls from worried widows of former Atomic Energy Commission workers.

Some of the answers turned up in the strangest places.

"We have literally found documents in garages," says Tara O'Toole, assistant secretary of Energy.

Since December 1993, when Energy Secretary Hazel O'Leary first announced she would look into Cold War human radiation tests, researchers have sifted through 3.2 million linear feet of department and contractor records in the \$14 million search.

"This is a very exhaustive effort using state-of-the-art technology to get at what happened," says O'Toole. "I'd be very

surprised if there are major record collections out there that we haven't plumbed." About 10,000 pages of documents — 4% of the total — were previously classified.

A presidential commission is to recommend next month whether victims of government-sanctioned radiation testing should be compensated. Other departments are still researching tests.

However, it may not be possible to find out what happened to many test participants because the records do not provide names.

O'Toole says Energy Department searchers found an "almost heroic" pursuit for breakthroughs in nuclear medicine. "Many of these experiments are not horror stories in any way, shape or form. They show the complicated, step-by-step story of nuclear medicine."

But about 10% of the 435 tests uncovered, she says, "raise some troubling ethical questions," including the use of tissue from aborted fetuses and the use of high doses of radiation on terminally ill patients or those close to death.

Other subjects came from "vulnera-

ble populations," such as prisoners, pregnant women, the mentally disabled, children and comatose patients.

"It's a sorry ordeal and a tragedy," says Cooper Brown, head of the Task Force on Radiation and Human Rights, a coalition of radiation victims groups.

About 65% of the Energy Department's tests were undertaken to learn how the body works, while 30% were done to develop new diagnostic techniques and treatments. The rest were done to determine the effects of radiation in order to protect workers and the public near nuclear sites.

Much of the research focused on diagnosing iodine deficiencies in children and seeing how radioactive isotopes might help, says O'Toole. Children born with low iodine levels — about 1 in 5,000 at the time — would have malfunctioning thyroids and tended to become mentally disabled.

The nuclear researchers also struggled to find ways to diagnose and treat cancers of the breast and brain.

THE NATION



The Daily Oklahoman via AP
ALLEY: Suffered no personal losses in bomb blast

20 years later, same lawyer, same argument

By Kevin Johnson
 USA TODAY

An Oklahoma City federal judge, concerned about the appearance of presiding over a case involving an attempted bombing of a U.S. courthouse in Oklahoma City, didn't hesitate to transfer the case to a Kansas colleague.

That was 20 years ago. But the case that convicted Harawese Rhennae Moore is likely to be used next week by

lawyers for bombing suspect Timothy McVeigh as they argue to keep U.S. District Judge Wayne Alley from presiding at the trial of McVeigh and co-defendant Terry Nichols.

In terms of physical damage, the 1975 case bears little similarity to the April 19 bombing that destroyed the Alfred P. Murrah Federal Building and killed 168 people. In 1975, a security guard discovered the homemade bomb before it could be detonated.

What is similar, however, are the pending legal considerations and even the defense lawyer, Stephen Jones, who now represents McVeigh.

In the Moore case, U.S. District Judge Fred Daugherty didn't wait for a defense request to move the case before ordering it transferred.

"My position," he recalled Thursday, "was that I thought it would be cleaner that way."

Daugherty's explanation goes to the heart of recent ar-

guments made by Jones, who has suggested that federal judges in Oklahoma City, whose chambers were damaged in the Murrah bombing, might have difficulty presiding over such a case.

Earlier this week, McVeigh and Nichols pleaded not guilty to the bombing charges.

"I have a high regard for Judge Alley, both personally and professionally," Jones said Thursday. "But he is a victim in this incident and that will be

the basis of our motion."

Nichols' lawyer, Michael Tigar, has also suggested he might seek to disqualify Alley.

In a notice to McVeigh's lawyer earlier this week, Alley said he knew of "no reason whatsoever that would be a basis for a self-recusal."

Alley said that none of his property was destroyed in the bombing and that he "lost no family or friends."

A former Army general, he was a military judge in the ap-

peal of Lt. William Calley, convicted in the 1968 murder of civilians in My Lai, South Vietnam. He was appointed to the federal bench in 1985.

Trying to remove Alley is just one of many battles defense lawyers are expected to wage in the coming weeks and months. Attorneys for both suspects have indicated they will ask to have the case moved from Oklahoma City and will seek to have the defendants stand trial separately.

Tainted water Herbicide levels rise in summer

By Anita Manning
 USA TODAY

When the corn is high in the heartland, herbicide levels in tap water soar, says a report released Thursday by an environmental group.

Tests in the Midwest, Maryland and Louisiana found "tap water in every city tested that relies on surface water, 28 out of 29 tested, was contaminated with the herbicide atrazine," says Richard Wiles of the Environmental Working Group. Samples in 25 communities also contained cyanazine. Both are used on corn crops.

The report warns parents to "seriously consider alternatives to tap water for infant formula" and kids' drinks every May 1-Aug. 30, when the herbicide level in water is highest.

Officials of city water agencies and chemical firms called the report misleading. "Even at levels identified today, the health information in place would indicate those levels do not represent a health risk," says Steve Powell of Ciba Crop Protection, maker of atrazine.

The Environmental Protection Agency has had the herbicides under review. Wherever agency standards aren't being met, "we are concerned about risks to health, especially for children," says EPA's Lynn Goldman.

Water samples were tested starting this May in Danville, Springfield, Granite City and Decatur, Ill.; Columbus, Alliance, Akron and Bowling Green, Ohio; Indianapolis, Richmond, Muncie and Fort Wayne, Ind.; Kansas City, Topeka, Johnson County and Lawrence, Kan.; Jefferson City, St. Louis and Kansas City, Mo.; New Orleans; Omaha; communities served by Platte River wells and the Missouri River; Cedar Rapids, Des Moines and Davenport, Iowa; Baltimore; and Memphis. Only Memphis, which gets water from wells, had no traces of herbicides.

FCC official: Disney/ABC vote no conflict

WASHINGTON — A member of the Federal Communications Commission called a request that he not vote on Disney's planned \$19 billion acquisition of Capital Cities/ABC "preposterous."

Consumer activist Ralph Nader wrote FCC Chairman Reed Hundt on Aug. 5, saying a press release on the deal from Commissioner James Quello "reads more like a congratulatory postcard than a policy statement."

The FCC must approve the deal, Nader suggested. Quello recuse himself.

Thursday, Quello called Nader's concerns "ridiculous." He added that Nader didn't have a case.

The dispute began July 31 when the two entertainment giants announced their plans. Quello issued a statement that day saying, in part, that "two efficient, exceptionally well-managed and public-service-oriented communications giants are joining forces."

Quello says Nader ignored other parts of his statement, which said the deal should benefit the public interest "as long as there is robust marketplace competition." Quello also wrote that "multiple ownership and cross-ownership issues" must be resolved.

Nader predicts that Quello will "approve everything."

— Barbara Woller

Final Data Released on Tests Of Exposure to Radiation

By Gary Lee
Washington Post Staff Writer

In an attempt to close one of the darkest chapters in American medical history, the Department of Energy yesterday concluded that during four decades of the Cold War the agency conducted 435 different radiation experiments on 16,000 men, women and children.

In a 200-page book, Energy Department officials described each of the experiments uncovered in its files, including a 1944 study in which workers were exposed to high levels of uranium oxide dust and a test staged in the early 1960s in which mentally retarded children were given doses of Iodine 131 to test the reactions of their thyroid glands.

While many of the experiments had positive benefits for medicine, others raise serious ethical questions, senior Energy Department officials said yesterday. Some of the experiments were "really quite heroic," said Tara O'Toole, the department's assistant secretary for environment and safety. But others raise "some troubling ethical questions," she added.

O'Toole and Energy Secretary Hazel R. O'Leary released the final tally on radiation experiments sponsored or supported financially by the Atomic Energy Commission—an agency that preceded O'Leary's department—from the 1930s to the late 1970s. The findings followed an 18-month search of the department's records.

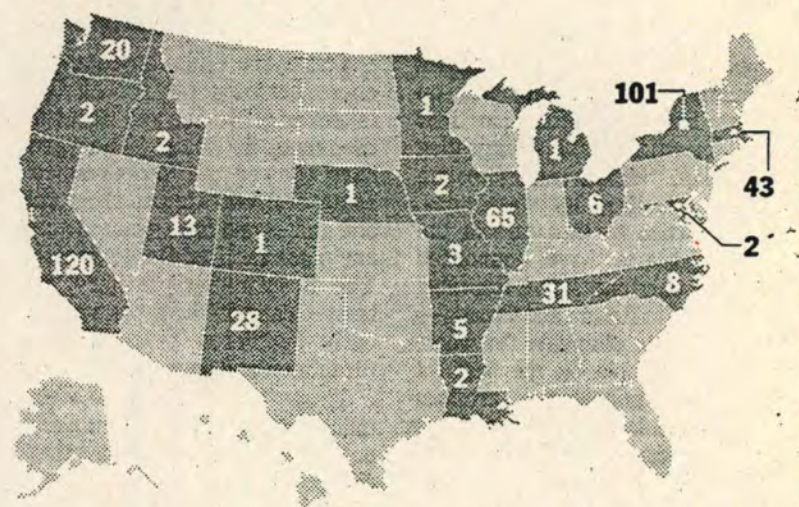
The search began in late 1993 when O'Leary, alarmed at what she had learned about the history of government-sponsored tests, called for details. She appointed a panel to explore the extent of radiation research conducted by the Atomic Energy Commission. President Clinton later appointed a panel to determine the extent of the experiments throughout the government and determine what steps should be taken in response to it.

The AEC's tests represent only a portion of the government-sponsored radiation research involving humans that occurred during the Cold War. Agencies that preceded the Department of Defense and the Department of Health and Human Services also provided funding and support for a significant number of experiments, according to government records.

O'Toole said that about 10 per-

HUMAN RADIATION EXPERIMENTS

The Energy Department yesterday released data showing how many radiation experiments were conducted on people in these states at the height of the Cold War.



SOURCE: Office of Human Radiation Experiments, Aug. 16, 1995

THE WASHINGTON POST

cent of the AEC-sponsored tests raised ethical questions. Her concerns about those tests involved mental patients, prisons inmates or other vulnerable individuals who were given very high doses of radiation and those in which aborted fetuses were used.

Unanswered questions also remain about whether individuals exposed to the experiments gave their informed consent prior to their participation, O'Toole said.

O'Leary and O'Toole said that the presidential panel would reach its own conclusions about the government's ethics. The panel is expected to issue its findings, including a determination of whether participants in the experiments should be compensated, late next month.

O'Leary, who initially expressed outrage about the radiation research, appeared yesterday to have moderated her views. "Much of it was to go after breakthroughs on the medical front," she said.

Yesterday's announcement marked the Energy Department's third and final installment of descriptions about the radiation experiments to be made public. In June 1994, O'Leary released an initial list of experiments found in the depart-

ment's files. A few months later, she distributed an updated list.

"We will never be able to say whether we now have a thoroughly exhaustive tally of experiments," O'Toole said, "but we think we've made a good start." In all, information about the experiments was found in 250,000 documents, 10 percent of which were classified, she said.

The tally presented yesterday included some experiments which had not been disclosed previously. In one, researchers at Harvard Medical School exposed a patient's entire body to 650 rads of X-ray radiation. The safe level of whole-body radiation is two rads per year, according to current standards. The patient died 28 days later.

In a case conducted at the University of Tennessee College of Medicine in the early 1950s, two black women who were nursing were fed doses of iodine 131 to test how much would show up in breast milk. Tests on the infants showed that the iodine in the milk was so highly concentrated that it also appeared in the infant's thyroid glands.

In another thyroid study, carried out at the University of Arkansas Medical School in the early 1960s, mentally retarded children were given doses of Iodine 131.

Probe Targets Key Official At Pentagon

False Name Allegedly Used to Seek Passport

By Steve Bates
Washington Post Staff Writer

A Pentagon official who probes white-collar crime is under investigation for allegedly making a fraudulent passport application, government officials said yesterday.

Larry J. Hollingsworth, who lives in the Baileys Crossroads area of Fairfax County, is on administrative leave and has lost his top-secret security clearance at the Defense Criminal Investigative Service while the State Department's Diplomatic Security Service looks into the matter.

In an affidavit filed with a federal magistrate in Alexandria last month, an investigator said Hollingsworth went to an Arlington post office on April 1, 1994, and applied for a passport in the name of Charles William Drew. Hollingsworth allegedly attached photographs of himself, and scribbled a name that did not appear to be Drew.

The signature set off warning bells. Officials soon discovered that an identification card used in the application had been issued just one day before the passport application was submitted, and they found that a real Charles William Drew is just 7 years old.

The passport photo was distributed to law enforcement agencies, and a co-worker of Hollingsworth's identified him, officials said.

About two weeks ago, federal investigators searched Hollingsworth's home seeking evidence. Yesterday, officials denied a published report that said fraudulently obtained passports and other falsified identification papers were found.

Hollingsworth did not return phone calls yesterday.

In a prepared statement, Pentagon Inspector General Eleanor Hill said that officials "were saddened and surprised" by the allegations. "The office of the inspector general, immediately upon learning of the allegations, took action to safeguard the integrity of this organization. . . . We are taking this matter very seriously."

Hollingsworth has worked for the Defense Criminal Investigative Service since 1983. He is the internal affairs director for the agency, which probes fraud by defense contractors.

Some federal officials said privately yesterday that they were puzzled why a career employee in a sensitive post might seek a passport under a fake name.

U.S. Attorney Recuses Himself From FBI Coverup Investigation

Holder Cites Longtime Working Relationship With Potts

By George Lardner Jr.
Washington Post Staff Writer

U.S. Attorney Eric H. Holder Jr. has disqualified himself from the criminal investigation of an alleged FBI coverup in the Ruby Ridge case because of a longtime working relationship with former FBI deputy director Larry Potts, officials said yesterday.

Attorney General Janet Reno announced that the inquiry would be turned over to U.S. Attorney Michael R. Stiles of Philadelphia, chairman of the Attorney General's Advisory Committee.

Potts and four other senior FBI officials have been suspended indefinitely in connection with the Justice Department's efforts to determine whether anyone obstructed justice in the course of internal inquiries that followed the 1992 shooting deaths on Idaho's Ruby Ridge. The wife of a white separatist, their 14-year-old son and a deputy U.S. marshal were killed in an 11-day standoff.

Holder recused himself "for appearances' sake," spokesman Kevin Ohlson said. "He felt strongly that he could be impartial, but discretion is the better part of valor."

Holder had worked with Potts when Holder was in the Justice Department's Office of Public Integrity from 1976 to 1978 and again when he became U.S. attorney, Ohlson said.

Sen. Arlen Specter (R-Pa.) said, meanwhile, that he will open a Senate investigation of the Ruby Ridge controversy on Sept. 6 despite a request from the Justice Department that he postpone the hearings until both the department's probes and an investigation by a state prosecutor in Idaho are complete.

Specter said he felt he could avoid any conflicts by beginning hearings with the events leading up to Ruby Ridge and the 1992 siege itself and leaving the allegations of a coverup until later.

"We'll have to take it a step at a time," he said in a telephone interview. He said he had spoken with Reno earlier in the day and decided "we can proceed as scheduled without any problem."

Specter's Senate subcommittee hopes to begin with testimony from Randy Weaver, 47, whose wife, Vicki, was shot by an FBI sniper; Weaver's 19-year-old daughter Sara; and his semi-adopted son, Kevin Harris, who was wounded by the same bullet that killed Vicki Weaver.

It would then take testimony about the incidents that put Weaver on the wrong side of the law: his 1989 sale of two sawed-off shotguns to an informant for the Bureau of Alcohol, Tobacco and Firearms and the ATF's subsequent attempts to enlist Weaver himself as an informant.

Deputy Attorney General Jamie S. Gorelick had told Specter, in a letter dated Aug. 11 and released yesterday, that the proposed Senate inquiry "poses serious risks to effective law enforcement and could seriously jeopardize any subsequent criminal prosecutions."

She said producing documents for the subcommittee could undermine the confidentiality of the other investigations and taking testimony from witnesses would give them a chance to familiarize themselves with evidence and even "to tailor their stories."

Another danger, Gorelick said, could stem from the fact that some witnesses may demand immunity for their congressional testimony, a step that could "damage irreparably our ability to prosecute any violation which the pending investigation might uncover."

A former prosecutor, Specter said he was "familiar with issues such as immunized witnesses and taint" and was confident he could avoid missteps.

Although the Justice Department said it wanted to protect the Idaho investigation as well as its own, the Boundary County prosecutor in charge of the state inquiry, Randall Day, said yesterday that the "federal government" has been impeding his progress since May. He recently told state officials in Idaho that he was running into "a stone wall" in efforts to interview some 20 FBI witnesses and determine whether any state charges should be brought.

Day said the FBI and the Justice Department had made witnesses available to him last February but did "an about face" in early May and told him it was up to the individual agents to decide whether they wanted to be interviewed.

Justice Department spokesman Carl Stern expressed exasperation on being told of Day's remarks and said some of the witnesses Day wants are no longer with the Bureau and others have lawyers who have instructed them not to give any interviews. "We have tried to work with Mr. Day to the maximum extent possible," he said.

Holder's replacement, Stiles, is a former Common Pleas Court judge in Philadelphia and assistant district attorney who worked under Specter when he was a district attorney. Stiles was appointed U.S. attorney in Philadelphia in 1993.

In announcing Stiles's appointment, Reno said he would have "close cooperation in terms of furnishing any information that is necessary." Asked if she had considered appointment of an independent counsel, she said she did not see "any basis for an independent counsel."

THE WASHINGTON POST
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Dismissing talk of a challenge, White House is vigilant just in case

By Paul Bedard
THE WASHINGTON TIMES

JACKSON HOLE, Wyo. — The White House yesterday discounted indications that retiring Sen. Bill Bradley, New Jersey Democrat, would challenge President Clinton as an independent presidential candidate next year.

But aides said Mr. Clinton was taking no chances and had ordered his re-election campaign to prepare for a primary or general election challenge.

"As we look towards 1996, we are prepared for a primary challenge

... and we are geared up for an independent candidate in the general election," said Ginny Terzano, White House deputy press secretary.

But she and other Clinton aides said they don't expect Mr. Bradley to run against the president, despite his comments yesterday that he was leaving the door open to a challenge and may even team with retired Gen. Colin Powell, former chairman of the Joint Chiefs of Staff.

Mr. Bradley announced his resignation Wednesday in Newark, N.J., and yesterday refused to rule

out a bid for the presidency. He has often been mentioned as a potential presidential candidate.

White House officials said they doubt he will run this year. They said Mr. Bradley remains loyal to the Democratic Party and understands that a challenge in 1996 would undermine Mr. Clinton's chances for re-election.

"He is a good Democrat and a strong leader within this party. He is in line with the Democratic Party on important issues, such as crime and trade and a balanced budget," said Miss Terzano, a former Democratic National Com-

mittee official.

"I think in the end you are going to see Senator Bradley remain a good, strong Democrat and a leader within this party" who will campaign for Democrats in 1996, she added.

A senior administration official, meanwhile, said Mr. Bradley left the door open to a Clinton challenge in order to keep in politics.

"His only choice was to say that. Without saying that, they'd be writing his political obituary," the official said.

Also, the official said that Mr. Bradley has so far shown no will-

ingness to raise the millions of dollars needed to run a third-party bid or a primary challenge.

Mr. Clinton, meanwhile, has already raised almost \$10 million — a record for a president more than a year before Election Day.

White House officials wrote off Mr. Bradley's resignation as an expression of his frustration with current Washington politics and the loss of Congress to the GOP in the 1994 midterm elections.

"I think what we are seeing in Senator Bradley's comments ... is just a general frustration with politics in this day and age, and I

think that that frustration tends to be felt by a lot of people inside and outside of politics. And he's conveying that frustration," Miss Terzano said.

Mr. Clinton, vacationing here for 17 days, discussed politics with Mr. Bradley in a telephone call Wednesday but the two did not talk about presidential politics or Mr. Bradley's plans, she said.

The White House has so far successfully scared away primary challengers, and there are no major Democratic political figures campaigning in Iowa or New Hampshire.

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The Washington Times

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O'Leary tells of U.S. radiation tests on 16,000 citizens

By Karen MacPherson
SCRIPPS HOWARD NEWS SERVICE

The U.S. Energy Department conducted 435 human radiation experiments involving 16,000 people during the Cold War, including tests on aborted fetuses, infants, pregnant and nursing women, prisoners, and institutionalized children and adults, Secretary Hazel O'Leary said yesterday.

Mrs. O'Leary released DOE's final tally of the experiments, which was based on documents compiled during a \$14 million, yearlong effort that involved searching volumes of government records.

She and other top DOE officials acknowledged that about 10 percent of the 435 experiments had a "dark side," including the now-notorious experiment in which 18 persons were injected with pluto-

nium without their knowledge or consent during the late 1940s.

The group of experiments uncovered most recently by DOE involved numerous instances in which prisoners and children — including mentally retarded children — were used.

But Mrs. O'Leary also stressed that the human radiation experiments advanced the development of nuclear medicine, which has

saved lives and pioneered new treatments for diseases.

The DOE compilation, however, tells only a part of the tale of the federal government's role in sponsoring human radiation experiments from the '40s through the '70s. The DOE list focuses almost exclusively on experiments in clinical settings.

Other federal agencies, particularly the Defense Department,

also conducted numerous human radiation experiments, but DOE is the only agency to release its findings directly to the public.

E. Cooper Brown of the Task Force on Radiation and Human Rights, an umbrella group of radiation survivor organizations, lauded Mrs. O'Leary's effort.

"As extensive and widespread as the DOE experiments are, the task force is concerned that they

represent only a fraction of the overall number of radiation experiments conducted by the federal government during the Cold War," Mr. Brown said.

An overall look at the government's role in Cold War human radiation experiments is due next month, when the White House Advisory Committee on Human Radiation Experiments releases its final report.

Bradley ponders '96 run for president

But retiring senator rules out trying to grab Democratic nomination

By Donald Lambro
THE WASHINGTON TIMES

Sen. Bill Bradley said yesterday he is thinking about running against President Clinton in 1996 as an independent candidate who could offer the American people a third choice.

The New Jersey Democrat's remark during an interview on

NEWS ANALYSIS

ABC's "Good Morning America" was the first suggestion by a prominent Democrat in Congress that Mr. Clinton could be opposed by someone in his party and that he might be the candidate to do it.

"For a Democratic senator to say what he said is an indictment of the Democratic Party and the president," said Brian Lunde, a Democratic campaign consultant. "We could be on the verge of a full-scale desertion from the president in the party."

Mr. Bradley, who surprised his party Wednesday by announcing he will not seek re-election to the Senate next year, said yesterday that he will not challenge Mr. Clinton for the Democratic presidential nomination.

But he said he has "not ruled

out" an independent run against the president in the general election. He also said voters may be ready next year to accept a credible independent candidate over the nominees of the two major parties.

"Are we at a time where there is a historic moment, a third way? I don't know if that's so. Only time will prove that to be so," he said.

Mr. Bradley, an influential and respected figure in his party who has long harbored presidential ambitions, appeared to join a growing list of political leaders who have hinted they may enter next year's presidential contest as independent candidates.

Democrat Jesse Jackson, unhappy with Mr. Clinton's urban policies, has threatened to run again, this time as an independent. Ross Perot, who won 19 percent of the vote in the 1992 presidential election, has not ruled out another third-party bid. Former Connecticut Gov. Lowell Weicker is exploring third-party prospects. Retired Gen. Colin Powell, the former chairman of the Joint Chiefs of Staff who consistently receives high scores in polls, also is keeping his political options open.

The fact that Mr. Bradley is thinking about opposing a Demo-

cratic president is another indication of Mr. Clinton's political weakness overall and within the party.

"He has little affinity for this president," said a Democrat who is close to Mr. Bradley.

But some Democrats expressed surprise that Mr. Bradley so quickly ruled out a primary challenge to Mr. Clinton.

"I thought he would have said, 'I'll take some time to think about it,' and decide in about 60 days on what his course of action will be," said Ted Van Dyk, a veteran Democratic Party adviser and a friend of the senator's.

"Who knows how strongly Clinton will be running in 1996? The president could be hurt by White-water and decline in the polls. I think he should have waited and taken more time deciding," Mr. Van Dyk said.

Mr. Bradley's remarks also underscored the growing strength of the independent movement.

"If we're ever going to have a third-party candidate, this might be the year," Mr. Van Dyk said. "This is a surly time in American politics, and the voters are going to be more surly after next month's budget battle."

"Clearly, for 'New Democrats' who don't like the way the party's

drifted leftward, [Mr. Bradley] would be an interesting choice, and I could see some Northeastern moderate Republicans voting for him as well," GOP pollster Frank Luntz said. "It would be a very credible candidacy."

"His appeal will be to moderately liberal and liberal voters," Republican National Committee Chairman Haley Barbour said. "The idea of Senator Bradley running for president as an independent is largely a product of his conclusion that it's too late to challenge President Clinton. But it's an emphatic statement that he doesn't believe President Clinton ought to be re-elected."

"There are all kinds of unintended consequences which the Perots, Bradleys or Jacksons have not thought through," Mr. Van Dyk said. "This could lead to an electoral crisis. You get three or four independent candidates running and it's exactly what could happen."

Mr. Bradley said that before he makes a decision about his political plans next year, "I'm going to go out into the country and listen to what [the people] have to say. And, based upon that, I'll make some decisions."

The Washington Times
FRIDAY, AUGUST 18, 1995

She also cited the likelihood that witnesses at the hearing would demand immunity before testifying, and said that giving it to them "would likely damage irreparably our ability to prosecute any violations ..."

(End optional trim)

But Specter, after a telephone conversation with Reno, said he would go ahead with the hearings "without causing the Justice Department any problems."

(Optional add end)

He said the hearing would be divided into two phases, and that the first would not get into the question of document destruction or obstruction of justice.

DOE Finds Radiation Experiments Helped Shape Modern Science By Elizabeth Shogren= (c) 1995, Los Angeles Times=

WASHINGTON The Energy Department, completing its review of decades of government-sponsored nuclear experiments, has concluded that while some were ethically questionable, the research contributed enormously to the foundations of modern medical science, Energy Secretary Hazel O'Leary said Thursday.

The department's final tally, released Thursday, shows that some 16,000 people were the subjects of 435 documented trials between World War II and the mid-1970s. The agency has been leading a government-wide study of the experiments since they were disclosed by O'Leary 18 months ago.

Many of the experiments were conducted "to go after breakthroughs on the medical front," O'Leary told reporters.

Tara O'Toole, an assistant Energy secretary, said that while the research "raises ethical questions, it's also really quite a heroic and amazing story of progress." The experiments were instrumental in diagnosing and treating thyroid problems, cancer, heart disease and an array of other conditions, O'Toole said.

"You can see the history of modern medicine riven through these experiments," she said.

But O'Leary also said there was a "dark side" to the research: Some of the experiments, shrouded in secrecy for decades, were conducted on subjects without their full understanding or on vulnerable populations such as children and prisoners.

"The culture of secrecy was so deeply embedded," she said. The experiments were carried out by the Energy Department and its predecessor agencies, including the Atomic Energy Commission.

The department's review leaves unanswered ethical questions raised by its findings. A presidential commission, whose report is expected next month, is to assess those questions, including the government's role in setting standards for experiments on humans, and the use of very high doses of radiation in some cases, particularly on terminally ill patients.

Draft chapters of the commission's findings, obtained by the Los Angeles Times on Thursday, shows that medical experts were fully aware of the ethical concerns over the decades.

For example, twice in 1947, the general manager of the Atomic Energy Commission wrote to Stafford Warren, a prominent scientist who served on the medical research team for the Manhattan Project, which developed the atomic bomb, telling him that "clinical testing" should go forward only if there is a prospect the patient could benefit medically and after the patient had been informed

of the test and gave consent.

But there is little evidence the directive was followed at some prominent institutions. As part of its research, the panel interviewed doctors involved in the experiments and found that patients were routinely left in the dark, Dan Guttman, executive director of the commission, said in an interview Thursday.

(Begin optional trim)

Guttman and others on the commission stressed that the government, medical professionals and others involved in the tests were acutely concerned about the risk that that subjects faced.

"The risks were generally well considered," Guttman said. "The interesting question is whether they told the subjects what they were doing. There was a good deal concern for the risk people were undergoing but less concern for telling the people of the risks."

In most cases where the subjects did not stand to benefit from the exposure, only very small doses were administered, he said. However, the same was not true when patients were judged to possibly benefit from radiation treatment. In those instances, he said, questions arise about whether patients were fully apprised of the risks.

The government, trying to gauge the effects of radiation on military personnel in the event of a nuclear blast, paid research institutes for information about the results of heavy doses of radiation on patients.

(End optional trim)

Commission members said in interviews Thursday that they were pleased the research had not found any completely new examples of the U.S. government putting Americans at grave risk.

"Prior to the advisory committee being instituted, there were people in the country concerned that there were dark secrets that people didn't know about," said panel member Henry Royal, M.D., associate director of the division of nuclear medicine at Washington University School of Medicine in St. Louis, Mo.

"Despite an intense effort, we really have not come up with any unexpected shocking thing that was a deep, dark secret. People should feel more comfortable that despite this major, major effort we did not come up with some major surprises."

(Optional add end)

Susan Lederer, a Pennsylvania State University historian on the panel, said the research had shown her "how corrosive secrecy is in a democracy."

"There has been a lot of suspicion about the role of the government," she said. "Efforts like the one at DOE can begin to allay these fears."

In addition to collecting documentation on the human experiments, the Energy Department review also uncovered evidence that intentional releases of radiation by the government into the environment were many times more frequent than disclosed previously.

A 1993 Government Accounting Office report found only 13 such incidents nationwide. The committee found evidence of 50 to 60 incidents of releases involving testing of radiological warfare weapons and another 250 incidents of releases at Los Alamos Scientific Laboratory alone.

"The risks were very low, but the secrecy was there," Guttman said. "When things were done in secret, people in the community say, 'How can I know what I can trust?'"

When experiments are done in secret, documentation is often very poor, he said, which makes it more difficult for the government to reassure citizens years or decades after the fact.

Nancy Pelosi, D-Calif., maintains that Mrs. Clinton's presence "would give the repressive Chinese regime an unprecedented propaganda victory."

Proponents counter that the administration ought to give higher priority to improving its troubled ties with China.

"I don't think it's wise to allow the fate of one individual, who knew the risks he was running, to be the sole determinant of our relations with China," says former U.S. Ambassador to China Arthur Hummel.

Jonathan Pollack, of the Rand Corp., observes: "The United States needs to send assurances to China that we wish them no malign intent. If we would like the Chinese to behave like a responsible great power, it would behoove us to treat them like one."

The debate has taken on a highly political tone: Senate Majority Leader Bob Dole, the leading GOP presidential candidate from Kansas, is among those who has opposed any American attendance at the women's conference while Wu is still jailed. Republican leaders recall how Clinton, in the 1992 presidential campaign, accused then-President Bush of "coddling dictators" in Beijing.

"It would be wrong to attend a human rights conference when an American citizen is unjustly detained," Dole said. "No improvement in relations (with China) will be possible as long as he is detained."

Indeed, the Wu case has extraordinary political implications in Washington because it brings together conservative Republicans and left-wing Democrats. Conservatives view Wu's case through the filter of anti-Communism; Democrats see it in terms of human rights and support for organized labor. Because of his campaign against goods made in Chinese prisons, Wu enjoys strong support from the AFL-CIO.

(Begin optional trim)

Within the administration, some cautious officials are said to be warning that Mrs. Clinton's attendance in Beijing is fraught with policy risks, too. In the recent past, high-level visitors to China have sometimes been confronted by the sort of surprises that demanded instant, delicate policy decisions.

In 1989, Soviet leader Mikhail S. Gorbachev visited Beijing just as Chinese demonstrations in Tiananmen Square were peaking; he had to struggle to avoid offending either his Chinese hosts or the hundreds of thousands of Chinese demonstrators. In 1994, U.S. Secretary of State Warren Christopher was embarrassed when Chinese security officials suddenly began rounding up dissidents before and during his trip to Beijing.

(End optional trim)

Over the past few days, seeming to prepare the way for Mrs. Clinton's trip, U.S. officials have been arguing that she is going more to the women's conference than to China.

"We believe that this is an important conference," said State Department spokesman David Johnson. "It's a conference that's not about China, it's a conference that's about women, and it's one that's taking place in China."

It may well be, however, that the White House is delaying any decision because it is hoping China will release Wu in the next few days. "The call is basically up to the first lady," maintains one administration official. "We've been preparing materials for her, on the assumption of a visit."

Reno Praises FBI Director, Embattled Organization By Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON Amid rising concern about the FBI's ability to police itself, Attorney General Janet Reno reacted Thursday by praising FBI Director Louis J. Freeh and declaring her pride in the embattled organization.

Concern about the FBI, expressed by U.S. Justice Department and even FBI officials insisting on anonymity, focuses on the outcome of several inquiries into its actions during the August 1992 siege at a white separatist's cabin in Ruby Ridge, Idaho. An FBI sharpshooter killed the separatist's wife as she stood hidden by a cabin door.

Grave questions have been raised about the quality and truthfulness of information provided to Freeh that led him to conclude last Jan. 6 that there had been no conspiracy to obstruct justice by FBI officials in their recounting of the Rudy Ridge episode. A Justice Department internal watchdog is now reviewing the matter.

Freeh also relied on that information in disciplining 12 FBI officials and employees over Ruby Ridge including his decision to do nothing more than censure his friend and most trusted subordinate, acting Deputy Director Larry A. Potts and to vigorously back his promotion.

Freeh subsequently removed Potts as deputy director and last week suspended him with four other FBI officials, after they became subjects of a criminal inquiry to determine whether they lied about the relaxation of rules governing sharpshooters at Ruby Ridge.

"I am very proud of the bureau," Reno said. "I have watched them over the years deal with issues such as this and come out of it stronger and better."

Reno did not answer directly the question of whether Freeh had expressed to her any regret about appointing Potts and then having to remove him.

"What he has been concerned about from the beginning is that any allegation be pursued, that we get to the truth, and that whatever the truth is, appropriate action be taken," she said. "That has been his communication from the beginning ... I think he is doing an excellent job."

Reno's comments came as Deputy Attorney General Jamie S. Gorelick, in a letter released Thursday, strongly urged Sen. Arlen S. Specter, R-Pa., chairman of the Senate Judiciary subcommittee on terrorism, to postpone hearings on Ruby Ridge scheduled to begin Sept. 6.

Preparing for and holding the hearings at a time when federal and local criminal investigations into Ruby Ridge are under way would pose "serious risks to effective law enforcement and could seriously jeopardize any subsequent criminal prosecutions," Gorelick said in the letter sent last Friday.

Gorelick said that producing documents during the continuing investigations "can undermine the integrity and confidentiality of that investigation." Taking testimony from subjects or potential subjects of the investigations would provide them "with an opportunity to learn the evidence that has developed, including the identity and significance of available documents and other witnesses' statements," she told Specter.

(Begin optional trim)

During earlier Justice Department inquiries into Ruby Ridge, Gorelick said, some government employees were required to give statements or be fired. A 1967 Supreme Court ruling bars using such information in a prosecution or as leads in developing evidence. Even providing the information to the subcommittee and staff risks "further disclosure of the compelled information and potential tainting of witnesses," Gorelick said.

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENT

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(202) 254-9795 (Phone)

(202) 254-9827 (Fax)

FAX TRANSMITTALNUMBER OF PAGES (including cover): 2TO: Phil CaplanFROM: Steve K/Al JmanDATE: 7/31/95RE: Editorials

If there are any problems with the transmission of this fax, please call (202) 254-9795.

MESSAGE:

The world is watching. This is
From the LA Times.

EDITORIALS of THE TIMES

Coming Clean After Decades of Dirty Science

Panel urges U.S. apology and payments to subjects of covert radiation tests

When the history of the Cold War is written, the record will show that the period was costly in its damage to basic American legal rights. The FBI and other agencies ran roughshod over anti-war, civil-rights and other dissidents. But probably no governmental violation in that time is more infuriating than the radiation experiments conducted on unwitting subjects—many of them black, poor, imprisoned or gravely ill—without their knowledge or consent.

The President's Advisory Committee on Human Radiation Experiments has now done a signal service in lifting the veil of unnecessary secrecy over an unpleasant reality that extended from 1944 until 1974.

Refreshing in its candor, chilling in its implications, the panel's draft report documents these three decades of ethical abuses by the Atomic Energy Commission, the Defense Department and other agencies. And it recommends steps that governments rarely take: admit the mistakes, apologize and pay financial compensation—at least to some of the unwitting subjects or their families.

Scientists funded by the agencies injected subjects with plutonium, radium and other radioactive substances. Pregnant women were given radioactive potions to drink so researchers could trace the paths of the chemicals in their bodies. Prisoners were made to immerse their testicles in radioactive liquids. The Alaskan tundra near Eskimo settlements was seeded with radioactive debris to see how it spread in the environment. Doctors at the University of Cincinnati exposed indigent cancer patients to radiation 10 times higher than considered safe, and several died as a result.

Some of the studies offered no prospect of direct benefit to the subjects to offset risks.

Although they were not direct subjects of experiments, many thousands more, including uranium miners and residents of the Marshall Islands, were exposed to radiation during the manufacture or testing of early atomic and nuclear weapons. American military personnel

who occupied Hiroshima and Nagasaki shortly after the atomic bomb attacks there 50 years ago also were exposed.

It is perhaps unfair to judge those responsible by today's more refined standards of medical ethics. But the report—demanded by Energy Secretary Hazel O'Leary—found that the agencies violated even then-existing rules governing human experimentation. Perhaps even worse, officials later concealed the information, not out of national security concerns but to avoid embarrassment and legal liability. For example, full details of 250 intentional radiation releases near Pueblo Indian lands in

New Mexico were not disclosed until 1994.

The committee recommended public apology and monetary compensation for those subjects of experiments in which the government covered up information to avoid embarrassment or liability and in cases where there was no possible benefit and subjects suffered physical harm. This will not satisfy the exposed miners, service people and their survivors. And, given the distance of time, it will probably be impossible to reconstruct the facts and identities in many cases.

But President Clinton should ratify this important report and ask Congress to appropriate funds to compensate victims. It goes too far to liken these studies to the grotesque medical "experiments" done on concentration camp prisoners by German Nazi doctors. Some of the Cold War studies did advance therapies for prostate cancer and cardiac disease. Scientists involved at the time justified them as crucial to understanding and mitigating the effects of nuclear war on humans.

But Cold War anxiety and hysteria are no excuse for these gross violations of both constitutional rights and basic medical ethics. In the words of the panel's draft report, they undermined "the moral principle, deeply embedded in the American experience, that the government may not use its citizens as mere means to advance its purposes irrespective of citizens' rights to bodily integrity."



Energy Secretary Hazel O'Leary demanded report on acts that occurred from 1944 to 1974.

Date: 07/18/95 Time: 08:42

Panel Says Study Of A-Bomb Veterans' Offspring Not Feasible

WASHINGTON (AP) It is not feasible to conduct a valid scientific study of reproduction problems among descendants of veterans exposed to atomic fallout, a panel of experts concluded.

In a study released Monday by the Institute of Medicine, a committee said that it would be virtually impossible and extremely expensive to attempt a study of how reproductive outcomes among the children and grandchildren of atomic veterans were affected by the possible A-bomb radiation exposure.

"The means do not exist to obtain adequate and reliable information on the reproductive problems that affect spouses, children and grandchildren and whether these problems are linked to the veterans' exposure to radiation while in the military," committee chairman William J. Schull of the University of Texas said in a statement.

The Department of Veterans Affairs had asked the Institute of Medicine to determine if it was feasible to study the reproduction outcomes of spouses, children and grandchildren of the 210,000 U.S. troops who were exposed to atomic bomb radiation during and after World War II.

Atomic veterans were American service personnel who participated in atmospheric testing of nuclear weapons, or those who helped in the cleanup of Hiroshima and Nagasaki, Japan, targets of the only two atomic bombs ever dropped in war. Also included are U.S. prisoners of war in Japan who were in the areas where the A-bombs fell.

Among the "insurmountable difficulties" would be finding and contacting enough descendants of atomic veterans to draw any statistically valid conclusions, said the report by the Institute of Medicine, an affiliate of the National Academy of Sciences.

The committee also said it would be impossible to determine the specific radiation dose received by each of the atomic veterans and then relate that to the reproductive outcomes among their 500,000 descendants over the last half-century.

For instance, the report said, about 15,000 children with birth defects would be expected in an average population of a half-million. It would be impossible to determine whether such birth defects among relatives of atomic veterans were related to radiation exposure in the World War II generation or whether other factors were involved.

Reproductive problems would include such things as infertility, spontaneous abortion, congenital defects, stillbirths and infant death.

The report said that if such a study was attempted, it would cost tens of millions of dollars and take at least 10 years.

The National Academy of Science is a private, nonprofit organization chartered by Congress to provide scientific and technical assessments to the government. The Institute of Medicine provides health policy advice.

APNP-07-18-95 0848EDT

U.S. Is Urged To Repay Some in Radiation Tests

Blanket Apology Is Needed, Report Says

By PHILIP J. HILTS

WASHINGTON, July 16 — A draft report prepared for a Presidential panel says that the Federal Government should compensate some of the thousands of people who were made unwitting subjects of radiation experiments by Government researchers during the cold war era and should issue a blanket apology to all involved in the tests.

The report also states that the panel found evidence that the Government covered up several experiments, perhaps illegally, to prevent embarrassing publicity, and it warns that the nation still lacks sufficient safeguards to prevent similar research abuses from being repeated.

The panel, the President's Committee on Human Radiation Experiments, was formed last year after a number of questionable experiments came to light in which human subjects were exposed to radiation. The experiments were conducted between 1944 and 1974 and in some cases were intended to measure the effectiveness of radiation as a therapy for various medical conditions. In others there was no therapeutic rationale.

The committee will begin meeting here on Monday to consider the draft report, which was drawn up by staff members. A final report and recommendations will go to Energy Secretary Hazel R. O'Leary and President Clinton.

The panel found that thousands of radiation experiments had been carried out by the military, universities and medical centers. Many would be considered unethical by today's standards, and some were clearly unethical by any standards, the report said. For instance, high doses of plutonium were injected into 18 patients without their knowledge and for no therapeutic purpose, the report said. These patients were among those that the report recommended for compensation.

In another experiment, prisoners in Oregon were subjected to irradiation of their testicles without their consent. And in hundreds of cases, very small amounts of radioactive substances were fed to or injected into patients.

Most of the experiments had been previously disclosed after news reports on such research persuaded Mrs. O'Leary to order long-secret Government documents opened to the public.

Some of those documents, the panel found, had been classified not because of any compelling concern for national security but "out of concern for embarrassment to the Government, potential legal liability, and concern that public misunderstanding would jeopardize Government programs," the report states.

Such instances amounted to a cover-up, the staff wrote.

The committee found that as early as 1947 there was substantial discussion among military officials of the ethics of using radiation in experiments on humans. Policies were put in place to protect people in the experiments, but the policies often were kept secret and often were not enforced, the panel found.

The thousands of subjects in the experiments included a broad array of people — children at schools for the retarded, prisoners and patients in hospitals and clinics. The doses of radiation most received were small — less than that commonly received in medical X-rays today. But in some cases the amount of radiation was far greater, especially in cases that were not experiments per se but in which there was unplanned radiation exposure. The report cited as examples the residents of the Marshall Islands who were exposed during bomb tests in the Pacific, and uranium miners who excavated the material used to make bombs.

The committee found that in many of the experiments it was impossible to determine whether the subjects were informed and gave their consent. But there were some cases in which consent was asked for and received, and others in which consent was not sought.

Many of the experiments were unethical, the draft report concluded. In some of the experiments people were injured, though in most there were no injuries, the committee said.

The report says that perhaps a few hundred of those who got more than minimal doses of radiation are still alive more than two decades after the last experiment was conducted.

The committee found that under current environmental laws and regulations, "events that raise the same concerns" as the radiation experiments could take place in secret today.

There have been significant advances in the policies and practices of research since the 1940's and 1950's, the report said. However, it said, "the advisory committee also finds that there is evidence of serious deficiencies in some parts of the current system for the protection of rights and interests of human subjects."

The draft report said that the Government should make a public apology for the experiments, individualized where feasible, because it did not have — or did not enforce — rules to protect people from unethical experiments. "This recommendation reflects our view that some people were treated poorly and suffered, and that there is national duty to express regret," the report said.

The report recommended that the compensation be given to the subjects of those experiments "in which efforts were made to keep secret from these individuals that they were subjects of research." It said the compensation should cover "relevant medical expenses and associated harms (pain, suffering, loss of income, disability) to the subjects or their survivors."

Among the draft report's other conclusions were these:

¶The great majority of the thou-

A warning that safeguards are still insufficient.

sands of experiments that involved trace doses of radioisotopes similar to those used in research today were "not likely to cause physical harm." The committee did find, however, several experiments in which the doses were "in a range capable of causing acute radiation effects or a substantial increase in long-term risks."

¶Some Government agencies required researchers to get the consent of those they studied, but "the Government did not have comprehensive policies requiring the consent of all subjects of research" until 1974, and the policies that existed earlier were not enforced.

¶As early as 1944 it was routine for doctors and scientists to obtain consent from healthy subjects of research, but it was also routine to experiment on sick patients without their consent.

Dr. Ruth Faden, an ethicist from Johns Hopkins University who is the chairwoman of the committee, said the combination of historical fact-finding and moral analysis made the panel's task both unusual and difficult.

"We had a morally charged mission," Dr. Faden said.

"We did get very close to the flavor of the times," she added, "and because it was not so very long ago, the investigation was filled with tension. That is one of the most difficult of all tasks, to make judgments about the actions of others."

Daniel Berger, a lawyer who represents some of the victims of the radiation experiments and is participating in the Human Experiments Litigation Project, which will seek legal redress for victims, said in a telephone interview that the committee's work "may be one of the most important actions of the entire Clinton Administration."

But he was critical of the remedies offered in the preliminary report. For example, he said, the committee concluded that very low doses of radiation were harmless. "That is not known for certain," he said. "The question should be left open."

In addition, he said, "There is no provision for medical surveillance of the victims who are still alive, and that kind of follow up is essential."

Date: 07/17/95 Time: 08:42

Panel Recommending Compensation, Apology to Radiation Experiment

WASHINGTON (AP) Financial compensation and a formal government apology are overdue to a small number of victims of secret human radiation experiments conducted during the Cold War.

That's the recommendation of a staff report to members of the presidential Advisory Committee on Human Radiation Experiments, who were to decide this week whether to make the draft final.

Although minor changes might be made, the recommendation for compensation isn't likely to be changed substantially, one committee source said.

The panel, primarily ethicists and historians, plans to present its findings and recommendations to the Clinton administration later this summer.

For nearly a year, the panel has been examining thousands of formerly secret documents in an attempt to determine the extent to which humans were used from the 1940s to the mid-1970s in experiments to learn more about the effects of radiation on the body.

Scientists had scrambled to gather information about radiation, both to protect soldiers in the event of a nuclear war and to learn more about the health effects of fallout from nuclear bomb testing.

A central task for the presidential advisory committee has been to determine to what extent these experiments violated ethical standards of the time, and whether the subjects gave their informed consent.

The committee also must decide whether to recommend to a Clinton administration interagency working group how the government should respond to victims who are still alive and to families of those who are dead.

The draft report recommends that in some cases the government should deliver "a personal, individual apology and provide financial compensation," Steven Klaidman, a spokesman for the panel, said Sunday.

Klaidman said the compensation was likely to be limited to a small number of cases where ethical standards appeared to have been breached.

These cases would include those in which the government tried to keep information secret from the individuals and the public to avoid "embarrassments and/or potential legal liability," according to the draft.

The staff report also recommends compensation in cases where experiments were undertaken without any prospect of medical benefit or where the rationale for the tests was suspect and physical injuries resulted.

In most cases examined by the committee, however, the doses of radiation that were given were small and often it has been difficult from sketchy information to determine if consent was sought or given. In other cases reviewed, exposure was inadvertent.

The victims have included prisoners and retarded children.

In one case, 18 civilians were injected with plutonium to learn about its effects on the body. The victims of the test all were described as having serious, often incurable illnesses, but some lived for decades after the injections. Investigators have said it is highly unlikely that these individuals had given their consent or knew of the potential danger.

Newspaper reports about those 18 victims prompted Energy

Secretary Hazel O'Leary in late 1993 to order that as much information about human radiation experiments be made available to the public as possible. O'Leary at the time suggested some compensation might be in order.

President Clinton subsequently broadened the records search to include other agencies and appointed the president advisory panel to examine the findings and determine what ethical violations had occurred.

APNP-07-17-95 0847EDT

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FAX TRANSMITTAL

NUMBER OF PAGES (including cover): 2TO: Philip CaplanFROM: Steve KaidmanDATE: 7/13/95RE: Washington Post letter

If there are any problems with the transmission of this fax, please call (202) 254-9795.

MESSAGE:

MEMORANDUM

TO: Philip Caplan, The White House, Ground Floor West Wing
FROM: Steve Klaidman
DATE: July 13, 1995
RE: Letter to Washington Post

Dear Phil:

We were distressed to see the letter in today's Washington Post regarding our Subject Interview Study, especially in view of the fact that the Post did not run Ruth's letter responding to Gary Lee's story, which they received the day the story appeared. We are preparing a follow-up letter to the Post in response to their decision not to publish Ruth's letter, and instead to publish a letter that unfairly attacks the Advisory Committee. We will keep you posted.

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENT

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95 JUL 13 15:07

FAX TRANSMITTALNUMBER OF PAGES (including cover): 2TO: Phil CoplanFROM: Steve KladmanDATE: 7/12/95RE: WP article

If there are any problems with the transmission of this fax, please call (202) 254-9795.

MESSAGE:

As a Metro employee and Amalgamated Transit Union (ATU) member, I am disturbed by The Post's assertion that local governments must "cut the impossible costs of Metro's labor force" ["Cut Metro Costs—or See It Die," editorial, June 26].

To compare our wages with those paid to minimum labor is nonsense. Our wages should be compared to those of other unionized transit workers in areas with a similar cost of living.

Does Rep. Frank Wolf's legislation apply to Metro management as well? Our wages haven't even kept up with inflation. Most of us couldn't afford to buy the homes we live in if we had to buy today. During the past 20 to 25 years, inflation-adjusted income of the-collar workers has declined. I've been with Metro as an automatic train control (ATC) technician for almost 11 years, and some years we've gotten no raise. When we do get a raise, it's usually not enough to keep up with inflation. Hardly a windfall.

The comparison of a bus driver's day to that of a GS-12 is specious. Most of my co-workers and I have at least an associate degree or several years experience in electronics or math. Some have degrees in electrical engineering. The agreement between ATU Local 689 and Metro covers thousands of employees—not just bus drivers. All of our salaries are tied to the "top operator rate." In ATC, our pay might be more justly compared to that of a power plant technician or a railroad technician in the Wash-

ington area. The \$40,000 figure quoted in the editorial includes a good deal of overtime, although that is not mentioned.

In addition to our regular duties or job description, any Metro employee who comes in contact with the public must be skilled in the psychology of human relations. We act as babysitters to lost kids and retrieve valuables left on buses and trains. We are taught CPR, and we are expected to assist in medical emergencies. We do more than just drive a bus.

We don't get "snow days." We're required to work outside regardless of the weather. In the summer, I've measured the heat radiating off the gravel at 135 degrees. In the tunnels, we're exposed to leaking fluids of unknown origin, 750 volts on the third rail and trains speeding by at 75 mph inches away as we cling to the tunnel wall to avoid being sucked off the catwalk.

WP-7/13/95

Memory Loss, Not Ethical Lapse

A June 23 newswatch reports that a White House panel found that a quarter of all patients participating in federally funded medical research are unaware of their involvement. This finding was based on interviews in hospital clinics and waiting rooms.

Every hospital in the United States that is engaged in bona fide medical research has an ethics committee that must approve the protocol for any research project. As implied in the article, every participating patient recruited must sign a paper of informed

We're subjected to drug testing even though there is no evidence to suggest that it's necessary.

As ATC technicians, we work on the equipment that controls the movement of the trains, and we are directly responsible for the safety of thousands of people every day. Our job requires that we think clearly and work quickly and safely under pressure. Other workers in the transportation industry with the same or a lower level of responsibility receive as much or more compensation than we do.

For all this we receive little recognition or thanks. We do receive a reasonable wage. Our transit system is considered one of the best (if not the best) in the nation. We're proud of that reputation and work hard to maintain it. You get what you pay for.

SHERMAN A. JOHNSON
Middletown, Md.

consent indicating his or her understanding of the nature of the research project, the potential risks and benefits and the patient's willingness to participate in such research.

It would seem that the problem is not so much a lacking of medical ethics, as The Post's article implies, as a deficiency in memory among many of the participating patients. Perhaps a more fruitful area of research for the investigating White House panel would be in finding out why so many patients can't seem to remember.

HERMAN B. SEGAL, M.D.
Silver Spring

How Medicare Vouchers Might Work

Robert J. Myers exhibits a fundamental misunderstanding of how the economics of Medicare vouchers might work ["Vouchers Aren't the Answer," letters, June 26]. He argues that lower-risk individuals would "buy a insurance plan with high deductibles and coinsurance, and they would then walk away with substantial cash from their medical savings account at the end of the year," leaving high-risk individuals to programs that would

experience exploding costs as a result. Mr. Myers assumes that a voucher market would have no rules.

The entire purpose of insurance is to pool risk, so high-cost individuals can be paid out of a common revenue pool. If all Medicare recipients are put into HMO voucher plans, no private insurer is misguided enough to set up a plan that would attract only high-risk individuals. To make the market function properly, all plans would be required to share certain common

The Washington Post

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PHILIP L. GRAHAM, 1915-1963

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FAX TRANSMISSION COVER SHEET

Date: July 6, 1995
To: Phil Caplan
Fax: 202/456-2215
Re: June 23 Washington Post Article
Sender: Jeffrey Kahn

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 202/254-9795.

You will be receiving the Preface (formerly the Introduction) early next week. Sorry
for the delay--it is still being revised.

- Jeff

MILWAUKEE JOURNAL SENTINEL

WEDNESDAY, JULY 5, 1995 — FINAL EDITION

Radiation test subjects not 'unwitting'

A Washington Post story in the June 24 editions of the Milwaukee Journal Sentinel said that a study conducted by the Advisory Committee on Human Radiation Experiments found that one-quarter of the subjects in federally funded research were "unwitting participants." This statement is incorrect.

The information gathered by the committee does not show that one in four subjects was "unwitting." Because the data do not support such a conclusion, we intentionally avoided words like "unwitting" in our draft chapter on

this study.

As your article notes, signed consent forms were typically found in the patients' records, a finding that must be reconciled with the fact that these patients did not perceive themselves to be research subjects. As was evident in the committee's discussion, members are currently grappling with the appropriate interpretation of these data.

The Post's inaccurate account may cause anguish and confusion among patients who are not subjects of re-

search that they may be "unwitting participants."

Ruth R. Faden
Chair

Advisory Committee on
Human Radiation Experiments
Washington, D.C.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

26-Jun-1995 08:49am

TO: Phillip M. Caplan
FROM: Mary Ellen Glynn
 Office of the Press Secretary

SUBJECT: RE: Human Radiation

PHIL --
I HAVEN'T SEEN A THING ON RADIATION. DID YOU SEE NAY STORIES ON
IT OVER THE WEEKEND?
MARY ELLEN

NYT 7



Center for the Study of Bioethics

FAX COVER**CENTER FOR THE STUDY OF BIOETHICS**Date: 6/30Number of Pages (including this one): 5To: Phil CaplanFrom: Jeff Kahn

Telephone #: (414) 456-8498

Fax #: 202 456 2215

Fax #: (414) 266-8654

MESSAGE:

The attached just came in from one of our research staff. It's not a complete list, since it doesn't have either the Houston Chronicle or the Milwaukee Journal Sentinel coverage listed, but it's a start. Talk to you later,

Jeff

Advisory Committee on Human Radiation Experiments

To: Steve Klaidman/ACHRE, Jeff Kahn/ACHRE, Anna Mastroianni/ACHRE, Dan Guttman/ACHRE, David Saumweber/ACHRE

cc:

From: Robin Cochran/ACHRE

Date: 06/30/95 12:01:25 PM

Subject: Coverage of Post SIS story

I searched Dialog's newspaper files to see if any additional coverage of the SIS story were online (NEXIS only had the Post story). I found 9 additional newspapers that picked up the story. Following are the brief Dialog entries. (Let me know if you need the full-text for these):

7/3/2 (Item 1 from file: 494)

DIALOG(R)File 494:St.LouisPost-Dispatch

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08176100

MEDICAL RESEARCH HAS UNWITTING RECRUITS, SURVEY FINDS

St. Louis Post Dispatch (SL) - Sunday, June 25, 1995

By: 1995, The Washington Post

Edition: THREE STAR Section: NEWS Page: 07D

Word Count: 508

7/3/3 (Item 1 from file: 497)

DIALOG(R)File 497:(Ft.Lauderdale)Sun-Sentinel

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08175114

PANEL DELVES INTO RADIATION EXPERIMENT ETHICS

Sun Sentinel (FL) - Saturday, June 24, 1995

By: The Washington Post

Edition: FINAL

Section: NATIONAL

Page: 6A

Word Count: 325

7/3/4 (Item 1 from file: 633)

DIALOG(R)File 633:Phil.Inquirer

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08176008

UNAWARE PATIENTS PART OF RESEARCH ONE-FOURTH IN U.S.-FINANCED PROJECTS DID**NOT KNOW THEY WERE PARTICIPANTS, A STUDY SAYS.**

Philadelphia Inquirer (PI) - SATURDAY June 24, 1995

By: Gary Lee, WASHINGTON POST

Edition: FINAL Section: NATIONAL Page: A02

Word Count: 520

7/3/5 (Item 1 from file: 634)

DIALOG(R)File 634:San Jose Mercury

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08175207

PARTICIPANTS IN THE DARK ABOUT MEDICAL RESEARCH

San Jose Mercury News (SJ) - Saturday, June 24, 1995

By: Gary Lee, Washington Post

Edition: Morning Final Section: Front Page: 13A

Word Count: 356

7/3/6 (Item 1 from file: 701)

DIALOG(R)File 701:Saint Paul Pioneer

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12875020

25% UNAWARE THEY'RE PARTICIPATING IN MEDICAL RESEARCH PANEL WEIGHS CHANGES**IN SUBJECTS' RECRUITMENT**

St. Paul Pioneer Press (ST) - Saturday, June 24, 1995

By: Gary Lee, Washington Post

Edition: Metro Final Section: Main Page: 2A

Word Count: 307

7/3/7 (Item 1 from file: 712)

DIALOG(R)File 712:Palm Beach Post

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08175083

MANY PARTICIPANTS IN MEDICAL RESEARCH UNWITTINGLY INVOLVED

Palm Beach Post (PB) - Saturday, June 24, 1995

By: The Washington Post

Edition: FINAL Section: A SECTION Page: 16A

Word Count: 406

7/3/8 (Item 1 from file: 721)
DIALOG(R)File 721:Lexington Hrl.-Ldr.
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08176094
1 IN 4 UNAWARE THEY'RE MEDICAL STUDY SUBJECTS
Lexington Herald-Leader (LH) - SATURDAY, June 24, 1995
By: THE WASHINGTON POST
Edition: Final Section: Main News Page: A5
Word Count: 328

7/3/9 (Item 2 from file: 721)
DIALOG(R)File 721:Lexington Hrl.-Ldr.
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08176093
1 IN 4 UNAWARE THEY'RE MEDICAL STUDY SUBJECTS
Lexington Herald-Leader (LH) - SATURDAY, June 24, 1995
By: THE WASHINGTON POST
Edition: Blue Grass Section: Main News Page: A5
Word Count: 259

7/3/10 (Item 1 from file: 724)
DIALOG(R)File 724:(Minneapolis)Star Tribune
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08176063

MEDICAL RESEARCH SCRUTINIZED ONE IN FOUR PARTICIPANTS ISN'T AWARE
OF IT,
PANEL FINDS
STAR TRIBUNE (MS) - Saturday, June 24, 1995
By: Washington Post
Edition: Metro Edition Section: NEWS Page: 07A
Word Count: 435

7/3/12 (Item 1 from file: 733)
DIALOG(R)File 733:The Buffalo News
(c) 1995 Buffalo News. All rts. reserv.

08175001
SURVEY FINDS 25% OF THE PARTICIPANTS IN MEDICAL RESEARCH ARE
UNAWARE OF IT
Buffalo News (BN) - Saturday, June 24, 1995

By: GARY LEE - Washington Post
Edition: FINAL Section: NEWS Page: A2
Word Count: 450



ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS
1726 M STREET, N.W., SUITE 600
WASHINGTON, D.C. 20036

June 23, 1995

The Washington Post
1150 15th Street, NW
Washington, DC 20071

The Editor:

A story in the June 23 editions of the Washington Post said that a study conducted by the Advisory Committee on Human Radiation Experiments found that one quarter of the subjects in federally funded research were "unwitting participants." This statement is incorrect. The information gathered by the Advisory Committee does not show that one in four subjects were "unwitting." Because the data do not support such a conclusion, we intentionally avoided words like "unwitting" in our draft chapter on this study. As your article notes, signed consent forms were typically found in the patients' records, a finding that must be reconciled with the fact that these patients did not perceive themselves to be research subjects. As was evident in the Committee's discussion, members are currently grappling with the appropriate interpretation of these data. The Post's inaccurate account may cause anguish and confusion among patients who are not subjects of research that they may be "unwitting participants."

I also note that although the Seattle Veterans Affairs Medical Center was named in the article as participating in the study, this in fact is not true.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ruth R. Faden". The signature is fluid and cursive, with the first name "Ruth" being more prominent.

Ruth R. Faden, PhD, MPH
Chair



ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENT

1726 M Steet, N.W., Suite 600

Washington, D.C. 20036

(202) 254-9795 (Phone)

(202) 254-9827 (Fax)

FAX TRANSMITTALNUMBER OF PAGES (including cover): 2

TO:

Phil Caplan452-2215

FROM:

Jeff Kahn

DATE:

6/23

RE:

Post article

If there are any problems with the transmission of this fax, please call (202) 254-9795.

MESSAGE:

Here is the revised letter. Talk to
you later

- J x/6

Technology Office Spared as House Reverses Outcome of Disputed Roll Call

By Kenneth J. Cooper
Washington Post Staff Writer

The House yesterday reversed the outcome of a disputed roll call and approved a compromise that would preserve a scaled-down Office of Technology Assessment as part of the Library of Congress.

The same compromise was narrowly rejected Wednesday, 214 to 213, when the Republican presiding officer cut off the roll call as two Democratic supporters of the scientific research agency scrambled to cast their votes. Democratic leaders charged that the two lawmakers had been denied the right to vote.

Confronted with protests from GOP supporters of the compromise and threatened with an unproductive day of Democratic disruptions, House Republican leaders sidelined the party's vote-gathering operation and allowed the roll call to be retaken. The Office of

Technology Assessment's role was saved for the moment when a compromise offered by Rep. Amo Houghton (R-N.Y.) was approved, 220 to 204.

"They had to redo this vote and they did the right thing by doing it," House Minority Leader Richard A. Gephardt (D-Mo.) said.

Houghton's compromise on the technology office was attached to a \$1.7 billion annual appropriations bill for the legislative branch that the House approved and sent to the Senate, 337 to 87.

In two days of floor action, the House extended from 60 days to 90 days the period before an election that lawmakers cannot send mass mailings under the congressional frank. A move to dismiss 10 elevator operators in three House office buildings was rejected.

The annual spending bill also would cut the budgets of Congress and its agencies by \$155 million by privatizing some nonlegislative oper-

ations and trimming some of the remaining perks available to members, voting to pay private firms to handle their franked mailings, and end public subsidies for the House beauty and barber shops. The office that flies flags over the Capitol will go private.

Ultimately, the technology office may not be spared from the GOP budget ax.

Under Houghton's amendment, the agency that does scientific research for congressional committees would have its budget cut from \$22 million to \$15 million and become part of the library's Congressional Research Service. The House's original version of the spending bill abolished the technology office.

Rep. Ron Packard (R-Calif.), chairman of the Appropriations subcommittee on the legislative branch, vowed to try again to kill what he called a duplicative agency when a House-Senate conference on the legislative spending bill meets later this year.

"I'm going to fight to shut it down in conference," Packard said.

Houghton, who called the disputed roll call "patently unfair," suggested that a House with only three scientists among its 435 members may not fully understand the value of the obscure agency's research.

But Republican leaders insisted that second-term Rep. John Linder (R-Ga.) had done nothing wrong when he cut off the roll call. Majority Leader Richard K. Arment (R-Tex.) said Linder was "on solid parliamentary ground" because no lawmakers stood below the rostrum trying to vote when he made the announcement.

Arment said that an official tally clerk had informed Linder that 10 seconds more than the allotted 17 minutes had elapsed. Independent reviews of the videotape of House proceedings indicated that Linder ended the roll call after 16 minutes and 45 seconds.

Another roll call was allowed, Arment said to "set straight a perception of wrongdoing, errant behavior, unfairness."

Speaker Newt Gingrich (R-Ga.) also announced a slight liberalization of the time period for roll calls. Once 17 minutes have elapsed, he said, lawmakers will be allowed to vote if they are in the chamber but have not reached the area below the rostrum.

The spending bill would deepen the retrenchment in Congress's operations that Democrats began in recent years. "We've downsized virtually all agencies coming under the legislative branch," Packard said.

The U.S. Postal Service would take over the external mail operations of the House Post Office, and internal mail delivery would be privatized—changes that the former Democratic majority had proposed. About 800 House employees are expected to lose their jobs.

One Quarter of Participants in Federal Medical Research Take Part Unwittingly

By Gary Lee
Washington Post Staff Writer

One out of every four participants in current, federally funded medical research projects at hospitals around the United States are taking part without their knowledge, according to a survey by a panel investigating the ethics of human experimentation.

The White House-appointed Advisory Committee on Human Radiation asked 1,800 randomly selected patients in waiting rooms at 16 hospitals and clinics whether they were involved in a medical research project. A total of 412 turned out to be research subjects, including 99 who had said they were not and had never been participants in research.

About a fifth of the unwitting participants were involved in experiments that posed more than a minimal health risk and 16 people in that group had even signed consent forms. A handful of respondents mistakenly said that they were participants when they were not.

The survey, which panel members called the most comprehensive probe of current medical research practices in 20 years, raises serious questions about current research ethics and the extent to which the rights of participants are respected, some members of the radiation committee said. The panel is weighing recommendations for major changes in the process under which subjects are recruited for and informed about medical experiments.

Most of the ethical standards for conducting human experimentation in the United States were established in the 1960s and early '70s and have remained unchanged since then.

The radiation committee, appointed last year by President Clinton, has focused most of its attention on the ethics of experiments conducted during the Cold War. It will conclude its work in September.

Some 90 percent of respondents to the survey said they favored medical research involving humans. "People appear to be very understanding and accepting of the research enterprise," said Jeremy Sugarman, a senior research official for the panel. "They think that research is a good thing."

Public views on human involvement in

medical projects seem to depend on the terms used to describe it, a panel spokesman said. When asked their opinions about human participation in "medical experimentation"—as opposed to research—many of the respondents were more critical. Some said they would participate in "an experiment" only if they were terminally ill.

The hospitals and clinics surveyed were chosen in part according to the levels of federal aid they receive. A wide range of institutions, from Walter Reed Army Medical Center in the District to the Seattle Veterans Affairs Medical Center, was included. Three Baltimore hospitals, including Johns Hopkins Hospital, also took part.

The patients were involved in three types of research: medical oncology, radiation on-

cology and cardiology. The majority were undergoing treatment. Some were subjects of clinical trials. In all, 23 percent of the patients randomly approached for the survey were actually involved in experiments.

The profile of the 21 individuals who had signed consent forms and were involved in risky experiments without knowing it was diverse. They were patients at various types of hospitals, including some community institutions and some serving veterans. They ranged in age from 21 to 91.

"What that means to us is that almost anyone could wake up one day and find out that they were a participant in medical research," one panel member said. "That clearly should not be."

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ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS
1726 M STREET, N.W., SUITE 600
WASHINGTON, D.C. 20036

6/23

To: Phil Caplan

Fr: Jeff Kahn

Pages: 2

Phil,

Here's a copy of the letter we propose
to go to the Post. We'll send the same
text to the agencies as well. Call (page)
me with your thoughts.

Thanks,

John



June 23, 1995

The Washington Post
1150 15th Street, NW
Washington, DC 20071

The editor:

A story in the June 23 editions of the Washington Post said that one quarter of the subjects in federally funded research were "unwitting participants." The evidence gathered by the Advisory Committee on Human Radiation Experiments does not show that one in four subjects were unwitting. Our draft chapter reporting on this study was careful not to use the word unwitting because the data do not support a direct inference that they were unwitting at the time they became research subjects. As your article notes, signed consent forms were typically found in the patients' records.

We also note that the Seattle Veterans Affairs Medical Center was named in the article as participating in the study. This institution was not a participant.

Sincerely,

Ruth R. Faden, PhD, MPH
Chair

plots with the whole way

PROPOSAL FOR TRAVEL
CHICAGO, IL

THURSDAY, JUNE 29, 1995 - FRIDAY, JUNE 30, 1995

THURSDAY, JUNE 29, 1995

4:00 pm Proceed to South Lawn Open Departure

4:20 pm Depart White House

4:45 pm Arrive Andrews Air Force Base

5:25 pm Arrive Chicago, IL O'Hare International Airport - *Closed*

5:40 pm Board Helos

6:00 pm Helos Land Meigs Field - *Political Greet*

6:15 pm Motorcade Deapart Meigs Feild

6:25 pm Arrive the Chicago Hilton and Towers

6:30 pm Co-Chairs Reception - *Reception Line*

7:15 pm Photo - *reception line*

7:20 pm Arrive Dinner

8:00 pm Program Begins

8:30 pm Depart Dinner

RON Chicago
Chicago Hitlon and Towers

Daley - PLOTS - POTS

Political
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*Polestar!
radio address
from hotel*

FRIDAY, JUNE 30, 1995

10:00 am Depart Hotel

10:15 am Arrive Site TBD

10:20 am Receive the Abraham Lincoln Courage Award

11:20 am Depart site

11:35 am The Sheraton Chicago

11:45 am Meet with Co-Chairs AAPI
Brief Remarks
No ropeline, no photos

12:00 pm Address the Luncheon for the American Association of
Physicians from India (AAPI) *2500 people*

1:00 pm Depart The Sheraton en route Airport

1:40 pm Arrive Airport

2:00 pm Wheels Up Chicago

4:35 pm Wheels dn Andrews Air Force Base

4:45 pm Depart en Route White House

5:05 pm Arrive White House

*3 sites - mostly cops
- Police HQ
- Police Academy*

*by William Conrad
Against Hateful
Violence*

next day to Connecticut

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

21-Jun-1995 01:31pm

TO: (See Below)

FROM: Andrew Friendly
 Office of the President

SUBJECT: Chicago and Special Olym Trip Mtgs

The following is the schedule for the Chicago and New Haven
(Special Olympics) trip meetings:

Friday, June 23rd
Chicago - 12:00 pm room 180

Monday, June 26th
Chicago - 1:00 pm OEOB 180
New Haven - 1:45 pm OEOB 180

Tuesday, June 27th
Chicago - 9:30 am OEOB 472
New Haven - 10:15 am OEBOB 472

Wednesday, June 28th
Chicago - 12:00 pm OEOB 476
New Haven - 10:00 am OEOB 476

Thursday, June 29th
New Haven - 2:00 pm OEOB 476

Friday, June 30th
New Haven - 2:30 pm OEOB 476

Sorry if this is confusing but these were the only time that I
could get rooms. Thanks! Lucie

Distribution:

TO: Linda L. Moore
TO: Janna B. Sidley
TO: Ann M. Cattalini
TO: Julia R. Green
TO: Joshua Silverman
TO: Amanda Crumley
TO: Kevin M. O'Keefe
TO: Lorraine McHugh

Office for
Protection from
Research
Risks

National Institutes of Health
Suite 3B01
6100 Executive Boulevard
Rockville, MD 20892-7507

Date: JUN 23 1995

To: PHIL RAPLAN

FAX: 202-456-2215
Phone: _____

From: Gary B. Ellis

FAX 301-402-2071
Phone 301-496-7005 x205

Comments:

HOW ABOUT THAT WASHINGTON POST!
YOUR COMMENTS TO ME OR WENDY
BALDWIN ARE WELCOME.

Document consists of 3 pages, including cover sheet.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Office for Protection from Research Risks
6100 Executive Boulevard, MSC 7507
Rockville, Maryland 20892-7507

Hand delivery or express mail:

6100 Executive Boulevard, Suite 3B01
Rockville, Maryland 20852

Phone: 301-496-7005 ext. 205
FAX: 301-402-2071

June XX, 1995

Ruth R. Faden, Ph.D., M.P.H.
Chair
Advisory Committee on Human Radiation Experiments
Suite 600
1726 M Street, N.W.
Washington, D.C. 20036

Dear Dr. Faden:

I am writing in followup to yesterday's Advisory Committee on Human Radiation Experiments discussion of its Subject Interview Study, and today's Washington Post coverage of that discussion.

The Office for Protection from Research Risks (OPRR) has serious concern that Washington Post reporter Gary Lee's excerpt of the Committee's wide-ranging discussion will unduly alarm patients, as well as current and potential human research subjects. After Mr. Lee departed from the meeting room in the morning, Committee members wrestled with the appropriate interpretation of the information contained in the Subject Interview Study. As you know, Ruth Macklin, Ph.D., offered the view that there may be "a hundred different ways" to interpret the findings. Philip K. Russell, M.D., observed that the findings could be summarized with the statement that "97 percent" of the subjects interviewed knew that they were involved in research.

Still later in the discussion, you announced a determination that the chapter text integrating the Committee's analysis of the Subject Interview Study with its analysis of the Research Protocol Review would be scrapped and wholly redrafted in anticipation of further reflection by the Committee at its July 17-19 meeting.

Ruth R. Faden, Ph.D., M.P.H.
June 23, 1995
Page Two

The Committee has an immediate opportunity to amplify the public record relative to its deliberations on its Subject Interview Study. OPRR urges the Committee to take this opportunity to make a formal statement to the press and add to Mr. Lee's remarkably incomplete portrayal of the Committee's ongoing deliberations. By doing so, the Committee can offer reassurance to patients, to those subjects currently involved in research, and to those individuals who may elect in the future to volunteer to be research subjects.

Sincerely,

Gary B. Ellis, Ph.D.
Director
Office for Protection from Research Risks

Tejeda urges Clinton to release report on radiation experiments

By Don Finley

Express-News Medical Writer

U.S. Rep. Frank Tejeda on Wednesday urged President Clinton to release a long-awaited report on radiation experiments on U.S. veterans and others in the 1940s and '50s.

The Clinton administration in January 1994 organized a task force to investigate the government's role in radiation experiments on humans in the wake of news reports detailing abuses during the Cold War.

The Veterans Affairs Department also is looking into experiments on veterans, Secretary Jesse Brown testified before the House Veterans Affairs Committee last year.

Tejeda, a member of the House committee, complained in a letter to Clinton that some veterans are finding a lack of information about the experiments has prevented them from receiving adequate compensation and medical care from the VA.

Many veterans, Tejeda wrote, "claim the current eligibility regulations are too restrictive and

preclude numerous veterans exposed to radiation from receiving the compensation and health care they deserve."

"The fact that records are missing or even mistaken makes it nearly impossible for a veteran to prove accurate exposure dosages, as required by the regulations on eligibility for VA benefits," the letter stated.

Many soldiers were exposed to atomic radiation during their tour of duty in Japan, and in tests conducted in New Mexico and the South Pacific, Tejeda said.

"These veterans risked their

lives for our country not knowing the dangers of exposure to radiation. Our government has a moral obligation to provide whatever medical treatment and compensation they need," Tejeda said.

A White House spokeswoman did not immediately return a reporter's phone call.

In announcing the task force, the White House said it would get to the bottom of the Atomic Energy Commission's long-secret radiation experiments on humans, and would seek to compensate anyone found to have been wronged.

*Phil
Jy I
K.*

456 - 6704

ADVISORY COMMITTEE ON EARTH RADIATION EXPERIMENTS

175 M Street NE, Suite 500

Washington, DC 20036

202-254-9735 (Phone)

202-254-9735 (Fax)

FAX TRANSMITTALNUMBER OF PAGES (including cve): 4

TO: Phil Caplan
FROM: Dan Guttman
DATE: 5/31
RE: _____

If there are any problems with the transmission of this fax, please call 202-254-9735

MESSAGE:

Transcript from
News Show
RE 50's + 60's
Radiation testing

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NPR

SHOW: Weekend Edition - Saturday (NPR 10:00 am ET)

May 27, 1995

Transcript # 1125-13

TYPE: Package

SECTION: News; Domestic

LENGTH: 1353 words

HEADLINE: Evidence of Radiation and Chemical Testing Disclosed

GUESTS: LEE DAVIDSON, Correspondent, "Deseret News";

BYLINE: SCOTT SIMON

HIGHLIGHT:

A reporter from Utah says he and others have uncovered details of experiments and accidents involving radiation, as well as chemical and biological testing on humans, most of them from the 1950's and 1960's.

BODY:

SCOTT SIMON, Host: Last October, we spoke with Lee Davidson, a reporter for Salt Lake City's Deseret News, about stories he's uncovered about U.S. nuclear, chemical and biological weapons testing. Most of these tests took place in Utah and Nevada in the 1950's and 60's. The possible affects of those tests on humans and animals is only now being fully examined. Since we last spoke, Mr. Davidson has reported some new revelations. He's back in our studios to talk about them. Thanks for coming today, Mr. Davidson.

LEE DAVIDSON, Reporter, 'Deseret News': Thank you.

SCOTT SIMON: I'd like to start by explaining that one of the reasons we're only now learning about some of this is that you discovered the fact that the government developed a policy to keep these tests secret and not just necessarily or national security reasons.

LEE DAVIDSON: That's correct. It wasn't necessarily me who found this. But, President Clinton has an advisory commission looking into radiation experiments that happened during the Cold War and many of the documents that they've

released, help show this. For years, many of us thought that the government would only classify things if it affected national security or for other reasons. Many of the documents we've found in the last six months or so, show that they would routinely classify things that were merely embarrassing.

The advisory committee originally thought that this was an isolated case or two. And over the last several months, they found this was actually a long held policy, dating back to actually, the mid-1930's.

SCOTT SIMON: What were some of the things that they were worried might be embarrassing if it came out?

LEE DAVIDSON: It was because they were using humans in experiments, not only in Utah, but nationwide. There were a variety of experiments, sometimes on prisoners, sometimes on people in mental hospitals. There were experiments that just happened in the field near where people lived. Essentially, whenever a human was involved, they were classifying it.

SCOTT SIMON: I think we can say with some certainty now, that members of the military were essentially used as the subjects of experiments, human experiments. And according to your reporting, they countenanced exposing troops to much higher levels of radiation than were considered acceptable for civilians then.

LEE DAVIDSON: That's shown to be the case. A brigadier general in the mid-1950's- they've found some documents- showing that he argued that they should be subjecting soldiers to much higher levels of radiation than they were. At that time, the Atomic Energy Commission, would allow laboratory workers or other workers at the Nevada test site, to be exposed to only about three rads of radiation. He was proposing exposing soldiers to 100 rads or 33 times as much. The Army didn't go along with that, but they did go along with exposing them to six rads, or twice as much as the AEC had proposed as a weekly-.

SCOTT SIMON: AEC is the Atomic Energy Commission.

LEE DAVIDSON: Right. And they said some volunteers could be exposed up to 10 rads. Of course, a lot of these soldiers also were kept close to Ground Zero of the atomic bomb blast and shortly thereafter, did maneuvers over Ground Zero. Recent documents show that they were often misled about how dangerous that was. We don't know whether that was intentional or not, or if they just had bad information back then.

SCOTT SIMON: There's a group of people that have been referred to in recent years as the 'the down winders', people who have- whose families have lived near

for them. And if you lived in the wrong county or have the wrong type of cancer, even though it's very similar to another type of cancer, or if you had lung cancer, but you smoked, they denied all of those claims. So that's caused some hard feelings with people too.

People who worked at Dugway Proving Ground, which is where many of the chemical and germ tests occurred, suspect they have all sorts of problems from that testing too. People who suffer from multiple sclerosis also think that possibly germ testing in Utah might have led to higher occurrence rates of that. Tooele County, Utah, where much of the testing occurred, apparently has up to seven times higher than the national rate for multiple sclerosis.

SCOTT SIMON: How much was a product of the fact that we just knew a lot less then than we do now?

LEE DAVIDSON: That has to be a large part of it. Hopefully, if we knew as much now, we wouldn't be doing it. But, interestingly enough, the president's commission took a look now at whether a lot of the secret tests that happened back in the Cold War could happen today, secretly, without anyone knowing about it. And they pretty much concluded that it could. Although there are rules designed to stop that, they don't have enough people, staffing the right places, and don't have enough right procedures in the right places to stop that. So essentially, they're saying it could happen again.

SCOTT SIMON: Mr. Davidson, thanks for being with us again.

LEE DAVIDSON: Thank you.

SCOTT SIMON: Lee Davidson, who is Washington correspondent for the Deseret News of Salt Lake City, Utah.

The preceding text has been professionally transcribed. However, although the text has been checked against an audio track, in order to meet rigid distribution and transmission deadlines, it may not have been proofread against tape.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: May 27, 1995

DIVIDED SENIORS' LOBBY • RENT VOUCHERS FOR THE POOR • RADIATION GUINEA PIGS

National Journal

THE WEEKLY ON POLITICS AND GOVERNMENT

MAY 6, 1995/NO. 18



Corporate Welfare

Does the cup runneth over?

Rays of Terror

For more than a year now, the President's Advisory Committee on Human Radiation Experiments has been investigating one of the federal government's darkest secrets: human radiation experiments in which sick patients and retarded children, among others, were used as human guinea pigs.

BY MARGARET KRIZ

On April 12, James Tidwell came to the nation's capital to recount the painful death of his grandfather, James Sr., at the hands of a federally financed researcher.

In November 1960, James Sr. went to Cincinnati General Hospital complaining of chest pains. Doctors at the hospital, finding a cancerous spot on his lung, enrolled him in a human radiation experiment financed by the Pentagon.

There is no evidence that James Sr. signed a consent form agreeing to be included in the experiment. As his grandson explained to the President's Advisory Committee on Human Radiation Experiments: "He couldn't read very well and couldn't write. He didn't know what radiation was, and that's why they kept using him as a guinea pig."

Records unearthed by the advisory committee's staff show that Tidwell, an African-American, and more than 80 other poor, uneducated and primarily African-American patients with incurable cancers were exposed to extremely high, full-body doses of radiation. Some patients died within hours of the treat-

ment. Tidwell entered the hospital weighing 180 pounds. When he died 32 days later, his grandson said, he was down to 116 pounds.

Even death didn't end the indignities. The doctors took Tidwell's arms and legs for further study. Unbeknownst to the family, they also removed his brain.

As his grandson related the story of Tidwell's death and the family's subsequent attempts to learn what had happened, his voice filled with long-held sorrow and indignation. "Why did the government let this go on when they knew this was not doing the patients any good?" he asked. "I'm damn mad and furious, and I'm going to stay that way until I get some answers."

The Cincinnati experiments were part of a series of human radiation exposure studies begun under the Manhattan Project, the military's top-secret program to develop the atomic bomb.

But during the Cold War, the military wasn't alone in its hunger for medical research on radiation. The advisory committee's investigators found evidence of human radiation experiments at the CIA,



Ruth R. Faden, who chairs the Advisory Committee on Human Radiation Experiments
"It's very hard to uncover history."

UNEARTHING THE DARK SECRETS

In December 1993, Energy Secretary Hazel R. O'Leary shocked—and shook up—the nation when she acknowledged that the federal government had financed a series of human radiation experiments in which sick patients and retarded children, among others, were used as human guinea pigs—all to learn more about radiation and develop bigger and better weapons. In so doing, she made a lot of enemies in military circles.

O'Leary's revelation triggered a chain of events that has forced federal departments and agencies to divulge other deep, dark secrets of the past.

The Pentagon was initially reluctant to cooperate with the President's Advisory Committee on Human Radiation Experiments, which is assessing the experiments. But in recent months, Defense Department officials have provided the committee with thousands of previously undisclosed documents. That's not the case, however, with the CIA, which, insiders say, continues to stonewall attempts by the advisory committee's staff to unearth evidence of human radiation experiments.

Not surprisingly, the Energy Department has received the highest marks for openness. It's uncovered 150,000 pages of documents related to human radiation experiments, according to Ellyn R. Weiss, the director of the department's Office of Human Radiation Experiments, which was created to give the public access to the documents. The documents are now available through the Internet. (The home page electronic address is <http://www.ohre.doe.gov/ohre/home.htm>)

"The department has 3.2 million cubic feet of records scattered around the country," Weiss said. "This is the first sustained effort to get some intellectual control over these documents."

To help the next generation of detectives ferret out more information, the Energy Department has published a 300-page road map that outlines the types of studies that were conducted by the national laboratories and where the records on those experiments are housed.

"This is where the rubber meets the road on openness," Weiss said. "There are a lot of people who think this openness is a perfectly horrible idea. There are people who think this is besmirching the reputations of good, honorable researchers. What I say to them is that the level of distrust in big government and big science is pervasive. Without some basic level of public trust, this department can't do what it needs to do into the 21st century to clean up Cold War weapons sites and maintain safe stewardship of the nuclear stockpile."

Weiss and others involved in the openness campaign acknowledge, however, that some records will never be found. In December 1994, an official of the General Accounting Office, in testimony to the Senate Governmental Affairs Committee, said that many documents have been lost because of the government's historically poor record-keeping; old government policies that required records to be destroyed after certain intervals; and "the enormous volume of a variety of records that would have to be manually searched, many of which are not in the possession of the government."

Open to debate is what will happen to the remaining records once the advisory committee and Weiss's office are disbanded later this year. Weiss said that the department is committed to maintaining its Internet files. The advisory committee, too, is making its findings available electronically.

But some congressional aides worry that many citizens still are not able to use the Internet. Some want the Clinton Administration to move all accessible documents to a central location, possibly under the control of the National Archives and Records Administration.

the Energy Department, the Health and Human Services Department, the National Aeronautics and Space Administration and the Veterans Affairs Department. So far, the committee has uncovered more than 4,000 human radiation experiments that were financed by the federal government from 1944-74. The committee estimates that tens of thousands of patients were involved.

In the case of the Cincinnati experiments, committee documents show that the Defense Department agreed to finance the research on sick patients after turning down a request to experiment on healthy subjects.

"What's alarming is that the government funded this research for decades in hopes of getting data useful for fighting a war, but without apparent regard for the

continued value of the effort to the patients," Dan Guttman, the advisory committee's staff director, said in an interview. "At some point someone should have said, 'Gee, enough is enough.' Instead, here is our United States government funding this continually for its own research purposes."

At the committee's April hearing, Tidwell was one of many witnesses who expressed dismay that members of their families had been used as unwitting soldiers of the Cold War. Some relatives brought yellowed photographs of their kin in happier days. All told compelling stories of pain, loss and fear.

"It's a healing process," Gwendon Plair, who heads the Cincinnati-based Concerned Relatives of Cancer Study Patients, told the advisory committee at the hearing. "One of the most important things you can do is to reassure the American citizens that you really are listening to them."

LIFTING THE VEIL

For 12 months, the advisory committee has done a lot of listening as it became a magnet for many citizens who have long known—as well as those who have just discovered—that they or their loved ones were involved in a human radiation experiment.

Composed of 14 nongovernment experts on medicine, ethics and law, the committee is trying to determine the scope of the government-financed radiation experiments and to analyze the wrongs that might have occurred. The committee also is looking to the future, asking the sensitive question of whether similar abuses could happen today.

The panel, which President Clinton created in April 1994, was originally scheduled to disband after a year. But last month, members of the committee agreed that they needed more time to reach a consensus on how the government should react to the new evidence. (For more on the committee's draft recommendations, see box, p. 1104.)

While the committee held a series of field hearings, its staff has been busy knocking down long-closed doors at federal departments and agencies, military facilities, laboratories and hospitals around the country. The 25-person staff has made unprecedented progress in unearthing documents relating to radiation experiments. At the time the committee was created, federal officials knew of about 45 experiments involving 800 persons.

Although many of the experiments were innocuous, the staff has uncovered cases in which basic human rights and freedoms collided head-on with the U.S.

government's rush to gain military superiority and to prepare for a potential nuclear war with the Soviet Union.

"What you're looking at is a story of how the government undertakes to do two very good things: Let's win the war and let's do radiation research for medical and scientific advances," Guttman said. "But the government was using people as the means to these ends."

The committee faces the difficult task of evaluating the value and danger of the Cold War-era experiments at a time when the public has all but forgotten the terror of the Cuban missile crisis and the air-raid drills that sent schoolchildren scrambling under their desks.

The committee is also being asked to assuage the fears of a public that is increasingly suspicious of big government and big science.

"We must address the broad issue of what this country claims to be," said Fred Allingham, the executive director of the National Association of Radiation Survivors, a Sacramento (Calif.)-based victims' group. "It claims to protect its citizens, and yet we have this bizarre history."

Even as the committee tries to address the crimes of yesterday, questions are emerging about the effectiveness of the ethical warning systems in place today within the medical research community.

At the April hearing, for example, members of the committee noted that universities and hospitals conducting government-financed experiments are required to set up independent panels to oversee the research. But the committee members said they were concerned that some panels have not adequately questioned the medical value of the experiments they oversee.

In addition, the committee received a preliminary report suggesting that patients are often unaware that they are taking part in an experiment. According to the early results of a survey conducted in the waiting rooms of medical facilities, 40 per cent of the subjects interviewed didn't know that they were part of an experiment. The report raises serious questions about whether researchers are thoroughly educating and gaining the consent of their subjects.

The chairwoman of the advisory committee, Ruth R. Faden, a bioethics expert who is a professor in the Johns Hopkins University's health policy and management department, maintains that although no one can guarantee that an aberrant scientist might not ignore today's ethical mandates, a repeat of the Cold War human radiation experiments is highly unlikely.

But victims' groups worry that all of the safeguards could easily be eroded or



The photograph above, taken in the mid-1960s, shows a positron emitter detector—which could measure trace amounts of radioactive materials injected into the bloodstream—in use at the Brookhaven National Laboratory. The photograph to the right shows Wright Langham, a chemist at the Los Alamos National Laboratory, being lowered by two colleagues into the facility's first whole-body radiation counter.





Dan Guttman, the staff director of the advisory committee
"At some point someone should have said, 'Gee, enough is enough.'"

overridden if government officials secretly decide that their mission is of critical national importance.

"Take the next national interest," Richard Miller, a policy analyst for the Oil, Chemical and Atomic Workers Union, said. "It may not be national security. It may be being the globally dominant economy. What will we spare to be the global leader in biotechnology, for example? If you ask the question 'Is it possible for these sorts of abuses to happen again today?' the answer is 'Of course.'"

TEST CASES

In 1944, Los Alamos National Laboratory began a series of tests in California's Bayo Canyon in which radioactive material was released into the environment. More than 250 tests were conducted over an 18-year period to evaluate weapons designs.

Two years after the tests began, however, health officials at the laboratory became worried that the chemists who prepared the experiments were being exposed to excessive amounts of radiation. Rather than warn the workers and move them to other jobs, however, the laboratory decided to study whether the radiation was affecting their blood chemistry, according to documents disclosed by the advisory committee.

When the Los Alamos health researchers tried to release the results of their blood study, however, laboratory officials balked, on the ground that doing so would open the federal government to occupational injury claims.

"We can see the possibility of a shattering effect on the morale of the employees

if they became aware that there was a substantial reason to question the standards of safety under which they are working," Clyde E. Wilson, then the chief of the laboratory's insurance branch, wrote in a memo in 1946. "In the hands of labor unions, the results of this study would add substance to demands for extra-hazardous pay. We can also see the definite possibility that general knowledge of the results of this study might increase the number of claims of occupational injury due to radiation and place a powerful weapon in the hands of a plaintiff's attorney."

The document, which the advisory committee obtained last month, was one of several recently discovered records reveal-

ing that the federal government sometimes suppressed employee health studies not for national security reasons, but because officials wanted to avoid lawsuits, union activism and bad public relations.

That's a story that strikes a particularly raw nerve today for some employee groups that are pushing the Energy Department to begin a long-delayed medical surveillance program for some workers who have been part of nuclear programs at the national research laboratories.

Even today, Miller complained, the Energy Department isn't making public the results of health effects studies that use employee exposure data. Such secrecy is particularly alarming, he said, because the department recently approached several employees of national laboratories and offered them early retirement packages if they would agree in writing not to sue the government or its contractors for any future health problems. The department, Miller said, subsequently withdrew the offer.

Federal officials say that the government has instituted several safeguards to prevent the kinds of human experimentation abuses that have occurred in the past. But, Miller asked, "what safeguards exist for workers today who are being studied as part of an epidemiology study but are completely clueless about it?"

WHAT HAPPENED?

When lawyers and scientists search for the code of ethics that should apply to modern medical experimentation, they reach back nearly half a century to the principles applied during the 1947 Nuremberg trials of Nazi Germany's scientists. Among other things, the Nurem-



Energy Secretary Hazel R. O'Leary
A journalist's work prompted her to look into the human radiation experiments.

berg tribunal declared that researchers must obtain the informed consent of all subjects in experiments.

As antiquated as that document may seem, a federal judge cited it in January of this year in refusing to dismiss a lawsuit against the Cincinnati Cold War researchers. The suit was brought by the Tidwells and other families of patients who were subjects of the full-body radiation experiments at Cincinnati General Hospital, now known as University Hospital.

Lawyers for the hospital, the researchers and the federal government sought to have the lawsuit thrown out, arguing that the researchers were immune from liability because they were government contractors and because the law on informed consent was not fully established in the 1960s. But Judge Sandra Beckwith ruled that the Nuremberg doctrine set out the responsibilities of government researchers to gain the permission of their test subjects.

At the time the advisory committee began its work, the nation's scientific community generally thought that most of the requirements that have to do with ethics in medical and scientific research—informed consent chief among them—were adopted in the 1960s and afterward. But documents obtained by the committee show that shortly after World War II, officials of the federal government told researchers to gain prior permission from test subjects. Some of the orders, however, were classified as top-secret and weren't applied to medical researchers whose work was underwritten or subsidized by the government.

"The most striking single finding is that the government was keenly aware at the highest and most-secret levels that individual dignity had to be protected," Guttman said. "The question then is, what happened?"

Although military leaders were willing to specify strong ethical practices for healthy citizens, the same standards somehow weren't applied to sick patients and to workers, such as the military personnel who were intentionally placed on the Nevada desert during atomic bomb blasts.

As recently as 1986, the government thwarted attempts to investigate its radiation experiments on national security

grounds. In that year, Edward J. Markey, D-Mass., released a list of known human radiation experiments and asked the Energy Department to identify the people involved in the research, to notify the survivors and to compensate those who had been harmed. Although Markey then headed the House Energy and Commerce Subcommittee on Energy and Power, the Energy Department slammed the door in his face.

Using Markey's preliminary information, however, Eileen Welsome, a re-

O'Toole, the assistant Energy secretary for environment, safety and health. O'Toole told Faden that members of the department's staff had just discovered some disturbing research documents, and she wanted Faden's professional opinion.

"I reported back that she had reason to be concerned," Faden recalled in an interview. "If these accounts were accurate, there was a grounding to be worried about violations of human rights in relation to human subjects."

By April 1994, Faden was chairing the advisory committee that is now trying to explain to the nation just what happened in hospitals, laboratories and weapons plants during the Cold War. "It's very hard to uncover history," she said.

Faden heads a panel whose members range from human rights activists to radiation scientists. Some are reluctant to pass judgment on the researchers of another era. Others

want the government to contact the victims of the radiation experiments. Faden's biggest job is to find common ground for the committee's final report.

Organizations that represent victims of the radiation experiments are pushing for a widespread outreach program. Cooper Brown, who heads the Task Force on Radiation and Human Rights, an umbrella group of 20 local organizations, argued that under the Nuremberg code, the government must "do everything in its power to take precautions against even the remotest injury. The prospects of cancer developing in this case takes anywhere from 20-40 years. The government is still responsible today."

The outreach program envisioned by Brown and other victims' rights activists would include retrieving medical records from private hospitals and universities and running a national advertising campaign to find the subjects of the radiation experiments.

The victims' groups also hope that radiation-related horror stories will deter Congress from passing a token compensation bill—as, they say, Congress did for military veterans who were exposed to atomic bomb explosions and who were sent into Hiroshima and Nagasaki after World War II. "Once you put a lot of human faces together with this story,"

"Why did the government let this go on?" asks the grandson of one of the victims.

porter for the *Albuquerque Journal*, began an extensive investigation that resulted in her 1993 Pulitzer prize-winning series on five subjects of the Cold War tests.

Her stories prompted Energy Secretary Hazel R. O'Leary to begin looking into the department's dark history, and O'Leary soon uncovered more evidence of abusive human radiation experiments. In December 1993, O'Leary launched a broad "openness initiative" within the Energy Department that included providing public access to the now-defunct Atomic Energy Commission's records on human radiation experiments. (See box, p. 1100.)

When it became clear that the Energy Department wasn't the only government agency with radiation testing secrets in its closet, Clinton created a Cabinet-level group to coordinate a government-wide inventory of research records. The White House has also proposed creating an National Bioethics Advisory Commission, which would be housed in its Office of Science and Technology Policy, to oversee the federal government's biological and behavioral research.

THE NEXT CHAPTER

In late 1993, Faden received a telephone call at Johns Hopkins from Tara



Cooper Brown, who heads an umbrella group of 20 victims' rights organizations
"It's something that can't be swept under the rug."

Brown said, "then it's something that can't be swept under the rug."

The alarming human rights violations that have been uncovered by the advisory committee are provoking strong feelings among victims' rights groups around the nation. If Brown had his way, for exam-

ple, the committee would ask for the appointment of a special prosecutor to investigate any evidence of criminal wrongdoing in connection with the human radiation experiments. He admitted, however, that the committee is cool to that suggestion.

WHAT SHOULD BE DONE?

The President's Advisory Committee on Human Radiation Experiments is considering eight recommendations in light of recent evidence that the federal government financed thousands of human radiation experiments during the Cold War era, some of which violated basic human rights.

Its draft recommendations, which were included in an April 7 staff memorandum, are expected to be reworked before the committee's final report is issued in August. The draft calls on the federal government to:

- develop a several-staged effort to "change the culture of biomedical research" to focus on ethical practices;
- adopt new ways to monitor the effectiveness of procedures that seek to protect the rights of human subjects;
- establish public methods for applying and interpreting ethics rules and principles for conducting human research;
- establish "an express and clear connection between violations of regulations for research involving human subjects and sanctions for those violations";
- review whether research subjects should be compensated for injuries and medical costs arising from their participation in the human radiation experiments (the draft recommends that the government compensate research subjects who did not sign informed consent agreements, whether or not the research caused any harm);
- promote openness in, and public access to, federal records pertaining to human radiation experiments (the draft recommends that private researchers and contractors who receive federal funds be required to provide public access to their records and that the government monitor the CIA to assure that it fulfills legitimate requests for information);
- take steps to improve existing protections of the rights and interests of military personnel with respect to human research;
- better protect the public's rights with respect to intentional releases of radiation into the environment.

Citing widespread public outrage, Allingham, of the National Association of Radiation Survivors, goes so far as to argue that the government should stop financing outside medical research. "I would like to see the government get out of the business of financing human experimentation, period," he said. "If a hospital wants to take that on their own, they can. The national security state has wreaked havoc on people's lives for 50 years."

One thing the victims' groups and the advisory committee agree on, however, is the need to maintain open access to government records. The committee has had the backing of the White House as it pushed for access to previously secret documents. Those who follow in its footsteps may not.

Beyond that, however, Members of Congress who have taken a special interest in the committee's work are awaiting its final report before they take action. Markey's staff, for example, said that he is likely to include the committee's recommendations in legislation he plans to introduce.

When John Glenn, D-Ohio, was the chairman of the Senate Governmental Affairs Committee, he held a series of hearings on the human radiation experiments, including one that was designed to force federal departments and agencies to open their files to the committee's staff. Glenn, too, is likely to introduce legislation in response to the committee's report. So far, however, Sen. William V. Roth Jr., R-Del., the committee's new chairman, hasn't shown any interest in the issue.

Several Republican House Members whose constituents were involved in the radiation experiments have been closely monitoring the committee's work. In April, Steve Chabot and Rob Portman of Ohio and Christopher H. Smith of New Jersey urged the committee to seek more time to sort out the lessons of the Cold War experiments.

A Clinton Administration official who's close to the advisory committee said that Congress is likely to offer bipartisan support for the committee's recommendations if the final report makes a compelling case for the changes it recommends, if it seeks justice for the experiment subjects and if it doesn't suggest budget-busting remedies.

The first order of business may be whether the federal government, at the very least, owes the victims of radiation experiments and their families a full, formal apology. Many of them feel that after years of concealment and cover-up, there needs to be a mea culpa to pave the way for healing the long-hidden wounds of the last victims of the Cold War. ■

John Eisele