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Press

Both Sides in Debate on Late-Term Abortions Duel on Eve of Contested Vote in House

By MELINDA HENNEBERGER

WASHINGTON, Sept. 19 — On the eve of a hotly contested vote in the House to enforce a ban on a form of late-term abortion, advocates on each side held dueling news conferences, previewed new television ads and predicted the issue would be decided by a handful of votes.

Anti-abortion lobbyists said they had gotten a significant last-minute boost from two recent newspaper articles in their fight to overturn President Clinton's veto of the ban on the procedure that Congress approved earlier this year. The articles, in *The Washington Post* and *The Record of Hackensack, N.J.*, suggest that the procedure is not as rare as the President and abortion rights advocates have said.

The procedure — which anti-abortion groups call "partial-birth" abortion and doctors call intact dilation and extraction — is one of several methods used to abort a fetus after 20 weeks of gestation. No one knows exactly how often it is performed because neither the Federal nor state governments require that it be reported.

But the articles published this week suggested the procedure is used as many as several thousand times a year, rather than 500, as had been estimated by groups that support abortion rights.

The articles, which the National Right to Life Committee and other anti-abortion groups are widely distributing, also said the procedure is used in many cases on healthy women with healthy fetuses in their second trimester of pregnancy, not exclusively in the third trimester for women whose lives are endangered.

"That information has helped minimize any attrition we might have suffered and made it more difficult to flip" on the issue, said Representative Charles T. Canady, the Florida Republican who sponsored the original House bill to ban the procedure. "It's created an environment in which it's more difficult to switch."

It takes a two-thirds vote to override a veto, or 290 votes if all mem-

bers are voting, and the last vote on the bill was 286 to 129 with one member voting "present." Representative Chris Smith, the New Jersey Republican who is a leading anti-abortion voice in the House, predicted victory but said the margin would only be a handful of votes. The Senate is expected to uphold the veto, but even so, Republicans expect to capitalize on the issue in the elections.

Bob Dole, the Republican presidential candidate, told a convention of the Christian Coalition last week that if elected, he would sign a bill banning the procedure.

Representative Nita Lowey, a New York Democrat, said Republicans were using the issue as a back-door method of attacking *Roe v. Wade*, the Supreme Court decision upholding a woman's right to abortion.

"They know they can't get rid of *Roe v. Wade* with a club," Ms. Lowey said, "but they can chip away at it."

One House member who opposes the ban said his camp may be losing because it is not an issue many members are willing to risk losing their seat over — especially because the Senate is likely to sustain the veto. Among those who support the ban are Richard Gephardt and David Bonior.

Advocates for abortion rights, who were making the rounds of Congressional offices with women who have had the procedure, acknowledged that the numbers of such abortions may have been understated — but said the procedure was still rare.

"I think yes, the numbers are greater than we originally thought," said Vicki Saporta, executive director of the National Abortion Federation. "But it's still a very, very rare procedure." She added: "The numbers don't matter because that's not the point. The point is who makes the decision."

To perform the procedure, a physician partially extracts the fetus from the uterus, feet first, then suctions the brain and spinal fluid out of the skull before collapsing the skull so it can be removed.

Abortion rights advocates maintain that the other main method used for late-term abortions — where the fetus is dismembered rather than delivered intact — is not as safe.

In a campaign organized by the National Conference of Catholic Bishops, about 8 million postcards supporting the ban were sent to House members.

Viki Stella, a mother of three who appeared in the commercial financed by abortion rights groups, jostled her 8-month-old son while she was introduced to reporters.

Mrs. Stella, who said she was on her "10th or 11th" trip to Washington lobby on the issue, said she had become increasingly more outspoken because of the reaction from opponents of the procedure.

"I was in a restaurant with my family and one woman bent down and said I should have been the one who died," said Mrs. Stella. She said she had the procedure two years ago after learning when she was 8 months pregnant that her baby could not survive outside the womb.

Tobacco Memo Advised Burying Adverse Study

ST. PAUL, Sept. 18 (AP) — A Philip Morris researcher wrote in a 1977 company memorandum that if a study showed that nicotine produced the same withdrawal symptoms as highly addictive drugs like morphine, "we will want to bury it," newly filed court papers say.

The tobacco company also used a German laboratory to conduct work in this country, and a researcher had a note in his files that said important documents should be sent to his home so he could destroy them. The papers were filed on Tuesday in a Minnesota lawsuit, one of 15 in which states are trying to recover Medicaid costs of treating tobacco-related illnesses.

Attorney General Hubert H. Humphrey 3d of Minnesota said of the documents: "We're greatly disturbed by evidence of an illegal cover-up, because it deprives the public of the truth. Clearly, they have some questions to answer." The Justice Department is heading a criminal investigation into whether tobacco company officials have lied to Congress or misled lawmakers about whether they knew of nicotine's addictive properties. Tobacco stocks rallied on Tuesday

"If she is able to demonstrate, as she anticipates, no withdrawal effects of nicotine," Mr. Dunn wrote, "we will want to pursue this avenue with some vigor. If, however, the results with nicotine are similar to those gotten with morphine and caffeine, we will want to bury it."

Other documents refer to the acquisition of the Institut für Industrie und Biologische Forschung GmbH in Cologne, Germany. An internal Philip Morris memorandum written by Helmut Wakeham in April 1970 recommends the purchase, "since this is a locale where we might do some of the things which we are reluctant to do in this country."

Undated handwritten notes found in the files of Thomas Osden, for-

mer director of research for Philip Morris, say all documents should be shipped to Cologne. But he added, "If IMPORTANT letters have to be sent please send to home — I will act on these & destroy."

The state is asking the 10 tobacco defendants to turn over documents relating to smoking, health and marketing, and to disclose where the only copy of a document was destroyed. The companies have said the request could yield scrap paper tossed in the garbage decades ago.

"We've produced millions of pages," said a Philip Morris lawyer, Michael York. "We'll produce millions more."

The Minnesota case is scheduled to go to trial in 1998.

Democrats Press Ethics Panel to Release Report on Gingrich

By ADAM CLYMER

WASHINGTON, Sept. 18 — House Democrats moved today to force the ethics committee to release its counsel's report on complaints about Speaker Newt Gingrich, and to make Republicans in shaky races risk accusations of a cover-up if they vote to keep it secret.

The lawyer the committee hired to investigate the charges filed a preliminary report last month. The committee has not indicated when it plans to act on his findings on charges that Mr. Gingrich violated tax laws and misused foundation money, which was ostensibly raised for a college course, to further his political aims.

Representative John Lewis, Democrat of Georgia, filed a resolution today that would compel the committee to make the report public. Under House rules, the resolution must come to the House floor no later than Monday, and a vote is expected on Friday. Mr. Lewis, a chief deputy whip, asserted that the ethics committee would "use every means at its disposal to stall and delay the investigation of Newt Gingrich."

The committee's chairman, Representative Nancy L. Johnson, Republican of Connecticut, declined to comment on the Democratic move.

Democrats insisted that they were acting to protect the reputation of the House and not from political motives. Yet Representative David E. Bonior of Michigan, the Democrats' deputy leader, said, "I expect there are challengers all over the country who will be asking incumbents whether they plan to make this document public, and I would encourage them to do so."

Mr. Bonior said members of the House would probably have to vote on the issue repeatedly. Democrats can repeatedly file the resolution.

Mr. Gingrich had no comment, but had his press secretary, Tony Blankley, issue a statement saying:

"Representative Lewis's resolution reflects the ongoing and desperate actions of a small band of Democrats who have abused the ethics process by filing one baseless claim after another. With the knowledge and support of their leadership, they have pursued a singular goal since the November 1994 election. They want to win back control of the House and have made the destruction of Newt Gingrich the key to reaching this goal."

Democrats insisted that the timing was not their choice, but was forced on them by Republican delaying actions on the complaint against Mr. Gingrich, filed on Sept. 12, 1994.

"We didn't ask to delay this until the eve of the election," Representative Lloyd Doggett of Texas said at the news conference where Mr. Lewis discussed his resolution. The lawyer who produced the report, James M. Cole, gave it to the committee in mid-August.

But Democrats did not shy away from the potential political hay that challengers could make out of the issue, especially against Republicans who have sought to distance themselves from Mr. Gingrich and those for whom he had raised money. They could foresee commercials asking whether a vote to keep the report secret had been bought by the Speaker's fund-raising help.

Representative Martin Frost, the Texan who heads the Democratic Congressional Campaign Committee, said, "If Republicans were voting to cover up the report, that would be an issue."

Representative George Miller, a senior California Democrat whose own most recent ethics complaint against Mr. Gingrich has languished without any committee action since April 22, said Mr. Gingrich was "hanging everyone else out to dry."

Representative Jim McDermott of Washington, the senior Democrat on the ethics committee, said he would vote for the Lewis resolution.

"I think it would be unfair to Mr. Gingrich to go home before the end of the session without having this information made public," Mr. McDermott. "It's been hanging over him for more than two years now."

Republicans were unwilling to acknowledge that the vote might be uncomfortable, although several usually loquacious freshmen either did not return phone calls or had their aides say they considered questions "premature."

But one who did call back, Representative Sue W. Kelly of Katonah, N.Y., accused the Democrats of conducting "a witch hunt" and insisted that Representative Richard A. Gephardt of Missouri, the minority leader, was masterminding the effort. Ms. Kelly said she expected voters in

her district to know that she would do what she thought was right even if her Democratic challenger "says that I am trying to protect Newt or whatever."

Representative Steve Largent of Oklahoma, who does not face tough opposition, said the Democratic effort was "partisan pay-back of yesterday" because of Mr. Gingrich's successful ethics campaign against Speaker Jim Wright. "Whatever the truth is," Mr. Largent said "it's going to surface eventually."

Representative Michael Patrick Flanagan of Illinois, in a tight battle for re-election, said, "I have every confidence Nancy Johnson will handle it fairly."

Mr. Lewis added: "It is inconceivable to me that this Congress would even contemplate adjourning without acting on the report of the outside counsel or, at a minimum, releasing the report for the members of this House and the public to judge for themselves."

"Members will have to decide whether they believe and trust in the public to weigh the evidence against the Speaker or whether they want to participate in a conspiracy and cover-up to protect Newt Gingrich."

Partial-Birth Abortion Is Bad Medicine

By NANCY ROMER, PAMELA SMITH,
CURTIS R. COOK AND JOSEPH L. DECOOK

The House of Representatives will vote in the next few days on whether to override President Clinton's veto of the Partial Birth Abortion Ban Act. The debate on the subject has been noisy and rancorous. You've heard from the activists. You've heard from the politicians. Now may we speak?

We are the physicians who, on a daily basis, treat pregnant women and their babies. And we can no longer remain silent while abortion activists, the media and even the president of the United States continue to repeat false medical claims about partial-birth abortion. The appalling lack of medical credibility on the side of those defending this procedure has forced us—for the first time in our professional careers—to leave the sidelines in order to provide some sorely needed facts in a debate that has been dominated by anecdote, emotion and media stunts.

Since the debate on this issue began, those whose real agenda is to keep all types of abortion legal—at any stage of pregnancy, for any reason—have waged what can only be called an orchestrated misinformation campaign.

First the National Abortion Federation and other pro-abortion groups claimed the procedure didn't exist. When a paper written by the doctor who invented the procedure was produced, abortion proponents changed their story, claiming the procedure was only done when a woman's life was in danger. Then the same doctor, the nation's main practitioner of the technique, was caught—on tape—admitting that 80% of his partial-birth abortions were "purely elective."

Then there was the anesthesia myth. The American public was told that it wasn't the abortion that killed the baby, but the anesthesia administered to the mother before the procedure. This claim was immediately and thoroughly denounced by the American Society of Anesthesiologists, which called the claim "entirely inaccurate." Yet Planned Parenthood and its allies continued to spread the myth, causing needless concern among

our pregnant patients who heard the claims and were terrified that epidurals during labor, or anesthesia during needed surgeries, would kill their babies.

The latest baseless statement was made by President Clinton himself when he said that if the mothers who opted for partial-birth abortions had delivered their children naturally, the women's bodies would have been "eviscerated" or "ripped to shreds" and they "could never have another baby."

That claim is totally and completely false. Contrary to what abortion activists would have us believe, partial-birth abortion is *never* medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and her fertility. It seems to have escaped anyone's attention that one of the five women who appeared at Mr. Clinton's veto ceremony had five miscarriages after her partial-birth abortion.

Consider the dangers inherent in partial-birth abortion, which usually occurs after the fifth month of pregnancy. A woman's cervix is forcibly dilated over several days, which risks creating an "incompetent cervix," the leading cause of premature deliveries. It is also an invitation to infection, a major cause of infertility. The abortionist then reaches into the womb to pull a child feet first out of the mother (internal podalic version), but leaves the head inside. Under normal circumstances, physicians avoid breech births whenever possible; in this case, the doctor intentionally causes one—and risks tearing the uterus in the process. He then forces scissors through the base of the baby's skull—which remains lodged just within the birth canal. This is a partially "blind" procedure, done by feel, risking direct scissor injury to the uterus and laceration of the cervix or lower uterine segment, resulting in immediate and massive bleeding and the threat of shock or even death to the mother.

None of this risk is ever necessary for any reason. We and many other doctors

across the U.S. regularly treat women whose unborn children suffer the same conditions as those cited by the women who appeared at Mr. Clinton's veto ceremony. Never is the partial-birth procedure necessary. Not for hydrocephaly (excessive cerebrospinal fluid in the head), not for polyhydramnios (an excess of amniotic fluid collecting in the women) and not for trisomy (genetic abnormalities characterized by an extra chromosome). Sometimes, as in the case of hydrocephaly, it is first necessary to drain some of the fluid from the baby's head. And in some cases, when vaginal delivery is not possible, a doctor performs a Caesarean section. But in no case is it necessary to partially deliver an infant through the vagina and then kill the infant.

How telling it is that although Mr. Clinton met with women who claimed to have needed partial-birth abortions on account of these conditions, he has flat-out refused to meet with women who delivered babies with these same conditions, with no damage whatsoever to their health or future fertility!

Former Surgeon General C. Everett Koop was recently asked whether he'd ever operated on children who had any of the disabilities described in this debate. Indeed he had. In fact, one of his patients—"with a huge omphalocele [a sac containing the baby's organs] much bigger than her head"—went on to become the head nurse in his intensive care unit many years later.

Mr. Koop's reaction to the president's veto? "I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction" on the matter, he said. Such a procedure, he added, cannot truthfully be called medically necessary for either the mother or—he scarcely need point out—for the baby.

Considering these medical realities, one can only conclude that the women who thought they underwent partial-birth abortions for "medical" reasons were tragically misled. And those who purport to speak for women don't seem to care.

So whom are you going to believe? The activist-extremists who refuse to allow a little truth to get in the way of their agenda? The politicians who benefit from the activists' political action committees? Or doctors who have the facts?

Notable & Quotable

From "Splitting Up," an essay on divorce by Joseph Adelson, professor of psychology at the University of Michigan, in the September issue of *Commentary*:

Without exception, when one compares children from intact families with children from one-parent families where a divorce has taken place, the data offer cause for deep alarm:

- Children in such [divorced] situations are twice as likely to drop out of high school, and are much more likely to do poorly in reading, spelling, and mathematics.

- Such children are two to three times more likely to have emotional or behavior problems. They rate higher on depen-

dency, anxiety, and aggressiveness, and lower on self-control. They rate low in peer popularity.

- They also score low in physical health and well-being.

- They show substantially higher crime rates. According to one study reported by Popenoe, "60 percent of rapists, 72 percent of adolescent murderers, and 70 percent of long-term prison inmates come from fatherless homes."

- They suffer much higher rates of both physical and sexual abuse, in the latter case most often carried out by the mother's boyfriend. Single mothers report being much more violent toward their children than do mothers in intact families.

Dr. Romer is clinical professor of obstetrics and gynecology at Wright State University and chairman of obstetrics and gynecology at Miami Valley Hospital in Ohio. Dr. Smith is director of medical education in the department of obstetrics and gynecology at Chicago's Mt. Sinai Medical Center. Dr. Cook is a specialist in maternal fetal medicine at Butterworth Hospital, Michigan State College of Human Medicine. Dr. DeCook is a fellow of the American College of Obstetricians and Gynecologists. The authors are founding members of the Physicians' Ad Hoc Coalition for Truth, which now has more than 300 members.

How the FDA Bureaucracy Hurt Needy Kids

I am not a Food and Drug Administration basher. When it comes to drugs, foods and medical devices I'd rather my family be safe than sorry.

Moreover, much of the criticism leveled at the FDA is driven by right-wing ideology, or is funded by vested financial interests like the tobacco and drug companies. These special interests depict FDA Commissioner David Kessler as an enemy of the health and well-being of many Americans. Does anyone really believe that the tobacco companies care more about the health of Americans than does Mr. Kessler, a pediatrician by training?

In fact, the FDA's record for safety and performance is better than any compara-



Politics & People

By Albert R. Hunt

ble agency in the world; despite the carping critics the time required for approving new drugs has actually decreased in recent years. But it also is undeniable that the FDA sometimes gives fodder to critics with its mindless bureaucracy, especially in the field of medical devices.

This is a case study of that. It involves something called electrical bladder stimulation, which was begun in this country a dozen years ago at Children's Memorial Medical Center in Chicago by pediatric urologist William Kaplan and his extraordinarily talented chief nurse, Ingrid Richards. This procedure is used to treat children who because of neurogenic bladders are incontinent. The aim is to enable them to void normally or at least improve their bladder capacity to minimize dangerous side effects.

My interest is very personal. Our teenage son has spina bifida and thus is incontinent. We took him to be treated for

several weeks at Chicago Children's Hospital last month and came away enormously impressed—and also shocked at the more than decade-old struggle that Dr. Kaplan and Ms. Richards have been waging with the FDA.

Back in the mid-1980s, they applied for formal FDA approval so they could expand their activities and other interested hospitals around the country could start similar efforts. (The Chicago hospital has permission for a limited research program, as do more than a half dozen other hospitals around the country under its umbrella.)

FDA approval is required for the electrical stimulator, which is manufactured in Europe. Originally FDA officials told Ms. Richards to apply under a provision that basically says the equipment is similar to others that have already been approved. She and Dr. Kaplan carefully collected data and persistently appealed to the FDA; nothing happened.

Frustrated, in 1993 Dr. Kaplan and Ms. Richards flew to Washington to talk face to face with these federal officials. The problem, they were told, was that they were applying under the wrong procedure—never mind that it was what the FDA told them to do in the first place—and that they needed something called pre-market approval. They've now gone back to the drawing boards, hopeful that with the help of a consultant and a Wisconsin firm that'll manufacture the equipment, they might get approval after more than a decade.

This lengthy delay is due to nothing other than bureaucracy run amok. Over the past decade, more than 600 children have had bladder stimulation under this program. The results have been very encouraging: Some 20% of these kids have developed normal bladder function and another 60% have significantly improved. There have been no physical setbacks or negative effects.

For these kids the treatment has pro-

duced clear benefits. "The bladder is what keeps kidneys healthy," Dr. Kaplan explains. "If the bladder doesn't function properly, that can lead to kidney problems that are serious." Moreover, where it works it helps families avoid costlier—and riskier—bladder surgery.

Participants in this program are almost universally laudatory; they bring their children to Chicago for two to four weeks and many come back the next year. Congressman Steve Largent of Oklahoma and his wife first brought their four-year-old

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son Kramer, who has spina bifida, to be treated by Dr. Kaplan and Ms. Richards six years ago; they have come back several times since. Kramer isn't continent yet, but "we have seen progressive improvement every year in his ability to know when he has to go to the bathroom," says Rep. Largent. A young girl who began treatment with the Largent child is now totally continent.

Interviews with half a dozen pediatric urologists around the country, including some skeptics, reveal unanimity that bladder stimulation is safe, supposedly the most important criterion for the FDA. David Joseph, chief of pediatric urology at Birmingham Children's Hospital in Alabama, says he still hasn't seen enough data to conclude that bladder stimulation "is of great value for urinary control." But,

he adds, "there clearly is enough data to show there is not a risk. . . . there is absolutely nothing to lose except time and money. If this helps one child, it's worth it."

There are many more children who could be helped. The Chicago clinic's clientele is chiefly comprised of kids with spina bifida—the failure of the spine to close properly in the first month of pregnancy—the No. 1 disabling birth defect in America. Every year more than 2,000 babies are born with spina bifida, more than those with multiple sclerosis, cystic fibrosis and muscular dystrophy combined; today there are 61,000 afflicted Americans.

But unlike the Largents or us, many families can't afford to go to Chicago for weeks of treatment. And without FDA approval the treatment isn't covered by many insurance companies or Medicaid, putting it further out of most families' reach.

Despite the unconscionable FDA behavior, there may be a happy ending. Dr. Kessler has moved to reduce the agency's bureaucratic obstacles, including the appointment a couple years ago of Susan Alpert, a pediatrician, as director of the office of device evaluation. She acknowledges in an interview that "our program wasn't working well." She says she has moved to cut red tape; now if applicants "have a knotty issue we invite them in to sit down and work it through."

Dr. Alpert seems to understand that the FDA must perform an important balancing act. After all, it wasn't too very long ago that approval for a new sedative called thalidomide was held up by a stubborn FDA medical officer. The drug was approved in other countries and resulted in thousands of severely deformed newborns because their mothers took it during pregnancy. On the other hand, more recently, thousands of little kids have been denied potentially beneficial—and clearly safe—bladder stimulation because of FDA intransigence.

Tomorrow's MDs Unready for Managed Care?

Studies Say That Medical Schools' Training Methods Are Behind the Times

By Stuart Auerbach
Washington Post Staff Writer

If you think that doctors fresh out of medical school know about all the changes taking place in health care, think again.

Despite revolutionary shifts in medical practice during the past decade, the nation's 125 medical schools train future physicians the way they have done for a century, according to studies published this month in the *Journal of the American Medical Association* (JAMA).

The studies found that the schools have failed to keep pace with the shift to managed care, which dominates medical practice today. More than half of all Americans are covered by some form of managed care, which seeks to cut costs by emphasizing the use of primary care physicians rather than specialists; outpatient treatments instead of hospitalizations; and preventive medicine.

Yet most schools provide little training in managed care medicine. Specifically, the studies reported:

- Very few medical schools offer any practical experience to their students or to postgraduate interns and resident physicians in a managed care setting. A "professional prejudice" exists in medical schools against primary care physicians, the shock troops of managed care, which creates a "chilly climate" for their training.

- Despite an increased demand for primary care physicians, slightly less than half of all medical school graduates opt for postgraduate training as specialists. The demand for generalists has increased as job opportunities for specialists have declined. One specialty, gastroenterology, has twice as many trained specialists as would be needed if the entire nation were under the staff patterns of health maintenance organizations (HMOs), a form of managed care.

"Academic medicine has been slow to respond to the challenges" of managed care and the changes it creates for the practice of medicine, David Blumenthal and Samuel O. Thier of Harvard Medical School and Massachusetts General Hospital in Boston wrote in an editorial in the same special issue of JAMA.

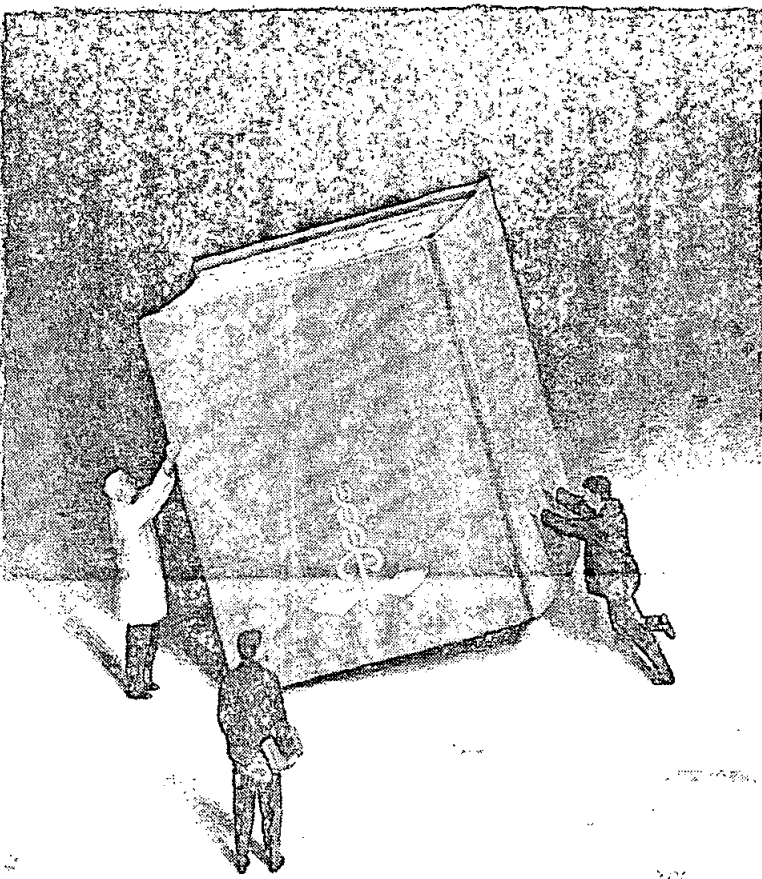
Jordan Cohen, the physician who heads the Association of American Medical Colleges (AAMC), acknowledged the complaints leveled in the JAMA reports and said medical schools are trying to change.

"The articles reflect the reality that exists today, a reflection of how complex the issues are. It's going to take time to get this tanker [the U.S. medical education system] turned on a new course," he said.

Yet he added, "I wouldn't agree that medical education is very slow to change" considering that the system consists of "a lot of people, a lot of vested interests, a lot of successes."

Blumenthal and Thier counter with a broad-brush attack on medical education and the direction it has taken since it became "a scientifically-based discipline" a century ago.

While they called this a "fundamentally sound approach to the training of physi-



—ILLUSTRATION BY TOMEX OLBINSKI FOR THE WASHINGTON POST

cians," the two physicians said that "it never was adequately extended to teach disease prevention and health promotion."

"Nor did it train physicians adequately to deal with the consequences of success in managing acute illness; an expanding aged population; the increasing burden of chronic illness, and explosive growth in health care costs . . . accelerated by an insurance system that rewards treatment over prevention and a health care system that is constructed around the hospital and technologically sophisticated care."

Now, they said, medical education is missing the boat with the managed care revolution, which has brought forth a system that requires "skills in cost-effective analysis" and "quality management" as well as "the basic skills of physical diagnosis and treatment."

For instance, a team of researchers headed by Jon Vetoski of Jefferson Medical College in Philadelphia found that only 16 percent of America's medical schools require students to work in an HMO setting.

"Both young physicians and industry leaders report that the current system of medical education is not preparing graduates for a practice environment increasingly dominated

by managed care," Vetoski and his colleagues said.

Further, they found that the few relationships that have developed during the past 30 years between medical schools and managed care plans have involved nonprofit HMOs or group practices run by physicians. While these are part of the managed care spectrum, they are not typical in a system in which profit-making health care plans have emerged as the major players.

Cohen said that medical schools want to expand their training to managed care plans, but can't find partners—largely because a training component is a drag on the bottom line of managed care plans that frequently compete with each other for patients on the basis of price.

"By and large managed care organizations show a very strong reluctance to get involved in education because it is costly to do so and the schools don't have the money to compensate them," Jordan said.

"There is certainly no reluctance on the part of medical schools to educate students in a managed care environment. But it takes two to tango," he added.

Managed care plans welcome the opportu-

nity to train medical students, said Susan M. Pisano, director of communications for the American Association of Health Plans, the trade association for managed care plans.

"This is a developing partnership and a greater number of students spend part of their training in managed care settings every year," she said.

Further, there are growing signs that medical students are reacting to the dynamics of managed care. More than half of this year's graduating class opted to train as primary care physicians, which are much in demand by managed care plans. This gradual shift comes after a 5 percent drop in specialists' incomes from 1993 to 1994. While specialists' incomes have declined, however, they still make more than primary care physicians.

Despite the need for more primary care physicians, a survey by a team of researchers from Harvard Medical School headed by Susan D. Block found that "the culture" of academic medicine "has not been hospitable toward primary care."

"Our data demonstrates that in spite of changes in the health care system and medical education, the environment within academic health centers is chilly for primary care education and practice," the authors concluded.

The researchers found that "the values of traditional biomedicine and medical education continue to emphasize specialized knowledge . . . as opposed to a breadth of knowledge; biological factors as opposed to social and emotional factors in health, and inpatient as opposed to outpatient care and training."

The researchers concluded that medical schools have to change the composition of their faculties by encouraging "an infusion of community-based generalists to serve as teachers, role models and advocates for primary care."

Also in the JAMA issue, researchers from the school of public health at the State University of New York at Albany took aim at the controversial issue of training graduates of foreign medical schools in the nation's hospitals. The study found that postgraduate training in New York institutions grew by 21 percent between 1988 and 1994 and foreign medical graduates made up almost half the physicians in training in New York in 1994. They said the main rationale for training foreign medical graduates—the idea that they will practice in under-served rural and inner-city areas—has not proved to be true. They said "only a small fraction" of these doctors have been lured into under-served areas despite incentives.

A number of recent studies have said there is an oversupply of physicians in America and recommended closing some U.S. medical schools. But the New York researchers said that won't work as long as federally subsidized postgraduate study opportunities are available for an "essentially unlimited supply" of foreign medical graduates. The foreign students "are likely to more than make up for reductions in U.S. medical graduates," the researchers said. □

Late Term

WHO
GETS
THEM
AND
WHY

Abortions

BY DAVID BROWN

In a White House ceremony in April, President Clinton vetoed a bill outlawing a technique of abortion done only in the second half of pregnancy. Termed "partial-birth abortion" by the people who decry it, and "intact dilation and evacuation" by the people who perform it, the technique has become the latest lightning rod in the nation's stormy debate about abortion.

Standing next to the president when he announced the veto were five women who had undergone late-term abortions with the controversial technique because their fetuses had severe developmental defects.

The women, Clinton said, "represent a small, but extremely vulnerable group. . . . They all desperately wanted their children. They didn't want abortions. They made agonizing decisions only when it became clear that their babies would not survive, their own lives, their health, and in some cases their capacity to have children in the future were in danger."

Others have sketched similar pictures. The Planned Parenthood Federation of America called this procedure "extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." The National Abortion Federation, an abortion providers' organization, said that "in the majority of cases" where it is used, there is

STAGES OF FETAL DEVELOPMENT

1 week



Sperm fertilizes egg in the Fallopian tube

2 weeks



The fertilized egg passes into the uterus and burrows into the lining

4 w



Coni early mos duri

SOURCE: KNIGHT RIDDER GRAPHICS

Pregnancy usually lasts 38 weeks. in

a "severe fetal anomaly [birth defect]."

But it is not possible to speak with certainty about who undergoes "intact D & E," as the "partial-birth abortion" is known in medicine. The federal government does not collect such information. Physicians do not have to report it to state health departments. Researchers do not study the question or publish their findings in medical journals.

Interviews with doctors who use the procedure and public comments by others show that the situation is much more complex. These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not. Often they are young or poor. Some are victims of rape or incest.

Physicians who perform abortions beyond the first third of pregnancy say that use of intact D&E is quite rare. Just over 1 percent (about 17,000) of all abortions in this country occur after the 20th week of fetal development; it is after that point when the intact D&E procedure is sometimes used. Only a fraction are believed to be intact D&Es, the controversial method in which the fetus is pulled by the feet out of the uterus and the head is punctured so it can also pass through the cervix. What's more, very few doctors perform this surgery; interviews with abortion experts suggest that there are less than 20.

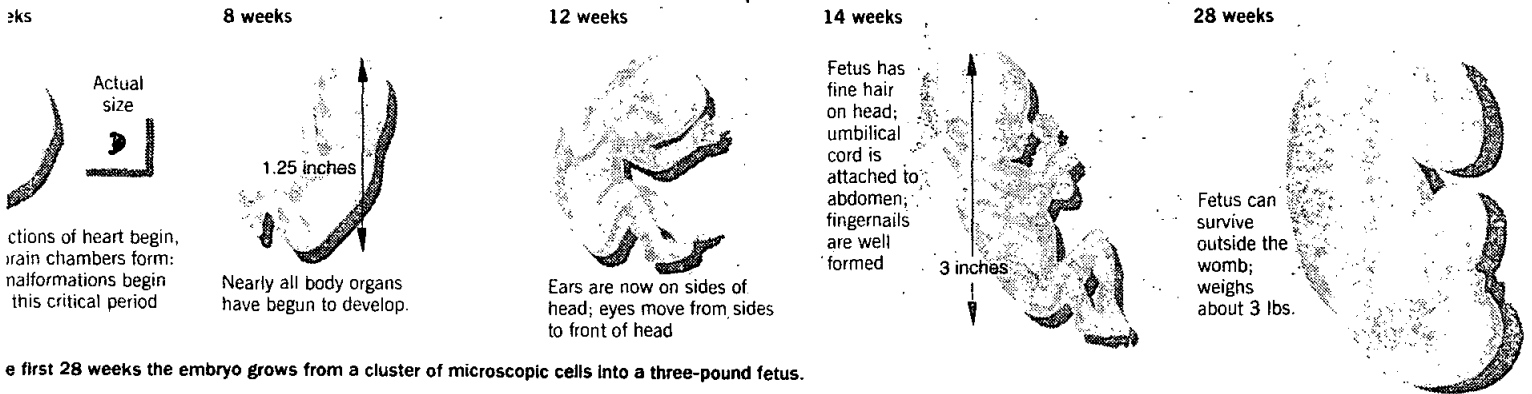
What follows are sketches of the experience of several physicians who perform the intact D&E procedure, as well as the experience of doctors who perform abortions on patients with advanced pregnancies using an alternative technique. Taken as a group, the descriptions and observations by these practitioners paint a more complete picture of who decides to end their pregnancy at an advanced stage, and why.

A Question of Safety

One of the better-known practitioners of intact D&E is Martin Haskell, an Ohio physician who in 1992 presented a "how-to" paper on the technique at a medical conference in Texas. The dissemination of this document to antiabortion activists set the stage for the current campaign to ban the technique.

Although Haskell declined to be interviewed for this arti-

PHOTOCOPY
PRESERVATION



By the first 28 weeks the embryo grows from a cluster of microscopic cells into a three-pound fetus.

le, in his 1992 paper he said he had performed "over 700 of these procedures." Three years ago, *American Medical News*, a weekly publication of the American Medical Association, interviewed Haskell about his technique.

"I'll be quite frank: most of my abortions are elective in that 20-24 week range," Haskell said, according to a transcript of the interview, which has circulated widely during the debate on the "partial-birth abortion" bill. "In my particular case, probably 20 percent [of the abortions] are for genetic reasons. And the other 80 percent are purely elective."

"Elective" is not a medical term generally used with abortion, but it is often used in medicine to denote procedures that are not medically required. In this context, it appears to mean that the fetuses were normal or that the pregnant woman was not seriously ill.

The *American Medical News* reporter also asked Haskell "whether or not the fetus was dead beforehand." The doctor answered: "No it's not. No it's really not. A percentage are for various numbers of reasons. . . . In my case, I would think probably about a third of those are definitely dead before I actually start to remove the fetus. And probably the other two-thirds are not."

Also performing intact D&E abortions in Ohio is a 45-year-old physician named Martin Ruddock. Interviewed recently, he declined to estimate how many abortions he did each year, but said that only 5 to 10 percent were done in the later stages of pregnancy. Beyond the 18th or 19th week, Ruddock prefers to use the intact D&E technique.

He believes it is safer than its most common alternative, which is called "dismemberment dilation and evacuation." In that procedure, the fetus is removed in pieces, generally limbs first. It requires that the surgeon exert a great deal of force on the fetus inside the uterus, and it often produces sharp, bony fragments that can damage a woman's reproductive organs: On rare occasions, "dismemberment D&E" also exposes a woman to fetal substances (primarily brain tissue) that can cause dangerous reactions.

"To minimize those problems is why the [intact] procedure was developed," Ruddock said.

In practice, however, he employs it only a third of the times he'd like to, he said. Often the position of the fetus, or

Doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not.

some other variable, makes intact D&E impossible, and he uses dismemberment instead. However, whenever he uses the intact method, he first cuts the umbilical cord—a maneuver designed to make sure the fetus is dead before he punctures its skull.

"The fundamental argument [of the technique's opponents] is that the fetus is alive. And what I am saying is that in my practice that never happens," he said.

In 45 percent of the cases done beyond beyond 20 weeks of gestation, he said, the fetuses have obvious developmental abnormalities or the women carrying them have illnesses that are being made worse by the pregnancy. In the other 55 percent, however, the fetuses are normal.

Another practitioner, who did not want to be identified, is a physician in the New York area who is affiliated with several teaching institutions. He does about 750 in the second trimester of pregnancy. He uses intact D&E in "well under a quarter" of those, he said. About one-third are his private pa-

tients, and the rest are ones he sees at the teaching hospitals, where he instructs physicians in training.

This doctor said that the "great majority" of the private patients have medical reasons for their abortions: Either the fetus is abnormal or the pregnant woman's health is threatened by the pregnancy.

The nonprivate patients, however, are different. They tend to have lower incomes, and the fraction of them who have medical reasons for abortion "is not nearly as high, [but] I can't quantify it," he said. In the cases in which there is no medical indication, the fetuses are usually normal.

A California Doctor's Experience

The notion that intact D&E is done only in the third trimester—very late in the pregnancy, generally after 24 weeks—and only when the fetus has catastrophic defects, appears to have arisen from widespread publicity about the practice of a doctor in Los Angeles named James T. McMahon, who died last year. His specialty was the very late abortion of fetuses with severe developmental defects.

Patients came to him from across the United States and sometimes even from outside the country. All of the women who appeared with Clinton at the veto ceremony had their abortions done by him.

McMahon used intact D&E extensively because after about the 26th week of gestation dismemberment of fetuses is extremely difficult, if not impossible.

In a letter written in 1993 to doctors who referred patients to him, he said that in 1991 he'd done 65 third-trimester abortions. All of these cases, he said, were "nonelective." Of all the abortions done beyond 20 weeks, 80 percent were for what he termed "therapeutic indications"—that is, medical reasons.

In documents submitted to the House subcommittee on the Constitution, McMahon provided a list of some of these reasons. He categorized 1,358 abortions he'd performed over the years, all of them done (his testimony suggested) on women at least 24 weeks pregnant.

Most of them were for extremely rare genetic defects.

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Is the Fetus Capable of Feeling Pain During Abortion?

Does a fetus aborted late in the second trimester, or early in the third trimester, feel pain?

It's a question that reverberates in the debate over so-called "partial-birth abortion."

"If you want to get at what I think the heart of this issue is . . . it's the sense that you're killing someone who knows what you're doing to them," said Steve Lichtenberg, a Chicago physician who performs late-term abortions. "That is one of the things that gives this particular controversy its heat."

When asked, virtually all physicians providing late-term abortions say they believe fetuses cannot feel pain at the most advanced stage of gestation at which they will do the procedure. In all but a few cases, that is no later than the 24th week out of a 38-week gestation.

The current knowledge of the anatomy and physiology of the fetal nervous system suggests this belief is probably—but not definitely—correct.

Scientists must deduce pain's presence (or absence) by looking for the physiological signs of the sensation. Those include hormones and other biochemicals that appear in the bloodstream when pain is produced, as well as more subjective signs, such as facial grimaces or the movement of limbs. Nobody can say for certain, however, whether these things denote pain in a developing human being.

Many neuroscientists (and nearly all abortion doctors) believe the muscular movements fetuses make when they're touched exist purely as reflexes. These events, they argue, are devoid of the brain activity and cognition necessary to register them as either pleasant or noxious. Some even claim that human beings must be capable of storing memories and having emotions in order to feel pain.

Nerve fibers must be "wired" in order to carry impulses. Without specific circuits, impulses cannot get to the cortex of the brain, which most scientists agree is the place where pain is perceived.

Sensory nerve endings have spread throughout the skin of the fetus by 20 weeks' gestation. A key part of the circuit—connections between a structure in the base of the brain called the thalamus and the brain cortex—doesn't start developing until the 22nd to 34th weeks. The definite "arrival" of sensory impulses in the cortex can't be detected by electrophysiological tests until about the 29th week of gestation.

Fetal nervous system development, however, is a process that involves quadrillions of cells growing, laying down new connections, or dying. It's simply not possible to know in any individual fetus when the capacity to feel pain begins.

A study published two years ago in the *Lancet* looked for signs of pain in 15 fetuses undergoing blood transfusion while still in the womb. Six had the blood delivered through a needle placed in the umbilical cord, which has no sensation. In nine the transfusion was given into a blood vessel in the abdomen—an area that, by the time of birth at least, is well endowed with sensation.

Nicholas M. Fisk and his colleagues at Queen Charlotte's and Chelsea Hospital, in London, measured two substances in the fetal bloodstream just after the needles went in and then later, at the end of the transfusion. One was cortisol, a hormone produced when a person is in pain or under physiological stress. The other was beta-endorphin, the morphine-like substance the body makes as a built-in painkiller.

Bloodstream concentrations of both substances rose in the fetuses that had the needles through their abdomens, but not in those that got transfusions through the umbilical cord. Although the average gestational age of the first group was 30 weeks, one was only 23 weeks old, and it also had a significant rise in cortisol and beta-endorphin.

Still, doctors increasingly acknowledge that even very premature infants probably feel pain.

"I use anesthesia or analgesia for every premature

infant I treat," said K.J.S. Anand, a pediatrician at Atlanta's Emory University School of Medicine and Eggleston Children's Hospital and a prominent researcher on the question of fetal pain. "I have treated many 26- to 28-weekers. They react to pain and I do believe that they feel pain. This is a viewpoint that may not be shared by other people."

Some doctors who perform late-term abortions believe that the pain issue is irrelevant because the anesthesia given the woman will also anesthetize the infant. In most cases these patients are given intravenous sedatives, barbiturates or potent opioid pain killers.

Anesthesiologists, however, dispute this claim.

"If you are using those drugs appropriately, then it has little or no effect on the fetus," said David Birnbach, president of the Society for Obstetric Anesthesia and Perinatology. "From a clinical point of view you can't depend on the fetus being asleep."

Many anesthetic drugs get across the "placental barrier" and into the fetus but only after a delay and usually with less dramatic effects than they produce in the pregnant woman.

Mark Rockoff, vice-chairman of anesthesiology at Children's Hospital, in Boston, said he "would have grave concerns that if the operations are very fast that, indeed, the infants may not be adequately anesthetized."

As physicians perform more procedures on unborn infants, the subject of fetal pain sensation is certain to become more a practical, and less a philosophical, issue.

The authors of the *Lancet* article noted this, and suggested that doctors consider giving "adequate analgesia [pain medication]" to fetuses just as they would to newborns. They concluded their article with a stunning, though inevitable, observation:

"This applies not just to diagnostic and therapeutic procedures on the fetus, but possibly also to termination of pregnancy, especially by surgical techniques involving dismemberment."

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The list contained a few slightly more common conditions including anencephaly (lack of a brain) in 29 cases, spina bifida (open spinal column) in 28 cases and congenital heart disease in 31 cases. A few of the conditions on the list, however, are rarely fatal. Cleft lip, cited as the "indication" in 9 cases, is surgically correctable after birth, sometimes with permanent disability and sometimes without.

The maternal indications in McMahon's list were similarly varied. The severity of the illnesses can't be inferred, although many of the problems he gave are not commonly life-threatening. These included breathlessness on exertion, one case; electrolyte disturbance, one case; diabetes, five cases; and hyperemesis gravidarum (intractable vomiting during pregnancy), six cases. The two most common maternal indications were depression (39 cases) and sexual assault (19 cases).

Although the few other doctors who are known to use the intact D&E method refused to be interviewed, one overseas practitioner would. He is David Grundmann, a 49-year-old physician from Brisbane, Australia, who learned the technique from McMahon about five years ago during a visit to the United States.

Grundmann performs abortion up to 22 weeks of gestation and, like McMahon, treats patients who travel great distances for his services. He and his two partners do 60 to 100 intact D&E cases a year.

In an interview last week, he said that in about 15 percent of those cases, there is a severe defect of the fetus. In about 2 percent, the pregnant woman is severely ill, and in about 10 percent there are "serious concerns about suicide." In the rest, the reasons for abortion are rape, incest, a previous physician who failed to detect that the woman was pregnant or denial on the part of the woman that she was pregnant un-

til it was too late for her to get an early-stage abortion.

The Women Affected

It's difficult to say how representative these five doctors are of the rest of the small fraternity of practitioners who perform intact D&E in the United States. Interviews with physicians who use other abortion techniques—generally dismemberment—may help indirectly illuminate why most late-term abortions, including intact D&E abortions, are done.

Warren Hern, a 57-year-old physician who practices in Boulder, Colo., has a master's degree in public health and a doctorate in anthropology. He is one of the few providers of late-stage abortions who publishes research on the topic in medical journals.

Hern performs between 1,500 and 2,000 abortions a year. About 500 are on women 20 to 25 weeks pregnant. Of those, about one-quarter involve abnormal fetuses. He does between 10 and 25 abortions each year on women more than 26 weeks pregnant, and all of them involve fetal abnormalities or serious maternal disease, he said.

"It is true that a significant proportion of the community is offended by any abortion after 26 weeks that is not medically indicated," he said. "We practice medicine in a social context. So that is why I will not perform an abortion after 26 weeks just because a woman has decided she does not want to carry the pregnancy to term."

Women seeking an abortion late in pregnancy "are often young, frequently not married, and many have a child already, or more," said Steve Lichtenberg, an obstetrician-gynecologist in Chicago who does abortions up to 22 weeks of development. Many are poor, have not completed school or established themselves in the work force, he said, and are in excellent health.

"It's not uncommon for us to see several patients a week

who give a history of rape or incest. The number who volunteer that information is substantially smaller than the number who've actually been subjected to social or sexual violence."

Herbert Wiskind is the administrator of the 19-bed Midtown Hospital in Atlanta, whose four doctors perform about 25 abortions a week on women at least 18 weeks pregnant. In his experience many of the late procedures occur simply because of denial.

"You have a young girl who becomes pregnant, someone 15 or 16 years old," he said. "She doesn't know how to tell her parents or her boyfriend. So she puts herself on a diet and tries to deny she's pregnant."

However, Wiskind said, some fetal defects aren't diagnosed until late in pregnancy for unavoidable reasons. Amniocentesis, one technique of fetal genetic screening, is done between weeks 15 and 17 of pregnancy. Several weeks can then pass before test results are known, and when they indicate a problem it often takes a woman several more weeks to decide about abortion, he said. In addition, many deformities can only be diagnosed through sonograms and aren't apparent until the midpoint of pregnancy or later.

Thomas J. Mullin does abortions through the 24th week of gestation, as calculated by sonographic measurement of the fetus's head. He practices in the New York area.

Of the procedures Mullin does in weeks 20 through 24 about one-third are for fetal abnormalities, he said. In about 10 percent of cases, the woman has an illness, such as severe diabetes or painful uterine fibroids, that is not necessarily life-threatening but is clearly made worse by pregnancy.

"The remainder of them are just errors," he said. "Many are young patients—12 to 20 years old—who are not in touch with their reproductive system as well as they should

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Methods of Abortion

About 90 percent of the 1.3 million abortions performed in the United States each year occur in the first 12 weeks of fetal gestation. At that stage, the procedure is extremely safe and quite simple. A small suction catheter is put into the vagina and then inserted into the opening of the uterus, called the cervix. The embryo or fetus, which is generally less than three inches long, is "aspirated" out.

Abortions done after the 20th week—roughly the midpoint of pregnancy—are another matter. They are riskier and more demanding, both technically and emotionally.

At this relatively advanced stage, there are two general strategies for terminating pregnancy. One is to induce labor, often by injecting a toxic substance into the fetus with a needle inserted through the woman's abdomen. This method has fallen out of favor in the past 15 years because it requires the patient to undergo labor over several days—often alone, in pain on an obstetrical ward—before she delivers a dead fetus.

More common now are techniques in which a physician removes the fetus—which at week 20 is about nine inches long—using surgical instruments while the woman is heavily sedated or anesthetized.

Although the actual procedure often takes less than a half hour, several days are required to prepare a woman's reproductive tract for it. Specifically, small sticks of highly absorbent material are put into the cervix. As they pick up fluid and swell, they slowly open the cervix until it is large enough for the physician to insert instruments. However, the opening is never as large as it is at the time of delivery, and not even large enough for the half developed fetus to get through.

Most abortion doctors circumvent this problem by dismembering the fetus and removing it in pieces small enough to pass through the cervix. This is obviously a fatal procedure, although in practice the fetus is often dead by the time it occurs.

The physician generally injects the fetus with one or more toxic substances a day before surgery, a maneuver that softens the tissue and makes dismemberment easier. It also eliminates any possibility a live birth will occur. Alternatively, some doctors cut the umbilical cord, which kills the fetus, 15 or 20 minutes before the procedure.

A few providers of late-stage abortions, however, use a different strategy. They remove the fetus intact. This requires less physical force than dismemberment and overall may be less risky to the patient, although this has not been proved because no studies have compared the intact method to the dismemberment one.

Practitioners of the intact technique make efforts to open the cervix wider than usual, but it's never wide enough to accommodate the fetal head. So the doctors deliver the fetus feet-first until only the head remains inside the uterus. The doctor then makes a hole in the base of the fetal skull and removes the brain and spinal fluid with a suction hose. Because the bones of the skull have not yet fused to form a solid structure, the empty skull can then be flattened and brought through the cervix.

Usually the fetus is dead when the doctor does this "decompression." If not, this maneuver obviously kills it. In the latter case, the precise moment and cause of fetal death is known—something that's not true with almost every other method of ending pregnancy and one reason that the method has raised such unusually strong emotions.

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mous proportions. . . . For the physician who is willing to help the patient in this dilemma, choices are few. Intact D&E can often be the best among a short list of difficult options. . . . Dealing with the tragic situations that I confront daily makes me constantly aware that I can only limit the hurt by doing gentle surgery and giving sympathetic counsel." □

Viability and the Law

The normal length of human gestation is 266 days, or 38 weeks. This is roughly 40 weeks from a woman's last menstrual period.

Pregnancy is often divided into three parts, or "trimesters." Both legally and medically, however, this division has little meaning. For one thing, there is little precise agreement about when one trimester ends and another begins. Some authorities describe the first trimester as going through the end of the 12th week of gestation. Others say the 13th week. Often the third trimester is defined as beginning after 24 weeks of fetal development.

Nevertheless, the trimester concept—and particularly the division between the second and third ones—commonly arises in discussion of late-stage abortion.

Contrary to a widely held public impression, third-trimester abortion is not outlawed in the United States. The landmark Supreme Court decisions *Roe v. Wade* and *Doe v. Bolton*, decided together in 1973, permit abortion on demand up until the time of fetal "viability." After that point, states can limit a woman's access to abortion. The court did not specify when viability begins.

In *Doe v. Bolton* the court ruled that abortion could be performed after fetal viability if the operating physician judged the procedure necessary to protect the life or health of the woman. "Health" was broadly defined.

"Medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial and the woman's age—relevant to the well-being of the patient," the court wrote. "All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment."

Because of this definition, life-threatening conditions need not exist in order for a woman to get a third-trimester abortion.

For most of the century, however, viability was confined to the third trimester because neonatal intensive-care medicine was unable to keep fetuses younger than that alive. This is no longer the case.

In an article published in the journal *Pediatrics* in 1991, physicians reported the experience of 1,765 infants born with a very low birth weight at seven hospitals. About 20 percent of those babies were considered to be at 25 weeks' gestation or less. Of those that had completed 23 weeks' development, 23 percent survived. At 24 weeks, 34 percent survived. None of those infants was yet in the third trimester.

ABORTION, From Page 14

be, so they get stuck later than they want in pregnancy. They get surprised, basically."

Jaroslav Hulka, a professor of obstetrics and gynecology at the University of North Carolina, supervises a teaching program whose physicians do 250 to 300 abortions a year on women carrying fetuses between 13 and 22 weeks old.

"Ninety-five percent of those are normal—that's fair to say," he said. Occasionally, fetuses up to 24 weeks old are aborted if they have a condition incompatible with life. The physicians use the dismemberment technique—an arduous and potentially risky procedure.

"The technique that the Congress is concerned about [intact D&E] is a level of skill above this," Hulka said. "They are doing what we're all supposed to do—namely, minimize the risk to the patient."

Practitioners of the intact procedure argue that their method is the least traumatic among the many variants of dilation and evacuation abortions used and is not—as their critics claim—the most barbarous. In testimony submitted last year to a congressional subcommittee, the late James McMahan wrote:

"In a desired pregnancy, when the baby is damaged or the mother is at risk, the decision to abort may be intellectually obvious, but emotionally it is always a personal anguish of enor-

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Restoring the Body's Sugar Stores

Post-Workout 'Carbo Snacks' Can Help Refuel Muscles, Avoid Fatigue

By Carol Krucoff
Special to The Washington Post

Most exercisers pay attention to their pre-workout meal to make sure they fuel themselves properly for peak performance. Yet many fail to recognize that the timing and choice of foods and fluids consumed after a tough workout can be just as critical.

"People who exercise hard should consume carbohydrates within the first 30 minutes after activity to refuel their

BODYWORKS

muscles and boost recovery," notes Riverside, Calif., sports nutritionist Ellen Coleman. Intense activity can deplete muscles of their predominant fuel, glycogen; it can be replaced by eating carbohydrates such as starches and sugars. The body breaks down carbohydrates into the simple sugar glucose for use as its principal energy source. Glucose is stored in the muscles and liver as glycogen.

"When athletes come to me complaining of chronic fatigue, one of the first things I do is assess their carbohydrate intake," Coleman says. "Many exercisers don't eat sufficient carbohydrates to fuel their activity, particularly if they're restricting calories to lose weight, and that can get them into trouble."

Immediately consuming "recovery carbs" is particularly important for anyone who must perform physically several times a day, such as football players involved in two-a-day workouts, aerobics instructors and competitors in all-day tournaments. Ideally, people who exercise to exhaustion should consume carbohydrate-rich foods and beverages right after their workout, Coleman says, when the enzymes responsible for making glycogen are most active and will most rapidly replenish the muscle's depleted glycogen stores.

Since many athletes aren't hungry right after exercise, "it's fine to refuel with liquid sources of carbohydrate, such as apricot nectar or apple-cranberry juice, or whatever your system will tolerate," says Brookline, Mass., sports nutritionist Nancy Clark. Fitness exercisers who work out moderately several times a week need not worry about immediately consuming carbohydrates after exercise, notes Clark, since activity that isn't lengthy or strenuous isn't likely to deplete glycogen stores.

However, all active people should stay properly hydrated by drinking plenty of water before, during and after activity. In



—ILLUSTRATION BY MATTHEW STRAUSS FOR THE WASHINGTON POST

addition, it's important to fuel exercise by eating wholesome foods in a balanced diet that is made up of 60 to 70 percent carbohydrates, 15 percent protein and no more than 25 percent fat.

Exercisers who push themselves daily, particularly those who work out for an hour or more, need to plan ahead and have a "carbo snack" available right after their activity. Clark advises athletes to stock their gym bags with easily portable snacks such as graham crackers, fruit juice, pretzels and dried fruit. Rushed morning exercisers should keep plenty of quick-grab "carbs" on hand such as fresh fruit, bagels and low-fat muffins.

But beware of eating high-fat foods to satisfy post-exercise hunger, notes Clark, since "that pint of Haagen-Dazs may fill your stomach, but it won't fuel your muscles."

A rule of thumb is to consume half a gram of carbohydrate per pound of body weight immediately after activity, then again every two hours for six to eight hours. For a 150-pound person, this would equal 75 grams (300 calories) of carbohydrates for each "carbo snack." Good choices include eight ounces of orange juice and a bagel, 16 ounces of cranberry juice or a bowl of cornflakes with milk and a banana.

While consuming high-carbohydrate sports drinks can be a convenient way of refueling muscles, "be aware that carbo drinks lack most of the vitamins and minerals that accompany wholesome natural foods, unless they are fortified," Clark says. "They also tend to be more expensive than foods."

Aerobic exercisers aren't the only athletes who can benefit from recovery carbs. Serious strength trainers also need to refuel muscles with carbohydrates, and may also benefit from eating some protein one to two hours after exercise, says Seattle sports nutritionist Susan Kleimer. She offers this recipe for a homemade "post exercise, carb-protein supplement": Mix a packet of instant breakfast with eight ounces of skim milk, a banana and a tablespoon of peanut butter and blend until smooth. One serving provides 438 calories, 70 grams of carbohydrates, 17 grams of protein and 10 grams of fat.

Athletes should be wary of popular high-protein, low-carbohydrate diets, note these sports nutritionists, since active people who don't consume adequate carbohydrates will be too exhausted for strenuous workouts day after day.

FOOD BITES

BUFFALO STEAK IS LEANER, BUT CATTLEMEN UNWORRIED

Buffalo steaks contain about one-third the fat of choice-grade beef rib-eyes but otherwise are nutritionally similar, according to a study by a North Dakota State University meat scientist.

Uncooked buffalo (bison) rib-eyes contain about 2.2 percent fat, roughly a third of that found in the typical beef rib-eye sold in stores, said Marty Marchello, whose study was requested and partially funded by the bison industry.

Marchello analyzed 90 grain-fed bison from nine states and three Canadian provinces for 1 1/2 years. His findings back up previous studies, which, although sketchy, touted bison as a lean alternative to beef.

"This is very supportive of what we've been saying," said Dennis Sexhus, chief operating officer of the North American

Bison Cooperative in New Rockford, N.D.

Wade Moser, executive vice president of the North Dakota Stockmen's Association, said Marchello's study does not worry the beef industry. "We don't look at the bison industry as being head-to-head competition. We think that there's room for them," he said.

Both bison and beef are low in sodium and high in iron, and their cholesterol levels are about the same, Marchello said. "I think lean beef is just as good for you as bison meat," he said, but added, "We don't have all the answers yet."

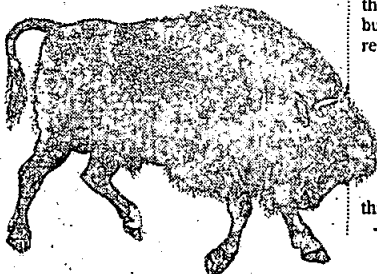
Sexhus said that the fat in bison tends to be outside the muscle and thus not part of the meat. "Any fat they put on is between the muscle, not in the muscle, and you don't see marbling. [This] leads to a naturally leaner product."

"In bison we're primarily slaughtering excess males that haven't been neutered. ... A natural male does not tend to mar-

ble the meat or put on the fat that a neutered male does. I'm sure if we castrated our bison they'd also be somewhat fatter."

Bison provides "exactly the same cuts as beef," Sexhus said. "The carcasses look very similar." Bison meat is also made into hot dogs, sausage and jerky, he said.

About 250,000 buffalo are commercially raised in North America, and industry experts project that number to grow to 313,000 by 2005.



The increasing interest in bison comes as Americans are eating more beef. Americans who ate out last year ordered 6.87 billion servings of beef, about 3 percent more than the previous year, the National Cattlemen's Beef Association said.

The bulk of that beef—and a major reason for the total beef increase—was hamburgers, 5.2 billion of them, 200 million more than in 1994, according to NPDC/Rest Research, which compiled the figures for the cattlemen's group. And most of the burger increase came from fast-food restaurants.

Beef servings in restaurants (both full-service and quick-service establishments) have risen steadily through the decade, up from 6.22 billion in 1991, the association said.

More than 40 percent of the beef consumed in the United States is sold through restaurants.

—Associated Press and staff reports

Hickey, lawmaker join foes of partial-birth abortions

Support override of Clinton veto

By Julia Duin
THE WASHINGTON TIMES

As Congress approaches a vote to overturn President Clinton's veto of the partial-birth abortion ban, two abortion opponents have emerged at the fore: the Catholic archbishop of Washington and a Presbyterian congressman from Florida.

Cardinal James Hickey, who celebrated his 50th anniversary as a priest yesterday and is close to retirement, is summoning numerous Catholic dignitaries here Thursday to oppose President Clinton's abortion policies.

Flanked by 40 bishops and seven cardinals — including cancer-stricken Chicago Cardinal Joseph Bernardin — Cardinal Hickey will lead an ecumenical prayer service on the West Terrace of the Capitol.

He will then walk to the Capitol Hill offices of Maryland Sens. Paul S. Sarbanes and Barbara A. Mikulski to deliver an estimated 100,000 postcards against partial-birth abortion gathered over the weekend from 145 parishes in the Washington Archdiocese, which serves five Maryland counties and the District. Parishioners were asked to fill out the cards during Masses yesterday.

Catholics across the country have already sent nearly 6 million postcards to members of Congress in support of a veto override. Of those, 2.8 million were received by members of the House and 3.1 million by members of the Senate.

Pitney Bowes, the independent contractor handling House postal services, hired — at its own expense — 10 extra staffers to process the backlog, said James Davison, spokesman for House Chief Administrative Officer Scot Faulkner.

Cardinal Hickey has appeared before TV cameras before to oppose the grisly procedure, which occurs infrequently and involves fetuses with serious abnormalities and a perceived threat to the mother's health.

In a partial-birth abortion the unborn child is delivered feet-first



Rep. Charles T. Canady

Four anesthesiologists testified on March 21 that the unborn child feels pain during the procedure.

up to its neck, after which its brains are sucked out with a catheter, causing its skull to collapse. Sen. Daniel Patrick Moynihan, New York Democrat, has called the procedure "too close to infanticide" for the government to condone.

The House passed a bill by a vote of 286-129 that would have made it a felony for doctors to perform the procedure. The Senate later passed the same bill 54-44. In the House, 290 votes are necessary to override a veto; 67 are required for a Senate override.

The bill exempts prosecution in cases where the mother's life was in immediate danger. Mr. Clinton has sought additional language allowing the procedure when a "serious threat" to the mother's health was present.

On April 1, Cardinal Hickey and three other bishops and cardinals were joined by almost 600 Catholics outside the White House in a protest against partial-birth abor-

tions. Despite a driving rain, the protestors marched and recited the rosary, all the while shielding their candles from the deluge.

President Clinton vetoed the ban 10 days later. In a White House ceremony, Mr. Clinton stood with five women who said they had undergone partial-birth abortions because of medical complications.

Seeing this, Rep. Charles T. Canady, Florida Republican and chairman of the House Judiciary subcommittee on the Constitution, held a series of hearings designed to undermine Mr. Clinton's rationale for vetoing the partial-birth abortion ban.

Mr. Canady, 42, questioned assertions by Planned Parenthood and the Clinton administration that the unborn child feels no pain during a partial-birth abortion because of the anesthesia given the mother.

Four anesthesiologists testified on March 21 that the unborn child feels pain during the procedure.

Mr. Canady also called before the committee Brenda Pratt Shafer, an Ohio nurse who in 1993 watched three partial-birth abortions at a clinic in Dayton.

One month later, Mr. Canady contested another Clinton claim, this one being that the partial-birth abortion bill violates Roe vs. Wade, the landmark 1973 Supreme Court decision that legalized abortion.

Harvard Law School professor Mary Ann Glendon and University of Notre Dame law professor Doug Kmiec disputed Mr. Clinton's assertion about the ban's effect on Roe vs. Wade.

In late July, they testified before Mr. Canady that partial-birth abortions are never necessary to protect the health of the mother.

Accompanying them were five women — to match the five who joined Mr. Clinton at his veto ceremony — who declined to abort their children even after learning they were deformed.

Displaying photos of their children, most of whom died within a few hours of birth, the women said the births did no damage to their health or fertility.

Mr. Canady predicted the House will override Mr. Clinton's veto. He described the outlook in the Senate as "troubling."

The Washington Times

★ MONDAY, SEPTEMBER 9, 1996

Tobacco firms puff millions into lobbying

By Jim Drinkard
ASSOCIATED PRESS

The tobacco industry spent more than \$15 million in the first half of 1996 to thwart federal efforts to curtail teenage smoking, raise the industry's taxes and restrict its advertising.

Industry giant Philip Morris led the way with \$11.3 million, according to the first-ever reports disclosing special interests' real expenses in lobbying Congress, federal agencies and the White House.

Congressional clerks who reviewed the reports say Philip Morris' total appeared to be the largest so far among some 12,000 companies and groups that filed midyear reports over the past two months.

"We have had a lot of federal attention from regulators and the White

House," said Thomas Lauria, a spokesman for the Tobacco Institute, a trade association. "It's never easy communication, because tobacco is controversial on many, many levels."

The industry, once given deference in Washington, has seen its credibility eroded in recent years by charges that executives covered up knowledge of the damaging and addictive nature of cigarettes, said Michael Pertschuk, an anti-tobacco researcher and activist at the Advocacy Institute.

"They have the deepest pockets imaginable, and they have the most at stake," Mr. Pertschuk said. "The very heart of their industry is under attack."

The industry's political vulnerability was heightened last month when President Clinton declared nicotine an addictive drug and ordered that cigarettes for the first time be regulated by

the Food and Drug Administration.

Not only is the industry pouring money into lobbying, it also is spending millions to influence lawmakers through campaign donations and additional millions to defend itself against lawsuits.

Thirteen states have sued to recover smoking-related health care costs. Eight class-action suits are pending, filed by smokers who claim they became hooked while the industry concealed the addictive nature of its product.

Meanwhile, the Justice Department continues with its criminal probe into whether tobacco company officials have lied to Congress in recent years or misled lawmakers about whether they knew of addictive properties in nicotine.

A senior law enforcement official,

speaking on condition of anonymity, said yesterday that numerous tobacco company researchers have been subpoenaed in recent weeks to testify before a federal grand jury in Washington that is looking into the tobacco companies' stance on nicotine.

With these far-ranging legal battles as a backdrop, records show that during the first 18 months of the current two-year election cycle, tobacco companies gave \$4.75 million in unregulated "soft money" to the two major parties — about \$4 million to the GOP and about \$750,000 to the Democrats.

Philip Morris' lobbying report details the breadth of the lobbying battle the industry has been forced to wage. In addition to 11 registered lobbyists in its Washington office, the company

see TOBACCO, page A15

TOBACCO

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contracted with 22 Washington law or lobbying firms.

It reported lobbying on legislation that would restrict youths' access to tobacco, eliminate tobacco advertising costs as a tax-deductible business expense, grant FDA regulatory power over their products, and restrict smoking on airplanes and in workplaces.

Philip Morris paid the Arnold & Porter law firm \$240,000 to represent it on issues including FDA regulation of tobacco; former House doorkeeper James T. Molloy \$20,000 to lobby on proposed

youth-smoking regulations; and the firm of former Rep. Ed Jenkins \$140,000 to protect it against proposed increases in excise taxes.

Company spokeswoman Darienne Dennis noted that the figure also includes money spent to advance the corporation's interests in the food and beer businesses. Philip Morris "has a right to lobby on matters of impact to its business, just like others," she said.

Miss Dennis acknowledged that the current climate for tobacco is, "as always, a challenging environment."

Other leading spenders included the Tobacco Institute, nearly \$1.3 million; U.S. Tobacco, \$920,000; R.J. Reynolds Tobacco, \$859,670; and the Smokeless Tobacco Council, \$600,000.

The new lobbying law requires all interests that engage in significant lobbying in Washington to register and to disclose a good-faith estimate of lobbying expenses twice a year. The law went into effect Jan. 1.

The reports are "certainly a clear indication that the tobacco industry is still a major power on the Hill and has a tremendous amount of clout," said John Banzhaf of Action on Smoking and Health, an anti-tobacco group.

He said the spending may lay the groundwork for efforts next year to engineer a legislative end-run around the new FDA regulations, which are expected to be tied up in court challenges for years.

* MONDAY, SEPTEMBER 9, 1996

The Washington Times

An agenda without the facts

KOver the past several months, I have taken part in more radio programs about partial birth abortion than I can count. Most of these have call-in formats. And so they are a great way to listen to what's on the public mind when it comes to partial birth abortions and the effort to ban them nationally. One thing has become clear through all these many months of talking and listening: in order to resolve their fundamental question about the morality of the partial birth abortion, a lot of Americans wish they had better information about whether or not medical experts believe that this "procedure" is ever really medically necessary to treat a pregnant woman.



At present many people seem a little puzzled. While they've heard a lot about the politics of the partial-birth debate, they haven't heard much about its medical aspects. To the extent they have, they have most likely heard that there are women who claim that their doctors told them that they must have partial-birth abortions to preserve their lives, their health, or their future fertility.

They might also know that these women, and the very sick babies they had aborted, are regularly held up by the president of the United States and by some members of Congress as the primary reason why the president didn't and Congress shouldn't, ban this procedure outright.

But again and again on these same radio programs, one or two citizens will call in and ask a version of the same question. Couldn't a woman have a cesarean section to deliver her baby alive even if her baby was very sick or disabled? Couldn't she have a regular delivery and let the baby die on its own time instead of being killed by the brutal partial-birth method? How does it make sense to argue that—once you force a baby into a breech position, and drag her outside the mother except for the head—preserving the mother's health and fertility requires you to stab the child in the head rather than simply delivering her alive? This question—the medical necessity of the partial-birth abortion—seems to have emerged as the central medical/moral question of the whole debate. Funny thing is, though, very few media stories have taken on this question. The *American Medical News* and the *Washington Times* are the exceptions. But though each is respected, neither is widely circulated. Sadly, a more typical example of media coverage is a recent *60 Minutes* report that

promised much but delivered little. Producers from *60 Minutes* assured me they intended to get to the heart of the medical evidence. But the results were a segment filled with politics and emotion but no medical insight.

Why interview doctors, professors, and experts when you can interview a late-term abortionist—a member of the National Abortion Federation, the most aggressive public apologist for partial-birth abortion—who is willing to defend partial-birth abortions, even if that means disavowing prior quoted statements to the contrary? Why not give any air time at all to the prevailing, mainstream medical view that there is no medical indication whatsoever for partial-birth abortions? Why provide millions of Americans who tune into *60 Minutes* every week precisely the medical information they are seeking to resolve the question in their minds? Why not indeed unless the unthinkable is true: *60 Minutes* had an agenda all its own. And it didn't involve letting the public hear the ugly little secret that there are no true medical indications for partial-birth abortions. Only political ones.

Helen M. Alvare is the director of planning and information for the Secretariat for Pro-Life Activities.

Army starts probe of FBI files figure for laptop misuse

Marceca now faces 4 investigations

By George Archibald
THE WASHINGTON TIMES

The Defense Criminal Investigative Service (DCIS) has opened a separate probe of Anthony B. Marceca, the Army investigator who improperly acquired FBI background files for the Clinton White House, the Army disclosed in response to inquiries by The Washington Times.

The Army Criminal Investigation Command said the DCIS, an arm of the Defense Department's inspector general, is probing Mr. Marceca's possible misuse of an Army-issued laptop computer to remove sensitive FBI file information and other data from the White House in 1994.

Mr. Marceca remains a GS-13 civilian investigator for the Army's procurement fraud unit at Fort Belvoir while he and D. Craig Livingstone, former White House personnel security director, also are subjects of a criminal probe by independent counsel Kenneth W. Starr and inquiries by two congressional committees for their role in improperly obtaining more than 900 FBI files of former Reagan-Bush presidential aides.

Brig. Gen. Daniel A. Doherty, Mr. Marceca's commander, refused to be interviewed about steps to retrieve the portable Army computer his investigator used to store and take home sensitive FBI file information and other documents when he was detailed to the White House from August 1993 to February 1994.

Gen. Doherty's spokesman, John P. Boyce Jr., said questions involving Mr. Marceca's possible misuse of his Army computer, retrieval of sensitive FBI data and other government information transported to Mr. Marceca's home on the computer, and violations of the Army's code of conduct and other regulations were being investigated by the DCIS and Mr. Starr.

The office of DCIS Director Donald Mancuso referred inquiries to the Pentagon's public affairs office. Spokeswoman Susan P. Hansen said the DCIS investigation was "not strictly" a criminal probe of Mr. Marceca.

She said the Pentagon's inspector general, through the DCIS, also was responding to a request by the Senate Governmental Affairs Committee to determine "each instance wherein Department of Defense background information was released from DoD to the



Anthony B. Marceca

White House from January 1993 through July of 1996."

Mr. Marceca has invoked his Fifth Amendment privilege against self-incrimination in refusing to turn over wrongly taken FBI and White House files subpoenaed by the House Government Reform and Oversight and Senate Judiciary committees.

It is not known how many individuals' FBI background file data Mr. Marceca took out of the White House. He revealed last month, in response to an earlier House subpoena, that he had FBI file information and other government documents at home when he turned over two computer discs listing the documents. But he withheld three pages of listed FBI documents on his attorney's advice.

Gen. Doherty refused to say yesterday whether the Army had attempted to retrieve the government computer and its data before the DCIS probe began this month.

The general also declined to respond to inquiries from The Times concerning Mr. Marceca's frequent absences from his Army job to visit Mr. Livingstone at the White House from March 1 to July 31, 1993, before he was formally detailed there for six months.

Republicans have charged that Mr. Livingstone and Mr. Marceca were searching FBI background files of former Republican presidential aides at the White House to dig up "political dirt" on Clinton administration opponents. But no evidence has yet been found to support that claim.

CORRECTION

A report in yesterday's editions of The Washington Times did not make clear the source of quoted information about a proposed religious-freedom amendment to the Constitution. The quotation, defining the proposed amendment's goals, came from its preamble.

Judge bans executive office drug tests

eral policy mandating random testing for people with passes to the Old Executive Office Building.

ASSOCIATED PRESS
Random drug testing for people who work in the building next to the White House is unconstitutional, a U.S. District Court judge ruled yesterday.

Mandatory drug testing is constitutional only under some circumstances, "none of which are present," according to the ruling. The case involves only career government employees. It has no direct bearing on the controversy surrounding nearly two dozen White House political employees subjected to heightened drug testing because FBI security checks found that they had used drugs.

"While this court abhors the sale, use or distribution of drugs, it will not suspend the Constitution," wrote Judge Charles R. Richey. Economists Arthur W. Stigler and Ellen Ballis, who work for the White House Office of Management and Budget, challenged fed-

House eases rule on additives

Delaney Clause too restrictive

By Brian Blomquist
THE WASHINGTON TIMES

Congress is on the verge of changing a 38-year-old food-processing rule that has grown obsolete with advances in technology.

Known as the Delaney Clause, the rule was adopted in 1958 when public fears about the causes of cancer were high but information was scant. It prohibits those in the food business from adding anything that poses even the most remote risk of causing cancer.

New technology, however, can detect the tiniest bits of residue, one part per billion, an amount so small that scientists don't consider it a health risk. Yet the detection of such residue might cause the government to prohibit more than 80 pesticides.

On Tuesday, the House voted 417-0 to replace the Delaney Clause with a new rule, and the Senate Agriculture Committee voted 18-0 for the same bill yesterday. The Senate could pass the bill this week, and White House officials say President Clinton will sign the bill into law.

The bill would create a single standard for raw and processed foods, permitting pesticides that pose less than a one-in-a-million lifetime risk of cancer. The bill also builds in a safety factor for health risks other than cancer.

Exemptions from the standards to ensure a stable food supply would be strictly limited, and the measure requires that the public be informed when crop emergen-

Conservatives have tried for years to repeal the Delaney Clause as an example of government overregulation.

cies dictate relaxation of the cancer standard.

The key provision of the bill is the elimination of the Delaney Clause.

"Delaney absolutely was so inflexible that it was harmful to both the producers of food and the consumer," said Sen. John W. Warner, Virginia Republican and a member of the Senate Agriculture Committee.

Conservatives have been trying to repeal the Delaney Clause for years, often pointing to it as a typical example of harmful government overregulation.

Rep. Thomas J. Bliley Jr., Virginia Republican and chairman of the House Commerce Committee, negotiated the repeal of the Delaney Clause with Reps. John D. Dingell, Michigan Democrat and Mr. Bliley's predecessor as chairman, and Henry A. Waxman, California Democrat.

The impetus to move the bill quickly was a recent federal court decision that ordered the government to strictly enforce the Delaney Clause in areas where it hadn't. To satisfy the court, the Environmental Protection Agency was prepared to ban more than 80 pesticides by the end of the year.

EPA Administrator Carole M. Browner called the bill "a major step forward in ensuring a safe, healthy life for American families."

Mr. Bliley called it "a landmark bipartisan agreement that will bring federal regulation of food producers into the 21st century."

Under current law, fresh foods are subject to a different standard than processed foods.

Because of the separate standard for processed foods, such as ketchup, Mr. Bliley said, "a new safer pesticide often couldn't be used on raw tomatoes, simply because it formed a carcinogenic residue when processed as tomato paste — while an older pesticide, posing potentially greater risks, would be retained."

Mrs. Browner said the bill includes three major items requested by the administration: standards to limit health risks, new protections for children and expansion of the consumer's right to know about pesticide risks.

A 1993 report by the National Academy of Sciences identified infants and children as especially vulnerable to the risks.

The bill would require the EPA to screen for substances known as endocrine disruptors that could raise the risk of breast cancer or reproductive illnesses.

• This article is based in part on wire service reports.

Doctors deny health value of late abortions

By Julia Duin
THE WASHINGTON TIMES

President Clinton is preaching medical nonsense by claiming that a form of late-term abortion protects a mother's health or fertility, three physicians said yesterday.

"So many physicians like myself watch in disbelief as false medical facts about partial-birth abortions get circulated in the public square," Dr. Nancy Romer, a Dayton, Ohio, obstetrician, said at a briefing to announce the founding of the Physicians Ad-hoc Coalition for Truth (Phact).

"In fact," she said, "there's a lot of evidence they may do harm to women."

Phact, to be based in Alexandria, aims to counteract pro-choice claims about partial-birth abortion, in which a doctor delivers an unborn child feet first up to its neck, punctures the skull and sucks out the brain.

She and two Michigan doctors said they were most incensed by the president's claim that such abortions are medically necessary for mothers of deformed children.

Mr. Clinton made this argument in his April 10 veto statement on the Partial Birth Abortion Ban Act. The ceremony featured five women who said they underwent such abortions for health reasons.

"These were honest women who were sadly misinformed," said Dr. Joseph DeCook, a Grand Rapids, Mich., obstetrician. "There is no literature that testifies to the safety of partial-birth abortion. It's a maverick procedure devised by maverick doctors who wish to deliver a dead fetus."

Instead of protecting a woman's fertility, such abortions endanger it by using methods that could lead to an infection, causing sterility, Dr. DeCook said.

He also said that drawing out the child in a breech position "is a very dangerous procedure, and you could tear the uterus." He said a ruptured uterus could cause the mother to bleed to death in 10 minutes.

The puncturing of the child's skull also produces bone shards that could puncture the uterus.

"It sounds like science fiction," Dr. DeCook said. "It's not taught in any residency program in the country."

Joining the doctors were five women who said they elected not to abort when they discovered they were carrying deformed children.

Among them was Whitney Goin, who was with her husband, Bruce. The Orlando, Fla., couple arrived holding their 10-month-old son, Andrew, whom doctors offered to abort when they learned he would be born with several vital organs outside his body.

The child, who cooed and gurgled while Mrs. Goin spoke, has undergone many painful surgeries and eight blood transfusions, she said, as the organs, one by one, have been inserted into his body.

"The worst-case scenarios that were painted by the doctors did not come to fruition, and we are thankful that our son was allowed the opportunity to fight," she said. "My ability to have more children was not affected at all."

The other four women, who have requested a meeting with the president, displayed photos of children who died.

Several said their conditions were similar to those of the women with whom Mr. Clinton spoke.

Posturing on Abortion

By Robert F. Drinan

The indignant voices of the pro-life movement and the Republican Party will likely reach new decibels in the campaign to urge Congress to override President Clinton's veto of the bill banning so-called partial-birth abortions. But Congress should sustain the veto. The bill does not provide an exception for women whose health is at risk, and it would be virtually unenforceable.

I write this as a Jesuit priest who agrees with Vatican II, which said abortion is virtually infanticide, and as a lawyer who wants the Clinton Administration to do more to carry out its pledge to make abortions rare in this country.

The bill the President vetoed would not reduce the number of abortions, but would allow Federal power to intrude into the practice of medicine in an unprecedented way. It would also detract from the urgent need to decrease abortions, especially among unwed teen-agers.

The Partial-Birth Abortion Ban Act passed the House by 286 to 129, and 290 votes are required to override the veto. It cleared the Senate by 54 to 44; though it seems unlikely that 13 of the 44 votes would change, all bets are off in an election year.

More than 95 percent of all abortions take place before 15 weeks. Only about one-half of 1 percent take place at or after 20 weeks. If a woman has carried a child for five months, it is extremely unlikely that she will want an abortion.

The three procedures available for later abortions are complicated and can be dangerous. The vetoed bill would have criminalized only one — a technique called dilation and extraction — that medical experts say is the safest of the three. The bill

Robert F. Drinan, a former Democratic Representative from Massachusetts, is a professor at the Georgetown University Law Center.

calls this procedure a "partial birth," a term that experts reject as a misnomer. Indeed, the American College of Obstetricians and Gynecologists supported the veto.

President Clinton said he would sign a bill regulating late-term abortions if it provided an exception for women whose health might be at risk if they did not have the procedure. As the bill stands, the abortion would be allowed only if a woman might die without it. Mr. Clinton is serious. As Governor of Arkansas, he signed a bill prohibiting late abortions except for minors impregnated by rape or incest or when the woman's life or health is endangered.

In any case, a conviction would be difficult to obtain if the bill became law. Legal experts say that doctors could argue that the language was too vague for a measure that im-

Congress forgoes its chance to get a law on the books.

posed criminal sanctions. And juries might be reluctant to convict a doctor who aborted a fetus that was likely to be stillborn or in cases where the woman's health or ability to have children was in jeopardy.

The bill would also sanction intrusive enforcement by requiring Federal officials to keep informed about doctors who performed late-term abortions. The F.B.I. would be authorized to tell nurses and health aides that they had a duty to tell officials about illegal late abortions.

If Congress were serious about getting a law on the books limiting late abortions, it would include the woman's health as justification for the late-term procedure. But it seems more intent on using Mr. Clinton's veto as a political weapon. This will poison the campaign and inhibit a larger discussion about real strategies to reduce abortions. □

Observer

RUSSELL BAKER

Easy As Pie

The Whitewater business is easy enough to understand: A bunch of people in Arkansas are charged with operating a small savings and loan as if it were their own property. The further suggestion is that President and Mrs. Clinton were in cahoots with this crowd when they invested in a real-estate development named "Whitewater."

Republicans have been agitating the word "Whitewater" for several years, obviously hoping it may encourage Americans to call the President a crook. This result would gratify them for two reasons:

First, since many Americans have long called the Republican President Richard Nixon a crook, nailing the Democrat Clinton with the crook word would restore the balance of billingsgate. It would also justify the classic defense of Nixon; to wit, that "they all do it."

Secondly, the charge might persuade Americans to withhold votes from Mr. Clinton and create Republican bliss by choosing Robert Dole to lead us.

Democrats take comfort from the incomprehensibly detailed manner in which the Arkansas savings-and-loan shenanigans have been described in newspapers. They reason that if nobody can understand Whitewater, nobody will care about it.

This is a dubious notion. It is usually the ignorant who are most easily led by the nose. The Vice President's father, Albert Gore Senior, once described a Tennessee voter who came to him worried about an incomprehensible Republican scheme, known as "the Dixon-Yates plan," for restructuring the T.V.A. "Isn't it just awful about this Dixon-Yates thing?" the man said. Senator Gore, who was fighting Dixon-Yates, agreed it was a terrible thing, and then the man asked, "What's it all about anyhow?"

One of the ironies of the Whitewater affair lies in the trivial sum of money involved. The people who were treating the Arkansas savings and loan like a personal nest egg were pikers.

All over the country at that time, operators of savings and loans were treating themselves to millions and investing it in get-rich-quick schemes.

When the bubble burst in the 1980's

Whitewater:
Who's winning,
who's losing,
who's sleeping.

and savings and loans across the country were found to have nothing in the till but dust and an occasional mouse, it was the Federals, as usual, who had to bail them out. That's you, folks.

The bailout cost billions. After the Government prosecuted a handful of scoundrels who had milked their businesses for millions, the scandal was allowed to die quietly, written off as an unfortunate example of something or other about which it would be unwise to upset people.

Partly this was because Democrats and Republicans, being equally to blame for the disaster, chose to play it pianissimo. But now, how's this for delicious irony: Suppose — just suppose, mind you — it turns out President Clinton actually was conspiring with the Little Rock savings-and-loan crowd. His defenders would be superbly positioned to take the Nixon line: "They all did it."

The money involved in Whitewater is peanuts compared with what the big-time savings-and-loan swindles involved. It is a sum that brings to mind Ross Perot's contemptuous dismissal of Bill Clinton's record as Governor of Arkansas. Arkansas, said Perot, was just "a little Mom and Pop state."

Small though the money was, Whitewater is now a bigger deal than the multibillion-dollar savings-and-loan scandals ever were. Which shows a President's power to get attention.

So what are the Republicans' chances of a big political score? Probably not too hot. Ignorance may make the American voter an easy mark for demagogues, but few subjects bore him quite so thoroughly as the technical aspects of money.

Despite years of mindlessly voting against taxes, for instance, the typical American is still unaware that his Social Security taxes rise as inexorably as the sun and moon. Nor does he know they're used to pay the Government's running expenses. Many Americans don't even realize they are taxes.

How can Republicans make Americans care enough about a money story to keep the country from going glassy-eyed and slipping into the Land of Nod? □

On My Mind

A. M. ROSENTHAL

The Warp From Israel

Before the Israeli election, the U.S. and European public kept receiving a warped picture of Israeli political reality. After the election, they still receive it. And chances are that they will keep getting it, on and on.

The reason is that the dispensers of wisdom remain the same. Foreigners who had favored us with their warp before the election granted us their analyses and predictions immediately the votes were in. The same people will instruct us on the new Israeli leadership, which they detested before it won and whose Government they regard with heaving horror.

Among these folk are not only journalists but foreign office types, politicians, diplomats, clergymen, academics and executives of important Jewish organizations. They are a diverse group, but united by their admiration for the Labor Party and their distaste for the Likud coalition.

Accountability is built into democratic politics. It is called Election Day. But only the ethical urge to admit error substitutes for accountability among government and organizational bureaucrats, journalists, tenured academics and clergy inclined to political pulpity. Since reputations and jobs are involved, plus that particularly cherished commodity self-admiration, the urge is usually quickly and efficiently suppressed.

Before the election, throngs of experts acted as if there were only one possible plan for peace, the Labor-Arafat version. They told us most Israelis had shown their support for it. Still, even with worldwide rooting for Shimon Peres outside Israel, somehow they said the election was

Times change, not the experts.

too tight to call. They told us Mr. Netanyahu was American-oriented, a shuddersome thought, and had the character and brain of a bird, specifically a hawk. As described on CNN after the election, Mr. Netanyahu did not walk, he swaggered.

Now we get pretty much the same picture, with a little adjustment for the fact that after all, when you get down to it, the fellow did win, actually. We are told that the election was a stunning reversal of a peace policy approved by the public, and that Mr. Netanyahu would prefer risking war to conciliation with Arabs.

None of these things were true before Election Day, none now. The Israeli public never voted for the Labor plan, known to our instructors as "the peace process," as if none other could be conceived. It gives up much of the West Bank and the Golan Heights, the prelude to the creation of a Palestinian state and negotiations about Jerusalem.

Before the last election, in 1992, Labor assured voters that as led by Yitzhak Rabin it would never do such things. After the election, Labor changed its mind and did them. But the public had no chance to change its vote for Labor until May 29, when it did.

Arab Israelis, 12 percent of the

electorate, voted for Mr. Peres virtually unanimously, narrowing the Netanyahu lead to 1 percent. Arab votes count legally as much as do Jewish votes, and should. Labor was able to put together its coalition in 1992 with Arab support. Israeli Jews did not contest that.

But Israel was created to be not only democratic but a Jewish state whose fate and security were to be in Jewish hands, a truth that seems to embarrass the politically correct these days. Israeli Jews gave Mr. Netanyahu 60 percent of their ballots. In that critical political sense the election was not a squeaker but a landslide for Mr. Netanyahu.

We have been told, and will be again, that Mr. Netanyahu will make negotiations with Arabs impossible. Funny, but the King of Jordan does not think so; he is astonished that the outcome of the election should be portrayed as a setback to peace.

On the phone over the weekend, Mr. Netanyahu told me that he tends to be a red-liner in negotiation — this is what I won't give up, let's talk about all the rest. Maybe the King of Jordan thinks that is the way to get a deal done in the Mideast. Maybe he knows more about the Mideast than our gurus; possible.

Among journalists, diplomats and academics are some with courage enough to break out of the pro-Labor bias of their peers. But there are enough who will not or cannot that I study news about Israel with a special Surgeon General's warning flashing in my head: The material herein can be dangerous to your comprehension. □

A VETO TO HAUNT A PRESIDENT

AS THEY MADE CLEAR in their 32-page pre-election guide issued last November, the American Catholic bishops oppose much of Newt Gingrich's agenda in Congress. On broad social issues like health care, immigration and social welfare, the bishops' stands come close to those of the Clinton Administration's. On April 10, however, that fragile harmony came undone—for on that day Bill Clinton vetoed the first serious effort of Congress to restrict late-term abortions since the Roe v. Wade decision in 1973. The legislation, H.R. 1833, which passed the House with broad bipartisan support, would have banned a particularly gruesome abortion procedure known antiseptically as "intact dilation and evacuation"—performed only after 20 weeks of gestation—and it offered Mr. Clinton the unusual chance to show that he means what he says when he claims that he wants abortions in this country to be "rare." The President, appearing in an emotional White House ceremony with five women who had undergone the procedure, muffed it.

The tears of those agonized women—and the voices of pro-choice advocates like Kate Michelman's National Abortion Rights Action League, who will brook no compromise on this issue—moved the President and were listened to. As in the past, the dull groans of that vast mushy middle of Americans, who want abortion legal, safe and restricted in some way, were not heard.

More remarkably, the moral qualms of certain dissenting pro-choice feminists were not heard either. In adopting the strategy of depersonalizing the fetus as a "mass of dependent protoplasm," warned Naomi Wolfe in the *New Republic* (Oct. 16, 1995), the pro-choice movement risks "losing something more important than votes; we stand in jeopardy of losing what can only be called our souls." Abortion supporters should admit, wrote Wolfe, "that the death of a fetus is a real death; that there are degrees of culpability, judgment, and responsibility in the decision to abort a pregnancy." Writing in *The New Yorker* (Dec. 4, 1995) Jane Mayer conceded that "intact dilation and extraction... can be portrayed—and not altogether implausibly—as bordering on infanticide."

President Clinton's veto drew an angry protest from the nation's Catholic cardinals and a stinging rebuke from Pope John Paul II. Comparing the procedure to infanticide, the Pope said that it "morally and ethically imperils the future of a society which condones it." He condemned Mr. Clinton's decision as "a shameful veto that in practice is equivalent to an incredibly brutal act of aggression against innocent humans."

In a three-page letter dated April 16 and signed by the

nation's eight cardinals and Bishop Anthony Pilla, the president of the National Conference of Catholic Bishops, the cardinals write: "[W]e strenuously oppose and condemn your veto of H.R. 1833 which will allow partial-birth abortions to continue.... Mr. President, your action on this matter takes our nation to a critical turning point.... It moves our nation one step further toward acceptance of infanticide."

The cardinals' words translate into an undisguised political threat. "In the coming weeks and months, each of us, as well as our bishops' conference, will do all we can to educate people about partial-birth abortions," they write. "We will inform them that partial-birth abortions will continue because you chose to veto H.R. 1833."

The bill in question would have prohibited a relatively rare procedure, involving considerably less than 1.5 percent of the 1.3 million abortions performed annually in this country, "in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." The unborn child is killed by puncturing a hole at the base of its skull, inserting a catheter into the opening and suctioning out the brain—so as to allow the head to pass through the birth canal. H.R. 1833 was not absolutist; exceptions were allowed to preserve the life of the mother. Mr. Clinton, clearly troubled by this late-term procedure, insisted he would have signed the bill if Congress had only expanded its provisions to allow it in cases where a pregnancy carried "serious health consequences" for the woman. The problem here is that in the context of abortion the courts have defined "health" so very broadly.

HEALTH, counter the cardinals, "means virtually anything that has to do with a woman's overall 'well-being.'" If the woman is not married, too young, too old, "if she is emotionally upset by pregnancy, or if pregnancy interferes with schooling or career," write the cardinals, "the law considers those situations as 'health' reasons for abortion. In other words, as you know and we know, an exception for 'health' means abortion on demand."

Come next November, Mr. Clinton's veto will haunt him—especially among Catholic voters. It aligns him with the pro-choice militia, who as Mary McGrory wrote in her *Washington Post* column (April 14, 1996), "are like the N.R.A: They fight like steers against sensible prohibitions in regard to guns and abortion, respectively.... The National Abortion and Reproductive Rights Action League defends a procedure so harrowing that even agnostics or pro-choice voters are repelled by it."

President Clinton chooses to protect abortion industry

an opinion by Bishop James McHugh

As he had threatened to do, President Clinton vetoed the Partial-Birth Abortion Ban Act. This proposed law would have prohibited a procedure in which a live baby is partially delivered, then killed, and finally delivered as a dead child. There is no surprise in Clinton's action — he is so committed to pro-abortion organizations and to abortion under any circumstances, many predicted he would veto the bill to serve one of his core constituencies.

The real tragedy of the veto was the public display that President Clinton hosted in which he invited women who claim to have undergone this procedure to come before the TV cameras and tell their stories. I can understand their suffering and I am sympathetic to their lingering grief. I offer no judgment of them personally. But that does not justify the President of the United States in using them as political pawns, or in misusing their personal stories to provide some self-serving explanation of his veto. It would have been far more honest for the president to veto the bill and say nothing, or state clearly that he has unswervingly upheld the pro-abortion cause and would not change now.

The occasion was fraught with contradictions. For example, President Clinton thanked the women for telling their personal stories so that people would know why he vetoed the bill. But he also said that the partial-birth procedure that has been at the center of this debate was not the procedure these women had. In fact, one of the women had previously testified to Congress that she had not undergone a partial-birth abortion.

With the five women and their families standing around him, Clinton also tried

to persuade us that he vetoed the bill to protect these families. "These people have no business being made into political pawns," Clinton said. But it was the president who invited them to the White House and urged them to tell their stories on nationwide TV. And Planned Parenthood, the largest abortion provider in this country, paid all the expenses.

Clinton has continually claimed that he is opposed to late-term abortions and would have signed the bill if it included an exception to protect the "health" of the woman. But legislators know that the Supreme Court has defined "health" in the abortion context to include such factors as social and emotional "well-being." An effort to amend the bill for "health" reasons had been made by pro-abortion Senator Barbara Boxer (D-Calif.), and her proposal was clearly seen by Congress as an effort to empty the bill of any meaning. The Boxer amendment was rejected by senators who generally vote pro-abortion as well as by all who vote pro-life. Clinton's proposal was sent to Congress after the debate and rejection of Boxer's amendment, in full knowledge that Congress could not accept it.

Clinton tried to dodge the issue by claiming he wanted an exception for "serious adverse health consequences to

the mother." But the leading practitioner of partial-birth abortions has said that 80% are "purely elective." And Dr. Warren Hern, author of the most widely used abortion textbook, has questioned the procedure's benefit for women's health: "I have very serious reservations about this procedure...I would dispute any statement that this is the safest procedure to use...Turning the fetus to a breech position is potentially dangerous." If President Clinton or Senator Boxer were serious, they could have described the specific "serious adverse health consequences" they had in mind. But both Clinton and Boxer preferred vagueness. Perhaps the most unwarranted feature of the president's attempt to justify his veto was in the recurring claims that this was not about abortion but about health. A careful reading of this debate, especially President Clinton's remarks, shows that it is in fact more about infanticide: Doctors become aware that an unborn child has a genetic defect, and will either die soon after birth or require corrective surgery and therapy. Their judgment is that the child's life is not worth living. It is a quality-of-life decision. At that point, they avoid the legal penalties associated with infanticide by killing the child just before delivery is completed.

Every abortion results in the death of an unborn child. Unlike abortions that

involve killing the child in utero, a partial-birth abortion involves *delivering* the child almost all the way — with only his or her head remaining inside the mother. Then, seeing the child's lower extremities and that the child is alive, the abortionist deliberately kills the child. If the child were not killed at this point, a live child would be born, but the desired outcome is not a live child, but a dead child.

President Clinton also justifies this procedure by claiming that it permits women to bear children in the future. But the medical testimony provides no evidence of how this procedure affects future fertility, and no evidence of the genetic histories of those who had partial-birth abortions.

Long before President Clinton presented his show for the cameras, Congress had held three hearings on partial-birth abortions. It concluded, on the basis of medical testimony, that the procedure has no medical justification. From all we have read and heard, President Clinton has not begun to justify his veto.

It is clear in this episode that the president has failed in his responsibility to set high societal standards for safeguarding human life. He has chosen instead to protect the abortion industry, which is only interested in providing access to abortion at any time in pregnancy, without any ethical considerations. That's not a good position for the leader of the Free World to be in.

Bishop James McHugh is the bishop of Camden, N.J., and a member of the Committee for Pro-Life Activities for the National Conference of Catholic Bishops.

investigation, on which he has spent \$667,000 through March 31, according to the Administrative Office of U.S. Courts. After checking with him, a secretary said that "it is against the law to give out any information."

(Optional add end)

Medlar provided some of the taped conversations with Cisneros to a tabloid television show, which paid her \$15,000 for an interview. She also sued the Housing secretary for \$250,000 in damages that she said she had suffered for breach of a verbal contract allegedly made to support her.

Cisneros settled that suit a year ago by agreeing to pay Medlar \$49,000, winning a pledge from her not to comment further on the matter.

Floyd Holder, an attorney who represented Medlar in her civil suit, said that he is no longer her lawyer and that she has no representation. He would not discuss Barrett's investigation.

Medlar has an unlisted telephone number in Lubbock, Texas, and could not be reached.

But a source familiar with the matter said that she had obtained the "use immunity" earlier this year, agreeing to cooperate with Barrett's inquiry. The source said that the agreement provided "I'll tell the truth if you won't go after me."

Senate OKs Bill to Notify Freed Sex Offenders' New Cities(Washn)By Edwin Chen = (c) 1996, Los Angeles Times=

WASHINGTON The Senate Thursday approved a popular bill requiring states to notify the public whenever a convicted sex offender has settled into a community who may pose a danger to children.

The bill, known as "Megan's Law," is named for Megan Kanka, a 7-year-old New Jersey girl who was kidnapped, raped and killed in 1994 by a twice-convicted sex offender who had quietly moved in across the street in Hamilton Township, just outside of Trenton.

The Senate bill was adopted by a unanimous voice vote amid a day of wrangling over repealing the gas-tax and raising the minimum wage issues that were left unresolved until next week.

The House approved the notification bill Tuesday night by a vote of 418-0. A White House spokeswoman said Thursday night that President Clinton will sign the bill.

Variations of "Megan's Law" already have been adopted in numerous states. And the 1994 federal crime bill allowed but did not require states to require notification.

Since then, 49 states have enacted sex offender registration laws, but 30 states have adopted community notification provisions.

"This is a tragedy in the making," said Senate Majority Leader Bob Dole just before the measure was approved by unanimous consent. "For once, let's prevent a tragedy instead of waiting for some horrific crime and then taking action."

(Optional add end)

The wave of sex offender registration and notification laws has aroused concern among civil libertarians who question the legality of the legislation, and numerous legal challenges are pending around the United States.

Critics have raised questions, for instance, about who is authorized to decide and by what criteria which convicted sex offenders still pose a danger to society.

Among those making the rounds on Capitol Hill earlier this week were Maureen and Richard Kanka, the parents of Megan. Her accused assailant is awaiting trial.

Three Who Had It Defend 'Partial-Birth Abortion' (Los Angeles)By Patrice Apodaca = 1996, Los Angeles Times=

LOS ANGELES Claudia Crown Ades, Coreen Costello and Mary-Dorothy Line probably never would have met but for the tragedies that changed their lives forever.

Now, they've joined to speak out against what they see as a tide of misperceptions and misinformation about intact dilation and extraction, a procedure they all underwent to end their late-term pregnancies because their fetuses had fatal birth defects and the mothers' health was at risk.

"When you're carrying a desperately wanted child, there's nothing more in the world you want than that child," said Ades, who underwent the procedure 3&1/2 years ago after tests in her sixth month of pregnancy showed that her fetus had severe abnormalities, including an underdeveloped brain, a large hole in his heart and eyes so far apart they were almost on the sides of his head.

"It was not my decision," Ades said. "It was God's will."

Better known by the graphic term that opponents have coined partial-birth abortion the medical procedure has become a central issue in the abortion debate in this election year. But for President Clinton's veto, the practice would have been banned by a congressional bill except in cases when the mother's life is at stake.

In emotional and sometimes shrill testimony in Congress legislators and witnesses supporting the bill portrayed the procedure as brutal and unnecessary. The bill, which was introduced by Rep. Charles T. Canady, R-Fla., described the method as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Clinton said he had been inclined to support the bill but changed his mind after hearing the pleas of these three Los Angeles-area women and others, who convinced him he should not sign the legislation without a broader exception that recognizes the mother's health, even if her life is not in immediate danger. Ades, Costello and Line were with the president when he vetoed the bill last month.

But these women say their fight is not over. Many states are considering similar legislation. Clinton's veto is sure to draw fire as the election draws near. So, again and again, Ades, Costello and Line retell their wrenching tales in letters to legislators, at one-on-one meetings, and in editorials and tearful addresses.

(Begin optional trim)

Ades, 37, is poised and sophisticated. She lives in nearby Sherman Oaks, and works in the entertainment industry as a personal manager. She is Jewish, a Democrat and supports abortion rights.

Costello, 31, is a warm, outgoing stay-at-home mother of two who lives in Agoura. A fundamentalist Christian and registered Republican, she opposes most legal abortions.

Line is a thoughtful, intensely private woman who works as a financial consultant. The 34-year-old Los Angeles resident, a registered Republican, is a practicing Catholic who nonetheless supports abortion rights.

(End optional trim)

At about their sixth month of pregnancy, they learned that their babies were so severely malformed that they would either die inside the womb or shortly after birth. Each underwent extensive testing and received opinions from several doctors. Nothing could be done to save the babies, and as their conditions worsened, the risks to the mothers' health and fertility grew.

Through the recommendations of their doctors, all three ended up at the offices of Dr. James T. McMahan, a now-deceased Los Angeles physician who developed intact dilation and extraction.

a bill will be sent to Clinton. Cisneros said Thursday he would work with both chambers to try to create a final bill the president would sign, not veto.

The sharpest dispute in the House debate was over the GOP plan to repeal the so-called Brooke Amendment, which links public housing rents to participants' income and prevents housing authorities from charging residents more than 30 percent of their income. Republicans argued that the provision discourages residents from taking jobs because they know their rents will increase sharply.

(Begin optional trim)

If it is repealed, Republicans said, local officials could set rent structures that encourage public housing residents to take financial responsibility for their futures because their rents will no longer be strictly linked to their income, as they are now.

"We're saying that work ethic is important," argued Rep. Rick Lazio, R-N.Y., the measure's chief architect. "The Brooke Amendment is a job killer."

But Democrats argued that this provision could increase monthly rental payments for hundreds of thousands of poor people living in subsidized housing and price many of these poor residents out of their homes.

"This bill will put poor families in jeopardy of losing their housing because they will be unable to pay higher rents," said Rep. Maxine Waters, D-Calif. "For many families this will mean choosing between shelter and food or clothing or medicine."

(End optional trim)

In a vote of 222-196, the House rejected a Democratic effort to retain the Brooke Amendment.

Republicans and Democrats also disagreed over a provision to abolish current admission regulations that require housing authorities to give preference to the homeless and the poorest applicants. The GOP measure would give local housing officials the ability to set their own criteria for selecting residents although they would still be required to choose from among those whose earnings are below 80 percent of the local median income.

Rep. Chris Shays, R-Conn., stressed that the current system of giving preference to the poorest of the poor has turned public housing into ghettos of hopelessness, where children grow up without knowing any adults who go to work every day to support their families.

"We simply have got to have a mixture of income again in public housing," Shays said.

Despite their disagreements over some of the specifics, the legislation signals that House Republicans and the Clinton administration have reached a broad consensus on how to reform the housing laws that govern how HUD spends its \$30 billion yearly budget and serves the 3 million Americans who depend on its programs.

In fact, many of the provisions in the measure were first adopted in the sweeping changes to federal housing policy included in a fiscal 1996 spending bill, which reflected the priorities of the administration. These measures would expire at the end of the year, but the GOP housing package would make them permanent.

(Optional add end)

One such measure is aimed at ridding the country of its most blighted housing projects by giving local officials the authority to demolish or dispose of them if they believe that maintaining them is no longer practical. Previous law required local housing officials to replace a unit before destroying an existing one.

Some advocates for affordable housing said that the measure is sure to worsen the already acute shortage of housing for poor Americans and expressed dismay that a Democratic administration embraced the lions share of the GOP effort.

The House measure also includes provisions designed to make housing projects safer. For instance, it would enable local housing officials to reject or evict convicted

criminals or individuals with drug or alcohol problems.

Cisneros' Former Mistress Wins Immunity, Will Testify (Washn) By Ronald J. Ostrow and Robert L. Jackson= (c) 1996, Los Angeles Times=

WASHINGTON In a development that could spell deeper legal trouble for Housing Secretary Henry G. Cisneros, his former mistress has been given immunity from prosecution in return for her help in determining whether Cisneros conspired with her to hide information from the FBI, the Los Angeles Times learned Thursday.

Sources familiar with the inquiry said the woman, Linda Medlar, has been given "use immunity" by David M. Barrett, the independent counsel investigating whether false statements Cisneros' made to FBI agents violated federal law. Cisneros made the statements during the FBI's routine background investigation of him while he was under consideration for a Cabinet nomination by President Clinton in 1992.

Cisneros has acknowledged his widely reported affair with Medlar, an aide when he was mayor of San Antonio, and that he had been paying her support for some time after the relationship broke up in late 1989.

However, Attorney General Janet Reno sought the appointment of an independent counsel to investigate after concluding that Cisneros had substantially understated the amounts of those payments in his statements to the FBI.

The special court that selected Barrett last May directed him to determine whether those false statements were material and serious enough to warrant prosecution and whether Cisneros had unlawfully conspired with others to conceal information from the FBI.

Cisneros' statements potentially affected two other inquiries as well information-gathering on potential nominees by Clinton's transition team, and the Senate's consideration of him after his nomination, the Justice Department said.

With Barrett's inquiry under way for nearly a year, sources sympathetic to Cisneros noted Thursday that investigators may be having trouble corroborating information Medlar is providing. The use immunity was given earlier this year, after Medlar initially turned a cold shoulder to agents and attorneys last fall, one legal source said.

Transcripts of telephone conversations between Cisneros and Medlar, which she surreptitiously taped for nearly four years, supported Medlar's allegation that he lied to the FBI during the background investigation, Reno concluded last year.

Cisneros told the FBI he paid Medlar sums no greater than \$2,500 at a time and no more than \$10,000 a year.

"In fact, he paid her more than \$2,500 at various times, and his total annual payments to her were between \$42,000 and \$60,000," Reno said. "Secretary Cisneros' statement was made to the FBI soon after he made a payment to Medlar that was substantially larger than \$2,500."

The transcripts, most of which were obtained earlier by The Times, indicate Cisneros was deeply concerned that the size and timing of the payments to Medlar could derail his Cabinet appointment.

Asked by Medlar how he would handle questions about the payments at his Senate confirmation hearings, Cisneros replied, according to the transcripts: "The subject probably is not even going to come up."

Later, he told Medlar: "If it does, I'll tell them what we agreed and the only person in the world who can sink me at that point ... and I'm talking contempt of Congress jail is you."

As it turned out, the matter was not raised publicly at the hearings by the Senate Banking, Housing and Urban Affairs Committee.

Cono R. Namorato, Cisneros' lawyer, declined comment when asked about the grant of immunity to Medlar. "It wouldn't be appropriate for me to comment since the matter is under investigation," he said.

A White House spokesman also declined comment. Barrett would not speak with a reporter about the

...it's a heartbreaking decision," said Line, who underwent the procedure in July after her unborn son was found to have hydrocephalus. His head was filled with so much fluid that the brain could not grow, his stomach was undeveloped and he could not swallow.

Costello's daughter also had a fluid-filled head that was larger at 6 months than a full-term baby's. Her lungs had not developed, and her body was in a rigid swan-dive position, with the backs of her feet touching her head.

She and her husband, Jim, a chiropractor, at first refused to consider McMahon's procedure.

But as Coreen's health deteriorated, the Costellos were told by their doctor that they had to act. The fetus had to come out, they were told, and the way to do it that would best protect Coreen's fertility and cause the baby the least amount of suffering was the intact dilation and extraction procedure.

As each woman came to grips with her loss, news reports began surfacing late last year about the so-called partial-birth abortion legislation. Each soon realized that the procedure was the one that they had undergone. Horrified over what they considered to be inaccurate and inflammatory arguments by the bill's proponents, they individually decided to come forward. They became acquainted through their lobbying efforts, and today they are friends.

Not all were moved by their testimony before Congress at least not enough to change their positions. Costello admitted to being naive at first.

"I went up against people that I voted for, that I admired and respected my whole life," she said. "I thought they'd read my letter, hear my story and it would be over. They'd understand."

But after meeting with hostile questioning in the House, Costello said she has changed. While she still opposes most legal abortions, "I've met women that have had to make difficult choices, and I don't judge them anymore."

The intact D&E, or very similar procedures, are performed by just a handful of U.S. doctors in an estimated 500 cases a year.

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McMahon's widow, Gale, a registered nurse, said the general practitioner began performing abortions at his Los Angeles offices in 1972, after they became legal in California. But McMahon grew increasingly disturbed that most late-term abortions employed a dilation and evacuation method that sometimes tore the uterus.

With McMahon's method, which he developed in the mid-1980s, the mother is heavily sedated and her cervix slowly dilated. The fetus is extracted, but before the head is removed a needle is inserted at the base of the skull to remove fluid, allowing the head to compress so it can fit through the mother's cervix without damaging her. Gale McMahon said her husband never used scissors, as opponents have charged. The fetus feels no pain because of the sedation, she said, and in most cases it has died before reaching the birth canal.

Dr. McMahon estimated that he performed about 100 of the procedures a year in the third trimester. Gale McMahon said, and only in cases in which the babies were afflicted with "fetal anomalies that were not conducive to life."

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Opponents of the procedure say the cases of Costello, Line and Ades do not represent the majority of instances when the method is used.

Douglas Johnson, legislative director for the National Right to Life Committee, contends that the procedure has been used for frivolous reasons, when babies are healthy and the only medical indications are the mother's youth or depression.

Johnson said there's no proof that fetuses die painlessly during the procedure. Even so, he said, the procedure is nothing more than "prenatal euthanasia." The fetuses could be delivered, he said, and made

"comfortable for whatever time is allotted them. That's the way most professionals handle these types of cases."

By including an exception for the mother's health, the legislation could be so broadly interpreted that it "would not prevent a single partial-birth abortion."

But Ades, Line and Costello say they'll continue working to keep the procedure available to the few women a year who find themselves faced with tragedies similar to theirs. Perhaps the most compelling argument they offer is that all will soon be parents again something they say might not have been possible if they hadn't gone to McMahon.

45 Men Across U.S. Arrested in Child Pornography Sting (San Diego) By Tony Perry (c) 1996, Los Angeles Times=

SAN DIEGO Forty-five men have been charged across the United States for buying child pornography in a U.S. Postal Service sting operation and several dozen more are expected to be charged, postal inspectors in San Diego and Washington announced Thursday.

The sting was a continuation of an investigation that began when authorities arrested a San Diego electrical engineer in 1994 as a ringleader of Overseas Male, the largest child pornography operation uncovered in the United States.

After the arrest of James Leroy Kemmish, authorities used the mailing lists seized from Overseas Male and set up a dummy company called Island Male with a mailing address in the nearby border community of San Ysidro. Dubbed "Operation Special Delivery," the sting resulted in searches of the homes and offices of 130 would-be customers in 36 states.

Pornographic videotapes were sent to persons who responded to mailed advertising from Island Male. As soon as a person took delivery of a video, investigators arrived with a search warrant.

"Merely shutting down Overseas Male was not enough," said Chief Postal Inspector Kenneth J. Hunter in Washington, "because those who created the demand for child pornography were still out there."

Among those "customers" arrested were a serial child molester in Reno, Nev., a Presbyterian minister in New Jersey, a paramedic and youth leader in Wichita, Kan., an attorney in St. Louis, a youth leader in Tulsa, Okla., and a printer in Billings, Mont., who had a computer with 900 files of child pornography downloaded from the Internet.

David Fast, a postal inspector in San Diego, called child pornography "an insidious form of terrorism."

Overseas Male mass-produced videos filmed in Mexico, Asia and Europe for sales in the United States. Some depict boys as young as 7 years old engaging in sexual acts with other boys or adults.

Kemmish, 55, was arrested in June 1994 at San Diego's Lindbergh Field as he returned from Mexico with a cache of child pornography videos. After pleading guilty to advertising and distributing child pornography through the mail, he was sentenced last month to five years in federal prison.

While there have been other child pornography operations broken up in recent years, officials said Overseas Male signaled a disturbing trend in the illicit industry. The videos were of a higher visual quality than the grainy films of the past. Also, the advertising and marketing was bolder and more widespread.

(Optional add end)

The suspected mastermind behind Overseas Male was Troy Anthony Frank who fled from Colorado to Mexico in 1990 after being indicted on child pornography charges.

From Acapulco and Mexico City, Frank produced videos and purchased videos from other countries. He committed suicide at his lavish home in Acapulco in 1995 after learning that postal inspectors were seeking his arrest and extradition.

Kemish's role was to bring the videos to his home in the Pacific Beach neighborhood of San Diego to be reproduced and mailed. At its peak, Overseas Male had a mailing list of 2,000 persons and grossed \$10,000 a week, with individual videos selling for between \$50 and \$290.

Dole Endorses U.S. Missile-Defense Deployment in East Asia(Washn)By Jim Mann= (c) 1996, Los Angeles Times=

WASHINGTON Striking a hawkish stance on Asian security issues, Republican presidential candidate Bob Dole Thursday endorsed U.S. deployment of ballistic missile defenses in East Asia countries, including Taiwan, despite China's vehement opposition to such systems.

In the first foreign-policy speech of his campaign against President Clinton, Dole also endorsed the renewal of China's most-favored-nation trade (MFN) trade privileges.

Dole's stand on MFN was no surprise because he has been supporting unconditional extension of China's trade benefits in the Senate for the past half-decade. But some leading Republicans, including Senate Foreign Relations committee chairman Sen. Jesse Helms and Dole's opponent Patrick J. Buchanan, have been arguing for revocation of MFN, hoping to draw a sharp contrast with Clinton on the issue. Instead, Dole's position will give Clinton political cover.

Dole devoted his entire speech to Asia, repeatedly criticizing the administration for mishandling relations with the leading nations across the Pacific. "The bottom line is that American credibility in Asia is low and still declining, and American interests are challenged throughout the region," he asserted.

The Republican candidate's speech galvanized the White House into a frenetic series of rapid responses by national-security aides. Vice President Al Gore praised Dole for supporting Clinton's policy on China's trade benefits, and dismissed his criticisms of the administration as "a lot of dust kicked up for political purposes."

The most striking part of Dole's speech was his willingness to champion Taiwan's interests and Taiwan's defense.

"Our policy should be unmistakably resolute: If force is used against Taiwan, America will respond," Dole said. He did not say exactly what the response should be. Still, those words go further toward an unqualified American security commitment to Taiwan than the United States has been willing to give since 1979, when the United States broke off its defense treaty with Taiwan.

Dole said the United States should consider supplying Taiwan with a host of other new and advanced weapons systems, including submarines and air-to-air missiles. Such sales almost certainly would touch off a new confrontation with China, which says that they would violate a 1982 communique between Washington and Beijing limiting U.S. arms sales to Taiwan.

Dole's remarks are sure to be welcomed by the American defense industry, which is seeking to increase sales of advanced equipment to Taiwan and other governments in Asia. At least one company, Lockheed Martin, has already begun talking with Taiwan about a theater-missile defense system.

At the same time, the speech also underscored the role Dole has played on China policy for nearly two decades.

Throughout his long career in the Senate, Dole has been one of Taiwan's strongest supporters. When President Carter moved to establish diplomatic relations with China in late 1978, Dole led the congressional opposition, arguing that it was unfair to Taiwan.

Over the past year, Taiwan has re-emerged as an issue in American politics. In March, China irked by President Lee Teng-hui's efforts to gain international recognition fired missiles near Taiwan's coastline only a few weeks before Taiwan held its first direct presidential election in March.

In Thursday's speech, Dole said the United States

should work with its closest Asian allies, Japan and South Korea, to develop, test and deploy ballistic missile defenses. He said this effort should be called the "Pacific Democracy Defense Program."

The Clinton administration has talked to Japan and South Korea about the possibility of such defense systems. But Dole went further, saying "it is time to move past paper studies to deployment decisions."

And he said Taiwan should be included in the new missile-defense program: "There is no more clearly defensive and clearly necessary weapons system for Taiwan than effective missile defense."

Gore, in an interview arranged by White House officials with a small group of reporters, insisted the administration is already moving to provide Asian countries with missile defenses. He noted, for example, that the United States has provided Taiwan with the Patriot missile-defense system. However, the administration has not yet endorsed the deployment of advanced, theater-missile defense systems in Taiwan or elsewhere in Asia.

Such an effort would be likely to provoke intense controversy. China has said the advanced missile-defense system "would disturb the Asia-Pacific regional situation." Indeed, the governments of Japan, South Korea and Taiwan have not themselves decided they want a theater-missile defense system, and some Asian officials say they are worried it would be too costly.

(Optional add end)

During his 1992 campaign against President Bush, Clinton endorsed Democratic proposals to impose conditions on the renewal of China's MFN status, which permits Chinese goods to be imported into this country under the same low-tariff rates enjoyed by other nations.

He put his proposal into effect soon after coming to the White House, saying China's MFN privileges would be renewed only if it changed certain of its human rights practices. In 1994, after China refused to meet the American conditions, Clinton changed course and decided to extend the benefits once again, this time unconditionally.

Dole was scathing in his criticism of Clinton's turnabout. "In less than two years, China and the world saw a complete reversal of administration policy with an intermediate stop at indecision," he said. "The Chinese leadership, our allies and our adversaries learned an important lesson: the president does not always mean what he says."

U.N. Diplomats Cautiously Optimistic of an Iraqi Oil Deal(Washn)By Stanley Meisler= (c) 1996, Los Angeles Times=

WASHINGTON United Nations diplomats, encouraged that Iraq has not broken off talks aimed at allowing it to resume selling a limited quantity of oil on the world market, are cautiously hopeful that they can complete a deal that would effectively push down world oil prices.

But their optimism is tempered by the realization that any agreement reached at U.N. headquarters in New York will have to be approved by Iraq's unpredictable president, Saddam Hussein. Under the U.N. terms, Iraq would have to use the proceeds from the \$2 billion worth of oil to pay for food and medicine for its people.

Even if Hussein accepts those terms, industry experts predict only a nickel-a-gallon drop in the price of gasoline at the pump.

"Iraq was only the icing on the cake," said Lawrence J. Goldstein, president of the Petroleum Industry Research Foundation in New York. Bigger factors, according to Goldstein and other analysts, are the cold U.S. winter, which led refiners to produce more heating oil and less gasoline than usual, and California's unique need for clean-burning fuel.

While the talks drone on in New York, there has been a good deal of speculation elsewhere about the impact of the talks on the price of gasoline. Some critics believe that

The Missing Abortion Amendment

By CLARKE D. FORSYTHE

With the appointment last week of House Judiciary Committee Chairman Henry Hyde (R., Ill.) as chairman of the Platform Committee at the Republican National Convention, and announcements by Govs. Pete Wilson, Christine Whitman, George Pataki and Bill Weld that they will seek to repeal the Republican Party plank on abortion, it might be good to read the past platform language just once, before the media hullabaloo leading to the convention drowns out the facts.

The plank that the media keep referring to—the plank containing “a constitutional amendment that would ban abortion”—is nowhere to be found. Every Republican Party platform since 1976, with only minor modifications over the years, has contained a plank declaring the unborn child to be a person. (See box for the 1992 plank.)

Nonsense

Never quoting the text, the media have been content to refer to the plank as calling for a constitutional amendment that would “ban” abortion. This is legal nonsense.

The plank supports a “human life amendment,” without specifying any particular language. This is critical, because

From the Republican Party's 1992 platform on abortion:

We believe the unborn child has a fundamental individual right to life which can not be infringed. We therefore reaffirm our support for a human life amendment to the Constitution, and we endorse legislation to make clear that the Fourteenth Amendment's protections apply to unborn children. We oppose using public revenues for abortion and will not fund organizations which advocate it. We commend those who provide alternatives to abortion by meeting the needs of mothers and offering adoption services. We reaffirm our support for appointment of judges who respect traditional family values and the sanctity of innocent human life.

a number of very different amendments on abortion were considered by Congress in the late 1970s and early 1980s. These included the Hatch Amendment (also called the Hatch Federalism Amendment or Hatch Human Life Amendment), the Federal Rights Amendment, the Federalism

Amendment, and the Eagleton Amendment. All of these have been referred to, from time to time, as “human life amendments,” but their effects would be very different. Some would merely return the abortion issue to the states, while others would extend constitutional rights to the unborn. Yet, all were referred to as “human life amendments.”

Given the language of the entire Republican plank, however, the reference to “a human life amendment” can reasonably be taken to support a constitutional

An amendment which gave unborn children the protections of the 14th Amendment would not touch individual conduct, only state action.

amendment that establishes the unborn child to be a “person” protected by the 14th Amendment.

What would be the effect of such an amendment? Because the 14th Amendment forbids the states to deprive persons of life, liberty, or property without due process of law, an amendment that granted unborn children the protections of the 14th Amendment would forbid “state action” that deprives the unborn of life, liberty or property without due process of law. It would forbid states and state officials from discriminating against the unborn by, for example, promoting liberalized abortion laws.

The limitations of such an amendment can be seen in the Supreme Court's 1989 decision in *DeShaney v. Winnebago County*. Winnebago County, Wisc., was sued when county officials failed to protect an infant from his abusive father. The Supreme Court held that “a State's failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause.” Chief Justice William Rehnquist elaborated that the extent to which the state must protect persons from other persons was a matter the Framers “were content to leave . . . to the democratic political process.”

The claim that a personhood amendment would “ban abortion” therefore ignores fundamental principles of constitutional law. A constitutional amendment is

not a criminal code; it does not act to proscribe criminal conduct. An amendment that gave unborn children the protections of the 14th Amendment would not touch individual conduct, only state action. States don't usually commit abortions; individual abortionists do.

Likewise, a constitutional amendment is not self-enforcing. An amendment would need enabling legislation at the federal or state level to effectively touch individual conduct. Its effective enforcement would depend on the adoption of state or local

criminal legislation. A human life amendment might empower legislators to act against individual conduct, but would not require them to do so.

By comparison, the passage of the 14th Amendment prohibited state discrimination against black Americans, but it did nothing to touch individual criminal action, like lynching. Consequently, the NAACP spent the early decades of this century fighting for a federal anti-lynching law.

These same principles show why the claim of some that such an amendment would require “criminalizing women's participation in abortion” is a canard. Because the amendment would only affect state action, leaving private action to state legislation, the contingent factors that go into effective law enforcement would be left to the states. Thus, a “human life amendment” would allow the states to adopt the very same enforcement policy that the states uniformly adopted for the 100 years leading up to the Supreme Court's 1973 decision legalizing abortion on demand—targeting abortionists and treating the woman as the second victim of abortion, along with the unborn child. But, of course, this history is conveniently ignored.

At a time when political commentators say they want politicians to articulate vision and set future goals, it's ironic to hear the attack from “pragmatists” that the Republican plank is “not immediately achiev-

able.” Admittedly, it's a goal. It signifies a vision derived from the doctrine of unalienable rights proclaimed in the Declaration of Independence: that every human being—including every unborn child—be protected as a person against discriminatory state action that would threaten the right to life.

Profoundly Democratic

Republicans who are uneasy with the plank ought to consider its profoundly democratic nature. Our current national policy of abortion on demand was imposed by judicial fiat and has engulfed the country in a 20-year culture war with no end in sight. The plank, by stark contrast, is profoundly democratic. Constitutional amendments must be passed by three-fourths of the states. By supporting an amendment, the plank says that the GOP will go to the American people to create a national consensus that will support an

From the Democratic Party's 1992 platform on abortion:

CHOICE. Democrats stand behind the right of every woman to choose, consistent with *Roe v. Wade*, regardless of ability to pay, and support a national law to protect that right. It is a fundamental constitutional liberty that individual Americans—not government—can best take responsibility for making the most difficult and intensely personal decisions regarding reproduction. The goal of our nation must be to make abortion less necessary, not more difficult or more dangerous. We pledge to support contraceptive research, family planning, comprehensive family life education, and policies that support healthy childbearing and enable parents to care most effectively for their children.

amendment that protects the unborn child as a person. No consensus, no amendment.

When some Republicans say the public won't support an amendment today, the plank says that the party will go to the people and try to persuade them otherwise. It's hard to imagine how Republican officials, or voters in Middle America, would be scared by such a democratic proposal.

Mr. Forsythe is president of the Chicago-based Americans United for Life.

Partial Birth Politics

For the 70 million or so people whose main contribution to the country's political life is to cast votes in its elections, it must be getting hard not to be disgusted with American politics. What, pray tell, are they supposed to make of all the stuff about abortion now erupting in the nation's media? They might conclude that the nation's politicians and their media chroniclers are a remarkably self-indulgent class of people.

For the past week or so these people have driven off the main political road and rolled down into a ditch to fight over the *wording* of the GOP platform plank on abortion. On the weekend, the New York Times devoted two days of front page stories and an Editor's Note to what Christian Coalition leader Ralph Reed said about the plank last Friday, what his recent book says about the subject, whether Gary Bauer agrees with Mr. Reed's exegesis of the plank, and how these "pro-life" supporters or presumptive Presidential candidate Bob Dole will be able to square their views with the sudden abortion obsessions of GOP Governors Whitman, Wilson, Pataki and now Weld.

The nation's press, which if it believes in anything believes devoutly in abortion, is happy to record this immolation even as it pours gasoline into the flames.

We suggest that the first thing an uncomprehending spectator to this self-indulgence should do is read the article alongside by Clarke D. Forsythe. Mr. Forsythe takes the trouble to read the actual wording of the Republican abortion plank, and to explain what a constitutional amendment can do and cannot do. He patiently explains why the media's mantra that such an amendment would itself "ban" abortion is simply nonsense.

The second thing the uncomprehending spectator to the sudden abortion spectacle should understand is that however deep this issue's ultimate moral content, it is way, way down the list of matters that the next Presidency will deal with, or is in fact capable of dealing with. If you had to make a list of the 10 things that the next President will act on in his first 100 days, abortion would be last, if it made the list at all.

Do not misunderstand us. Abortion raises moral and personal concerns of the deepest sort. But the American President is not Moses or even the Pope. He is a mere mortal, the product of an enormously complex and varied

political system, who of necessity must spend his energies on those things his office was designed to control. The Founders never had it in mind that a Bob Dole or Bill Clinton would take all the electricity of an issue like abortion into his breast and somehow make it OK for the entire country.

The 20-year pitched battle over abortion is the product of the Supreme Court. More recently, the Hyde Amendment, which bans federal funding for abortions and is supported in part by many Democrats, is the product of the legislature. When the Hyde Amendment was put to a vote in a Democratic Congress, it survived, though with exceptions added for rape and incest. When the measure came up last year, under a Democratic President, it passed again with a list of new restrictions on things like abortions for women in the military and the like. One of the Hyde Amendment's supporters is Democratic Rep. David Bonior, who is fervently left-wing and fervently anti-abortion. So that's not going to change in the first 100 days.

No matter. The country's press corps is happy to serve as the issue's promoter and publicist—Bob Dole vs. Bill Clinton, toe-to-toe in the Abortion Dome. Politics ain't beanbag, of course, but it should be a matter of some concern for the health of our politics that the press is becoming so transparent in its willingness to tilt the ring. Need an example?

Everyone knows, because it has been big news everywhere, that Governors Whitman, Pataki, Wilson and Weld have called for the convention to jettison the platform plank on an abortion amendment. But somehow it was reported only in last Friday's New York Post that Democratic Senator Pat Moynihan, surely one of the party's most respected statesmen, announced he'd vote to override President Clinton's veto of the bill banning partial-birth abortions. "I think it is just too close to infanticide," the New York Senator said. This account was summarized that day in the Hotline's Abortion Report, meaning that the national press would know about it. Our computerized search turns up no reporting on the Moynihan statement beyond the New York tabloid. Not quite up there with Bill Weld's beliefs, we guess, so unfit to print.

We wish the American people well as they try in the months ahead to decide whom they should vote for and why. On the evidence so far, it will be a struggle.

Dusan Tadic's Day in Court

The second afternoon of Dusan Tadic's trial began with a history lesson. James Gow, a historian of the former Yugoslavia, explained to the three judges of the International Criminal Tribunal in The Hague how intellectuals and leaders in Belgrade grew obsessed by the notion that Serbian sovereignty extended to Serb-populated territories throughout the fast-disintegrating state.

Establishing a historical record of the war in the former Yugoslavia is one of the ways in which the tribunal will help the odds—still long—for a lasting peace. More than that, however, the Tadic trial has become a test case for the idea that justice can be served through international humanitarian law applied by an international court. The importance of the trial lies not so much in whether there is a conviction, but in showing the world, and most importantly the Bosnians, that a system of justice will judge the accused.

The 40-year-old Bosnian Serb, a former cafe owner and karate instructor, is accused of participating in the brutal murders of more than 30 Muslims in the Serb-run Omarska camp and elsewhere in northwestern Bosnia during the second half of 1992.

Mr. Tadic entered a plea of not guilty, arguing that this is a case of mistaken identity. Nobody is contesting that the atrocities alleged took place; Mr. Tadic, rather, claims he was not in the area at the time and that they were perpetrated by a look-alike whose identity is unknown. In addition, his defense team challenges the court's jurisdiction on the grounds that Mr. Tadic was never an agent of the state or the military and thus not an appropriate subject for an international war crimes court.

But so far the defense's major weapon is its charge that the trial cannot possibly be a fair one. In his opening statement Tuesday, Mr. Tadic's defense attorney argued that "thirst for revenge" threatens to prevent justice from being served. A conviction-prone tribunal and a disadvantaged defense team will doom his client unless the judges seek to redress the "serious inequality of arms" between the prosecution and defense.

Mr. Tadic's lawyers rightly point out that they have had even fewer resources at their disposal than the prosecution and that defense witnesses, unlike most of the prosecution witnesses, are still in Bosnian Serb territory and refuse to travel. Moreover, prosecution witnesses will be allowed to testify with their identities concealed even from the lawyers.

The prosecution team and the tribunal as a whole have been working to address these issues. Far from being trigger-happy, the tribunal recently released an indicted war criminal who is dying of cancer; charges were dropped against another for lack of sufficient evidence. The Tadic case itself was delayed for more than a year to allow the defense more time to prepare, and an investigator was assigned to help the defense collect evidence. Mr. Tadic is represented by a lawyer from the Netherlands' largest criminal defense firm.

How the judges rule on admissibility of evidence, witness testimony and burden of proof issues will set the tone for future trials. But it's worth noting that the lawyers and judges are in an unnecessarily difficult position. The Dayton agreement required all signatories to cooperate fully with the tribunal's work—an obligation that has been taken lightly by all but the Bosnian Muslims. Had more pressure been applied to Croat and Serb authorities to arrest indicted war criminals and provide access to evidence, the question of a fair trial would be less of an issue. Asked for the umpteenth time why IFOR wouldn't help arrest war criminals, IFOR Commander Admiral Leighton Smith recently growled, "Hold those who signed Dayton responsible and get off IFOR's back."

Of course those who signed Dayton should be held responsible; indeed, the agreement held out the threat of sanctions for those who failed to comply. Pressure from the U.S. and NATO on the parties in Bosnia offers the only hope that war criminals will be arrested and evidence for their prosecution presented in court. Otherwise, the Yugoslav Tribunal will have a hard time proving it can be an instrument for justice and peace.

Asides

Russian Tilter

Russian politics is becoming fully civilized in one sense: It's produced a hapless but relentless presidential candidate. None other than Mikhail Gorbachev is running for the presidency, though polls give him about 1% of the

vote, and voters sometimes try to beat him up at public appearances. He's also learned another trick of the Western political trade: He says the polls are mistaken. Also, his wife opposed the run, and his real job is working for a think tank. Positively American.

Campaigns Grapple With Abortion Issue

Catholic Hierarchy Protests President's Veto of Ban On Late-Term Method

By HILARY STOUT

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON — President Clinton hoped to glide through his re-election campaign trumpeting his view that abortion should be "safe, legal and rare," while Republicans beat each other up over the emotional issue. The GOP is following the script. But suddenly the president isn't safe from abortion bruises either.

Mr. Clinton's recent veto of a bill banning a type of abortion performed late in pregnancy has enraged the Roman Catholic Church hierarchy at a most inopportune time: midway through an election year. At stake are Catholic voters, an important swing bloc that has supported the winning candidate in the last five presidential elections. Catholics account for 30% of voters nationwide and for even more than that in several battleground states, including New Jersey, Michigan and Illinois. Acutely cognizant of that fact, Sen. Robert Dole, the presumed Republican presidential nominee, is considering naming a Catholic running mate.



Bishops to Send Letters

As Congress moves toward an override vote on Mr. Clinton's veto next week the National Conference of Catholic Bishops will send a letter and materials describing the late-term abortion procedure to every Catholic diocese in the country, over 25,000 parishes encompassing some 30 million people, and to Catholic laygroups from the Knights of Columbus to the National Council of Catholic Women. Church organizers hope the mailing will spur a letter-writing campaign to Congress that will eclipse the campaign against a 1993 abortion-rights bill, which so swamped the House post office that it announced it was incapable of delivering all the mail.

At the prodding of the bishops' conference, priests across the country are already incorporating a description of the procedure in their sermons. As the override vote approaches, the group will designate a nationwide "day of prayer and reflection."

Polls show the majority of Catholics favor abortion rights and an even bigger majority don't consider abortion the deciding factor in how they vote for president. Yet, many abortion-rights supporters, especially Catholics, are uncomfortable with the procedure the vetoed bill sought to ban: a relatively rare operation performed after 20 weeks of pregnancy in which a fetus is extracted part way through the birth canal and its skull is sometimes crushed to make passage easier.

Clinton Wanted Change in Measure

"I think a lot of Catholics took Bill Clinton at his word when he said 'safe, legal and rare,'" says Margaret O'Brien Steinfeld, editor of Commonweal, a liberal Catholic magazine. "When there comes an opportunity to say at least symbolically, that there is a point beyond which we shouldn't go in performing abortions, and he's not going to veto that — I think that shocked people."

Mr. Clinton says he vetoed the bill to protect women's lives and would have signed it if Republicans agreed to add an exception allowing the procedure to prevent "serious adverse health consequences" for the mother. But Republicans, like the church, won't let the issue die. House Speaker Newt Gingrich said over the weekend that he wants to schedule a vote to override the veto next month. Even though the Senate didn't pass the bill by a veto-proof margin, Majority Leader Dole will relish the prospect of an override vote there as an opportunity to paint Mr. Clinton as an extremist on abortion rights.

"He said he wanted to make abortions rare, but his policies are confined to taking the extreme position of vetoing Congress's ban on partial-birth abortions," Sen. Dole said in a recent speech.

Though it is unlikely that backers of the

The Catholic Vote

Percentage of vote going to each candidate

- 1976: Carter (54%), Ford (44%)
- 1980: Reagan (50%), Carter (42%), Anderson (7%)
- 1984: Reagan (54%), Mondale (45%)
- 1988: Bush (52%), Dukakis (47%)
- 1992: Clinton (44%), Bush (38%), Perot (20%)

Source: Network exit polls

bill will scrounge up enough votes to override, the second round of voting has the potential to embarrass Mr. Clinton and undermine his abortion rights message. Already New York Sen. Daniel Moynihan, a senior Democrat and a Catholic who has a solid voting record in favor of abortion rights, has decided to vote to override. In the initial vote in the House, such Clinton stalwarts as House Minority Leader Richard Gephardt of Missouri and Minority Whip David Bonior of Michigan voted in favor of the ban.

Meantime, a number of anti-abortion Democrats, including Reps. Glenn Poshard of Illinois and Tony Hall of Ohio are launching an effort to soften their party's abortion-rights language. Many Democrats were unhappy in 1992 when then-Gov. Robert Casey of Pennsylvania, an abortion opponent, wasn't allowed to address the party's national convention.

But the overriding question is whether the Catholic church's relentless campaign — including a rare and searing Vatican denunciation of Mr. Clinton's veto — will influence many Catholic voters in the presidential race.

"My sense is that this is one that's not going to go away," says Paul Mifsud, chief of staff to Gov. George Voinovich of Ohio and a volunteer adviser to the Republican National Committee on Catholic and ethnic voters. "This is a very defining issue. This is not about rape and incest; this is about infanticide."

Clinton Branded as Extremist

The veto gives Clinton opponents a chance to reframe the entire abortion debate. "This crystallizes the president's position in a way in which it hasn't been crystallized in the past," says Prof. David Waisn, chairman of Catholic University's department of politics. "Clinton now is painted as an extreme defender of abortion rights, which basically was not the perception before."

The White House will counter by trying to paint the bill's supporters as the extremists. "The question is why won't they protect a woman's health?" says George Stephanopoulos, a White House adviser. "If they did, he'd sign the bill in a minute."

The added irritant for the administration is the blistering campaign of the Catholic church, which has backed Mr. Clinton on other issues, including health care and welfare overhaul. Though the church often speaks out on legislative matters, this anti-abortion bill has energized Catholic leaders unlike any cause in recent memory.

Mobilizing in the Other Direction

But the church's extensive steps in this case have infuriated some Catholics, leading some in the church to predict a backlash. "I think this is actually a mobilizing factor in the other direction. A lot of women are angry at the Catholic church," says Frances Kissling, president of Catholics for a Free Choice, a group that didn't take sides publicly on the late-term abortion bill.

Mr. Clinton has repeatedly appealed to Catholics, through his work to bring peace to Northern Ireland and his appointment of a number of Catholics to high-ranking posts. Last year, the White House designated a full-time staffer, John Hart, to reach out to the Catholic community.

Hoping to counter the bishops, some Catholic groups have been writing letters of support to the White House and sending material outlining the president's favorable record to hundreds of Catholic groups. "In this election cycle," Ms. Kissling says, "the stakes are so high in terms of everything else they believe in as Catholics — all the social justice issues of the church — that for the bishops to go after [Clinton] on abortion is dangerous."

Behind Republican Discord Is a Search for Consensus Over Plank in Platform

By JILL ABRAMSON
AND GERALD F. SEIB

Staff Reporters of THE WALL STREET JOURNAL
WASHINGTON — The sudden public display of Republican divisions over abortion has overshadowed something more meaningful: a private GOP search for consensus.

On the surface, Republicans seem more divided than ever over abortion. Patrick Buchanan is threatening a disruptive walkout at the August convention in San Diego if the party backs away from its 1992 platform, which advocates a constitutional amendment to protect the life of the unborn. At the same time, a group of influential, abortion-rights governors, including California's Pete Wilson, New Jersey's Christine Todd Whitman and New York's George Pataki want to drop or radically alter the abortion plank of the platform.

Looking for Softer Language

Much more is going on below the surface. Indeed, many key GOP insiders are signaling a new willingness to forge a compromise on the nettlesome abortion platform plank. And by bringing up the issue now, party leaders are hoping to get abortion off the table by convention time. So, what now appears to be another noisy distraction for Sen. Robert Dole's troubled presidential campaign may simply be a difficult but inevitable step forward.

By picking Rep. Henry Hyde of Illinois, a staunch abortion foe, to oversee the platform writing, Sen. Dole is signaling his fidelity to an anti-abortion platform plank, Dole aides say. But increasingly, Republicans are quietly talking about trying to make that kind of plank more palatable to abortion-rights Republicans by adding language saying the party understands that some members hold different views.

At the same time, the Christian Coalition's Ralph Reed, in a new book, offers draft platform language that omits mention of a constitutional amendment and speaks more generally about the need for "all legal and constitutional means" to protect the lives of the unborn. Mr. Reed says he still supports a human-life amendment to the Constitution and is "astounded" that some have read his suggestions as a retreat from an anti-abortion position.

Still, his willingness to consider linguistic changes to the 1992 platform is a major development, one that may give the Dole camp greater latitude to look for different platform formulations.

'A Step in the Right Direction'

Similar sentiments have been expressed in the past by another prominent GOP abortion foe, former Education Secretary William Bennett. He has argued for de-emphasizing the drive for a constitutional amendment and focusing on more practical ways to reduce abortions. And Mr. Bennett was at Dole campaign headquarters yesterday, meeting with Dole campaign manager Scott Reed, discussing a range of issues.

Such moves are "a step in the right direction," says Ann E. Stone, who heads Republicans for Choice, a political action committee. "The Dole people understand that status quo is a problem for them. The impetus is there for change." Ms. Stone is still planning to stage an abortion-rights rally in San Diego, replete with Hollywood stars. (Members of her group include actresses Dina Merrill and Delta Burke.) But she, too, seems willing to explore

various new approaches, as are other abortion-rights activists.

For example, Susan Cullman is chairwoman of the GOP Coalition for Choice, whose central mission is to remove the abortion plank adopted by the GOP convention in 1992. She prefers to see the abortion plank dropped from the platform altogether. But failing that, Ms. Cullman is also willing to consider adding platform language that says the GOP welcomes people with differing viewpoints on abortion. Such softening, inclusive language could help deter abortion-rights activists from staging an all-out rebellion in San Diego. "The party would like to find a happy solution, and we'd like to be part of the solution," Ms. Cullman says.

Compromise may be in the air in Congress, too. While Rep. Hyde has a firm anti-abortion record, he is also someone who is widely respected by all sides of the issue. "I'm extremely fond of Henry Hyde and work well with him," says New York Rep. Sue Kelly, who is the only woman abortion-rights supporter in the GOP freshman class. "I'm hopeful that we can agree on language that represents all sides and shows the openness of the party so that we can be a big tent. Open debate is always healthy." Rep. Kelly says she has seen various drafts of new platform language in recent weeks.

Buchanan Camp Won't Back Down

The most acute problem for Sen. Dole is that, while many abortion activists on both sides sound open to possible compromises, Mr. Buchanan's camp, which includes such ardent anti-abortion forces as Phyllis Schlafly's Eagle Forum, doesn't. Bay Buchanan, Mr. Buchanan's sister and point person on the abortion debate, says Buchanan forces wouldn't accept something like the current abortion plank with some

The GOP Platform

WE BELIEVE the unborn child has a fundamental individual right to life that cannot be infringed. We therefore reaffirm our support for a human life amendment to the Constitution, and we endorse legislation to make it clear that the 14th Amendment's protections apply to unborn children.

—1992 Republican Party Platform

added language saying the party is open to other views.

"Totally unacceptable," says Ms. Buchanan. To single out the abortion plank in particular and sanction dissenting views from it "is to water down our platform, which is pro-life." The Christian Coalition's Mr. Reed says he would be similarly concerned about singling out abortion as an issue on which to note differences of opinions.

Privately, even some anti-abortion Republicans think President Bush's forces made a mistake in 1992 by going into the party convention determined to avoid changing a word in the existing platform language on abortion, thereby angering dissenters who thought they should at least get a hearing.

Party Chairman Haley Barbour, who is in a position to influence the outcome of the platform debate, isn't saying what his strategy will be. But he urges Republicans to remember that "one of the great successes of our party in three years of victory after victory has been the way pro-life Republican voters consistently vote for pro-choice Republican candidates, and pro-choice Republican voters consistently vote for pro-life Republican candidates."

Clinton, Cabinet Meet on China Sanctions

U.S. Sends Envoy as Relations Become More Strained

With Sino-U.S. relations headed toward more bumps in the road, President Clinton met with cabinet members to discuss the prospect of imposing trade sanctions on China without shattering the overall relationship.

The primary focus of yesterday's 45-minute meeting was the Clinton adminis-

By Wall Street Journal staff reporters Kathy Chen in Beijing and Robert S. Greenberger in Washington.

tration's oft-stated threat to impose \$2 billion in penalties on Beijing for what the U.S. views as inadequate enforcement of a 1995 agreement to protect American software and other intellectual property against piracy. The administration is set to act May 15, after a follow-up visit to Beijing by a trade official, beginning this week, to see if China has complied with U.S. conditions.

"There is no negotiating effort going on. He's there to see what they've done and haven't done," said a U.S. official. White House Press spokesman Michael McCurry added: "If China does not live up to the agreements that it has made with the United States, we will impose stiff sanctions."

Mr. Clinton and his top aides also briefly reviewed how to deal with charges that China shipped Pakistan equipment used to make nuclear weapons, but no decisions were taken. Under U.S. law, "willful" aid to a nuclear-weapons program would require stiff penalties.

Bipartisan Anger

On both issues, the administration needs visible cooperation from China to serve as political cover for what is likely to be a bruising congressional debate beginning later this month over Mr. Clinton's expected renewal of China's trading status. There is bipartisan anger in Congress over China's human-rights behavior, trade and weapons-proliferation practices and its recent bullying of Taiwan.

So far, though, Beijing isn't cooperating. Indeed, China threatens that if the U.S. imposes the trade sanctions, it will retaliate — and then some. "China's reaction would be a tooth for a tooth," Zhang Yuejiao, a director general of the Ministry of Foreign Trade and Economic Cooperation, insisted in an interview. "And I can confirm that the value of [goods affected by] China's counter-measures would exceed the value [of goods affected by] any U.S. retaliatory measures."

Mr. Clinton is receiving some domestic help, of sorts. Sen. Robert Dole, the presumptive Republican presidential nominee, is set to give a major address on Asia today in which he is expected to echo President Clinton's support for renewal of China's most-favored-nation trade status, even as he criticizes the president's overall Asia policy. The speech will stress the primacy of America's relationship with Japan and argue for developing missile-defense systems, which might be useful to Asian allies.

Sen. Dole's expected remarks will make it more difficult for Republicans to turn the MFN debate into a major presidential campaign issue — the way candidate Clinton did four years ago. They also help

assure that the Senate won't vote to revoke China's trade status, a move that could be made by the House.

A Lot of Friction

Bilateral trade frictions are the worst since the two sides retreated from the brink last year, when Beijing pledged to clean up dozens of factories churning out

By pressing Beijing hard on trade issues now, President Clinton may be trying to deflect congressional pressure to rupture China's access to the U.S. market.

fake music and software compact disks, as well as to open its market to foreign music and entertainment products. The U.S. says those things haven't happened — indeed, industry estimates of the number of fake CDs being made in China have soared to 200 million and damage estimates run more than \$2 billion.

To underscore its determination, the administration has prepared a list of Chinese imports that would be subject to penalties. The U.S. prepared a similar list last year, but stepped back from sanctions after Beijing pledged cooperation. This year, in a significant signal to China, the administration has added some textile products, an important source of export earnings for China that was held off last year's list because of a separate bilateral textile accord.

If the administration takes retaliatory trade action, the list would be subject to a 30-day public comment period before penalties were imposed. This, in effect, gives the two sides another month to work out a solution. The initial list is expected to total as much as \$3 billion, as U.S. officials anticipate reductions during the comment period.

In Beijing, Ms. Zhang said China has improved in areas cited by the U.S. as trouble spots. For example, China has shut factories that were found pirating compact and laser disks, improved market access, increased inspections and strengthened border controls, she said. Of the 31 plants said by the U.S. to be pirating disks, Ms. Zhang said, seven had been closed, three haven't started manufacturing, and the remainder operate legally. She challenged U.S. allegations that 13 new factories have opened and are pirating goods.

Gerald F. Setb in Washington contributed to this article.

Gingrich: Minimum wage will face vote

But Arney vows to resist measure

By Joyce Price
THE WASHINGTON TIMES

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House Speaker Newt Gingrich says he expects a vote on a minimum-wage increase in the "next month to five weeks" and he wants the measure tied to a welfare or Medicaid reform bill.

"But let me make this point about the minimum wage: The unions are demanding a minimum wage with nothing for small business, nothing for farm families," he said yesterday on the CBS show "Face the Nation."

"A Federal Reserve study ... seems to indicate it could kill as many as 400,000 jobs. ... So if you're going to have any kind of minimum-wage increase, I think you've got to have offsets for small business so you don't kill jobs," the Georgia Republican said.

Mr. Gingrich said he'll push a "small-business offset for the cost of government." Government, he said, is "hurting small business and family farms ... through taxation, regulation and litigation ...

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so they can't hire more people."

The speaker criticized President Clinton, calling him an "extremist" on abortion rights and wrong when he portrays GOP proposals to slow Medicare spending growth as actual reductions.

The president, he said, has "zero interest" in balancing the budget.

Mr. Gingrich also attacked labor unions and liberals for failing to show concern for unskilled workers who could lose their jobs if the minimum wage is increased. "They're apparently, for political campaign reasons, prepared to kill 400,000 jobs for the poorest Americans in order to have a political spot," he said.

The administration says a 90-cent increase in the minimum wage will not have a significant effect on employment levels.

Mr. Gingrich's desire to make a minimum-wage increase part of other disputed measures is unlikely to please Democrats, who've called for a clean up-or-down vote on a minimum-wage bill.

"Well, it's a clean vote in ... that it will be on the floor, and it will be a straight up-or-down vote," he said.

While the speaker promised a vote on the minimum wage, House Majority Leader Dick Arney, interviewed on NBC's "Meet the Press," promised to do all he can to block one.

"I will not bring a bill to the floor if I can avoid it that has this kind of hard policy in it," the Texas Republican said.

"I have no ability to block everything that I would like to block, even something this callous, when politics is running this rampant in the country and when the unions are spending \$70 million beating up on people all over the country. This is payoff to the unions."

More than 25 House Republicans support an increase in the minimum wage.

The minimum wage is not the first big issue the speaker and majority leader have disagreed on. Mr. Arney was an early proponent of a flat tax, a concept Mr. Gingrich criticized.

Asked about their relationship, Mr. Arney said: "You know, friends can disagree and still remain friends. Newt and I are, I think, very good friends. We have our disagreements on a lot of subjects, but the one little thing about the Republican Party is you can have your disagreements. We don't require everybody to toe the party line in our party."

On other issues, Mr. Gingrich said:

- The final House-Senate immigration bill will allow states to deny illegal immigrants access to public schools. This proposal was a key element of Proposition 187, which California voters overwhelmingly approved in 1994.

- "The federal government doesn't do its job on illegal immigration and doesn't pay for California's costs, and that is wrong," he said.

- The House will "probably" pass a bill to reshape federal affirmative action. "I think that the commitment ... that every American should be treated equally without the government being prejudiced is a very important commitment. I think something will probably pass the House."

- Congress will pass more tax cuts, and they will resemble those already sent to the president. "I think you can have a \$500-per-child tax credit ... which puts money in parents' hands instead of bureaucrats. I think this year you could have a capital gains tax cut to create jobs. That's probably the most you can get done, as long as you have a liberal president."

- He does not believe that an agreement to balance the budget in six or seven years can be reached with Mr. Clinton. "You have a White House which postures, says things that are false and has zero interest in a real agreement."

- He expects Sen. Bob Dole of Kansas to remain majority leader while running for president but to delegate more authority to Majority Whip Trent Lott of Mississippi.

Partial-birth abortion stirs a medical debate

Some doctors say it's never best option

By Joyce Price
THE WASHINGTON TIMES

A1

Dispute rages in the medical community as to whether late-term partial-birth abortions are sometimes necessary to protect the health of a mother, as the Clinton administration claims.

President Clinton vetoed a GOP bill to ban partial-birth abortions, saying the legislation needed to allow the procedure when doctors determined it is required to prevent "serious adverse health consequences" for the mother.

The bill he vetoed already had provisions permitting this procedure when it is necessary to save the life of a mother and no other medical alternative is available.

"We are going to try to override that veto, probably in early June," House Speaker Newt Gingrich said yesterday on the CBS program "Face the Nation." He also urged the pro-life community to concentrate on the issue, which he said "clearly puts President Clinton in an extremist position" on abortion rights.

Dr. Frank Boehm, director of obstetrics at Vanderbilt University Medical Center in Nashville, Tenn., insists there are no medical circumstances in which a partial-birth abortion is the only safe alternative.

"We take care of [pregnant] women who are very sick, and ba-

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bies who are very sick, and we never perform partial-birth abortions. . . . There are plenty of alternatives. . . . This is clearly a procedure no obstetrician needs to do," Dr. Boehm said.

The term "partial-birth abortion" was coined by Congress and is not an official medical term.

The vetoed bill describes the procedure, which is performed in second and third trimesters: An abortion provider "partially vaginally delivers a living fetus before killing the fetus and completing the delivery." Delivery is facilitated by opening the skull and inserting a catheter to suck out the brain, making the skull small enough to exit the cervix.

Abortion opponents charge that the health exemption to the partial-birth abortion ban sought by Mr. Clinton would result in "abortion on demand" because the Supreme Court says the health of the pregnant woman "is in jeop-

ardy when distress, depression, anxiety might arise."

In a recent appearance on ABC's "This Week," Health and Human Services Secretary Donna E. Shalala tried to clarify the kinds of health cases where partial-birth abortions might be required.

She repeated Mr. Clinton's assertion he would be willing to sign a bill that's "narrowly drawn." She insisted he would not sign legislation allowing partial-birth abortions for women with medical problems, such as depression, distress or anxiety, or who are carrying babies with Down syndrome or another non-lethal disorder.

"What we're talking about is a woman who has serious health problems because the fetus inside of her is very ill itself, and is fatal . . . cases where the fetus is not viable [outside the womb]," Miss Shalala said.

"If another procedure is not available to them, if it's going to mean that they're going to die, or if it is going to mean that they are permanently disabled, where they could never have children again, if

this is the only procedure that's available to them, then we must make it available to them."

Miss Shalala said women "who have certain kinds of health conditions must use this procedure" rather than undergoing a "major operation" to abort or deliver an unborn child that has no chance of survival.

She gave examples of women who are severe diabetics "who don't heal readily," who she said would be at risk if they underwent such surgery. "If a woman is a hemophiliac, major surgery would not be an option."

Dr. Boehm called that statement "outrageous." Hemophilia is a "male disease," he said. ". . . You could probably count the number of female hemophiliacs in this country on one hand."

Vicki Saporta, executive director of the National Abortion Federation (NAF), an organization that opposes the partial-birth abortion ban, provided statements from a handful of women who underwent such procedures.

All were women who wanted their pregnancies but who learned out late that their unborn child had "severe anomalies" that gave them no hope for survival. The women reportedly went to many doctors about their problem pregnancies and were told this abortion was the safest option.

Dr. Warren Hern, a Colorado obstetrician who specializes in late-term abortions and is author of "Abortion Practice," the most widely used textbook on abortion standards, says he doesn't perform partial-birth abortions.

"I don't need to do them," he said. "I induce fetal demise" before delivery by injecting a drug into the unborn child. He said he knows one doctor who kills the unborn child before delivery by injecting air.

Asked if he can think of any circumstances where a partial-birth abortion would have to be performed instead of the procedure he uses, Dr. Hern replied: "There are no contraindications to the procedure I use."

Dr. Boehm of Vanderbilt said NAF is "stretching" it when it says

women who undergo partial-birth abortions for health reasons have no other choice.

Indeed, Coreen Costello, a Los Angeles-area woman who described herself as a conservative Republican pro-lifer, said she reluctantly had the procedure when she was seven months pregnant and "no one ever mentioned" the procedure used by Dr. Hern.

Mrs. Costello said the baby daughter she aborted had a lethal neurological disorder, a swollen head, severely underdeveloped lungs, and stiff, unmovable muscles and joints. "She couldn't have lived outside the womb more than an hour," she said.

But Mrs. Saporta said digoxin, a medication commonly used to kill an unborn child before delivery "can interfere with genetic analysis."

No one has any national statistics about how many partial-birth abortions are performed annually. Dr. Martin Haskell, an Ohio abortion doctor who says he does the procedure "routinely" in the second trimester, has acknowledged performing more than 1,000 in his career.

Dr. Haskell has said only about 20 percent of the partial-birth abortions he's performed involved unborn children with genetic disorders. He says the others were "elective."

Dr. Hern said Dr. Haskell is the only U.S. doctor performing the procedure "routinely."

NAF says the procedure Congress wants to ban is necessary in cases in which an unborn child suffers from severe hydrocephaly, or head enlargement from excess fluid in the skull. Without intervention, they say, a woman could face a ruptured cervix or uterus and be denied the chance to get pregnant again.

But Rep. Henry J. Hyde, Illinois Republican and chairman of the Judiciary Committee, quoting a nationally recognized authority on fetal and maternal medicine, said that in such cases the "standard treatment is cephalocentesis—removal of excess fluid through a needle" while the unborn child is in utero.

Catholics target Clinton on abortion

By Paul Bedard
THE WASHINGTON TIMES

A1

Church neutrality is in doubt in '96

The Roman Catholic bishops in America are so sharply rebuking President Clinton for his veto of the partial-birth abortion ban that many Catholics see the rebuke as evidence that the president has been targeted for defeat in November.

The bishops, who have been joined in the criticism by Pope John Paul II, describe the president's action as striking at the heart of Christian teaching.

At the heart of the controversy is the abortion procedure, in which the fully formed baby is killed as it moves feet first from the birth canal. The physician pierces its skull with scissors and its tiny brain is suctioned through a tube inserted in the wound.

In an extraordinary departure from diplomatic protocol, Mr. Clinton's own ambassador to the Vatican, Raymond Flynn of Boston, a Catholic, stood with the bishops against the president.

"I think the Catholic Church and the Holy Father are absolutely right on this," Mr. Flynn said of Pope John Paul II's criticism of the president.

Cardinal Bernard Law of Boston, one of the most influential American bishops, said that lead-

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ers whose duties conflict with personal convictions — Mr. Clinton has said that he personally opposes partial-birth abortions — should resign.

Cardinal John O'Connor of New York, in his Sunday sermon, defended the pope's right to offer moral guidance even if the politicians don't like it. But Cardinal O'Connor carefully avoided the use of Mr. Clinton's name, and when he was asked whether he thinks this is sufficient reason for Catholics to vote against Mr. Clinton, he replied:

"Well, I can only speak for myself. I think Catholics will vote the way they want to vote. But it does seem to me that the basic right to life, which is so imperiled by a procedure such as this, would certainly cause one to think very, very carefully before voting for someone who would be supportive of permissiveness with regard to this procedure."

In addition, the American cardinals have asked parish priests to urge their congregations to put pressure on their congressmen to

support an override of Mr. Clinton's veto. This is uncommon, and Catholic leaders say it will have a strong impact.

"There's a real renewal sweeping the Catholic Church," says Gary Bauer of the Family Research Council. "There's a lot of things happening to get people back to the core beliefs. Clinton's veto of the partial-birth abortion ban is a real maker issue for them."

Agrees Michael A. Ferguson, executive director of the Catholic Campaign for America: "There certainly will be an organized effort at political education of churchgoers. 'I don't think many people can think of a time when the Catholic hierarchy and members have been so focused and active electorally.'"

Groups such as Mr. Ferguson's and the U.S. Catholic Conference already are conducting direct-mail efforts to get Catholics to push for the override of Mr. Clinton's veto, and to encourage Catholics to go to the polls in November.

"People are taking this very seriously and very personally," Helen Alavare of the Bishops' Office of Pro-Life Activities said of Mr. Clinton's repeated actions to oppose restrictions on abortion.

Administration officials say they doubt that the issue will unite Catholic voters against Mr. Clinton in November. They cite polls to support their argument that Catholics are not voters swayed by a single issue.

"For most Americans and most American Catholics, this is an issue they understand is difficult, but understand there are two sides of the argument," says White House spokesman Michael McCurry. Some analysts agree. "I don't think there's much hay to be made on that issue," says Curtis Gans, executive director of the

Committee for the Study of the American Electorate.

The White House has continued the administration's outreach to Catholic leaders, either directly by the president or by Catholic liaison John Hart.

The president has supported several positions favored by most American Catholics, such as brokering peace efforts in Northern Ireland and protecting social welfare programs.

"We still hope to have a constructive relationship," says senior Clinton adviser George Stephanopoulos.

In recent elections, Catholics accounted for 30 percent of the vote and seemed to focus their attention more on economic and welfare issues more than abortion. A recent Tarrance Group poll found that 1 in 3 Catholic voters favor pro-choice candidates.

But Catholics have been moving from the Democratic Party to the Republican Party. In the 1992 election, for example, Mr. Clinton won a plurality of Catholics, but by the 1994 midterm elections, the Catholic majority went to the GOP.

"The White House likes to say Catholics don't vote as a bloc, and that's true. But they make up one-third of the electorate, so if you get

a 5 percent to 8 percent swing, that changes the election," the Catholic Campaign for America's Mr. Ferguson says.

The Washington Times

WEDNESDAY, APRIL 24, 1996

Dole lashes his critics, says agenda must wait

By Laurie Kellman
THE WASHINGTON TIMES

A1

Senate Majority Leader Bob Dole yesterday said it's too soon to present an election-year legislative agenda and told the Republican critics blaming him for the party's doldrums to back off unless they're ready to "get in the arena" with him.

"It's too early," Mr. Dole said in response to those who say he's failed to create a strategy uniting Republicans behind the themes his presidential campaign will emphasize. "We've had a good year."

Several Republican lawmakers and congressional aides interviewed yesterday did not second Mr. Dole's upbeat assessment. They said Republicans are in the

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grip of an oppressive, prolonged funk.

"It's nasty out there," a House leadership aide said.

Most Republicans were reluctant to discuss their concerns publicly, but they said sagging morale has resulted from anxiety over the lack of a legislative agenda to counter harassment from unified Democrats.

"We are going through a Republican period of being in a funk," House Speaker Newt Gingrich said Monday to contributors to

GOPAC, a political fund-raising organization he once led.

At the same event, former Education Secretary William Bennett said Mr. Dole should step down as majority leader and concentrate on his presidential campaign.

"There's very little enthusiasm about Bob Dole," said Mr. Bennett, who campaigned in primaries for former Tennessee Gov. Lamar Alexander. "He's basically conservative... but not what you'd call a deep believer."

Then, without naming Mr. Dole, Mr. Bennett said party activists should resent setbacks dealt to the 1994 "Republican revolution" by a congressional leader "compromising too readily and too often."

"Go out and get in the arena, like Teddy Roosevelt said," Mr. Dole responded yesterday. "Go out there and make your case if you think you can do it better."

But even Mr. Dole's allies acknowledge he has failed to put forth an agenda for Congress — the arena he likes best and the one that costs his campaign the least money.

"We have got to do a better job of explaining that we are as concerned about the future of America, and it doesn't all have to do with money," Sen. John McCain, Arizona Republican and close adviser to Mr. Dole, told the Tucson Citizen on Monday.

The sour mood plaguing Republicans has resulted in part from Democratic successes in forcing Mr. Dole to pull important bills from the floor, including an immigration bill last week and term-limits legislation yesterday.

Twenty-two House Republicans last week broke ranks with Mr. Dole and endorsed a \$1 increase in the minimum wage. Mr. Dole has not set a date for a vote on the measure. Other Republicans want the matter resolved quickly.

Many Republicans also expressed anxiety over the lack of legislative direction being provided by Mr. Dole, to whom Mr. Gingrich has surrendered authority for charting Congress' course.

The Washington Times yesterday reported that Mr. Gingrich holds weekly agenda-setting meetings with a handful of senators and representatives of Mr. Dole's Senate and campaign offices and the Republican National Committee.

"They're going to begin in an orderly way to put before the people, with clarity and repetition, the differences between Dole and Clinton," Republican National Committee Chairman Haley Barbour said. He spoke yesterday at the Senate's weekly Republican luncheon.

"We are working on a real agenda," Senate Majority Whip Trent Lott of Mississippi said yesterday.

But that plan, sources told The Times, will not take shape until Memorial Day. That means Republicans will likely remain on the defensive while Democrats push their own agenda.

"Way before the convention I expect voters to have a clear understanding of the differences and the agenda," Mr. Barbour said. "That's far more important than how they feel at some date in April."

Mr. McCain said the Republican Party has failed to explain that its budget cuts have "fundamentally changed the framework of the debate" about the role of government and fulfilled promises to reduce waste. He said the party also has failed to convince voters that cuts have not hurt basic services.

AMA investment advice: Dump tobacco

By Lorraine Woellert
THE WASHINGTON TIMES

In the latest volley between the tobacco industry and anti-smoking advocates, the American Medical Association yesterday urged people to sell their stakes in tobacco stocks.

The AMA released a list of 13 tobacco stocks and almost 1,500 mutual funds that hold tobacco stocks. The doctors group asked investors to put their money elsewhere.

"Big businesses survive and flourish because investors invest," said George Lundberg, editor of the Journal of the American Medical Association. "If you hate tobacco, don't buy tobacco stocks."

The group said 21 percent of the nation's 7,000 mutual funds had tobacco holdings at last check. Some of the biggest and most successful, including Fidelity's Magellan, do not.

Several other Fidelity funds did make the list, as did portfolios from T. Rowe Price, Dean Witter, First American, Goldman Sachs and Merrill Lynch.

The AMA plans to update the list

FULL OF SMOKE

Half of the nation's 10 largest equity mutual funds held tobacco stocks as of Feb. 29, according to a portfolio screening done for the American Medical Association:

Mutual fund	Assets (in billions)	Tobacco stocks
1. Fidelity Magellan	\$55.1	No
2. Investment Co. of America	26.9	No
3. Vanguard Index 500	19.8	Yes
4. Washington Mutual Investors	19.8	Yes
5. Fidelity Growth & Income	16.9	Yes
6. Fidelity Puritan	16.4	Yes
7. Fidelity Contrafund	16.3	No
8. 20th Century Ultra	16.2	No
9. Income Fund of America	14.3	Yes
10. Vanguard Windsor	14.0	No

Source: Investor Responsibility Research Center

The Washington Times

annually and publish it in the group's journal.

Tobacco analysts yesterday scoffed at the AMA's investment advice.

"I would advise the surgeons who are members of the AMA to stop doing risky operations," T. Rowe Price analyst Art Cecil said. "What do they know

about the investment business? This isn't an investment commentary; it's a social commentary."

The AMA list included 14 T. Rowe Price mutual funds that held tobacco stocks as of last year. Mr. Cecil said the investment firm has no plans for a coordinated divestiture of tobacco-

related holdings.

"All our portfolios are managed by different people. Some people are maybe selling and others are buying," Mr. Cecil said.

The AMA, the nation's largest trade group for doctors, sold its tobacco-related stocks a decade ago, and other health organizations followed suit. A few major universities, including Harvard and Johns Hopkins, sold their tobacco holdings in the last few years.

Financial analysts continue to tout the investment merits of cigarette companies, which are growing strongly despite increasing regulation and hundreds of lawsuits.

The nation's No. 2 cigarette maker, RJR Nabisco Holdings Corp., yesterday announced that first-quarter profit rose 5.6 percent, more than expected, as cigarette sales surged 12 percent.

"I think you put your money where your mouth is," said AMA Secretary-Treasurer Randolph Smoak, a surgeon from South Carolina. "We would hope that you, as an investor, ... would realize, 'Hey, I'm supporting tobacco.'"

Irish snub

The nation's largest Irish Catholic group withdrew the welcome mat for President Clinton.

Last summer, the Ancient Order of Hibernians asked Mr. Clinton to address its meeting this July in St. Paul, Minn. But over the weekend, in reaction to Mr. Clinton's veto of a ban on partial-birth abortions, the group's board voted to rescind the invitation, the New York Post reports.

"We look at this as taking a very extreme position — there's a very thin line between this and infanticide," said Edward Wallace, president of the organization.

The White House had neither accepted nor rejected the initial invitation, reporter Deborah Orin said.

Mr. Clinton has been courting the Irish-American vote, based on his intervention in the dispute over British rule in Northern Ireland.

Extremist fringe

National Review says that by supporting President Clinton's veto of the partial-birth abortion ban, Massachusetts Gov. William F. Weld and New Jersey Gov. Christine Todd Whitman "have shown that they are the spokesmen not for a major wing of the GOP, but for an extremist fringe."

Only 15 House Republicans voted against the ban, the magazine noted.

The magazine's Kate O'Beirne, in a separate article, said the abortion technique "first came to light in 1989 in the Dayton Daily News. A college student who had witnessed Dr. [Martin] Haskell perform abortions notified police that a child had been killed in the process of being delivered. Dr. Haskell assured police no crime had been committed because the unborn child's head was still inside the mother when it was killed.

"A 1993 American Medical News interview asked why, if the rest of the baby could be delivered without risk to the mother, the baby's head couldn't. Dr. Haskell replied: 'The point here is you're attempting to do an abortion . . . not to see how do I manipulate the situation so that I get a live birth instead.'"

No, thanks

Politicians return campaign contributions for any number of reasons. Sometimes a donation is thought to be outside federal law, or it violates the candidate's conscience. And sometimes a candidate just doesn't want to be associated with the donor, as when Sen. Bob Dole rejected a gift from the Log Cabin Republicans, a homosexual group (Mr. Dole later said that was a mistake).

That said, we confess to ignorance on why presidential candidate Pat Buchanan returned 125 contributions worth \$13,636 dur-

Inside Politics



Compiled by Greg Pierce

ing March. The figures come from a report Mr. Buchanan filed with the Federal Election Commission yesterday.

Dozens of them were from churches, including a \$5 check from Sister Arlene Blare in the Sisters of St. Chretienne convent at Pawtucket, R.I.

One unexplained return to a high-profile GOP conservative: \$150 to Richard A. Viguerie of Fairfax County.

Maybe it just wasn't enough.

No equivocation

House Republicans are addressing the Medicare issue without equivocation, telling constituents that the program's growth rate must be restrained, the Wall Street Journal reports.

Rep. Charles Bass, New Hampshire Republican, explains one reason why: "To change course now would be political suicide," leaving them open to attack both for the attempt and the retreat.

"Most Republicans predict that a painstaking education effort will ultimately win them public approval, even among elderly voters," reporter Christopher Georges said.

Democrats are betting otherwise. Even though President Clinton has proposed similar curbs on Medicare's growth, he, his party and their allies are pounding Republicans as extremists out to destroy the program.

The party and labor unions have been running ads with that message, and the federally subsidized National Council of Senior Citizens is planning rallies and commercials of its own.

"A slice of its spending will go to launch, at Republican campaign events, dozens of massive (8 feet in diameter) purple balloons inscribed, 'No more hot air. Stop attacks on Medicare,'" the Journal said.

Bennett's dour view

William Bennett finds little virtue in Sen. Bob Dole's presidential campaign thus far.

The Republican activist, author and former Cabinet officer said: "We may get walloped anyway. We may get beat anyway. But I would much rather get beat on principles."

Mr. Bennett made the comments Monday at a meeting of big-money donors to GOPAC, a political action committee formerly associated with House Speaker Newt Gingrich.

Mr. Dole's campaign to unseat President Clinton is incoherent and dispassionate, said Mr. Bennett, and he would be better off abandoning the majority leader's post to campaign full time.

Mr. Bennett thinks the presumptive GOP presidential candidate needs to draw sharper and more controversial distinctions with Mr. Clinton on issues such as homosexual marriage, the Associated Press reports.

"There's very little enthusiasm about Bob Dole," Mr. Bennett said. "He's basically conservative . . . but not what you'd call a deep believer."

Green egg

Environmental activists held a news conference last week intended to embarrass Rep. Peter I. Blute but ended up with green egg on their faces.

Citizen Action, the Massachusetts Sierra Club and Clean Water Action rallied in front of the Massachusetts Republican's district office in Attleboro, washing a huge check representing the campaign cash Mr. Blute has received from "polluter PACs."

But the Boston Globe reports that "the list of 'polluters' includes such inoffensive professions as the Independent Insurance Agents of America, the Credit Union National Association, the National Association of Realtors, and Associated Milk Producers."

Another offender on the green list — United Parcel Service, which won an award from the Environmental Protection Agency last year.

Immigrant rights

A San Francisco-area group plans a petition drive to place an initiative on the city's ballot allowing immigrants to vote there.

The Immigrant Rights Movement has submitted the text of the "San Francisco Immigrant Voting Rights Initiative" to the Registrar of Voters, reports the San Francisco Examiner's Diana

Walsh. The group needs to collect 10,510 signatures from registered voters by July 24 in order to win a spot on the November ballot.

The 1990 census found 607,210 adults in San Francisco, of which 123,898 were noncitizens.

Secretary of State Bill Jones is adamantly opposed to the measure and has vowed a court fight should it be voted into law.

"Secretary Jones will challenge the constitutionality of that every step of the way," a spokeswoman for Mr. Jones said. " . . . Only citizens are granted the right to vote. We've done so much to protect the vote against fraud . . . Proposals like this send us in

the opposite direction and run the risk of having all the work of the last couple of years to decrease the amount of fraud rendered worthless."

Unexpected findings

In a poll commissioned by the New Yorker magazine, 70 percent of blacks said they plan to vote for President Clinton even if Colin Powell is the GOP choice for veep.

"In fact, despite Powell's celebrity only 13 percent would not support a Dole-Powell ticket," Jervis Anderson writes in the magazine.

"That 13 percent cut, though, does not seem so humble a figure when historic black voting preferences are taken into consideration," he added.

But the survey, conducted by Yankelevich Partners found some unexpected results, Mr. Anderson said.

"On several controversial issues, a majority of African-Americans are more conservative than they have generally been thought to be, advocating positions that their racial leadership has not wanted to be heard adopting.

"All class and income groups . . . are split almost evenly over the question of whether their children should be bused to white schools in order to achieve racial balance."

Pro Bono

Rep. Sonny Bono, California Republican, "drew a nice crowd" at a Saturday fund-raiser in Chicago for Rep. Michael Patrick Flanagan, the Chicago Tribune reports.

"Still, organizers might've done better with more than the week they had to promote the event," said columnists Judy Hevrdejs and Mike Conklin. "Bono flew from Ohio for his quick visit. Aside from Flanagan, there were not notable GOPers on hand."

Mr. Flanagan no doubt appreciated the help. The Illinois Republican is near the top of the Democratic hit list and will need all the campaign cash he can raise.

4-23-96

Harder hearts on abortion

Partial birth" abortions are unsettling even to read about—the only version of abortion in which fetuses, either viable or near viability, are partly visible outside the body while alive and inches away from birth before being dispatched.

They are typically performed at 20 to 24 weeks, but sometimes later. The fetus is manipulated so that its feet and sometimes part of its body are outside the mother. The head is left in the uterus. Then the skull is pierced and the brain is suctioned out, causing skull collapse and death.

Why is the head of the fetus left inside the uterus when the removal of the brain takes place? "Avoiding trauma to the cervix" is usually cited as the reason, but the bottom line is really legal. Stopping the head just short of birth is a legal fig leaf for a procedure that doesn't look like abortion at all. It looks like infanticide.

Brenda Shafer, a registered nurse who supports abortion rights, says she witnessed three of these operations during a brief assignment to assist Dr. Martin Haskell at an Ohio abortion clinic in 1993. She says the three fetuses, two normal and one with Down's syndrome, all three 25 or more weeks along, were alive when Dr. Haskell inserted scissors into their skulls. "I still have nightmares about what I saw," she said in a letter to an antiabortion congressman in urging passage of the Partial Birth Abortion Ban Act.

Abortion-rights supporters have greeted the partial birth issue as the beginning of a new crusade to undermine *Roe v. Wade*. For some abortion opponents, it obviously is. But it also is true that a great many Americans, on both sides and in the middle, are deeply troubled by the brutality and questionable morality of this particular procedure. It deserves to be judged on its own.

"Costly vote." In the House vote, a dozen pro-choice congressmen, including Ted Kennedy's son Patrick, joined the lopsided majority and voted to ban partial birth procedures. They did this knowing they face some aggressive retribution from the abortion-rights lobby without gaining any support from the antiabortion side. "It was a costly vote," said Rep. Jim Moran of Virginia, an abortion-rights backer. "I'm not going to vote in such a way that I have to put my conscience on the shelf."

It should be noted that the abortion lobby is having trouble getting its facts straight. After Brenda Shafer made her statement, Dr. Haskell said he didn't recall any such person working at his clinic. An employment card was produced. Then Rep. Patricia Schroeder and others extracted a nondenial denial from Dr. Haskell's head

nurse, saying that Brenda Shafer "would not" have been present at the three abortions she said she saw.

Kate Michelman and other abortion-rights lobbyists insisted that partial birth abortion is "confined to extraordinary medical circumstances" and that anesthesia "causes fetal demise . . . prior to the procedure." Not true. A 1993 interview with Dr. Haskell in an American Medical Association newspaper quotes him as saying that 80 percent of these procedures are elective and two thirds occur while the fetus is alive. Dr. Haskell wrote a letter strongly implying he was misquoted. But an audiotape was produced showing that he wasn't.

And Michelman said, "It's not only a myth, it's a lie" that partial birth abortions are used to eliminate fetuses for minor defects such as cleft palates. But abortion practitioner Dr. James McMahon already had told Congress he had personally performed nine of these procedures solely because of cleft palates. Compared with the abortion-rights lobby, the O. J. defense looks obsessively ethical and tightly focused on verifiable truth.

In an article last month in the *New Republic*, feminist Naomi Wolf, an abortion-rights advocate, wrote that "with the pro-choice rhetoric we use now, we incur three destructive consequences . . . hardness of heart, lying and political failure." She wrote:

"By refusing to look at abortion within a moral framework, we lose the millions of Americans who want to support abortion as a legal right but still need to condemn it as a moral iniquity."

The partial birth issue is a good time for abortion-rights supporters to reclaim the moral framework that Wolf says they have relinquished. This repellent procedure goes way too far. No other Western nation, to my knowledge, allows it. It was unanimously condemned by the American Medical Association's council on legislation. (The full association later decided to duck the issue and take no position.)

Those who defend it reflexively because it may lead to other legislation are in the exact position of gun lobbyists who shoot down bans on assault weapons because those bans may one day lead to a roundup of everybody's handguns. They refuse, on tactical grounds, to confront the moral issue involved. More of the abstract hardness that Wolf writes about.

Killing a five-month or six-month fetus that's halfway down the birth canal raises a moral issue way beyond that of ordinary abortion. It's perfectly possible to support a woman's right to abort and still think that the anything-goes ethic of this horrific procedure has no place in a culture with any reverence left for life. ■



cc: Elena
Kagan & then
back to me
T.

cc:
TOS

WASHINGTON

Bennett: Dole campaign not 'hard-edged' enough



BENNETT: Dole effort lacks 'passion'

William Bennett, the GOP's outspoken proponent of American values, offered a dim view Monday of Bob Dole's election chances against President Clinton.

He said at a meeting of GOPAC, a conservative political action committee founded by House Speaker Newt Gingrich, that Dole faces an uphill battle. He bashed the Senate majority leader's campaign as "too carefully scripted" and short on "passion" and "focus."

"I don't think that campaign is coherent. I don't think it's hard-edged,"

Bennett said. Dole, he said, should begin hammering away at the Clinton record of "broken promises" and set the voters straight about GOP proposals that he said Clinton and the Democrats have distorted.

"(Clinton) lies shamelessly ... and it's tough to go against a person who is shameless," he said. Above all, Bennett suggested, Dole should speak out for conservative principles. "We might be beat anyway, but I'd much rather be beat on principle than not."

— Richard Benedetto

IN LOVE WITH HEARTS: President Clinton, returning home from Russia after a week-long, round-the-world trip, spent most of his 10-hour flight home playing cards, a spokeswoman said. The president's game of hearts was so gripping that he remained on board Air Force One for several minutes after it landed Sunday night at Andrews Air Force Base, White House spokeswoman Ginny Terzano said. She said the game, said to be Clinton's favorite, was with White House aides, including chief of staff Leon Panetta, and lasted for most of the 5,180-mile flight.

GORE'S GOALS: Vice President Gore played down a report that he is laying the groundwork for a presidential run in 2000, saying his goal is to get President Clinton re-elected this year. Gore was asked at a news conference about a *New York Times* report that said he had told one of his closest confidants he would run for the White House.

"I really don't have any comment on it except to say you shouldn't take an off-the-record private conversation with one friend who doesn't work around here as an indication of the kind of thing that was implied with it," Gore said. "My No. 1 objective is to do everything I possibly can to help President Clinton be the best president possible. And he's doing a magnificent job." Gore ran for president in 1988.

DOLE CAMPAIGN FINANCES: Sen. Bob Dole's Republican presidential campaign requested an investigation into allegations that a sporting goods company funneled illegal cash donations to the campaign.

The Dole team released a letter saying it had no information on the matter beyond a report in Sunday's *Kansas City Star* saying a Massachusetts firm, run by a member of Dole's campaign finance team, may have made such donations. "However, the campaign is concerned by those allegations and requests the Federal Election Commission to conduct an inquiry," wrote Douglas Wurth, general counsel of the Bob Dole for President campaign.

MORE FOR DEFENSE: Two senior House Republicans proposed adding \$13 billion to the defense budget for weapons modernization next year, more than twice what the GOP-controlled Congress added this year. Reps. Floyd Spence, R-S.C., chairman of the House National Security Committee, and Bill Young, R-Fla., chairman of the House Appropriations defense subcommittee, said President Clinton's defense request is inadequate.

"Each year, the promise to revitalize modernization programs has been made and then postponed to pay for shortfalls elsewhere in the budget — quite often readiness shortfalls created by peacekeeping and humanitarian operations," Spence and Young said in a statement.

Under their plan, which will get full committee debate next week, Clinton's \$254.4 billion request would be increased to \$267.3 billion for fiscal 1997, which begins Oct. 1.

Seeking to avoid repeating the protracted debate that delayed passage of the 1996 defense bill for months, the two are separating controversial issues such as expanded national missile defense and restrictions on United Nations command of U.S. troops into separate bills.



SCHROEDER: Boycotts hearing

ABORTION POLITICS: Republicans kept up their attack Monday on President Clinton's veto of an anti-abortion bill, declaring at a House hearing that he was "hiding behind *Roe vs. Wade*." Democrats boycotted the hearing, accusing the GOP of election-year politics.

Republicans continued to focus on Clinton's veto of a bill that would have banned certain late-term abortions. But the Democrats said the real target was the Supreme Court's decision itself to legalize abortion.

One Democrat who boycotted the meeting, Rep. Pat Schroeder of Colorado, issued a statement accusing Republicans abortion foes of using the hearing as part of their strategy "to undermine the public's consistent and overwhelming support for *Roe vs. Wade*."

"Their master plan ... culminates in the November election, when after months of a public education campaign funded by the Christian Coalition and the U.S. Catholic Conference ... anti-choice Republicans will use this issue to elect enough members of the House and Senate" to overturn the high court ruling, Schroeder said.

At the hearing, Rep. Charles Canady, R-Fla., chairman of the judiciary committee's Constitution subcommittee, said Clinton "claims that the Constitution requires Congress to allow partial-birth abortion." He and others at the hearing strongly disagreed with that idea.

Witnesses at the hearing included Gianna Jessen, 19, who said she has cerebral palsy as a result of a botched abortion when her teen-age mother was 7½ months pregnant.

This month, Clinton vetoed the Republican bill that would ban the rarely used procedure, called "partial birth abortion" by its opponents, except in cases in which the procedure is essential to save the mother's life. U.S. Catholic cardinals have urged Congress to overturn the veto.

USA TODAY

TUESDAY, APRIL 23, 1996

COVER STORY

Telecom industry offers golden legal opportunity

By David J. Lynch
USA TODAY

Ray Smith and Ivan Seidenberg basked in the media spotlight Monday. Architects of the latest industry-shaking merger, the CEOs of Bell Atlantic and Nynex spent the day fielding questions from reporters and posing for photographers.

But once the flashbulbs cool, the real action begins. "It shifts from the businessmen now to the lawyers to get (the merger) approved," says Richard Wiley, a prominent lawyer and former chairman of the Federal Communications Commission.

That's not legal bravado. Regulators in 13 states, the FCC and the Justice Department all must approve the deal. Bell Atlantic's challenge illustrates the huge role lawyers are playing in the communications industry's restructuring.

In recent months, experienced communications lawyers have been toiling almost nonstop. Their task: help executives exploit a 200-plus

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page law that rewrote 62 years of federal regulation of the communications industry and plot the deals necessary to survive. "The joke going around is that at the end of all this, there will be one telecom/entertainment company left," says lawyer John Welch of O'Melveny & Myers. "And we all hope it's our client."

Proponents billed the Telecommunications Act of 1996 — which freed long-distance, telephone and cable companies to compete in each other's markets — as an engine of job growth. By one estimate, deregulation will spawn 558,000 jobs by 2000 as less-expensive communications boost economic growth. The weeks surrounding the legislation's signing, however, have been dominated by several thousand layoffs at AT&T and the prospect of job-eating mergers by regional phone companies.

It might not have been what President Clinton had in mind two months ago when he signed the landmark communications law. But nobody's gotten more work in the wake of deregulation than the communications bar, especially in the nation's capital. Even firms with no track record in communications law hope to cash in. "There probably isn't a firm in Washington that hasn't at least thought about how to get into the communications game," says Susan Schneider of Finn & Schneider Associates.

Indeed, membership in the Washington-based Federal Communications Bar Association is at an all-time high of 2,600 — up 10% the past year. Even students at Harvard Law School have noticed the trend: Earlier this month, a standing-room-only crowd jammed a seminar on *Doing Deals in the Telecommunications Industry*. Activity in several areas is driving the legal boom:

► **Regulation.** The Federal Communications Commission is drafting more than 80 new rules to implement cross-industry competition. At the state level, squabbles over related issues already have broken out between long-distance carriers and local phone companies. Example: Earlier this month, AT&T complained to Ohio regulators that regional Bell Ameritech overcharged long-distance companies by \$75 million for completing their customers' phone calls.

► **Lawsuits.** In some cases, companies are taking their foes to court. In February, Bell Atlantic and equipment maker DSC Communications filed a \$3.5 billion antitrust lawsuit against AT&T, accusing the telecom giant of making its computer switches incompatible with other makers' equipment. Elsewhere, four Bells tried unsuccessfully in federal court to obtain the return of secret corporate documents filed in a July 1994 lawsuit aimed at al-

lowing them into the long-distance business. New litigation also is expected to challenge the small businesses that win the latest wireless communications licenses being auctioned by the government.

► **Mergers.** When companies gobble up rivals, they often turn to outside counsel for help. Sullivan & Cromwell's Joseph Frumkin recently spent a week with several colleagues at the Lakeway Inn, a tony resort 18 miles north of Austin, Texas. But don't bother asking how he enjoyed the three 18-hole golf courses, 32 tennis courts or floating restaurants. He never saw them. He was too busy negotiating regional Bell SBC's \$17 billion acquisition of fellow phone giant Pacific Tel. "It was extremely intense," says Frumkin, one of 10 Sullivan & Cromwell merger specialists who represent SBC. "This was done much more quickly than most merger and acquisition deals."

All that hard work pays off with multimillion-dollar legal fees. And the prospect of similar paydays is attracting plenty of new competitors.

Firms in Los Angeles, Philadelphia and Cleveland either have started or are considering new communications practices. In February, a large New York-based firm, Kelly Drye & Warren, got its start by wooing a team of seven lawyers from Wiley Rein & Fielding, the Washington firm headed by Wiley, FCC chairman under President Ford.

Likewise, L.A.'s Gibson Dunn & Crutcher recently hired three FCC lawyers to start its communications practice, including Scott Harris, chief of the commission's international bureau. (The three will begin May 15 after leaving their government jobs.) And Patton Boggs LLP, one of the capital's best-connected lobbying firms, bolstered its communications lineup with three lawyers who specialize in regulatory matters.

The emerging competition for legal talent has bid up salaries for top telecom lawyers, Schneider says. Stars fetch annual salaries of \$500,000, she says. That compares with 1995 salaries of about \$315,000 for the top 10% of lawyers, according to Altman Weil Pensa, legal consultants in Newtown Square, Pa.

In recent weeks, legal headhunters have worked the phone like cold-calling brokers. Wiley, whose firm lost seven people to Kelly Drye, says, "The remaining people tell me they get solicited every week."

Across town, Henry Rivera, who heads the telecom practice at Ginsburg Feldman & Bress, also has received several calls. But he's not interested. He's too busy trying to hire more lawyers for his firm, which represents several Bells, America Online and an association of smaller phone companies. "We just can't get all the work done," Rivera says.

Firms that are new to the communications area are targeting foreign companies that want to sniff out U.S. opportunities as well as smaller firms entering new markets. But they face an uphill fight against a handful of entrenched firms such as FCC Chairman Reed Hundt's former employer, Latham & Watkins; Wiley Rein; and Dow Lohnes & Albertson. Among the most venerable: Fisher Weyland, founded 62 years ago by Ben Fisher, fresh from a stint at the Federal Radio Commission, the FCC's predecessor.

Industry executives say there's no sign the demand for lawyers will ease any time soon. "I've been in the business for 30 years, and it's never gotten better," Seidenberg says. "It's just part of the game."

Ironically, one place deregulation means less work is in the courtroom of U.S. District Court Judge Harold Greene. The new communications law nullifies the consent decree that settled the government's original antitrust lawsuit against AT&T, ending Greene's dozen years as the de facto arbiter of telecommunications policy.

Everywhere else, however, the need for legal assistance is likely to remain high. Says lawyer Philip Permut, whose communications expertise dates to the Johnson administration: "There's enough business here for everybody for an awful long time."

Failed abortion makes case for overriding veto

By Julia Duin
THE WASHINGTON TIMES

Nineteen years ago this month, Gianna Jessen lay gasping in an abortion clinic, the survivor of a saline abortion at 7½ months.

Yesterday afternoon, the blonde limped before the House Judiciary subcommittee on the Constitution to describe her arrival as an unwelcome guest of a 17-year-old mother.

"I am the person that she aborted," Miss Jessen told a roomful of listeners, "and I lived instead of died. Some have said I am a 'botched abortion,' a result of a job not well done."

Wearing a long, light-blue dress to hide the twisted legs the procedure left her, she described how she required four surgeries and years of therapy before she could walk.

"I am happy to be alive. I almost died," she said. "Every day I thank God for life."

Miss Jessen got cerebral palsy from swallowing the concentrated salt solution used in a saline abortion to burn the fetus' skin and internal organs. Called "candy-apple babies" because their skin turns bright red from the burns, these fetuses often thrash for hours before being expelled.

She lingered between life and death for three months, was sent to foster care and was eventually adopted by Diana De Paul, the daughter of her foster mother.

Miss Jessen said she has met other survivors, such as a 2-year-old named Sarah who also has cerebral palsy.

"She is blind and has severe seizures," Miss Jessen said. "The abortionist, besides injecting the mother with saline, also injects the baby victims. Sarah was injected in the head."

Miss Jessen, who begged her listeners to spare more children from ending up like her, was Exhibit A of a failed abortion. Rep. Charles T. Canady, Florida Republican, convened the hearing to examine Roe vs. Wade, the landmark 1973 Supreme Court decision.

Of the 13 members on the subcommittee, only two — Republicans Henry J. Hyde of Illinois and Mr. Canady — attended, even though there no House votes yesterday.

Mr. Canady hopes Congress will override President Clinton's veto of the Partial Birth Abortion Ban Act, a bill that targets a procedure in which a fetus is delivered feet-first up to its head and has its brain sucked out through a catheter. The congressman attacked the premise of Mr. Clinton's veto — that the Constitution, as interpreted by Roe vs. Wade, protects partial-birth abortions.

Mr. Canady said Roe vs. Wade only deals with fetuses, not with partially born children. In support of Mr. Canady, panelists such as Douglas Kmiec, a University of Notre Dame constitutional law professor, questioned the constitutional basis of Roe vs. Wade.

Harvard law professor Mary Ann Glendon said Roe vs. Wade does not provide a constitutional right for partial-birth abortions.

"Roe says nothing about the killing of a baby during delivery," she said, and Mr. Clinton "made the mistake of thinking a maternal health provision for the Partial Birth Abortion Ban Act was constitutionally necessary."

She said the Supreme Court left intact a statute in Texas, where Roe vs. Wade originated, that outlawed killing a child "in the state of being born." The statute still exists.

Other panelists, such as Miss Jessen, spoke about what happens when the result of an abortion is a living child. A Michigan nurse, Sharon Dunsmore, told of cradling an extremely premature boy who survived an abortion but died in her arms.

Subcommittee member Patricia Schroeder, Colorado Democrat, boycotted the hearing, saying it was only meant to "undermine the public's consistent and overwhelming support for Roe vs. Wade" and assist a "massive public relations campaign."

Former Tucker partner reluctantly blames him

'Straw man' says governor handled books

By Hugh Aynesworth
THE WASHINGTON TIMES

LITTLE ROCK, Ark. — Jim Guy Tucker was the focus of the Whitewater-related conspiracy-and-fraud trial here yesterday as a former business partner testified the Arkansas governor did all the paperwork "and I just signed 'em."

R.D. Randolph, a farmer and construction worker who moved to Little Rock from a small west Arkansas town in 1983 to work for James McDougal, testified under obvious duress about a utility company called Capital Sewer & Water Co., which he ended up owning part of and managing in 1986.

The prosecution claims that CS&W was one of the major conduits Mr. Tucker, Mr. McDougal and, to a lesser degree, Susan McDougal used to defraud the government of more than \$3 million in loans in 1985 and 1986.

Mr. Randolph parried questions he didn't want to answer by arguing with the prosecutor or by saying: "I don't remember. Do you have a document to show me?"

What he did recall often did not match the documents he was shown.

Prosecutor Jackie Bennett said he nearly asked that Mr. Randolph be designated a hostile witness but decided the move would be useless "because Mr. Randolph already has his answer ready, no matter how I ask these questions."

He called Mr. Randolph the defendants' "straw man," somebody whose name could be used in moving vast sums from entity to entity.

On Friday, Mr. Bennett elicited several admissions from Mr. Randolph, who said he "got the short end of the stick" from his association with Mr. Tucker on a loan he unknowingly agreed to guarantee while Mr. Tucker signed no such document even though he owned twice as much stock in the utility.

Yesterday Mr. Bennett continued a relentless examination, getting Mr. Randolph to admit Mr. Tucker wrote a check for \$17,500 in January 1988 for what Mr. Randolph thought was the cleanup of a 34-acre tract near Little Rock.

"But that was a loan to you, wasn't it, not payment for work?" Mr. Bennett said.

"I don't remember giving the \$17,500 back," the witness said.

The prosecution introduced the check, clearly marked "loan."

"I didn't handle that," Mr. Randolph said. "Mr. Tucker was taking care of the book-keeping."

That exchange was one of several complex deals outlined by the government to prove 21-count indictments of the McDougals and Mr. Tucker.

The government contends that the \$17,500 came from an illegal \$100,000 loan obtained by CS&W ostensibly to develop property via a CS&W spinoff called Southloop Construction Inc.

From the \$100,000, documents indicate,

Mr. Tucker received \$45,000, his law firm got \$1,900, and \$15,000 went toward payment of a \$260,000 note Mr. Tucker owed Mr. McDougal's Madison Guaranty Savings and Loan Association.

"He paid himself back for what he put up," said the witness, with a furtive glance at the governor.

For the second straight session there was considerable discussion about Mr. Tucker buying the Southloop property for \$125,000, then working out a deal to have CS&W borrow money to purchase the same tract for about \$353,000.

Mr. Bennett asked about a financial breakdown of the uses of the \$100,000 received through David Hale's small-business investment company, Capital-Management Services.

Mr. Randolph didn't recall the origin of the document but said he routinely signed whatever Mr. Tucker prepared for him to sign.

"And you trusted Mr. Tucker when he brought documents to you to be dealing with you honestly, correct?" Mr. Bennett said.

"I trusted Mr. Tucker and Mr. Hale both," Mr. Randolph said.

In another exchange, Mr. Bennett said, "Tell the jury why it would be necessary for you as president of CS&W to obligate CS&W to personally guarantee a \$260,000 debt of Jim Guy Tucker that he owed personally?"

Mr. Randolph: "Well, wasn't CS&W, I mean, buying the land? Isn't that what this is about?"

Mr. Bennett: "Is that what you understood happened here?"

Mr. Randolph: "Well, I don't know."

Mr. Bennett: "Well, sir, forgive me, but you were the president of CS&W."

Cardinals hit Clinton on abortion

By Larry Witham
THE WASHINGTON TIMES

A1

Eight U.S. Roman Catholic cardinals yesterday denounced President Clinton's "shameful veto" of the Partial Birth Abortion Ban Act, telling him in a letter that the procedure was paving a road to legal infanticide.

"Your action on this matter takes our nation to a critical turning point in its treatment of helpless human beings inside and outside the womb," said the rare joint appeal signed by all of the American cardinals.

"It moves our nation one step further toward acceptance of infanticide," they said.

The bill was passed by both houses of Congress, but Mr. Clinton vetoed it last Wednesday, saying the procedure was "potentially lifesaving, certainly health-saving" for a few hundred vulnerable women and families each year.

"This is not about the pro-choice, pro-life debate," Mr. Clinton said. "This is not a bill that should have ever been injected into that."

But the cardinals took issue with Mr. Clinton's statement at a news conference that he "had no choice but to veto" the bill.

"Mr. President, you and you alone had the choice of wheth-

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ABORTION

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er or not to allow children, almost completely born, to be killed brutally in partial-birth abortions," said the letter. It was written on the stationery of Cleveland Bishop Anthony Pilla, president of the Catholic Bishops' Conference, who also signed the letter.

Mr. Clinton was in Japan yesterday, but the White House said he had corresponded with the cardinals earlier, explaining to them that he opposed the ban only because some women could suffer health problems or even die without an abortion. Mr. Clinton had wanted language allowing partial-birth abortions to avoid "serious adverse health consequences."

"We had what I believe was a dialogue with the Catholic Church on the subject," said White House spokeswoman Mary Ellen Glynn, citing a meeting last week between a White House counsel and a lawyer for the U.S. Catholic Conference.

"On the political side," she said, "there are a lot of issues on which Mr. Clinton agrees with the Catholic Church." She cited fairness to immigrants, opposition to assisted

"This is not about the pro-choice, pro-life debate. This is not a bill that should have ever been injected into that."

— President Clinton

suicide, and the importance of welfare and education.

House Republicans, who were expected to override Mr. Clinton's veto Thursday, instead sent the issue to the Judiciary Committee yesterday with no timetable for the vote.

The House voted 286-129 to pass the bill last month, giving it the two-thirds majority required for an override. The Senate, however, mustered only a 54-44 vote to pass the bill.

In their letter, the cardinals said the American legal system's broad definition of the health of the mother and "serious" consequences undermines Mr. Clinton's claim that the procedure could be extremely rare.

"Most people have no idea that if a woman has an abortion because she is not married, the law considers that an abortion for 'health' reasons," they said.

With the cardinals weighing in, the issue is being seen as important to Catholic voters in a presidential election year.

GOP presidential candidate Bob Dole said the veto put the president on the "extremist fringe" on abortion. Seventy-two House Democrats voted against what pro-life advocates call the most gruesome of abortion procedures.

It involves withdrawing the fetus through the birth canal, legs first, cutting an incision at the skull's base and draining out the brain until the skull collapses.

The Washington Times

★ WEDNESDAY, APRIL 17, 1996

Won't launch third-party challenge

Buchanan to drop out of presidential race

By E. Michael Myers
THE WASHINGTON TIMES

A1

Pat Buchanan has decided to end his campaign against Senate Majority Leader Bob Dole for the Republican presidential nomination and will not run as a third-party candidate, The Washington Times has learned.

Sources close to the campaign confirm that Mr. Buchanan, at a news conference today, will instead begin a new round

of political advocacy designed to influence the GOP platform in advance of the national convention, which will be held in August in San Diego.

Campaign spokesman Greg Mueller declined to comment about Mr. Buchanan's future. But sources familiar with Mr. Buchanan's plans confirmed he will use selected speeches and media appearances to emphasize concern about issues he believes Republican leaders are ignoring.

Instead of lambasting Mr. Dole, the presumptive Republican presidential nominee, Mr. Buchanan will attempt to prod the GOP to look more closely at trade, abortion and other issues he raised during his campaign. His first effort will be to raise concern about plans to renew most-favored-nation trading status to China during a news conference at a Washington hotel.

Mr. Buchanan will attempt to highlight China's abuses of human rights, theft of intellectual property and flouting of arms-control

protocols.

Mr. Buchanan had planned to campaign in Pennsylvania in advance of its primary on Tuesday. A Buchanan campaign aide confirmed those plans April 4, even though Mr. Dole had locked up the nomination.

"This is a way to conserve resources while keeping a presence alive on issues he cares about and not spending money in a state where he has little chance of getting delegates," said Paul Weyrich, a conservative activist and member of a loose group of Buchanan

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advisers.

"When it is clear you have no chance, money simply will not come in," Mr. Weyrich said. "They do not want to end the effort with a huge deficit."

If he campaigned in Pennsylvania, Mr. Buchanan would risk looking like a gadfly or a sore loser and become impoverished in the process.

All the other rivals for the nomination have endorsed Mr. Dole, and he has spent his time since the clinching March 26 California pri-

mary raising money for his campaign coffers.

Mr. Buchanan has been in seclusion at his home, preparing what aides dubbed the "McLean Manifesto," a treatise on the issues he believes are important for the GOP to woo disaffected blue-collar Democrats, Perot voters and independents.

The Buchanan campaign hopes the manifesto will influence drafting of the party platform before the national convention.

Mr. Buchanan had for a time flirted with the notion of bolting the GOP and launching a third-party bid for the White House. But friends advised against it, arguing that it would effectively end his

influence on the party this year, and possibly for the rest of his political career.

By ending his futile campaign for the GOP nomination, Mr. Buchanan will give Mr. Dole's campaign a bit of political peace—and perhaps begin the political healing process with his rival.

Mr. Dole has not only locked up the nomination, he will also control the party platform and determine who speaks to the national convention and at what time.

By beginning to make political peace with Mr. Dole, Mr. Buchanan is in a better position to commence ticklish negotiations with the nominee over the platform and his role at the conven-

tion.

Mr. Buchanan has long been a critic of American relations with Communist China, even though he accompanied President Nixon on his historic, diplomatic journey to the mainland in 1972 that led to the restoration of relations under President Carter.

The fact that his campaign would not discuss why Mr. Buchanan has no plans to campaign in Pennsylvania but wants to call a news conference to discuss trade relations with China indicated the conservative firebrand may be looking at another forum to raise his issues before the public.

Throughout the campaign, Mr. Buchanan has criticized China's

record on trade with the United States, its policy of forced abortions and sterilization, its theft of American intellectual property rights, its transfer of nuclear arms technology to Pakistan, and its military buildup, including attempts to intimidate Taiwan with force to discourage its democratic elections and independence.

Mr. Buchanan, running in a crowded field, nearly upset Mr. Dole in the Iowa precinct caucuses voting for president on Feb. 12 and defeated him in the New Hampshire primary. But his populist message of protecting American jobs through restrictive trade and immigration policies and his staunch anti-abortion stance failed to capture another victory.

Leak scuttles an ABC Sunday morning makeover

ABC News has shelved plans to replace the low-rated *Sunday Good Morning America* with a newsier show hosted by Sam Donaldson and Cokie Roberts.

This, after reports of the new project leaked and apparently took staffers — and some ABC honchos — by surprise.

In a subsequent meeting, ABC executives told *GMA*ers that their show might not last forever but that they would learn about any replacement directly from management.

Since then, work on the show — Donaldson and Roberts shot a pilot — has ceased.

Execs are now concentrating on *This Week With David Brinkley*, which follows *Sunday GMA*. Brinkley plans to retire after the '96 election.

Sunday GMA runs a distant third behind No. 1-rated *Sunday Morning* on CBS and *Sunday Today* on NBC. *Sunday GMA* is anchored by Willow Bay, wife of ABC chief Robert Iger, and Kevin Newman, once host of ABC's overnight news show.

CHUNG TALKING: Ten months after Connie

Chung and CBS News parted ways — and she adopted a baby boy — the former CBS *Evening News* co-anchor is planning a return to TV. Chung told USA WEEK-END last month that the '96 election recharged her reporting batteries. Chung couldn't be reached, but she and CBS News president Andrew Heyward met recently to catch up; Heyward was once her producer on *Eye to Eye*.



By Craig Blankenhorn, AP
Connie Chung: She 'certainly is going back to work.'

"There was no discussion of any specific job at all," Heyward says, describing their chat as "deliberately inconclusive. I think it all depends on what she's interested in doing. But she certainly is going back to work." CBS News producers are tossing around ideas for a new newsmag; might Chung play a role? Doubtful, since a third CBS newsmag is unlikely, Heyward says.

THE TOBACCO FILE: The May/June *Mother Jones* includes a 1994 transcript of an ABC *Turning Point* on tobacco and politics that never aired. Editor Jeffrey Klein says the fact that ABC chose not to air it "on the very day Philip Morris announced legal action against ABC over another tobacco story... is a sad commentary on the current state of the journalism profession." ABC News spokeswoman Eileen Murphy says ABC didn't air the documentary "because there was nothing new in it, and it didn't meet our standards. The lawsuit had nothing to do with our decision."

Meanwhile, ABC producer Walt Bogdanich, miffed that ABC subsequently apologized to Philip Morris for his *Day One* story on nicotine manipulation — referred to above — is joining CBS' *60 Minutes*. He's leaving, despite an appeal from ABC News president Roone Arledge. Bogdanich chose *Minutes* over *Dateline NBC*. He'll start producing for Mike Wallace this summer.

BRIEFLY: To make it easier for parents to get information about children's and other programs aired by their local TV stations, Vice President Al Gore is proposing posting stations' public records on the Internet. Speaking Tuesday to the National Association of Broadcasters convention in Las Vegas, Gore dubbed it the "family right to know" proposal. Gore suggested stations e-mail files to the Federal Communications Commission to post on the Internet. "The result? Any parent who is interested could in his or her own home or at the library, using a computer and a few clicks of the mouse, take a look at how you've been doing."... In the current *New York*: how high-profile couples juggle being partners or adversaries in the business world. Included are *Good Morning America* chief Marc Burstein and Lori Beecher, an *NBC Today* booker, who are married. They keep separate answering machines at home and, when on the road, don't tell each other where they're calling from.

Tonight's TV listings: 10D
Inside TV appears Monday through Thursday

Harrelson says his tax boycott is natural

Ever dreamed of sticking it to the IRS?

While environmentally active Woody Harrelson knows just how powerful his foe is, he has withheld \$10,000 of his taxes to protest a government he claims uses tax dollars "to desecrate nature."

"I know a lot of people are going to say, 'What an idiot,'" he says, adding "There was no one telling me this was a good idea."

The actor "chickened out" last year, and now is thinking, "Maybe I should have thought it through some more." But somebody, he says, has to "fight city hall."

His specific complaints are a just-overturned logging ban, which he says gives the timber industry carte blanche to take any tree. He's also protesting the defeat of the Colorado Industrial Hemp Bill (not the get-high kind of hemp), a versatile

substance he says can be used for making paper and fiber.

Harrelson says he's been quietly fighting the plight of flora and fauna for years, and even slipped President Clinton a letter while they both attended Ted Dan-

son's wedding.

"I know I'm only a pampered actor with no room to complain and frankly I have my piece of forest to live in and enough money for my family, but the fact is I care," Harrelson writes in a two-page proclamation. Even if the action "backfires" on him professionally, it's OK, he says. "My career has extended well beyond what I anticipated anyway."

Harrelson urges people to deal with the government "in the language they understand and fear: boycott and tax resistance."

By Karen Thomas



USA TODAY
Harrelson: Saving trees via the IRS?

PAGE THREE

A QUICK READ ON THE NEWS OF THE DAY

TODAY'S QUOTE: "I will treasure (the gifts). We like him very much."

— President Clinton accepting a Hideo Nomo baseball glove and a baseball autographed by the Los Angeles pitcher from Japanese Prime Minister Ryutaro Hashimoto Tuesday during an informal dinner.

Compiled by Oscar Dixon.
Contributing: Kelly Carter, Larry Weisman.

USA TODAY • WEDNESDAY, APRIL 17, 1996

Clinton's abortion-ban veto risks Catholic vote

By Susan Page
USA TODAY

President Clinton has been making a full-court press for Catholic voters: Pushing for peace in North Ireland. Extolling Mother Teresa. Talking about values. Even endorsing the school uniforms familiar to generations of parochial-school students.

But his veto of the partial-birth abortion ban risks undercutting some of his standing among what may be the most important swing group in the American electorate.

"The Catholic vote is becoming the jump ball of American politics," says Ralph Reed, executive director of the Christian Coalition, which has established a new Catholic Alliance division. "Whoever comes down with that ball usually wins in November."

That's one reason Clinton courts Catholic voters. But in a letter delivered to the White House Tuesday, the nation's Catholic cardinals and bishops called last week's veto "beyond comprehension" and warned of political consequences.

"We will ... urge Catholics and other people of good will ... to do all that they can to urge Congress to override this shameful veto," it said. "In the coming weeks and months, each of us ... will do all we can to educate people ... that par-

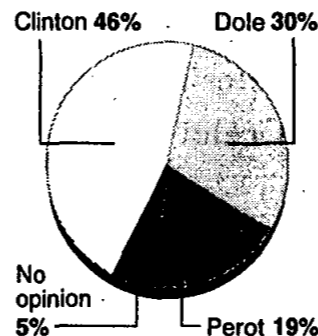
Catholics support presidential winners

A majority or plurality of Catholic voters have supported the winner in every presidential election since 1976. Catholic voting:

1976		1984	
Carter	54%	Reagan	54%
Ford	44%	Mondale	45%
Others	2%	Others	1%
1980		1988	
Reagan	50%	Bush	52%
Carter	42%	Dukakis	47%
Anderson	7%	Others	1%
Others	1%	1992	
		Clinton	44%
		Bush	36%
		Perot	20%

Sources: Exit polls, '92, Voter Research Service; '80-'88, CBS/New York Times; '76, CBS.

Clinton has Catholic edge
White, non-Hispanic
Catholic voters



Source: The Pew Research Center, March 28-31; margin of error: ±3 percentage points.

By Genevieve Lynn, USA TODAY

tial-birth abortions will continue because you chose to veto" the bill.

It was only the second time all U.S. cardinals and the National Conference of Catholic Bishops joined to lobby a president. The first was in 1994, when they wrote Clinton about U.S. policy at the UN population conference in Cairo.

Catholics, once part of the Democrat's New Deal coalition, now occupy the great middle of American politics. Exit polls show that every winning presidential candidate since 1976 has carried a majority or

plurality of the Catholic vote.

"It's not only their numbers but where they're located," notes Thomas Reese, a Jesuit priest and senior fellow at the Woodstock Theological Seminary. "They're in the big-ticket states" like Florida and the industrial Midwest, which are considered crucial in this autumn's election.

"They are the classic swing voters," says political scientist Allen Hertzke.

But the fierce White House debate over the abortion ban pitted Catholics against another important electoral group:

women.

Catholics are a key swing group, but women voters provide Clinton with his current lead in national polls. His support of abortion rights has boosted him among some moderate Republican and independent women.

"Pro-choice politicians had to stand up against this assault on women and on their right to choose," argues Kate Michelman, president of the National Abortion and Reproductive Rights Action League.

But she acknowledges the veto will be used in the fall

campaign. "I would imagine there will be TV ads," she says.

Clinton said his own deliberations on the issue were anguished. When he announced his veto, he appeared with women who described their wrenching decisions to undergo the procedure. And he offered to sign the ban if it included an exception for the health of the mother.

Its backers refused, calling the exception too broad.

Though rare, the procedure is sometimes used when severe fetal abnormalities are detected too late in a pregnancy for other abortion methods.

The cardinals' letter likened the procedure to infanticide.

Of course, the Catholic church doesn't control the votes of its members, many of whom support abortion rights, and the Catholic vote is neither monolithic nor determined by a single issue.

But the veto may well have created an opening for presumptive Republican nominee Bob Dole. He wrote Bishop Anthony Pilla of Cleveland, president of the bishops' conference, to denounce the veto.

"As president," he wrote, "I will ask Congress to pass the Partial-Birth Abortion Act once again and I will sign this important legislation into law."

Contributing: Lori Sharn
► Cardinals complain, 1A

Cardinals blast abortion veto

Clinton target of united drive

By Susan Page
USA TODAY

AI

U.S. Catholic cardinals and bishops Tuesday condemned President Clinton's veto of the partial-birth abortion ban and urged Congress to override it.

The united stance by the nation's Catholic hierarchy — the second time in history they have joined to lobby a president — ensures the veto will be a major political issue.

"Your action ... takes our nation to a critical turning point in its treatment of helpless human beings inside and outside the womb," the letter declares. "It moves our nation one step further toward acceptance of infanticide."

They vowed that "each of us ... will do all we can" to inform voters, a threat that could carry a steep political price. Catholics, a quarter of the electorate, are a key voting group.

"The president said this is a morally wrenching issue, and he thought quite a bit about it and prayed about it," White House spokeswoman Mary Ellen Glynn said. But she said he vetoed the bill last week to protect women's health.

Presumptive Republican nominee Bob Dole has pledged to sign the ban if he is elected.

In the procedure, a late-term fetus is delivered feet first through the birth canal, then suction collapses the skull. It is sometimes used when severe fetal abnormalities are found too late for other methods.

"The vociferous opposition of the church hierarchy adds a different dimension I'm not sure we've seen before," says John White, a politics professor at Catholic University.

The letter was signed by all the USA's active cardinals: Joseph Bernardin of Chicago, Anthony Beilacqua of Philadelphia, James Hickey of Washington, William Keeler of Baltimore, Bernard Law of Boston, Roger Mahony of Los Angeles, Adam Maida of Detroit and John O'Connor of New York. Also signing: Bishop Anthony Pilla of Cleveland, president of the National Conference of Catholic Bishops.

► Catholic vote key, 6A

Military passenger jets to get safety upgrades

By Steve Komarow
USA TODAY

AI

The Air Force will make safety upgrades to its passenger fleet, possibly including Air Force One, which lacks wind-shear detectors.

Defense Secretary William Perry, spurred by the crash of Commerce Secretary Ron Brown's 737 jet, has ordered a review of safety equipment.

The services must submit plans by next week for fitting older planes with satellite navigation, and cockpit data and voice recorders.

Lack of recorders in the plane carrying Brown's delegation is making the investigation of the crash more difficult.

It's possible a satellite positioning system would have prevented the crash since the plane was two miles off course when it hit a Croatian hilltop.

Air Force One has the recorders and satellite system.

But the Air Force said Tuesday the twin, 6-year-old Boeing 747s don't meet current commercial standards that require wind-shear detectors.

The devices were not required when the planes were built, but Boeing has done retrofits on commercial models.

The Air Force has a superb safety record for its passenger fleet, including 20 VIP jets near

Washington for the president, Cabinet and Congress. It has never lost a plane to wind shear, the bursts that have slammed several commercial jets to the ground.

Air Force Maj. Gen. Mike McCarthy says wind-shear detection gives pilots more information, but current procedures do ensure safety.

"Air Force One is the safest, best maintained airplane in the world," he said.

► Brown crash probe, 8A

Gas prices hit 5-year high

By Earle Eldridge
USA TODAY

AI

Gasoline prices are at an average of \$1.24 for regular unleaded, the highest they've been since the start of the gulf war in 1991, says the American Automobile Association.

And the Department of Energy says prices will go up 1 cent to 2 cents per gallon more before leveling off.

Fueling the increases is the long, harsh winter, which forced oil companies to make heating oil instead of switching to gasoline last month.

Inventories also are low because oil companies believe

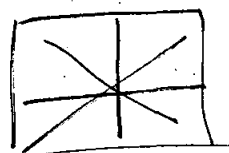
the United Nations will lift an oil embargo against Iraq, making cheaper oil available.

Self-serve regular prices are up 6 cents a gallon since March and 11 cents a gallon (10%) since February, says AAA.

Despite increases, gas is still relatively cheap. It was \$1.25 a gallon in 1980, but that's more than \$2.35 in 1994 dollars.

Highest now is the West: \$1.32 a gallon, up 7 cents from March. Cheapest gas is in the Southeast: \$1.18, up 6.5 cents from March.

But prices shouldn't halt plans. "An 800-mile trip will be \$3 more in a car with 30 mpg," said AAA's Mike Morrissey.



NATIONLINE



By Ken Ige, Honolulu Star-Bulletin via AP

In Hawaii: Marine Cpls. Joseph Vlacovsky, left, and John Mayfield with lawyer Eric Seitz

Marines punished after refusing DNA samples

Two Marines were sentenced Tuesday to seven-days restriction and given a written reprimand for disobeying an order to give blood samples for a DNA registry. A military judge at the Marine base at Kaneohe Bay in Hawaii rejected the defense of John Mayfield, 21, and Joseph Vlacovsky, 25. They say the order is unconstitutional because the "genetic dogtags" could be used against them in the future. "Regardless of the punishment, we kept our DNA," said Mayfield. They could have been jailed for six months and dishonorably discharged. The military wants the DNA registry to identify servicemen's remains. The Pentagon says it will strictly limit access and allow personnel to have their sample destroyed when they leave the service.

KACZYNSKI DEFENSE: A Helena, Mont., federal judge set a hearing for Friday on Unabom suspect Theodore Kaczynski's request to block prosecution on the ground that government leaks have jeopardized chances of a fair trial. A federal grand jury in Great Falls today is expected to hear evidence against Kaczynski, 53. He is not yet charged in bomb attacks that killed three people and injured 23 since 1978.

DEAD WOLF: Federal biologists are investigating the death of a sixth transplanted Canadian wolf. The female, one of 17 wolves released this year in Wyoming's Yellowstone National Park, was found dead Sunday near Old Faithful. In all, 66 have been released in Wyoming and Idaho in a program to return the predator species to the northern Rockies. Monday, ranch hand Jay York of Meeteetse, Wyo., was fined \$500 in Cheyenne federal court for shooting a federally protected wolf March 30. He pleaded guilty, but had said he thought it was a coyote killing livestock.

MIKEY DID IT AGAIN: Authorities in Lutz, Fla., said 6-year-old Mikey Sproul set his house on fire for the second time in three years. No one was hurt. The boy first attracted attention at age 3, when he took the family car for a half-mile joyride, proclaiming, "I go zoom!" A month later he set fire to curtains, destroying the family home and seriously injuring his father. "This is an extremely active child," said Elaine Fulton-Jones of the state Health and Rehabilitative Services Department, which has been supervising Mikey since the first fire.

TUSKEGEE AIRMAN DIES: Charles Anderson, 89, a self-taught pilot who trained the military's first black fliers and formed the famed Tuskegee Airmen, died of cancer Saturday. He ran Tuskegee (Ala.) University's pilot training program, an experiment begun before World War II to disprove the widespread belief that blacks couldn't fly planes.

POLLY KLAAS JURY: Six men and six women were chosen in San Jose, Calif., in the murder trial of Richard Davis, 41, accused of strangling 12-year-old Polly Klaas. Her abduction at knifepoint in 1993 from a slumber party in her bedroom in Petaluma led to get-tough-on-crime legislation around the USA.

BAILEY STOCK: F. Lee Bailey turned over 400,000 shares of stock at the heart of a \$25 million dispute that landed him in a Florida federal prison March 6 for contempt of court. Bailey also asked to be released, saying he's complied with Judge Maurice Paul's order. But Paul, out of town until Monday, said he'll hear the request then. Bailey says he ultimately will prove the stock is his for legal fees and expenses from a client. Prosecutors and the judge say the stock was forfeited to the government and Bailey was only the temporary trustee.



AP
Bailey: Turns over 400,000 shares

ALSO TUESDAY . . .

► **CONFINED TO CAMPUS:** Adm. Charles Larson, superintendent of the Naval Academy in Annapolis, Md., canceled off-campus privileges for a week so the 4,000 midshipmen can discuss recent problems such as the arrest of students in cases of sexual abuse of a toddler, transporting stolen cars and burglary.

► **SCHOOL RULE:** Schools may bar students from carrying backpacks, a judge in Hamilton Township, N.J., ruled in upholding a 10-day suspension of Elyse Meredith, 14, who said the rule was intrusive and violated her civil rights. School officials said backpacks can block aisles, and pose a fire-safety hazard.

► **O.J. PAL:** O.J. Simpson friend Al Cowlings cited possible self-incrimination in refusing to talk about events or the slow-speed chase following the 1994 killing of Simpson's ex-wife and her friend. Cowlings, who still can be charged in connection with the chase, was questioned for a wrongful death suit against Simpson.

► **AFFIRMATIVE ACTION:** A proposal backed by California Gov. Pete Wilson to outlaw affirmative action programs throughout the state was cleared by the state election board for the Nov. 5 ballot.

Rules could bar old pilots too



Agence France-Press
Jessica: Died in a crash Thursday

Changing rules that allowed Jessica Dubroff, 7, to pilot a plane could involve age limits that curtail flying for both the young and old, FAA chief David Hinson told a House panel. The FAA is reviewing rules that let anyone fly as long as a licensed pilot is in control. He said rules that let young pilots experiment "have served us very well." The crash Thursday in Cheyenne, Wyo., killed Jessica, her father and a flight instructor.

Written by Paul Leavitt. Contributing: Claudine Kriss, Carrie Dowling and Steve Marshall

Priest questions reasons behind abortion bill veto

By Joyce Price
THE WASHINGTON TIMES

The archbishop of Boston says partial-birth abortion is infanticide and adds that he hopes President Clinton's veto of a bill to ban such a procedure was not "a cold political calculation.

"But I think that's a question that needs to be asked the president. I think he needs to be asked, why did you do this?" Cardinal Bernard Law said yesterday on ABC's "This Week."

Cardinal Law and the seven other Roman Catholic cardinals wrote Mr. Clinton, denouncing his "shameful veto" of the Partial Birth Abortion Ban Act.

In the letter, the Catholic leaders said partial-birth abortion moves a step closer to legal infanticide. In the interview yesterday, Cardinal Law acknowledged the practice is, in fact, infanticide.

The cardinal said he discussed the procedure with a group of prison inmates before going on the program yesterday morning, and they were badly shaken.

"When I explained to them that this is a matter of applying a scissor into the base of a skull of a child, the skull being the only part of the baby still in the uterus, and then draining out the contents of the brain, and then delivering a dead child... they were horrified," Cardinal Law said.

"The task before us as a church is simply to state the reality of partial-birth abortion because 78 percent of women, through polling done by the Tarrance Group, the Fairbank Group, have indicated that they feel this procedure should be criminalized. So really what I'm here about is... the urgency of overriding the president's veto... the sheer horror of this puts it in a class by itself."

The bill was passed by both houses of Congress, but Mr. Clinton vetoed it, saying the procedure

was "potentially lifesaving, certainly health-saving" for a few hundred vulnerable women and families each year.

The bill he vetoed would have permitted exceptions to the ban to save a mother's life. He also wanted exceptions to avoid "serious adverse health consequences."

Donna Shalala, secretary of health and human services, who also appeared on "This Week," tried to define situations that would qualify as "serious adverse health consequences."

"What the president is talking about are cases where the fetus is not viable... we can work out an agreement where the life of a mother and severe health consequences are so narrowly drawn that it's limited to mothers who have no other options, when it's absolutely medically necessary to save the life of the mother and save her health," Miss Shalala said.

Partial-birth abortion is a procedure performed in the second and third trimesters of pregnancy. Opponents of the ban argue that it's only performed in life-or-death situations, but data reveal that about half are elective surgeries performed on healthy women.

"It's hard for me to understand where you would put any limitations [on abortion] if you vetoed this bill," Cardinal Law said.

He was asked if he believes Catholics should not vote for those in Congress who opposed the ban or Mr. Clinton who vetoed it. "What I am saying very specifically is that every effort should be made to override this veto," he said.

He added, "I think Catholics will vote... the way they want to vote. But it does seem to me that the basic right to life, which is so imperiled by a procedure such as this, would certainly cause one to think very, very carefully before voting for someone who would be supportive of permissiveness with regard to this procedure."

Grand Canyon reaps benefits of water release

UNITED PRESS INTERNATIONAL

Stacy Woodward has rafted the waters that flow through the Grand Canyon for 17 years. But never before has he seen such changes: Giant beaches where there had been a spit of sand. New backwater habitats. Elimination of non-native vegetation.

"Words really can't describe this, it's so amazing," said Mr. Woodward, a commercial river guide who returned from a trip through the 277-mile canyon.

"You just can't believe what's happened. Every time I turned a corner, I saw something that wasn't there before."

U.S. officials are pleased about the results of a much-heralded experiment that sought to turn the clock back to a time before the Glen Canyon Dam interrupted the flow of water into the Colorado River.

The dam is located near Page, Ariz., on the Utah-Arizona border, 270 miles north of Phoenix.

Interior Secretary Bruce Babbitt said the experiment "worked brilliantly," and scientists were right about restoring beaches and habitats.

"These early results confirm our conviction that a new era has begun in the management of the Colorado River and the Grand Canyon," he said.

By releasing water from the dam, scientists hoped to mimic seasonal conditions that occurred when the canyon was carved by the Colorado River.

The weeklong flooding test ended April 7. It was studied by more than 150 scientists.

Preliminary results indicate the beaches along the crimson-colored canyon walls seem to have increased by as much as 30 percent, federal officials said.



Bruce Babbitt

In addition, backwater channels were created that could serve as the new home for endangered fish species.

Washed away were plants and shrubs that had gained a foothold in the canyon because of the diminished flows.

Officials also said there appears to have been no harm to fisheries below the dam, which had been a significant concern going into the historic test.

The test, which was in the making for 16 years, began with a rush of publicity March 26.

Mr. Babbitt pushed the button that sent water pouring from four, 8-foot jet tubes at Glen Canyon. A flow of 45,000 cubic feet per second was measured at its peak. It emptied 3½ feet of water from Lake Powell in the first use of the dam solely for environmental reasons.

Until then, the dam had been used to harness the power, providing electricity to millions of people across the Southwest.

Mr. Woodward, the guide, said, "This is pretty epic... The last trip really was special. You really can't realize it unless you've been here before."

GOP has little success in reform of environmental laws

Green activists say Republicans put lives at risk

By Ruth Larson
THE WASHINGTON TIMES

The Republicans came to power with ambitious goals to roll back environmental laws that they contend stifle economic development, but Earth Day 1996 finds most of those aspirations unfulfilled.

"The GOP came in breathing fire, intent on scaling back the environmental regulatory juggernaut. One year later, it hasn't really worked too well," said John Shanahan, environmental policy analyst at the Heritage Foundation.

A report card on Republican environmental initiatives would likely receive a grade of "incomplete," since reforms of the major environmental laws remain bogged down in the legislative process.

Still, environmental activists remain wary of Republican plans, and continue to sound apocalyptic alarms.

"This is the worst Congress on the environment since Earth Day 1970," said Daniel J. Weiss, political director for the Sierra Club. "They want to take us back to the bad old days, when companies can put anything they want in the air or water, and nobody can stop them."

Adam Thierer, a Heritage fellow in economics, argues that Republicans have allowed themselves to be thrown on the defensive by such charges from the environmental community.

"Liberals and the environmental community frame the issue as one of hurting cleanups and putting lives at risk. The Republicans answered, 'Jobs and money.' Well, if you pit jobs and money against lives, you lose the debate. It's that simple."

Peter Kelley, communications director of the Environmental Information Center, noted that Republicans are set to vote on a package of environmental bills this week, many of them involving

wildlife refuges around the country, as well as fisheries management and rechargeable battery recycling.

"They're settling for window-dressing instead of substance. For example, they're voting on battery recycling, but at the same time, they're trying to roll back the Safe Drinking Water Act," Mr. Kelley charged.

"They're trying to look good on Earth Day, yet bills to dismantle existing environmental regulations are still moving through the system," he said.

House Commerce Committee spokesman Mike Collins disagreed. By reforming the Safe Drinking Water Act, for example, "our goal is to enhance safety by giving EPA the flexibility they need to target resources on the most dangerous contaminants, and the ones most likely to be present. Right now, the EPA is on a regulatory treadmill."

John Czwartacki, spokesman for the House Republican Conference, said Republicans should be proud of their environmental record, despite environmentalists'

warnings.

"Their press releases would have you believe we're about to pave over Planet Earth, but they're in the business of raising money and scaring people, and they've come up with a convenient bogeyman, namely, Republicans."

But even some Republicans concede the party is vulnerable to charges of environmental extremism. Rep. Sherwood L. Boehlert, New York Republican, told *The Washington Times*, "The speaker [Newt Gingrich of Georgia] and whip [Tom DeLay of Texas] have both acknowledged that they didn't handle environmental issues in the best way."

Mr. Boehlert, who has led efforts to moderate some environmental reforms in the House, said the November 1994 elections showed that Americans wanted a smaller, less costly, and more efficient government.

"Some of my colleagues misinterpreted that as meaning the people wanted a downsizing of environmental activities. But people weren't saying that — they want a clean environment. So in some

cases I think Republicans overreacted," Mr. Boehlert said.

Mr. Boehlert favors a measured approach: "You don't reform legislation by repealing it, any more than you cure a headache by using a guillotine. You fine-tune what's in place."

Mr. Boehlert objected to Republican attempts last summer to attach "riders" to funding bills that would have limited the EPA's ability to regulate water pollution, sewer systems, radon, and emissions from oil and gas refineries.

The move, largely thwarted, nevertheless spawned dissension in Republican ranks over the direction environmental reforms should go.

Mr. Boehlert pointed out that in the 16 months Republicans have been in the majority, they have tackled tough reforms of legislation involving clean water, clean air and cleanup of toxic-waste sites.

"We could have Superfund reform this year, if the administration would work with us," he said. "But part of the problem is that the administration has been maneuvering for partisan political advantage."

Julie Rochman, spokeswoman for the group Superfund Reform '95, sounded one of the few bipartisan notes in her assessment of the environmental debate.

"This is their [Republicans'] first time around in the leadership role, and I think they're trying to be inclusive. They recognize that the environment is a dangerous issue for them, and they're handling it in a thoughtful and cautious way."

The Washington Times

MONDAY, APRIL 22, 1996 ★

A Veto, a Condemnation and Possible Political Fallout

By ROBIN TONER

The Clinton Administration has found a happy alliance with the Roman Catholic Church on much of its social welfare agenda, from universal health insurance to preserving the basic safety net programs for the poor. But abortion has always been the great divider, and in recent days it has reasserted itself with a vengeance as a result of President Clinton's veto of a bill outlawing a form of late-term abortion.

An Administration that has prided itself on its outreach to Catholics has found itself rebuked by the Vatican and denounced by the nation's Cardinals. And the rift has furnished ammunition to the President's political opponents who assert that it shows Mr. Clinton is outside the mainstream on a fundamental question of values.

In the short-term, Helen Alvarez, of the Bishops' Office of Pro-Life Activities, said her organization was considering a postcard campaign in the churches to urge Congress to override the President's veto. And the Cardinals vowed to "do all we can to educate" their congregations on the procedure, which opponents call "partial-birth abortion," and Mr. Clinton's role in allowing it to continue.

But the longer-term political implications are less clear. Catholics are considered a significant vote in the 1996 campaign and thus the focus of much strategizing in both parties. But few analysts would argue that this vote can be handily delivered by church leaders, even if they choose to try. "They can no more deliver the Catholic vote than the labor unions can deliver the labor vote," said the Rev. Thomas J. Reese, a senior fellow at the Woodstock Theological Center at Georgetown University. "We're dealing with an adult citizenry that makes up its own mind while looking at a large number of issues."

A poll last week by The Los Angeles Times showed that the public was divided almost evenly on how the veto would affect their vote this fall — about a third said it would make them more likely to support Mr. Clinton, a third said it made them less likely, and a third said it would make no difference. The poll found that Catholics were no more likely to leave Mr. Clinton over the issue than non-Catholics.

Some Democratic analysts argue that any voter likely to break with Mr. Clinton over this single issue was already with the Republicans, whose platform is staunchly opposed to legalized abortion.

Still, White House officials were hardly unaffected by the Vatican's thundering condemnation of "a shameful veto that in practice is equivalent to an incredibly painful act of aggression against innocent human life."

CRITICISM OF CLINTON DEFENDED

John Cardinal O'Connor, the Archbishop of New York, defended the Roman Catholic Church's right to criticize President Clinton. Page B3.

At issue is what many medical officials say is a relatively rare procedure, performed after 20 weeks of gestation, in which a fetus is partially extracted and its skull collapsed to allow the head to pass more easily through the birth canal. Opponents of the ban say that the procedure is

sometimes necessary to protect a woman from serious health consequences. Mr. Clinton sought an exception for such cases, but supporters of the ban argued that a health exception would be far too loosely interpreted.

Administration officials said they had held numerous conversations with church leaders in the months leading up to the veto. The White House created the formal position of "Catholic liaison" last fall, and its current occupant, John Hart, said he has met often with church officials on a variety of issues.

"There's far more in common than what separates us," Mr. Hart said. "We recognized the seriousness of the issue that separates us, and we respect that. But the President depends on the input of the Catholic community on the development of social policy here."

Mr. Clinton, a Baptist, graduated from a Catholic university, Georgetown, and has numerous Catholics in his Cabinet and on his staff. And Father Reese said the President "finds himself very comfortable with the language and the values" of much of the Catholic social teachings

he absorbed at Georgetown.

Still, Father Reese said of the Bishops, "This is not a group that can be bought off by supporting certain parts of their agenda and not others, especially when they think this is one of if not the most important issue facing the country."

Ed Gillespie, communications director for the Republican National Committee, said this latest debate simply underscored the extremeness of the President's views. "The Pope's right and Clinton's wrong," Mr. Gillespie said. "If he won't acknowledge the heinousness of this procedure, there's no abortion that he'll say is wrong."

George Stephanopoulos, a senior adviser to the President, countered,

"What's shameful here is the politicization of this by the President's opponents in the Republican Party."

In the end, the political fallout for Mr. Clinton in this rift may be subtle: A President who has taken pains to address the voters' concerns about values, from violence on television to uniforms in schools, and a President who clearly understands the importance of religion in many Americans' lives, now finds himself on the other side of a painful moral debate with the leaders of the Catholic Church.

Mark Mellman, a Democratic pollster, minimizes the actual impact on voters, but added, "You'd certainly rather not be in a situation where you have church fathers coming after you."

THE NEW YORK TIMES
MONDAY, APRIL 22, 1996

O'Connor Backs Criticism Of Clinton Abortion Veto

Says Foes Are 'Trying to Muzzle' Church

By NORIMITSU ONISHI

Responding to accusations that the Roman Catholic Church was interfering in a Presidential election, John Cardinal O'Connor, the Archbishop of New York, yesterday defended the church's right to criticize President Clinton's veto of a bill outlawing some late-term abortions.

In the first few minutes of a sermon during Mass at St. Patrick's Cathedral, the Cardinal aimed his remarks at those "who very quickly denounced" Pope John Paul II, who condemned President Clinton's decision on Friday as "a shameful veto that in practice is equivalent to an incredibly brutal act of aggression against innocent humans."

Critics of the Pope's statements, including Mayor Rudolph W. Giuliani, questioned last week whether the church should issue opinions on political matters.

"It is a not-so-clever way of trying to muzzle the church," the Cardinal said of the criticisms. "If the church here in New York, the church in Rome or anywhere else were to refrain to address such crucial issues of public policy simply because an election campaign is being waged, then the church would never be able to address these issues."

"The church will not be silenced simply because of an election," he added.

The Cardinal's remarks came a week after he equated late-term abortions with outright infanticide, and a week and a half after President Clinton's veto. Although Cardinal O'Connor used St. Patrick's pulpit yesterday to broadly defend the church's right to voice opinions on policy matters with moral dimensions, he also seemed to be responding specifically to comments made by Mayor Giuliani on Friday.

Asked about the Pope's criticisms, Mayor Giuliani, who is Catholic, said: "Such direct involvement in politics is not a good idea, because I think it confuses people. I think that religious institutions, including the Catholic Church, have every right to do everything they can to persuade their members and others as to their moral views. That can be done without focusing on a particular political figure, in this case the President of the United States."

At the heart of the controversy is a relatively uncommon abortion procedure, called intact dilation and evacuation, that is performed after 20 weeks of gestation. The Government does not keep records on how often the procedure is performed. The bill would have barred it except when the mother's life was threatened by a "physical disorder, illness or injury"; opponents said that language did not allow for cases where the pregnancy itself threatened the mother's life. In vetoing the bill, President Clinton said the operation is sometimes necessary to safeguard the health of women with troubled pregnancies.

Opponents call the procedure "partial-birth" abortion because the fetus's feet are extracted first and

DIVISION OVER ABORTION

The Clinton Administration prizes its alliance with the Catholic Church, but now is at odds with it over the issue of late-term abortions. Page B7.

the skull is broken before being suctioned through the birth canal. The Pope compared the procedure to infanticide, saying it "morally and ethically imperils the future of a society which condones it."

The President's Catholic liaison, John Hart, said the White House recognized the serious divisions between its position and the church's.

In his criticisms of politicians yesterday, Cardinal O'Connor carefully avoided mentioning any official by name, referring to the President only as the "chief executive of our land."

But the Cardinal reiterated the statements made by the nation's eight cardinals last week in a letter to the President, in which they said they would urge Catholics to voice their opposition to Congress. Although the Clinton Administration's stands on social issues like immigration and welfare are close to the Catholic Church's, abortion remains a potentially explosive issue in a

Continuing to argue over how closely a church should be involved in politics.

year when Catholic votes are considered crucial.

"This city will in the future have an election campaign for the mayoralty," the Cardinal said. "The state will have an election campaign for the governorship. There will be, of course, an election campaign for the Presidency."

Asked yesterday to respond to the Cardinal's stance, the Mayor and Gov. George E. Pataki disagreed on the role the church should play in the political world. Although Mayor Giuliani said he believes the Cardinal has the right to argue moral positions, he repeated his concerns of last week. "I think this debate should be conducted in essence for the conscience and for people's souls, and it should not get into the political debate about for whom to vote and how to make that decision. When that happens, then you end up making it appear, even if you don't want to, that a religious group is getting involved in politics."

But Governor Pataki, who also is Catholic, defined the church's role as open-ended: "I think the church has every right to speak out on issues that they consider to be of importance. And they have every right to speak out and criticize political decisions and politicians who make those decisions."

THE NEW YORK TIMES

MONDAY, APRIL 22, 1996

New Questions On Donations Made by Gopac

WASHINGTON, April 21 (AP) — The political action committee once headed by Speaker Newt Gingrich, Gopac, worked on behalf of Republican state and local candidates without submitting required reports in some states, The Associated Press reported today.

The political action committee, which concentrated on assisting lower-level Republican candidates, acknowledges that it was active in aiding state and local Republican campaigns in 1990. Mr. Gingrich stepped down as its leader in May 1994.

But the A.P. checked 18 states where Gopac said it had spent money in that year and found no reports on file with state elections officials in four of them: Colorado, New York, Texas and Wisconsin. Incomplete reports were available in five others: Georgia, California, Michigan, Missouri and Mississippi.

Gopac's executive director, Lisa B. Nelson, said the group had filed proper reports wherever they were required, but she could not explain why some states had no such records, which they are required by law to keep.

"It could be that the files of some of these states are as incomplete as some of our records are," Ms. Nelson said.

In late 1990, Gopac sent its members a mailing detailing its 1990 election activities on behalf of lower-level candidates. In Colorado, Gopac contributed \$9,700 to seven state-level political candidates, it said.

Colorado election officials have no record of those donations, despite rules that all contributions exceeding \$25 must be reported.

New York officials have no record of two \$2,500 contributions Gopac gave Republican campaign committees in that state, even though laws requiring that PAC donations of \$1,000 or more be reported.

Records in Mr. Gingrich's home state of Georgia show that Gopac reported spending \$6,000 there in 1990, none of it for individual candidates. But Gopac's own report for 1990 said nine Georgia candidates had split a total of \$10,000 in campaign contributions in that year.

Gopac also filed no disclosure forms in Texas, despite a state law that requires reports from any PAC that makes more than 20 percent of its total contributions there or gets donations of more than \$100. Gopac's records show that 42 percent of its 1990 contributions went to Texas and that numerous donors gave \$100 or more.

Nation's cardinals blast 'shameful veto' of abortion measure

By Richard Szczepanowski
CATHOLIC STANDARD

Cardinal James Hickey, seven other U.S. cardinals and the president of the National Conference of Catholic Bishops wrote a "virtually unprecedented" joint letter Tuesday to President Clinton expressing "deep sorrow and dismay" over his presidential veto of a bill that would have outlawed partial-birth abortions.

Last Wednesday, the day he vetoed the measure, President Clinton wrote a personal letter to Cardinal Hickey, defending his decision to keep the abortion procedure readily available to women.

"Your veto of this bill is beyond comprehension for those who hold human life sacred," the churchmen told the president. "It will ensure the continued use of the most heinous act to kill a tiny infant just seconds from taking his or her first breath outside the womb."

The letter was jointly signed by Cardinal Hickey, Chicago Cardinal Joseph Bernardin, Philadelphia Cardinal Anthony Bevilacqua, Baltimore Cardinal William Keeler, Boston Cardinal Bernard Law, Los Angeles Cardinal Roger Mahony, Detroit Cardinal Adam Maida and New York Cardinal

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Cardinal's letter

From page 1

John O'Connor. Also signing the letter was Cleveland Bishop Anthony Pilla, president of the bishops' conference.

"Mr. President, you and you alone had the choice of whether or not to allow children, almost completely born, to be killed brutally in partial-birth abortions," the churchmen wrote in their letter. "Your choice was to say 'yes' and to allow this killing more akin to infanticide than abortion to continue."

The bishops said they sought to "underscore our resolve to be unremitting and unambiguous in our defense of human life."

Although the measure contained an exemption for cases where the life of the mother is threatened, Clinton said he vetoed the bill because it did not contain a "serious adverse health consequences" clause. The president maintained such a clause would allow the procedure in cases where there was not a direct threat to the mother's life.

In their correspondence, the churchmen examined the president's professed reason for vetoing the measure, and offered their response.

"Health," as the courts define it in the context of abortion, means virtually anything that has to do with a woman's overall 'well-being,'" the churchmen said. "Most people have no idea that if a woman has an abortion because she is not married, the law considers that an abortion for a 'health' reason."

They also noted that previous court decisions have found that being too old, being too young, being emotionally upset by pregnancy or having a pregnancy interfere with schooling or a career can also be defined as "health" reasons to have an abortion. "As you know and we know, an exception for 'health' means abortion on demand," they told the president.

The churchmen vowed to instruct Catholics and "other people of good will" to do all they can to urge Congress to override "this shameful veto."

"Mr. President, your action on this matter takes our nation to a critical turning point in its treatment of helpless human beings," the letter to Clinton said. "It moves our nation one step further toward acceptance of infanticide ... (and) it sounds an alarm that public officials are moving our society ever more rapidly to embrace a culture of death."

Meanwhile, Clinton sought to defend his veto of the bill by writing a personal page and one-half letter to Cardinal Hickey. Cardinal Hickey has been in the forefront in the battle to get the legislation passed and approved by the president. The cardinal earlier had written three letters to Clinton, urging him to sign the partial-birth abortion ban into law. During Holy Week, Cardinal Hickey also helped lead a prayer vigil outside the White House that drew an estimated 800 people on a rainy night.

In his letter to Cardinal Hickey, Clinton said his decision to support continued use of the procedure came after "I have studied and prayed about (it) for many months." He said that while he opposes the use of such procedures, he sought a "health" exception to any legislation seeking to curb its use.

"I am against late-term abortions and have

long opposed them except where necessary to protect the life or health of the mother," Clinton wrote to the cardinal. "In short, I do not support the use of this (partial-birth abortion) procedure on an elective basis where it is not necessary to save the life of the woman or prevent serious risks to her health."

The president also sought to explain why the "life exception" in the version he vetoed was unacceptable to him. He said it "fails to cover cases where the doctor believes not that the mother's death is probable, but rather that, without the procedure, serious physical harm, often including losing the ability to have more children, is very likely to occur."

Clinton wrote that while he recognizes Cardinal Hickey's "desire to eliminate the use of a procedure you see as inhumane," he considered it "even more inhumane" to disallow partial-birth abortions without the exceptions he sought.

They also noted that previous court decisions have found that being too old, being too young, being emotionally upset by pregnancy or having a pregnancy interfere with schooling or a career can also be defined as "health" reasons to have an abortion. "As you know and we know, an exception for 'health' means abortion on demand," they told the president.

Supporters of the ban have pointed out that the procedure is used mostly for elective reasons. The cardinals noted that abortionists have testified that the method is unnecessary and dangerous to women.

Cardinal Hickey and the other bishops are now working to muster support for a congressional override of the veto. Although the legislation was backed by both Democrats and Republicans in the House and Senate, it did not pass by enough votes to override Clinton's veto.

Each of Maryland's lawmakers representing parts of the state located within the boundaries of the Archdiocese of Washington voted against the ban. They include Senators Barbara Mikulski and Paul Sarbanes and Representatives Constance Morella, Steny Hoyer and Albert Wynn. The cardinal has written to all of those congressional members, asking them to override the veto.

"Clearly this mistake must be reversed, and I am depending on your moral sensibility to change your previous vote which has been in favor of this kind of carnage," the cardinal wrote the lawmakers.

Reminding each of the lawmakers that "the majority of your constituents find this abortion practice abhorrent," the cardinal told them that "moral and political prudence would dictate that you take the appropriate actions to override this veto."

In his weekly column in the *Catholic Standard*, Cardinal Hickey asked Catholics and other citizens to write to their Congress members and urge them to override the presidential veto of the partial-birth abortion ban.

'Whose humanity will be denied next?'

Pro-life leaders assail president's veto on proposed partial-birth abortion ban

By Richard Szczepanowski
CATHOLIC STANDARD

Pro-life supporters reacted with outrage and anger to President Clinton's veto last week of a bill that would ban a form of late-term abortions known as "partial-birth abortions."

Local and national religious and civic leaders assailed the action by the president, and some have contended that the veto could become a major issue in this fall's presidential campaign.

"By a stroke of a pen, President Clinton vetoed a bill that would have prevented doctors from killing completely formed children practically at the moment of birth," Cardinal Hickey said. "If we deny the humanity of a child as it is being born, whose humanity will be denied next?"

Earlier, Cardinal Hickey had written to Clinton three times, pleading with the president to "exercise moral authority" and not veto the measure. The cardi-

President's veto, page 7

President's veto

From page 1

nal called the partial-birth abortion procedure "abortion on demand of the most heinous type."

Less than two hours after the presidential veto, Cardinal Hickey issued a strongly worded statement condemning the action, saying it should be a matter considered by voters later this year.

"Not only Catholics, but all Americans who respect life should sit up and take notice," Cardinal Hickey said. "Thoughtful Americans should keep this in mind as they ponder their choices on election day."

Tom Grenchik, director of the archdiocesan Pro-Life Office, said that with his veto "President Clinton has once again proven that he is the most aggressive and dangerous promoter of abortion in the world."

"His veto pen has made lawful the brain-sucking deaths of partially born infants," Grenchik said. He added that the veto shows the president to be "the radical pro-abortion extremist... (and) morally bankrupt."

Boston Cardinal Bernard Law, chairman of the U.S. bishops' Committee for Pro-Life Activities, denounced the veto "not only from the resources of our faith, but also as a citizen."

"No rhetoric about 'safe, legal and rare' abortions can camouflage the nature of this presidential veto," Cardinal Law said. "It is a declaration of unconditional support for abortion... under any circumstances and by any means whatsoever, even those bordering on infanticide."

A recent poll conducted by the Tarrance Group showed that 71% of all Americans and 65% of those who identify themselves as "pro-choice" supported a ban on partial-birth abortions.

"President Clinton's veto of (the) legislation... represents flawed moral leadership that runs fundamentally contrary to the beliefs of an overwhelming majority of Americans," said John E. Curley, president and CEO of the Catholic Health Association of the United States, an organization of more than 1,200 Catholic-sponsored health facilities and organizations.

Curley said the presidential action represented "a further deterioration in respect for human life and a further coarsening of our self-understanding as a civilized society."

In vetoing the ban, the president said that while partial-birth abortion "appears inhumane," such a procedure is "potentially lifesaving... (and) certainly health-saving." The bill did contain an exception allowing the procedure in cases when the mother's life was at risk, but the president had sought an exemption for other health reasons.

In performing the procedure, a doctor grabs the feet of a fetus with forceps, and pulls the body up to the head, through the birth canal. The doctor then stabs surgical scissors into the base of the baby's skull, creating an opening to insert a catheter to suction out the baby's brains. This causes the baby's skull to collapse, allowing easy removal of the head to complete the procedure.

"In order to pay a political debt to pro-abortion activists, President Clinton will allow thousands of living, late-term babies to be mostly delivered and then painfully killed," said Douglas Johnson, legislative director of the National Right to Life Committee.

In ceremonies marking his veto of the bill,

Clinton appeared with five women, including one who identified herself as a Roman Catholic and another who called herself "pro-life." Each said they underwent the procedure because of health problems, and they were supportive of the president's action keeping the abortion method available.

"What America should understand from this veto is that President Clinton is defending the killing of live, kicking babies who feel pain and who are a mere three inches from birth," said Michael A. Ferguson, executive director of the Catholic Campaign for America.

He added that "President Clinton has done a great disservice to the American Catholic community, which is unified in its rejection of the heinous partial-birth abortion (method)."

As Congress crafted the measure, Clinton vowed he would veto any partial-birth abortion ban that did not include a "health of the mother" exemption. Supporters of the measure on both sides of the aisle said such an exemption would virtually gut the bill of any strength.

"It is also well known that a 'health' abortion, as interpreted by the Supreme Court, includes reasons having to do with a woman's marital status and age, as well as for any reason relevant to a pregnant woman's social or emotional 'well-being,'" Cardinal Law said. "In other words, the exception the president insists upon would only ensure the continued practice of partial-birth abortion for virtually any reason whatsoever."

The "health of the mother" clause, pro-lifers have insisted, could be twisted to fit just about any case in which a woman sought an abortion.

"Most partial-birth abortions are conceded to be purely elective, but the legal language demanded by President Clinton would not prevent a single partial-birth abortion," Johnson said.

Most pro-life advocates called on Congress to override the veto. "We strongly urge Congress to override this indefensible presidential veto and to begin to bring a modicum of sanity to the abortion debate in our society," Cardinal Law said.

While the measure passed both the House and the Senate with wide bipartisan support, it appears there are not enough votes for an override.

Many see abortion as major campaign issue in this election year. Apparent Republican presidential candidate Sen. Bob Dole of Kansas does not support the procedure. He has said the procedure "blurs the line between abortion and infanticide."

"Since President Clinton cannot accept this very modest restriction on abortion, it is clear there is no restriction, under any circumstance, for any reason, he would accept," Sen. Dole said. "This is the definition of abortion-on-demand and the definition of 'extremist' on this issue."

CHA president Curley said the veto "positions the president on the extreme end of the abortion debate, and in this regard represents a serious political miscalculation."

Ferguson also called on Catholics to remember the veto at election time. Calling the veto an "alienation by the White House of Catholic Americans," he said, "Catholic Americans will not forget in November that we need a president who will promote a respect for all human life."

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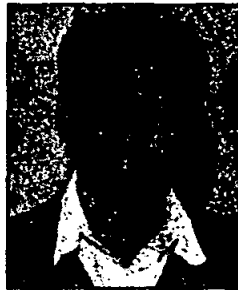
From the Staff

The abortion president

Silly me. Up until a week ago Wednesday, I actually thought President Clinton would not veto legislation that would ban a most gruesome and disgusting procedure known as "partial-birth abortion."

In my heart of hearts, I really thought the president would do the noble thing and sign the ban into law.

I know Clinton is a staunch promoter of abortion, and I know that from his very first day in office he has done everything he could to make abortion as easy and as available as, say, getting a tooth pulled. But, I honestly thought that even this man would be sickened enough by the procedure to distance himself from it. Like I said, silly me.



The reason why this method of abortion is called "partial-birth" is simple: using forceps, a doctor grabs the feet of the baby from the mother's womb, and pulls the body up to the head, through the birth canal. The doctor then stabs surgical scissors into the base of the baby's skull, creates an opening, and inserts a catheter to suction out the baby's brains. This causes the baby's skull to collapse, allowing easy removal of the head to complete the procedure.

And what does our president say about all of this? He concedes that the procedure "appears inhumane." *Appears* inhumane? Sorry, Mr. President, but it *is* inhumane. Forceps grab a human's legs. A catheter suctions out a human brain. We are not talking about a mere mass of cells. We are talking about human life.

In preparing my stories on reaction to the president's veto, I heard a lot of comment that this horrible and undefendable procedure borders on infanticide. I disagree. This *is* infanticide.

President Clinton, who likes to paint himself as a middle-of-the road moderate on this issue, promised to make abortion "safe, legal and rare." What has he done to make abortion rare? Nothing. In fact, all of his actions disprove that claim. In every instance, he has promoted measures that increase access to abortion on demand.

Clinton's veto of this bipartisan bill goes beyond some sort of devotion to the idea of a "women's right to choose" or backing the esoteric ideal of one having "control over one's body." This is outright support for, indeed promotion of, a specific procedure that rips a baby — not a glob of tissue, but a baby — from his or her mother's womb.

There has been much ballyhoo about this presidential action alienating the "Catholic vote." While I am proud to be a part of a religion so identified for its indefatigable support of life, this is not merely a Catholic issue. A Tarrance Group poll found that 71% of all Americans and 65% of those who identify themselves as "pro-choice" supported a ban on partial-birth abortions. Naturally, anyone of good will would.

Clinton relished his veto of the bill. Look at the flourish with which he did his dirty work. He hustled out five women who said they underwent the abortion and now support it as a viable procedure. One of those women identified herself as a practicing Catholic. The woman may identify herself as a Catholic, but she is not following what the *Catechism of the Catholic Church* says. It notes that "formal cooperation in an abortion constitutes a grave offense. The Church attaches the canonical penalty of excommunication to this crime against human life" (# 2272).

This lady can identify herself however she wants; just as our "safe, legal and rare" president does. No matter what they call themselves, they ought to hang their heads in sorrow. And those of us who see this deadly procedure for what it is ought to pray to God for them to recognize the truth.

— Richard Szczepanowski

'With deep sorrow and dismay'

Text of cardinals' letter to president on partial-birth abortion ban veto

The following is the text of a letter hand-delivered to the White House Tuesday regarding the president's recent veto of a congressional bill that would have banned partial-birth abortions except when the mother's life was at risk. The letter, addressed to President Clinton, was signed by Cardinal Hickey and seven other American cardinals, along with Cleveland Bishop Anthony Pilla, the president of the National Conference of Catholic Bishops.)

Dear President Clinton,

It is with deep sorrow and dismay that we respond to your April 10 veto of the Partial-Birth Abortion Ban Act.

Your veto of this bill is beyond comprehension for those who hold human life sacred. It will ensure the continued use of the most heinous act to kill a tiny infant just seconds from taking his or her first breath outside the womb.

At the veto ceremony, you told the American people that you "had no choice but to veto the bill." Mr. President, you and you alone had the choice of whether or not to allow children almost completely born, to be killed brutally in partial-birth abortions. Members of both Houses of Congress made their choice. They said NO to partial-birth abortions. American women voters have made their choice. According to a February 1996 poll by Fairbank, Maslin, Maullin & Associates, 78% of women voters said NO to partial-birth abortions. Your choice was to say YES and to allow this killing more akin to infanticide than abortion to continue.

During the veto ceremony, you said you had asked Congress to change H.R. 1833 to allow partial-birth abortions to be done for "serious adverse health consequences" to the mother. You added that if Congress had included that exception, "everyone in the world will know what we're talking about."

On the contrary, Mr. President, not everyone in the world would know that "health," as the courts define it in the context of abortion, means virtually anything that has to do with a woman's overall "well-being." For example, most people have no idea that if a woman has an abortion because she is not married, the law considers that an abortion for a "health" reason.

Similarly, if a woman is "too young" or "too old," if she is emotionally upset by pregnancy, or if pregnancy interferes with schooling or career, the law considers those situations as "health" reasons for abortion. In other words, as you know and we know, an exception for "health" means abortion on demand.

You say there is a difference between a "health" exception and an exception for "serious adverse health consequences." Mr. President, what is the difference — legally — between a woman being too young and being "seriously" too young? What is the difference — legally — between being emotionally upset and being "seriously" emotionally upset? From your study of this issue, Mr. President, you must know that most partial-birth abortions are done for reasons that are purely elective.

It was instructive that the veto ceremony included no physician able to explain how a woman's physical health is protected by almost fully delivering her living child, and then killing that child in the most inhumane manner imaginable before completing the delivery. As a matter of fact, a partial-birth abortion presents a health risk to the woman. Dr. Warren Hern, who wrote

the most widely used textbook on how to perform abortions, has said of partial-birth abortions: "I would dispute any statement that this is the safest procedure to use."

Mr. President, all abortions are lethal for unborn children, and many are unsafe for their mothers. This is even more evident in the late-term, partial-birth abortion, in which children are killed cruelly, their mothers placed at risk, and the society that condones it brutalized in the process.

As Catholic bishops and as citizens of the United States, we strenuously oppose and condemn your veto of H.R. 1833 which will allow partial-birth abortions to continue.

In the coming weeks and months, each of us, as well as our bishops' conference, will do all we can to educate people about partial-birth abortions. We will inform them that partial-birth abortions will continue because you chose to veto H.R. 1833.

We will also urge Catholics and other people of good will — including the 65% of self-described "pro-choice" voters who oppose partial-birth abortions — to do all that they can to urge Congress to override this shameful veto.

Mr. President, your action on this matter takes our nation to a critical turning point in its treatment of helpless human beings inside and outside the womb. It moves our nation one step further toward acceptance of infanticide. Combined with the two recent federal appeals court decisions seeking to legitimize assisted suicide, it sounds the alarm that public officials are moving our society ever more rapidly to embrace a culture of death.

Writing this response to you in unison is, on our part, virtually unprecedented. It will, we hope, underscore our resolve to be unremitting and unambiguous in our defense of human life.

Sincerely yours,

Cardinal Joseph Bernardin,
Archbishop of Chicago

Cardinal Anthony Bevilacqua,
Archbishop of Philadelphia

Cardinal James Hickey,
Archbishop of Washington

Cardinal William Keeler,
Archbishop of Baltimore

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President, National Conference of Catholic Bishops

President's letter to Cardinal Hickey

The following is the text of a letter President Clinton sent to Cardinal Hickey last Wednesday, the day the president vetoed the partial-birth abortion ban.

Dear Cardinal Hickey:

I want to thank you for your letters on H.R. 1833. I appreciate and considered the strong moral convictions you expressed.

This is a difficult and disturbing issue, one which I have studied and prayed about for many months. I am against late-term abortions and have long opposed them, except where necessary to protect the life or health of the mother. As governor of Arkansas, I signed into law a bill that barred third trimester abortions, with an appropriate exception for life or health, and I would sign such a bill now if it were presented to me.

Indeed, when I first heard the procedure referred to in H.R. 1833 described, I thought I would support the bill. But as I studied the matter and learned more about it, I came to understand that this is a rarely used procedure, justifiable as a last resort when doctors judge it necessary to save a woman's life or to avert serious health consequences to her.

In the past months, I have learned of several cases of women who desperately wanted to have their babies, who were devastated to learn that their babies had fatal conditions and would not live, who wanted anything other than an abortion, but who were advised by their doctors that this procedure was their best chance to avert the risk of death or grave harm which, in some cases, would have included an inability to ever bear children again. For these women, this was not about choice. This was not about having a headache or fitting into a prom dress, as some have regrettably suggested. This was not about choosing against having a child. These babies were certain to perish before, during or shortly after birth. The only question was how much grave damage was going to be done to the woman.

In short, I do not support the use of the procedure on an elective basis where it is not necessary to save the life of the woman or prevent serious risks to her health.

That is why I implored Congress to add a limited exemption for the small number of compelling cases where use of the procedure is necessary to avoid serious health consequences. The life exception in the current bill fails to cover cases where the doctor believes not that the mother's death is probable, but rather that, without the procedure, serious physical harm, often including losing the ability to have more children, is very likely to occur. I want to say again that if Congress will amend the bill as I have suggested, remedying its constitutional and human defect, I will sign the bill.

Again, I thank you for your concern. These are painful and sobering issues. I understand your desire to eliminate the use of a procedure you see as inhumane. But to eliminate it without taking into consideration the rare and tragic circumstances in which its use may be necessary would be, in my judgment, even more inhumane.

Although I know you disagree with me on this matter, I hope we can continue our dialogue and continue to work together on the broad array of issues on which we do agree. I need your help and your insight.

Sincerely,

Bill Clinton

Confused? Welcome to the abortion debate

The abortion debate is placing me in serious jeopardy of making me downright cynical and distrustful. And if that happens, I can blame it, in part, on the conduct of abortion advocates during the latest epic struggle over partial birth abortion.

There is a pretty simple reason why partial birth has caused abortion advocates to behave with even less veracity than usual: when faced with the facts about a particular abortion procedure, about the humanity of the victim and the brutality of the surgery, abortion advocates have nowhere in the factual universe to run. And so they resort to untruths. A whole host of them.



Dealing with these gets old fast. Not merely because boldface lies are always provoking, but also because abortion advocates seem to get away with them so repeatedly. As a British preacher once opined: "A lie will go around the whole world and back while the truth is still pulling on its boots." In other words, before a pro-life group can refute an untruth in its first incarnation, it tends to appear in 10 more publications—a Planned Parenthood fact sheet, congressional testimony, a *Boston Globe* opinion column, and so on. It's impossible to type, dial or talk fast enough to keep up with it!

What's even more frustrating is that the pro-life

arguments regarding partial birth abortion are based on the statements of abortion advocates and partial birth abortionists themselves. The other side ignores their own evidence and offers only anecdotes and the uninformed opinions of non-experts. Still, their claims receive more public exposure.

A few examples tell the story. The first wave of public education about partial birth abortion described the procedure in the words of one of its practitioners, Dr. Martin Haskell. The public was horrified to learn that late-term infants, mostly delivered outside of their mothers, could be stabbed in the head and have their heads vacuumed, then crushed, under the guise of *Roe v. Wade*. Enter the first untruth: wanting to avert disapproval of killing live infants this way, the National Abortion Federation (NAF) hastily assured the public that the children were dead before all the nasty instrumentation began! One slight problem with its public claim—a partial-birth abortionist refuted it. He said that the vast majority of the babies he aborted this way were still alive when he stabbed them.

Not to be dissuaded from their campaign to court public approval, NAF, Planned Parenthood, and the National Abortion and Reproduction Rights Action League (NARAL) then began claiming that it was the anesthesia given to the mother that killed her baby. It wasn't the stabbing or suctioning. This claim was repeated over and over in newspapers, women's magazines, and so on. Pregnant women with sched-

uled surgery were coming to their doctors with sweaty, folded magazine articles asking whether the anesthesia they would get was the kind that "could kill their babies."

Finally the American Society of Anesthesiologists (ASA) could stand it no longer. Without taking a position on the bill to ban partial birth abortions, the ASA made a public statement, followed by two sworn statements before Congress, that there was absolutely no credible scientific evidence to support the claim that the baby was killed by anesthesia. Two anesthesiologists even said that if you gave enough anesthesia to the mother so that it killed the baby, the mother would be dead too! Having made these statements publicly, the ASA director, a self-avowed supporter of legal abortion, was then shocked to find that the same media outlets who had quoted the false claims of the abortion lobby never printed his expert denials. This doctor couldn't understand why the press wouldn't want to alert pregnant women that it was perfectly safe for them to undergo necessary surgery and receive anesthesia. Wouldn't "pro-woman" organizations want women to know this? His genuine confusion reminded me of how a child reacts when first discovering that the world is not all goodness and light.

You poor fellow, I thought. Welcome to the abortion debate.

Alvare is director of Planning and Information at the Secretariat for Pro-Life Activities of the National Conference of Catholic Bishops in Washington, D.C.)

From the Cardinal

by James Cardinal Hickey

Ask our senators to support life

I often try to regale my readers with stories from the past as a way of illustrating some insight into our faith. But this week, I need to sound an alarm. This week, I want to speak from my heart as your archbishop and to ask your cooperation in a very important matter.

As you probably know, last week President Clinton vetoed the Partial Birth Abortion Ban Act. This legislation would have made it illegal for doctors to take the life of partially born children. All abortion, of course, is an unjustifiable attack on innocent human life, but partial birth abortion is particularly heinous. It is the killing of a fully-formed child about to take a first breath. Most so-called "pro-choice" physicians cannot tolerate this morally repugnant procedure. Most Americans, even so-called "pro-choice" Americans, oppose it. Congress passed a law banning it.



By the stroke of a pen, President Clinton vetoed the will of the people. But he did more than that. He moved the country deeper into what Pope John Paul II calls "the culture of death." By his decision the president made it clear that his administration will not tolerate any compromise whatsoever on abortion. In a word, the president has cast his lot with extremists in the abortion debate.

Some have called the president's action a serious political miscalculation. It is not for me to analyze the

politics of his decision. My job is to be like a prophet in the Old Testament crying aloud in protest in the streets and neighborhoods of this archdiocese. My task is to denounce the president's appalling veto allowing the continued killing of babies seconds before their birth. My responsibility is to educate those who may be deceived by efforts to disguise a morally outrageous decision in the clothes of compassion.

We should be aware of two such disguises.

First, partial birth abortion is sometimes portrayed as "good for women." Indeed, the president has said that partial birth abortion should be legal to protect both the life and health of the mother. Evidently the president chose not to believe the well qualified experts who testified before Congress that this procedure is *not* medically necessary. Even Dr. Warren Hern, author of the nation's most widely used abortion textbook, does not believe that partial birth abortion is good for women. Let me quote Dr. Hern: "I have very serious reservations about this procedure... I would dispute any statement that this is the safest procedure to use... It is bad enough that partial birth abortion places women at risk; but it is always lethal to the child!"

A second disguise offered by our president to justify his veto is that the Partial Birth Abortion Ban Act is unconstitutional. Again untrue. No court, not even the Supreme Court in *Roe vs. Wade*, ever addressed the legality of killing a live, mostly delivered child in the process of being born.

The plain truth is that the vast majority of partial birth abortions are purely elective. The plain truth is that it is

well within the power of Congress and the president to stop this horrible practice. President Clinton has already made his choice. Now it is up to the Congress to override the president's disgraceful veto.

That brings the matter a little closer to home, to our Maryland Senators, Barbara Mikulski and Paul Sarbanes. If you check the record, you will find, regrettably, that both senators voted against the Partial Birth Abortion Ban Act. In other words, they are currently on the side of the president; they are likely to sustain his veto.

With all my heart, I urge you to write to Senator Mikulski and Senator Sarbanes. Please ask them to change course. Ask them to vote to override the president's veto. Ask them to look carefully at the barbarous practice they are supporting. Encourage them to discard the disguises of death and to support life.

Here is where to write:

Senator Barbara Mikulski
709 Hart Senate Office Building
Washington, D.C. 20510

Senator Paul Sarbanes
309 Hart Senate Office Building
Washington, D.C. 20510

I urge you to write them this very day. Don't do it for me. Don't do it for any political motive. Do it because it is the right thing to do. Do it for the children. Do it for our nation. Do it because you love and respect human life!

The Catholic vote

Panelists debate which parties, issues Catholic voters will be drawn to on election day

By Gerard Penaghin
CATHOLIC STANDARD

The Catholic vote, traditionally Democratic and linked with the New Deal, may look to the Republican Party in 1996 or follow a third-party candidate.

That was the general consensus of a symposium on the Catholic vote held at the Catholic University of America this week. Sponsored by CUA's Department of Politics and the Ancient Order of Hibernians, the symposium included the outspoken remarks of such political pundits as syndicated columnist Mark Shields, Kate O'Beirne of the *National Review*, and journalist Chris Matthews. They gave their views on the Catholic vote along with Stuart Rothenberg who publishes a political report and Chuck Donovan of the Family Research Council.

The symposium also included authorities such as Helen Alvare, the director of planning and information for the U.S.

CUA PHOTO BY MATTHEW BARROCK



Helen Alvare, the U.S. bishops' spokeswoman on pro-life issues, speaks during the panel discussion on the Catholic vote.

Catholic bishops' Secretariat for Pro-Life Activities; Pat Fagan of the Heritage Foundation; Robert Royal of the Ethics and Public Policy Center; Don Devine, Washington columnist and political consultant to the likely Republican presidential nominee, Sen. Robert Dole of Kansas; and Carl Anderson, the dean of and a scholar in family law at the Pontifical John Paul II Institute for Studies on Marriage and Family and vice president for public policy of the Knights of Columbus.

The Catholic vote is an important one by any measure, the panelists said. Research done by the Hibernians show

that Catholics cast 30% of the vote in 1994. The Church census calculates the Catholic U.S. population at 23%, while Gallup and other surveyers put it even higher, at between 27 and 30%.

What is behind the Catholic vote?

Alvare, who has been very visible in the recent campaign on behalf of the partial-birth abortion ban vetoed by President Clinton last week, said, "Love of God and love of fellow man. As moral supporters fall away from the Church — newspapers, some universities, for instance — the Church must not be silent."

As pro-life issues come to the front of political discussions, Alvare said, "Abortion is always wrapped up in the question of whether mothering is a burden or a gift. Euthanasia is about the way we look at the disabled and the elderly." With such weighty issues in the political arena, Alvare said that some still greet these with the "sentiment that religion belongs in the home."

Patrick Fagan said that voting for a politician who takes an aggressive stand on behalf of an evil such as abortion can even be a mortal sin, according to some moral theologians. He also distinguished between "matters of evil and matters of good" in the political arena, pointing out that the Church must always be against matters of evil such as abortion. On the other hand, the Heritage Foundation scholars contended that when dealing with matters such as pressing for a higher minimum wage, "we have choices." The Heritage Foundation is a conservative think tank.

Addressing the direction of the Catholic vote, Kate O'Beirne of the *National Review* voiced the views of many of the speakers that Catholics do not vote as a bloc, but there is "overwhelming evidence that religion informs their views. There is no firm attachment to a political party."

O'Beirne said, "Younger Catholics don't have the affinity for the Democratic Party that their ancestors had." She pointed out that they voted noticeably for Ronald Reagan in 1980: "He made the Republican Party attractive to Catholics."

But then Catholics also voted in significant numbers for Ross Perot, the third party candidate, in 1992. According to data offered by the Hibernians, as much as 29% of the Catholic vote in one state, Arizona, went to Perot. In many other states more than 20% of the Catholic vote went to Perot.

"This showed a disaffection with either (major) party," said O'Beirne.

She also said, "The more upscale Catholics are, the more Republican they are."

And the issues for voting Catholics in 1994 when many Catholic Republicans



Syndicated columnist Mark Shields, right, and Kate O'Beirne of the *National Review* were among panelists who discussed the Catholic vote at Catholic University.

were voted into Congress, O'Beirne said, were "abortion, family values and taxes." The Hibernians' report said, "Twenty years ago there were only five Catholic Republicans in Congress. Today there are 55. Catholics who first voted for Reagan in 1980 as young voters became GOP candidates in adulthood." In Maryland for the first time, Catholic voters voted for a Republican candidate for governor by a 56% margin over a Catholic Democrat, Gov. Parris Glendening, who is a staunch advocate of abortion rights.

Catholics did not support another Catholic, Patrick Buchanan, in the presidential primary this year for another reason, O'Beirne said. "Expressing a positive agenda is crucial," she said. "That's why Buchanan's angry attitude did not go well with Catholics."

At the same time, she believes President Clinton will have a difficult time wooing the Catholic vote this year because "people recognize him as a liberal and Catholics are not liberals." She referred to the Cairo Conference on population and the appointment of Dr. Jocelyn Elders as surgeon general as two instances of Clinton liberalism that did not go well with Catholic voters. At the Cairo Conference, the Catholic Church's representatives waged an uphill battle to be heard, while Elders' comments on sexuality favored a permissiveness not in synchronization with Church teaching.

This week, O'Beirne said Clinton acted out "another defining issue" when he vetoed the partial-birth abortion ban which had won votes in Congress from those who often vote pro-abortion. Polls done before the signing showed that a majority of Americans favored banning

the method. Many contend the procedure is one step away from infanticide. "This, from a man who wanted to make abortion safe, minimal and rare," said O'Beirne. Bill Clinton has positioned himself with fanatic feminists."

On the other hand, Chris Matthews, host of "Politics" on CNBC, said he thought Bill Clinton will win re-election, not because of his positions but because of the images he paints of himself. "He's getting certain people out of the room," Matthews said. "All of a sudden the Catholic sensibility is on display. Hillary is out of the room. After the vote (on the partial-birth abortion ban) this week, it will be back to V-chips and Mother Teresa."

But Kate O'Beirne countered, "Bob Dole is an easy sell to Catholics. School uniforms (Clinton has said he favors them) don't trump keeping children from being born."

Syndicated columnist Mark Shields said, "Dole's mortality is very much on people's minds." Sen. Dole is 72, and President Clinton is 49.

But Matthews retorted that Clinton will win regardless of his vetoing the partial-birth abortion ban "because he'll say he did it to help the mothers." (As he announced the veto this past Wednesday, President Clinton was photographed with tearful women who said they had partial-birth abortions for health reasons. The president offered their cases as the reason he vetoed the ban, even though the measure contained an exception for women whose lives were at risk.)

But O'Beirne had the last word: "Bill Clinton will find himself defending the indefensible. I think it's going to be a major problem for him."

Vatican Rebukes Clinton For Veto

Reuter

VATICAN CITY, April 19—The Vatican accused President Clinton today of shameful action for vetoing a ban on a type of late-term abortion, and the U.S. ambassador voiced strong support for the Holy See.

In an unusually strong statement, chief Vatican spokesman Joaquin Navarro-Valls said Clinton was putting the moral and ethical future of American society at risk by legalizing what he called an "inhuman procedure."

The U.S. ambassador to the Holy See, Raymond Flynn, also expressed regret, saying he supported Clinton but had urged him "in the strongest possible terms" to back the legislation.

Navarro-Valls expressed the Vatican's support for a letter sent to Clinton by American Catholic leaders, which said the veto "takes our nation to a critical turning point in its treatment of helpless human beings inside and outside the womb."

Clinton said he acted because his plea for an exception for mothers facing serious adverse health consequences was ignored.

Navarro-Valls said the late-term abortion was opposed by many non-Catholics, including 65 percent of Americans who otherwise believed women should have the right to choose whether to terminate a pregnancy. The Catholic Church opposes abortion of any kind.

THE WASHINGTON POST
SATURDAY, APRIL 20, 1996

Betsy Myers

THE PRESIDENT HAS SEEN
4-14-96

What's our return?
to the...
B

Commentary

'The Eternity Within' — Signed Away by a Pro-Abortion Veto

■ **Abortion:** Clinton cynically used five families' personal tragedies to deflect our revulsion at the partial birth procedure.

By HELEN ALVARE

On Good Friday, President Clinton visited the scene of the Oklahoma City bombing where so many children were killed one year ago. There, he delivered this message: On Easter, he said, Christians the world over would "bear witness to our faith" that the miracles of Jesus and those of the human spirit seen in Oklahoma City, "only reflect the larger miracle of human nature—that there is something eternal within each of us . . . no bomb can blow away, even from the slightest child, that eternity which is within each of us."

Five days later and Easter past, the president vetoed a bill that would have protected the tiniest child from being killed

in the process of delivery by partial birth abortion.

Surrounding himself with five women who had faced tragedy during their pregnancies, and condemning those who would use them as "political pawns," the president proceeded to use them as just that. And fraudulently as well.

The president claimed repeatedly that a partial birth abortion is done only to preserve a woman's life or her future fertility or to end the lives of children so sick that they would likely not live long after being born alive. The president chose to ignore what those who perform partial birth abortions have said again and again: The vast majority of abortions they perform are purely elective. Even those they call "non-elective" would be considered elective by most people. For example, the late Dr. James McMahon called "nonelective" those partial birth abortions that are performed because of the mother's "youth" or because she was "depressed."

We cannot fail to note the disturbing implications of using the aborted children

'Rather than deal with the facts about partial birth abortions, President Clinton chose instead to toe the line drawn by the abortion lobby. . . . We have every right and every reason to condemn the veto that puts our nation one step closer to legalizing infanticide.'

of the five women as political pawns in their own right. The disabilities these children had, the short lives they might have had, were held up only as reasons to perform the most brutal procedure the abortion industry has ever invented. The president chose to mourn these dead children only insofar as it was useful for evoking sympathy.

The president also said over and over again that partial birth abortions are needed to protect a mother's health. The preponderance of medical evidence, supplied by the very people who perform these brutal abortions, says the exact opposite.

So does common sense. It absolutely defies reason to claim that once a child is almost completely delivered vaginally, with only its head remaining inside the mother's body, that it could possibly be essential to her medical health that the child be stabbed and the contents of its head suctioned out. Once delivery is that far along, delivering the child a few more inches does not imperil a woman's health. It does, however, produce a dead child, rather than a live child. Even children with hydrocephalus are able to be safely delivered vaginally after excess fluid is removed from their heads with a needle designed for that purpose. Many live long and happy lives.

Dr. Warren Hern, a late-term abortionist and author of the most widely used abortion textbook, said this about partial birth abortions and their safety for women: "I would

dispute any statement that this is the safe procedure to use." Turning the child the breech position, he explained, is "potentially dangerous. . . . You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that."

Rather than deal with the facts at partial birth abortions, President Clinton chose instead to toe the line drawn by the abortion lobby and to confront the nation with women who had experienced personal tragedies regarding their pregnancies. And in so doing, he dared all of us to judge that it is not our place to judge them. But, citizens of the United States, we have every right and every reason to condemn the veto that puts our nation one step closer to legalizing infanticide.

Shame on the president. Congress should vote—overwhelmingly and quickly—override this inexcusable veto.

Helen Alvare is director of planning and information of the Secretariat for Pro-Life Activities of the National Conference of Catholic Bishops in Washington.

DRAWINGBOARD / ROGERS



PERSPECTIVE ON ASSISTED SUICIDE

Walk a Mile in My Wheelch



Quality of life consists of more than the physical;

humane than continuing to live in "a childlike state of helplessness." They are not the same

Why is it? Why choice m? Never

CC f

Wider Impact Is Foreseen for Bill to Ban Type of Abortion

By TAMAR LEWIN

Public health officials and doctors who perform abortions say the bill passed by the House of Representatives last week that would ban a type of late-term abortion is so broadly written and ill defined that it could affect many more doctors than originally thought.

Indeed, they say, it could criminalize almost any doctor who performs abortions in the second trimester, or after 12 weeks of gestation, and might force doctors to turn to less-safe methods to avoid the possibility of prosecution. Some also say that it would shrink the pool of doctors who perform second-trimester abortions.

The sponsors of the bill, and the anti-abortion groups they worked with, said their goal was to ban what they call "partial-birth abortions," in which a fetus at 20 weeks of gestation or more is partly delivered, feet first, and then to make it easier for the fetus to pass through the birth canal, the skull is collapsed.

But the House bill approved on Wednesday, the Partial-Birth Abortion Ban Act, provides a far looser definition, with no reference to fetal age or to the specifics of inserting scissors into the neck to create a hole through which the brains can be suctioned out to collapse the skull.

The legislation, which will be considered in the Senate this week, says only that "the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

That language is so broad — and the term 'partial-birth abortion' so unfamiliar in the medical community — that many doctors who perform only earlier abortions, by the most common methods, say they have done procedures that would probably be prosecutable under the law.

"I'm sure I've had a situation, with a 14- or 16-week pregnancy, when the fetus presented feet first, where I did something that a Federal prosecutor might take to court under this language," said Dr. Lewis Koplik, who performs abortions up to 20 weeks in Albuquerque, N.M., and El Paso. "The decision about what method to use is made in an individual setting, based on an individual woman's situation. It's not one-size-fits-all, and it shouldn't be. I don't want to make medical decisions based on Congressional language. I don't want to be that vulnerable. And it's not what I want for my patients."

Those who drafted the legislation said they did not believe it would interfere with second-trimester

abortions performed by the standard method of dilation and evacuation, or D&E.

"An element of the crime is that the prosecution has to prove beyond a reasonable doubt that the baby was living," said an assistant counsel to the Constitution subcommittee of the House Judiciary Committee, Keri Harrison, who helped draft the bill. "In a D&E, there's not a living fetus being delivered. They're in there suctioning and cutting, and what they deliver is body parts. This wouldn't cover that."

Ms. Harrison said that in drafting the legislation, she and others had rejected specifying the gestational age or abortion technique it would cover. "This isn't about a viable

Concerns that the legislation's language is too imprecise.

baby, or a nonviable one," she said. "And we didn't want anything about inserting scissors into the base of the skull, because we didn't want them to come up with a slightly different technique and avoid the statute. What we want to make a crime is the abortionist starting to deliver a baby and then killing it."

About 13,000 of the nation's 1.5 million abortions a year are performed after 20 weeks' gestation. And only two doctors, who perform a total of about 450 of these abortions a year, have said publicly that this method is the safest and best. So most discussion of the proposed ban has been based on the assumption that the method is rarely used, and only by a small number of doctors.

But the National Abortion Federation, which represents several hundred abortion providers, says that more doctors have recently reported that they sometimes use the method, which they call "intact D&E." And since the House vote, some gynecologists at prominent hospitals have acknowledged that they often use the method in late-term abortions.

"Of course I use it, and I've taught it for the last 10 years," said a gynecologist at a New York teaching hospital, who spoke on the condition of anonymity. "So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's

better and safer.

"Even in earlier abortions," the doctor continued, "it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law."

"This legislation would be a disaster for women's health," the doctor said.

Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus or partially delivering it, intact, before killing it.

Several said they saw the bill as an opening wedge to outlawing all second-trimester abortions — and conceded that anti-abortion groups had won an important public-relations victory by focusing so much attention on late-term abortions, which are the least common but most emotionally fraught procedures.

According to the Alan Guttmacher Institute, a private group that studies reproductive health issues, almost nine out of 10 abortions are performed in the first trimester, when the procedure is relatively simple. About 164,000 abortions a year are performed during the second trimester, that is, at 13 to 26 weeks of gestation, but more than 9 out of 10 of these are before the 20th week.

Although second-trimester abortions are legal throughout the nation for any reason, few doctors perform abortions after 20 weeks, and while third-trimester abortions are legal in some states, only a few hundred take place each year. Third-trimester abortions are performed almost exclusively by a handful of doctors who get referrals from obstetricians whose patients have serious health

problems or are carrying fetuses with profound abnormalities.

Dr. Allan Rosenfield, dean of the Columbia University School of Public Health and a professor of obstetrics, said that he and a group of other doctors discussing the legislation had been unable to agree on what the law would cover — but did agree that it posed a threat to anyone who did second-trimester abortions.

"In a standard D&E, the fetus generally doesn't come out intact," Dr. Rosenfield said. "But you might very well bring down a leg at the start of the procedure, and if the definition is a beating heart, potentially any second-trimester abortion could fit this bill. My big worry is that if this becomes law, doctors will feel they have to go back to the less-safe second-trimester abortion methods we did until the 1980's, the installation procedures, in which the uterus is flooded with saline or urea."

Many of the doctors interviewed expressed concern that the legislation would shrink the pool of doctors willing to perform late-term abortions, especially since many of these doctors already face demonstrations and threats, and may not be willing to take on an additional worry about criminal prosecution.

"It really is such nonspecific and bizarre legislation that it's hard to tell what exactly they're trying to ban," said Dr. Mary Campbell, medical director of Planned Parenthood of Metro Washington. "Clearly they're anxious to prosecute anybody who's doing second- or third-trimester abortions. I know people who have said that this would be the end of their third-trimester practice, and probably their second."

THE NEW YORK TIMES

MONDAY, NOVEMBER 6, 1995

Attack on rare abortion procedure invites misery

OUR VIEW These cases are tragic. These cases are personal. Legislation is a clumsy and painful response.

Abortion is a wrenching decision under any circumstance. In the later stages of a pregnancy, it's a nightmare.

So it is doubly painful to find the House of Representatives voting to make the nightmare worse. It did so Wednesday, voting to outlaw a last-resort procedure to terminate some late-term pregnancies.

The procedure is one that would make anyone cringe. The fetus dies from an overdose of anesthesia given to its mother. Sometimes, its skull is then drained so the fetus can be aborted intact without risk to the mother (not to cause death as critics of the procedure often claim).

It's a process undertaken in desperate circumstances. Just ask Viki Wilson, a 39-year-old registered nurse, doctor's wife, and mother of two in Fresno, Calif. She was eagerly awaiting the birth of her baby when the bad news arrived. Just four weeks before her delivery date, she learned what previous tests had failed to detect: two-thirds of her unborn daughter's brain was in a sac outside the skull. The fetus was suffering seizures and Viki Wilson's life was in danger. The baby was doomed to die outside the womb no matter what was done.

After consulting with specialists, the Wilsons opted for "intact dilation and evacuation," the procedure banned by the House. The anesthesia was administered and a needle used to draw fluid from the baby's

enlarged head so it could pass through the birth canal without damaging her mother.

"This wasn't about choice, this was about a medical necessity," Wilson says.

That's the case for most late-term abortions. A mother's pregnancy is complicated by health problems such as cancer or heart disease, so that continuing the pregnancy endangers her life. Or an unborn baby is found to have unthinkable deformities.

If the Senate agrees with the House, other families won't get the option available to the Wilsons. Or other choices. The House language is so vague it can be read as outlawing all late-term abortions. It bans "partial-birth abortions," a term not found in medical dictionaries. Doctors, facing jail terms, may refuse to perform any late-term pregnancy terminations.

And that is the real story of this legislation. Its backers say it is a wedge to challenge abortion rights broadly.

The idea of aborting a healthy, late-term fetus for mere convenience is reprehensible to all sides. And rare is the doctor who would participate in such an abortion. Only a handful will even perform late-term abortions for the more compelling reasons.

The legislation just isn't needed. And the broader assault will do nothing to alter the national division on abortion.

After 20-plus years of debate, there's no sign of national consensus to ban abortion. And absent such social agreement, the choice must be a personal one.

Abortion's dilemmas are indeed painful. But they are best resolved by appeals to hearts and minds, not dictates of law like this one.

Tolerating this is denial

OPPOSING VIEW In fact, it's denial cubed.

Any abortion is bad enough. In the third trimester, it's outrageous.

By Andrea Sheldon

It has been most illuminating these past few months to hear liberals on the floor of Congress and on the op-ed pages of major newspapers, feign disgust at our country's communal lack of responsibility only to rationalize the willful taking of innocent human life that someone has determined to be defective.

Wednesday, the House overwhelmingly passed a ban on partial-birth abortions. During a partial-birth abortion, the baby is delivered feet first with only the head remaining inside the birth canal — just inches from being a living person. The doctor then pierces the baby's skull, inserts a suction catheter and forcibly extracts the baby's brain. The baby, having developed a nervous system, dies an excruciatingly painful and gruesome death.

To accept abortion as simply a medical procedure that rids a woman's body of a "lifeless fetus" in the early stages is denial enough. Attempting to rationalize and jus-

tify the abortion of a baby in the third trimester is denial cubed.

Having worked in Washington, D.C., for a number of years in issue advocacy I have considered the arrogant defense of partial-birth abortions as merely a cynical political device, a desperate move on behalf of abortion supporters to keep the debate from moving too quickly against them.

Elected to Congress last year for the very first time in significant numbers were conservative women who oppose abortion. Gone forever are the days when radical feminists could position themselves as the mainstream defenders of women's rights against a bunch of closed-minded, middle-aged white guys. These are desperate times for abortion-rights advocates and desperate times often beget desperate measures, especially in politics.

Still, it doesn't matter whether this is some kind of desperate move to stem the political tide or whether abortion supporters honestly believe partial-birth abortions are defensible. What does matter is that as the abortion debate continues to evolve, those who support abortion will continue to betray the denial in which they live.

Andrea Sheldon is director of government affairs for the Traditional Values Coalition.

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LENGTH: 1796 words

HEADLINE: Shock-tactic ads target late-term abortion procedure; anti-abortion newspaper advertisements

BYLINE: Gianelli, Diane M.

BODY:

WASHINGTON -- In an attempt to derail an abortion-rights bill maneuvering toward a congressional showdown, opponents have launched a full-scale campaign against late-term abortions.

The centerpieces of the effort are newspaper advertisements and brochures that graphically illustrate a technique used in some second- and third-trimester abortions. A handful of newspapers have run the ads so far, and the National Right to Life Committee has distributed 4 million of the brochures, which were inserted into about a dozen other papers.

By depicting a procedure expected to make most readers squeamish, campaign sponsors hope to convince voters and elected officials that a proposed federal abortion-rights will is so extreme that states would have no authority to limit abortions -- even on potentially viable fetuses.

According to the Alan Guttmacher Institute, a research group affiliated with Planned Parenthood, about 10% of the estimated 1.6 million abortions done each year are in the second and third trimesters.

Barbara Radford of the National Abortion Federation denounced the ad campaign as disingenuous, saying its "real agenda is to outlaw virtually all abortions, not just late-term one." But she acknowledged it is having an impact, reporting scores of calls from congressional staffers and others who have seen the ads and brochures and are asking pointed questions about the procedure depicted.

The Minneapolis Star-Tribune ran the ad May 12, on its op-ed page. The anti-abortion group Minnesota Citizens Concerned for Life paid for it.

In a series of drawings, the ad illustrates a procedure called "dilation and extraction," or D&X, in which forceps are used to remove second- and third-trimester fetuses from the uterus intact, with only the head remaining inside the uterus.

The surgeon is then shown jamming scissors into the skull. The ad says this is done to create an opening large enough to insert a catheter that suctions the brain, while at the same time making the skull small enough to pull through the cervix.

"Do these drawings shock you?" the ad reads. "We're sorry, but we think you should know the truth."

The ad quotes Martin Haskell, MD, who described the procedure at a September 1992 abortion-federation meeting, as saying her personally has performed 700 of them. It then states that the proposed "Freedom of Choice Act" now moving through Congress would "protect the practice of abortion at all stages and would lead to an increase in the use of this grisly procedure."

Accuracy questioned

Some abortion-rights advocates have questioned the ad's accuracy.

A letter to the Star-Tribune said the procedure shown "is only performed after fetal death when an autopsy is necessary or to save the life of the mother." And the Morrisville, Vt., Transcript, which said in an editorial that it allowed the brochure to be inserted in its paper only because it feared legal action if it refused, quoted the abortion federation as providing similar information. "The fetus is dead 24 hours before the pictured procedure in undertaken," the editorial stated.

But Dr. Haskell and another doctor who routinely use the procedure for late-term abortions told AMNews that the majority of fetuses aborted this way are alive until the end of the procedure.

Dr. Haskell said the drawings were accurate "from a technical point of view." But he took issue with the implication that the fetuses were "aware and resisting."

Radford also acknowledged that the information her group was quoted as providing was inaccurate. She has since set a letter to federation members, outlining guidelines for discussing the matter. Among the points:

- * Don't apologize; this is a legal procedure.
- * Nor abortion method is acceptable to abortion opponents.

* The language and graphics in the ads are disturbing to some readers. "Much of the negative reaction, however, is the same reaction that might be invoked if one were to listen to a surgeon describing step-by-step almost any other surgical procedure involving blood, human tissue, etc."

Late-abortion specialists

Only Dr. Haskell, James T. McMahon, MD, of Los Angeles, and a handful of other doctors perform the D&X procedure, which Dr. McMahon refers to as "intact D&E." The more common late-term abortion methods are the classic D&E and induction, which usually involves injecting digoxin or another substance into the fetal heart to kill it, then dilating the cervix and inducing labor.

Dr. Haskell, who owns abortion clinics in Cincinnati and Dayton, said he started performing D&Es for the late abortions out of necessity. Local hospitals did not allow inductions past 18 weeks, and he had no place to keep patients overnight while doing the procedure.

But the classic D&E, in which the fetus is broken apart inside the womb, carries the risk of perforation, tearing and hemorrhaging, he said. So he turned to the D&X, which he says is far less risky to the mother.

Dr. McMahon acknowledged that the procedure he, Dr. Haskell and a handful of other doctors use makes some people queasy. But he defends it. "Once you decide the uterus must be emptied, you then have to have 100% allegiance to maternal risk. There's no justification to doing a more dangerous procedure because somehow this doesn't offend your sensibilities as much."

Brochure cites N.Y. case

The four-page anti-abortion brochures also include a graphic depiction of the D&X procedure. But the cover features a photograph of 16-month-old Ana Rosa Rodriguez, whose right arm was severed during an abortion attempt when her mother was 7 months pregnant.

The child was born two days later, at 32 to 34 weeks' gestation. Abu Hayat, MD, of New York, was convicted of assault and performing an illegal abortion. He was sentenced to up to 29 years in prison for this and another related offense.

New York law bans abortions after 24 weeks, except to save the mother's life. The brochure states that Dr. Hayat never would have been prosecuted if the federal "Freedom of Choice Act" were in effect, because the act would invalidate the New York statute.

The proposed law would allow abortion for any reason until viability. But it would leave it up to individual practitioners -- not the state -- to define that point. Postviability abortions, however, could not be restricted if done to save a woman's life or health, including emotional health.

The abortions federation's Radford called the Hayat case "an aberration" and stressed that the vast majority of abortions occur within the first trimester. She also said that later abortions usually are done for reasons of fetal abnormality or maternal health.

But Douglas Johnson of the National Right to Life Committee called that suggestion "blatantly false."

"The abortion practitioners themselves will admit the majority of their late-term abortions are elective," he said. "People like Dr. Haskell are just trying to teach others how to do it more efficiently."

Numbers game

Accurate figures on second- and third-trimester abortions are elusive because a number of states don't require doctors to report abortion statistics. For example, one-third of all abortions are said to occur in California, but the state has no reporting requirements. The Guttmacher Institute estimates there were nearly 168,000 second- and third-trimester abortions in 1988, the last year for which figures are available.

About 60,000 of those occurred in the 16- to 20-week period, with 10,660 at week 21 and beyond, the institute says. Estimates were based on actual gestational age, as opposed to last menstrual period.

There is particular debate over the number of third-trimester abortions. Former Surgeon General C. Everett Koop, MD, estimated in 1984 that 4,000 are performed annually. The abortion federation puts the number at 300 to 500. Dr. Haskell says that "probably Koop's numbers are more correct."

Dr. Haskell said he performs abortions "up until about 25 weeks' " gestation, most of them elective. Dr. McMahon does abortions through all 40 weeks of pregnancy, but said he won't do an elective procedure after 26 weeks. About 80% of those he does after 21 weeks are nonelective, he said.

Mixed feelings

Dr. McMahon admits having mixed feelings about the procedure in which he has chosen to specialize.

"I have two positions that may be internally inconsistent, and that's probably why I fight with this all the time," he said.

"I do have moral compunctions. And if I see a case that's later, like after 20 weeks where it frankly is a child to me, I really recognize over it because the potential is so imminently there. I think, 'Gee, it's too bad that this child couldn't be adopted.'

"On the other hand, I have another position, which I think is superior in the hierarchy of questions, and that is: 'Who owns the child?' It's got to be the mother."

Dr. McMahon says he doesn't want to "hold patients hostage to my technical skill. I can say, 'No, I won't do that,' and then they're stuck with either some criminal solution or some other desperate maneuver."

Dr. Haskell, however, says whatever qualms he has about third-trimester abortions are "only for technical reasons, not for emotional reasons of fetal development."

"I think it's important to distinguish the two," he says, adding that his cutoff point is within the viability threshold noted in Roe v. Wade, the Supreme Court decision that legalized abortion. The decision said that point usually occurred at 28 weeks "but may occur earlier, even at 24 weeks."

Viability is generally accepted to be "somewhere between 25 and 26 weeks," said Dr. Haskell. "It just depends on who you talk to.

"We don't have a viability law in Ohio. In New York they have a 24-week limitation. That's how Dr. Hayat got in trouble. If somebody tells me I have to use 22 weeks, that's fine. . . . I'm not a trailblazer or activist trying to constantly press the limits."

Campaign's impact debated

Whether the ad and brochures will have the full impact abortion opponents intend is yet to be seen.

Congress has yet to schedule a final showdown on the bill. Although it has already passed through the necessary committees, supporters are reluctant to

American Medical News, July 5, 1993

move it for a full House and Senate vote until they are sure they can win.

In fact, House Speaker Tom Foley (D, Wash.) has said he wants to bring the bill for a vote under a "closed rule" procedure, which would prohibit consideration of amendments.

But opponents are lobbying heavily against Foley's plan. Among the amendments they wish to offer is one that would allow, but not require, states to restrict abortion -- except to save the mother's life -- after 24 weeks.

SIC: 8093 Specialty outpatient clinics, not elsewhere classified

IAC-NUMBER: IAC 14972703

IAC-CLASS: Health; Trade & Industry

LANGUAGE: ENGLISH

LOAD-DATE: December 02, 1994

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The Washington Times

December 15, 1995, Friday, Final Edition

SECTION: Part A; NATION; Pg. A4

LENGTH: 705 words

HEADLINE: Pro-lifers call Clinton, staffers rude over issue ;
Seek signing of ban on 'partial-birth' abortion

BYLINE: Joyce Price; THE WASHINGTON TIMES

BODY:

Pro-lifers say the White House - from President Clinton on down - treated them rudely when they tried to urge the president not to veto a bill that would ban "partial-birth" abortions.

The Rev. James P. West of St. Boniface Catholic Church in Bigelow, Ark., said Mr. Clinton "almost immediately lost his composure and began raising his voice and shaking his finger at me" when he appealed to the president to sign the bill into law during a conversation at Little Rock Airport on Saturday.

Mr. Clinton has said he will veto the bill. Father West said he did not expect to change the president's mind - but he also did not expect Mr. Clinton's reaction.

"I was shocked. . . . Almost immediately, he became very agitated over the whole thing, saying the bill's unconstitutional," Father West said in a telephone interview.

White House spokeswoman Ginny Terzano, who was with Mr. Clinton at Little Rock Airport, called his discussion with the priest "thoughtful" and denied he shook his finger in Father West's face.

Father West said Mr. Clinton argued that partial-birth abortions are "only done to save the life of a woman" and that the legislation to ban them, which passed the Senate last week, is "nothing more than a political ploy."

He said Mr. Clinton accused the bill's sponsor of "lying," although the name of the sponsor, Sen. Robert C. Smith, New Hampshire Republican, was never mentioned during the exchange.

Asked about those allegations, Ms. Terzano said, "I just don't recall that."

She said Mr. Clinton has had a "very clear and consistent" record supporting a woman's right to choose. "Any time you're talking about an issue such as abortion - an issue that's very personal - it can be emotional," Ms. Terzano said.

The Washington Times, December 15, 1995

Other pro-lifers also complained about the treatment they received from White House staffers when they called to urge the president to sign the bill that was passed by the Senate last week.

Most said they were unsuccessful in talking directly to anyone, as they typically could not get past phone recordings. And more often than not, when they tried to leave a voice-mail message, they would be told the mailbox was full.

Many gave up and called their senators or congressmen, urging them to give Mr. Clinton their messages. Some who actually spoke with people at the White House said they were treated discourteously or were disconnected.

Dorothy Thompson of Cincinnati said she called the White House public liaison office about 9 a.m. Thursday and told the man who answered that she wanted to comment about the partial-birth abortion bill. She said the man switched her to a line that was busy.

"Then I called back and told the same man I wanted him to strongly urge the president to approve the bill and not allow the slaughter of innocents," Mrs. Thompson said. "I told him, 'This procedure is so heinous . . . ' and at that point, he disconnected me."

Kathy Hanson of Glen Rock, Pa., said she called the office of senior White House adviser George Stephanopoulos and got a recorded message that said the office didn't want to receive any more calls on the issue of partial-birth abortions and directed callers to send letters or faxes instead.

"I was so frustrated that I placed a call to the office of Senator Rick Santorum [Pennsylvania Republican] and let them know what happened when I called the White House," Mrs. Hanson said.

Sheila Ervin, a receptionist at the Family Research Council, said that on Monday, Tuesday and Wednesday, she was "flooded with hundreds of calls [expressing] emotions ranging from anger, shock and frustration" at what they perceived as the White House's unwillingness to deal with their concerns over the partial-birth abortion bill.

"Unbelievably, the White House has cut itself off from the people it was elected to serve," said James Dobson, founder of Focus on the Family. "No matter what position the president holds on an issue, White House staffers are public servants, paid by our tax dollars, and they should not engage in these types of extremely unprofessional tactics."

LANGUAGE: ENGLISH

LOAD-DATE: December 15, 1995

NATIONAL JOURNAL'S Congress Daily/A.M.

FRIDAY, OCTOBER 20, 1995

House Republicans Push Through Medicare Bill 231-201

Displaying the acrimony that has permeated the budget debate all year, the House Thursday evening passed a sweeping Republican plan to overhaul the Medicare program and simultaneously trim \$270 billion in spending over the next seven years. The vote was 231-201, with only six Republicans voting against the bill and four Democrats voting in favor. Republicans who voted against the bill on final passage included **Reps. Christopher Smith, Frank LoBiondo, Jim Saxton and Dick Zimmer**, all of New Jersey, as well as **Peter Torkildsen** of Massachusetts and **Jim Lightfoot** of Iowa. All except Lightfoot earlier had complained the cuts would inflict too much pain on their states' hospitals. Democrats who voted with the Republicans on final passage were **Reps. Mike Parker and G.V. (Sonny) Montgomery**, both of Mississippi, and **Pete Geren** and **Ralph Hall**, both of Texas.

Summing up the daylong floor debate on the measure, **Speaker Gingrich** accused Democrats of maintaining a "spirit of disinformation" — citing in particular Democratic claims that states no longer would be required to use Medicaid funds to pay Medicare Part B premiums for beneficiaries with incomes below poverty. Gingrich insisted states would be required to pay such premiums. However, the Medicaid bill approved by the Commerce Committee in September requires states to set aside funds at a rate considerably less than would be needed to pay all the premiums for all the potentially eligible beneficiaries. "The protection is no longer there," insisted **Commerce Telecommunications and Finance Subcommittee ranking member Edward Markey**, D-Mass.

Democrats said after the vote they planned to go to the Rules Committee to seek an amendment to the budget reconciliation

Continued on Page 5

SCHEDULE

SENATE

Convenes at 9:30 a.m. to consider S.1322, Israel Embassy Relocation Act.

HOUSE

Convenes at 10 a.m. for a *pro forma* session.

SENATE COMMITTEES

BUDGET

BUDGET MARKUP

Full committee markup of budget reconciliation. 608 DSOB. 1:30 p.m.

JUDICIARY

RELIGIOUS LIBERTY

Full committee hearing on religious liberty in United States. *Witnesses:* Steven McFarland, director, law and religious freedom, Christian Legal Society; Douglas Laycock, law professor, University of Texas; Oliver Thomas, counsel, religious liberty, National Council of the

Continued on Page 6

AMA Not Backing GOP Abortion Bill

In an apparent setback for the recent gains made by abortion foes, the American Medical Association Thursday reportedly rejected a unanimous recommendation from the AMA's legislative council to endorse a controversial bill banning a late-term abortion procedure. The AMA board met to consider the legislative council's endorsement recommendation of legislation, sponsored by **House Judiciary Constitution Subcommittee Chairman Charles Canady**, R-Fla., that would outlaw a procedure defined as "partial birth abortions." The legislative council voted twice — once last month and again last week — to endorse the abortion bill. But the AMA board, which met in Chicago, refused to take a position on the legislation, sources said.

AMA spokesman James Stacey in an interview Thursday would neither confirm nor deny reports of the board's decision and expressed outrage that sources spoke "out of school" about the board's business, which he said is confidential. Another AMA spokesperson, who also would neither confirm nor deny the reports, said she expected an official announcement would be made Monday. The AMA since 1970 officially has been on record as declaring legal abortion to be "ethical," although its attempt to walk a tightrope on the matter over the past decade has raised the ire of both sides of the issue.

Contacted for response to the apparent move Thursday, abortion rights advocates expressed relief the AMA did not endorse the legislation, while abortion foes said they were not distressed or surprised by the move. "They are going to be

Continued on Page 8

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**National
Journal**

Abortion Bill

Continued from Page 1

neutral on the bill," a House Republican source said. "Neutral is fine. For purely political reasons, we didn't expect them to take a position."

Still, the source said, the AMA legislative council went on record in support of the bill, "and that's very significant."

The bill — approved by the House Judiciary Committee in July and scheduled for floor debate sometime next month — would bar "partial birth abortions," which it defines as a procedure in which "the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

The AMA legislative council "felt this was not a recognized medical technique," council member William Hazel, an orthopedic surgeon, told *CongressDaily* earlier this month about the procedure the bill would outlaw.

Hazel at that time said the AMA's legislative council members agreed that doctors, not legislators, should ultimately pass judgment on proper medical care. But he added that in this case, the intent was not to interfere in medical practice, but to outlaw a single procedure "that almost does not exist in the medical literature."

Had the AMA board accepted the council's recommendation, it would have dealt a major blow to the abortion rights movement, which views the

legislation as a direct challenge to the Supreme Court's *Roe vs. Wade* decision legalizing abortion.

"We're pleased that the AMA recognized that this is a piece of legislation that does not deserve its support because of the ramifications this bill would have on women's reproductive choices," said Jo Blum, legislative affairs director for the National Abortion and Reproductive Rights Action League.

Republican sources said they believed the AMA's board was pressured into its final decision by an AMA staff doctor in Chicago — not a member of either the council or the board — who they charged tried to unduly influence the outcome of the vote.

SCHEDULE

Continued from Page 1

Churches of Christ: Michael McConnell, law professor, University of Chicago; and Forest Montgomery, counsel, National Assoc. of Evangelicals. 226 DSOB. 10 a.m. (Rescheduled from Sept. 29.)

HOUSE COMMITTEES

AGRICULTURE

ASIA-PACIFIC TRADE

General Farm Commodities Subcommittee and International Relations Asia and the Pacific Subcommittee field hearing on the importance of the Asia-Pacific region on U.S. agricultural trade. *Witnesses:* Tim Galvin, associate administrator, foreign agriculture service, Agriculture Department; Jim Weyer, executive director, Nebraska Soybean Board; Steve Erdman, director, Farmland Industries Inc.; Valmont International President Robert Meaney; Craig MacPhee, economics professor, College of Business Administration, University of Nebraska-Lincoln. College Park Auditorium. 3180 West Highway 34, Grand Island, Neb. 9:30 a.m.

OTHER HILL EVENTS TODAY

BANKING

National Italian American News Bureau

briefing on the New York Stock Exchange.

Participant: Senate Majority Leader Dole, Senate Banking Chairman D'Amato, Senate Budget Chairman Dominici, Sen. Patrick Leahy; Reps. Nancy Pelosi, D-Calif., and John LaFalce; and Federal Reserve Chairman Greenspan. Room SC-5, Capitol, 10:30 a.m. *Contact:* 202-387-0600.

HOUSING

National Assoc. of Realtors briefing on a study on savings for homeowners as a result of the GOP budget plan. *Participant:* Sen. Don Nickles, R-Okla., and House Republican Conference Chairman John Boehner of Ohio. 10 a.m. HC-5 Capitol. *Contact:* John Czwartacki, 202-225-5107.

POLITICS

Center for Voting and Democracy briefing on modified voting systems. HC-4 Capitol. 2 p.m. *Contact:* David Taylor, 202-225-1605.

OFF THE HILL TODAY

EDUCATION

National Research Council colloquium on education and mathematics and science research. *Participant:* Rep. George Brown, D-Calif. Marriott Crystal City Hotel. 1999 Jefferson Davis Highway. Arlington. *Contact:* 202-334-2138.

FINANCE

National Press Club luncheon program on the television show "Wall Street Week."

Participant: Louis Rukeyser, host, "Wall Street Week." National Press Club. 12:30 p.m. *Contact:* 202-662-7500.

Society of Professional Journalists annual financial writers conference. *Participant:* 2:15 p.m., Louis Rukeyser, host, "Wall Street Week" television program. National Press Club. 9 a.m. *Contact:* 202-662-7500.

FOREIGN AFFAIRS

Foreign Press Center briefing on the U.S.-China summit meeting in New York. *Participant:* Kent Wiedman, deputy assistant secretary, East Asian and Pacific affairs, State Department. FPC, Room 898, National Press Club. 3 p.m. *Contact:* 202-724-1640.

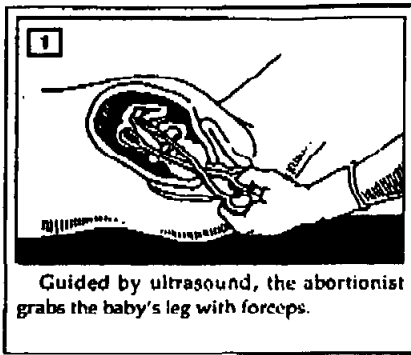
Woodrow Wilson Center seminar on "Between Families and Tribes: Saddam Hussein's Tribal Policies, 1991 to 1995." *Participant:* Amatzia Baram, University of Haifa. Woodrow Wilson Center, 1000 Jefferson Drive, SW. 4 p.m. *Contact:* Cynthia Ely, 202-357-2115.

Guatemala Committee program on the situation in Guatemala. *Participant:* Journalist Ricardo Miranda. Luna Books, 1633 P St., NW. 8 p.m. *Contact:* 202-291-2977.

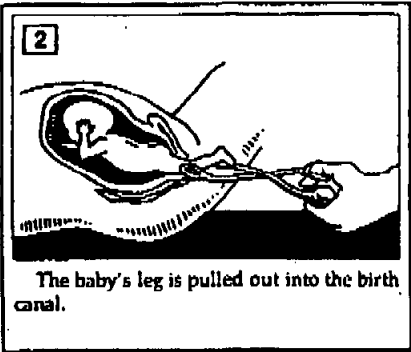
HEALTH CARE

National Institute of Medicine workshop on the global malaria situation and efforts to develop counteracting vaccines. Cecil and Ida Green Building. 2001 Wisconsin Ave., NW. *Contact:* 202-334-2138.

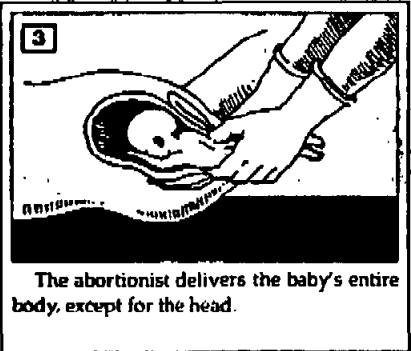
Elena - This appeared in Roll Call. It is not the same ad that was in CQ



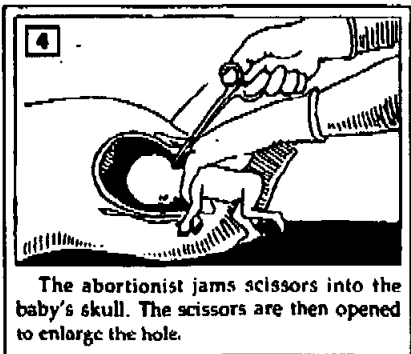
Guided by ultrasound, the abortionist grabs the baby's leg with forceps.



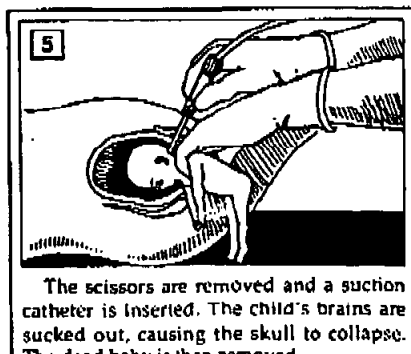
The baby's leg is pulled out into the birth canal.



The abortionist delivers the baby's entire body, except for the head.



The abortionist jams scissors into the baby's skull. The scissors are then opened to enlarge the hole.



The scissors are removed and a suction catheter is inserted. The child's brains are sucked out, causing the skull to collapse. The dead baby is then removed.

Partial-Birth Abortion

The House of Representatives will soon consider H.R. 1833, the Partial-Birth Abortion Ban Act. The drawings at the left, which have been validated as technically accurate by medical experts on both sides of the abortion issue, depict the partial-birth abortion procedure. This procedure is usually used after 20 weeks (4½ months) of pregnancy. At 4½ months, the baby—as shown in the drawings—is about 7 inches long. The procedure is sometimes performed as late as 40 weeks (9 months).

The procedure requires a physician to extract a fetus, feet first, from the womb and through the birth canal until all but its head is exposed. Then the tips of surgical scissors are thrust into the base of the fetus' skull, and a suction catheter is inserted through the opening and the brain is removed. (Los Angeles Times, June 16, 1995, report on House Judiciary hearing)

In 1992, Dr. Martin Haskell, who has performed over 1,000 partial-birth abortions, wrote a detailed technical paper explaining how to perform this procedure. Because of the ensuing controversy, Haskell was the subject of a tape-recorded interview with *American Medical News*, the official AMA newspaper, in which he said regarding this specific procedure:

"In my particular case, probably 20% are for genetic reasons. And the other 80% are purely elective." (American Medical News transcript of tape recording)

Registered nurse Brenda Pratt Shafer was "pro-choice" when she was assigned to work at Haskell's clinic. After witnessing close-up the partial-birth abortion procedure, she never went back. Here's how Nurse Shafer described the end of the life of one six-month-old "fetus":

"The baby's body was moving. His little fingers were clapping together. He was kicking his feet. All the while his little head was still stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. I almost threw up as I watched him do these things."

On September 23, 1995, the Council on Legislation of the American Medical Association voted unanimously to endorse H.R. 1833. (*Congress Daily*, Oct. 10, 1995)

Stand up for those who cannot defend themselves. Support the Partial-Birth Abortion Ban Act.

National Right to Life Committee, 419-7th Street, N.W., Suite 500, Washington, D.C. 20004. (202) 626-8820. Call for a complete packet of documentation.

event, he now is proposing a national health plan that would pay for all abortions -- a clear flip-flop.

Response: As a governor struggling with limited resources for health care, I did not favor using our state funds in Arkansas, under the Medicaid program, for abortions -- particularly given the controversy that surrounds this issue.

At the national level, however, I believe that a woman's right to choose must be protected -- and one component of that protection must be to allow for at least some federal funding of abortions. The Hyde Amendment, the current law that prohibits federally funded abortions even for rape and incest victims, goes too far, and I oppose it.

As for my national health care plan: it would be a comprehensive proposal to ensure health care for all Americans -- and I would not single out abortion as an exception. If we are going to move to a system where we take care of the health needs of all Americans -- as I believe we should -- I do not think that this one medical procedure should be excluded.

Attack: Bill Clinton is pro-abortion, favors abortion on demand, and supports abortion for sex selection.

Response: I am not pro-abortion -- I am pro-choice. I do not favor abortion on demand or abortion for sex selection, which I find repugnant.

But at the same time, I also find the issue of the government trying to determine a woman's motives for choosing an abortion a very, very dangerous one. The whole point of banning abortions for sex selection is to set up some government bureaucracy that's going to investigate women's motives for their decisions, ask them humiliating questions, and pry into their private lives.

George Bush wants to force women to explain to some government official why they are making this personal choice. I trust women to make the right choice with their families, ministers, priests and rabbis. That's the principal difference between the two of us.

Attack: Bill Clinton supports third-trimester abortions and wants to permit abortions right up to the last minute of pregnancy.

Response: This is a lie. I support the decision in Roe v. Wade and the Freedom of Choice Act, which basically allows women the right to choose up to the point of fetal viability -- and then allows states to limit abortions after that point. I signed a law in Arkansas prohibiting third-trimester abortions (with certain exceptions for women who are victims of rape and incest and where the mother's life or health is in danger).

1740 HY Survey excerpt
(answer on next page)

ABORTION

78. SHOULD ABORTION BE AVAILABLE IN THIS STATE; A. ONLY IN CASES WHERE THE MOTHER'S LIFE IS THREATENED? B. IN CASES OF INCEST, RAPE, OR THE MOTHER'S LIFE IS ENDANGERED?

79. WOULD YOU APPROVE A BILL THAT OUTLAWED ALL ABORTIONS? THAT OUTLAWED ABORTIONS EXCEPT IN CASES WHEN THE MOTHER'S LIFE IS IN DANGER? THAT OUTLAWED ABORTION EXCEPT IN CASES WHEN THE MOTHER'S LIFE IS IN DANGER, OR PREGNANCY RESULTED FROM INCEST OR RAPE?

80. ASSUME THAT A 13-YEAR-OLD GIRL IS PREGNANT, HER FATHER IS MISSING AND HER MOTHER CAN'T AFFORD TO FEED ANOTHER CHILD. SHOULD THIS GIRL BE ALLOWED TO GET AN ABORTION? WHY? WHY NOT? SHOULD THE STATE PAY FOR IT? WHY? WHY NOT?

81. A 35-YEAR-OLD MOTHER OF FIVE GETS PREGNANT. SHE AND HER HUSBAND HAD HOPED THEIR CHILD-RAISING YEARS WERE NEARLY BEHIND THEM. THEY CAN AFFORD THE SIXTH CHILD AND THERE'S NO EVIDENCE IT WILL SERIOUSLY ENDANGER HER LIFE. SHOULD SHE BE ALLOWED TO GET AN ABORTION? WHY? WHY NOT?

82. A 13-YEAR-OLD DAUGHTER TELLS HER FATHER TODAY THAT SHE'S PREGNANT. SHE WANTS AN ABORTION. HE REFUSES TO ALLOW IT. SHOULD SHE HAVE THE RIGHT TO DO SO ANYHOW? WHY? WHY NOT?

78-82. Under present Arkansas law, abortion is illegal when the unborn child can live outside its mother's womb. I support that. While I have also supported restrictions on public funding and a parental notification requirement for minors, I think the government should impose no further restrictions. Until the fetus can live outside the mother's womb, I believe the decision on abortion should be the woman's not the government's.

Giving Up My Baby

By Coreen Costello

THOSE who want Congress to ban a controversial late-term abortion technique might think I would be an ally. I was raised in a conservative, religious family. My parents are Rush Limbaugh fans. I'm a Republican who always believed that abortion was wrong.

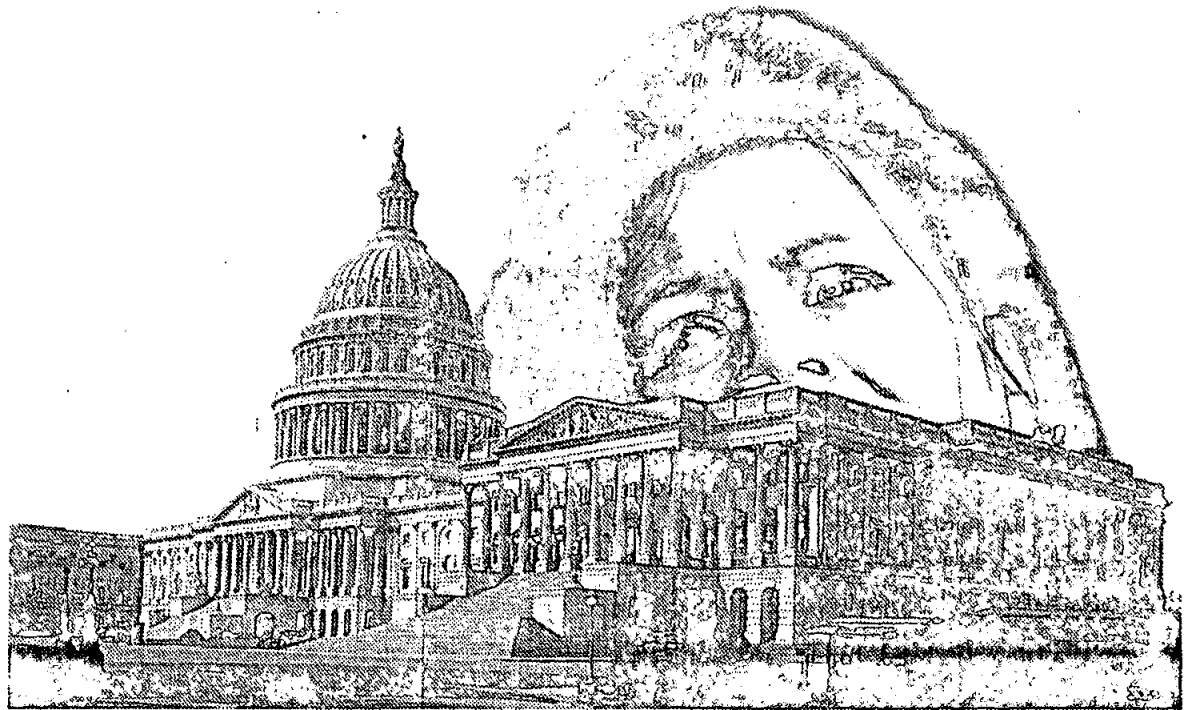
Then I had one.

It wasn't supposed to be that way. My little girl, Katherine Grace, was supposed to have been born in the summer. The births of my two other children had been easy, and my husband and I planned a home delivery.

But disaster struck in my seventh month. Ultrasound testing showed that something was terribly wrong with my baby. Because of a lethal neuromuscular disease, her body had stiffened up inside my uterus. She hadn't been able to move any part of her tiny self for at least two months. Her lungs had been unable to stretch to prepare them for air.

Our doctors told us that Katherine Grace could not survive, and that her condition made giving birth dangerous for me — possibly even life-threatening. Because she could not

Coreen Costello testified at the Senate Judiciary Committee's hearing on late-term abortions on Nov. 17.



Jerelle Kraus

absorb amniotic fluid, it had gathered in my uterus to such dangerous levels that I weighed as much as if I were at full term.

I carried my daughter for two more agonizing weeks. If I couldn't save her life, how could I spare her pain? How could I make her passing peaceful and dignified? At first I wanted the doctors to induce labor, but they told me that Katherine was wedged so tightly in my pelvis that there was a good chance my uterus would rupture. We talked about a Caesarean section. But they said that this, too, would have been too dangerous for me.

Finally we confronted the painful reality: our only real option was to terminate the pregnancy. Geneticists at Cedars-Sinai Medical Center in Los Angeles referred us to a doc-

When a late-term abortion is the only option.

tor who specialized in cases like ours. He knew how much pain we were going through, and said he would help us end Katherine's pain in the way that would be safest for me and allow me to have more children.

That's just what happened. For two days, my cervix was dilated until the doctor could bring Katherine out without injuring me. Her heart was barely beating. As I was placed un-

der anesthesia, it stopped. She simply went to sleep and did not wake up. The doctor then used a needle to remove fluid from the baby's head so she could fit through the cervix.

When it was over, they brought Katherine in to us. She was wrapped in a blanket. My husband and I held her and sobbed. She was absolutely beautiful. Giving her back was the hardest thing I've ever done.

After Katherine, I didn't think I would have more children. I couldn't imagine living with the worry for nine months, imagining all the things that could go wrong. But my doctor changed that. "You're a great mother," he told me. "If you want more kids, you should have them." I'm pregnant again, due in June.

I still have mixed feelings about abortion. But I have no mixed feelings about the bill, already passed by the House and being considered in the Senate, that would ban the surgical procedure I had, called intact dilation and evacuation. As I watched the Senate debate on C-Span this month, I was sick at heart. Senator after senator talked about the procedure I underwent as if they had seen one, and senator after senator got it wrong. Katherine was not cavalierly pulled halfway out and stabbed with scissors, as some senators described the process.

I had one of the safest, gentlest, most compassionate ways of ending a pregnancy that had no hope. I will probably never have to go through such an ordeal again. But other women, other families, will receive devastating news and have to make decisions like mine. Congress has no place in our tragedies. □

PHOTOCOPY
RESERVATION

Catholics demonstrate feelings on abortion bill

Vigil backs ban on partial-birth procedure

By Julia Duin
THE WASHINGTON TIMES

More than 500 rain-drenched Roman Catholics, including four bishops and cardinals, held a candlelight vigil last night in front of the White House to protest President Clinton's threatened veto of anti-abortion legislation.

"We're making one last plea to the president," Washington Cardinal James Hickey said between recitations of the rosary in the cold, driving rain. "All abortion is wrong and repugnant, but this is so clearly wrong and repugnant."

He was referring to abortions that would be outlawed by the Partial Birth Abortion Ban Act, which Congress passed last week. Mr. Clinton has said he will veto the measure, which has not formally arrived at the White House.

Partial-birth abortions involve a doctor delivering a fetus feet-first until just the head remains in the birth canal. The doctor then sucks out the brain with a catheter, causing the skull to collapse, and removes the body.

Others at the vigil included Boston Cardinal Bernard Law, Washington Auxiliary Bishop William Lori and Military Services Auxiliary Bishop John Glynn, as well as numerous priests and nuns.

"It's important to be here and be counted," said Alexandria resident Nancy Toni, who brought her two daughters.

"We feel very strongly about this," Silver Spring resident Mike Green said. "If my mom had had an abortion, I wouldn't be here; I was the eighth kid out of 12."

Earlier yesterday, the nation's most senior Catholic cardinal warned the president the veto could cost him re-election.

Cardinal Joseph Bernardin of Chicago, who oversees 2.3 million Catholics, about 40 percent of the 5.6 million inhabitants of Cook and Lake counties, faxed a letter to

the White House in the morning.

In the letter, the cardinal made it clear that Catholics in the Midwest, a decisive battleground for the election, will not take kindly to a veto.

"I find it incomprehensible that you would choose to ignore such an unusual consensus on abortion-related legislation," the cardinal wrote. "I do not find the reasons you have given for your veto to be convincing. There is no justification — medically, legally or morally — for allowing such an abhorrent procedure. . . ."

"I fear that you will send a very disturbing message to the people of this nation, one to which persons of goodwill must give serious consideration as they cast their ballots in November."

Presidential adviser George Stephanopoulos' office was flooded with calls criticizing the administration's stance yesterday. Calls were running at the rate of 30 a minute, forcing Mr. Stephanopoulos to temporarily adopt a new phone number, an aide said.

White House officials acknowledge the political perils of vetoing legislation that would ban the gruesome abortion technique in almost all cases, but they are counting on Catholics not to be single-issue voters. A quarter of the American electorate is Catholic.

"There are many issues on which we do agree with the Catholic Church," White House spokeswoman Mary Ellen Glynn said, including immigration, education, "the whole range of social-justice issues."

But to veto the legislation during Holy Week and Passover "is a true slap in the face to all those who believe in the sanctity of life," Cardinal Hickey said. The president is allowing "the strongly entrenched and well-financed campaign of Planned Parenthood" and other groups to negate the will of Congress, the cardinal said.

• Warren Strobel contributed to this report.

Gingrich contends ethics panel mistook volunteer's role on Hill

ROSWELL, Ga. (AP) — House Speaker Newt Gingrich said yesterday the House ethics committee wrongly criticized him for allowing a Wisconsin businessman, an unpaid adviser, to use the speaker's congressional office.

The volunteer, Donald Jones, spent almost all his time working on a reading program for children, not on telecommunications legislation as Mr. Jones told friends, the Georgia Republican said.

"He exaggerated his own advice," Mr. Gingrich said. They did have conversations, the speaker said, but "mostly we talked about ethics."

The panel, formally known as the Committee on Standards of Official Conduct, last week cited Mr. Gingrich for letting Mr. Jones work without pay in his office last year while trying to influence the telecommunications bill then under consideration. The panel said Mr. Gingrich failed to comply with rules governing volunteers but no further action would be taken.

Mr. Gingrich said that while Mr. Jones wrote to friends that he got regular briefings on telecommunications legisla-

tion, he actually was working on the speaker's Earning by Learning program, in which children are paid to read books.

The speaker called Mr. Jones a man of integrity, "who was willing to take his own time to work with poor children," and accused Democrats of targeting him for political reasons.

The Washington Times

TUESDAY, APRIL 2, 1996

D'Amato poses transfer of probe to banking panel

Raps Democrats on Whitewater

By Jerry Seper
THE WASHINGTON TIMES

Stalled negotiations over how long hearings will continue may force the chairman of the special Senate Whitewater committee to turn over the investigation to the Senate banking committee, which he also heads.

"This is obvious political maneuvering and stonewalling by the Democrats," said Sen. Alfonse M. D'Amato, New York Republican and Whitewater committee chairman. "Unless we can resolve this matter quickly after the Senate returns, we will be prepared to move forward under the jurisdiction of the Senate banking committee. We may have no other alternative."

The Senate is in Easter recess and will return April 15.

Mr. D'Amato and Senate Minority Leader Tom Daschle of South Dakota have been negotiating without success a resumption of the Whitewater hearings since Feb. 29, when a 1995 bipartisan Senate resolution creating the Whitewater committee expired.

Republicans, who initially wanted the hearings extended indefinitely, have offered to end the inquiry by June 7, with a written report completed by June 10. They failed in five votes on the Senate floor to end a Democratic filibuster on a resolution to extend the hearings. Republicans, who control the Senate 53-47, were unable to muster the 60 votes needed to cut off floor debate.

Mr. D'Amato has said an extension was necessary because of the White House's "stonewalling" on the release of subpoenaed records and the unavailability of several key witnesses. He said administration officials and congressional Democrats had orchestrated a partisan effort to "stop the committee from doing its work."

Democrats have charged that the hearings are politically moti-

vated and that Mr. D'Amato, a chairman of Senate Majority Leader Bob Dole's presidential campaign, wants only to embarrass President Clinton and first lady Hillary Rodham Clinton.

Mr. Daschle proposed allocating \$185,000 to continue the hearings for five weeks. A resolution on the floor calls for \$600,000 to extend the hearings indefinitely, although Mr. D'Amato has since said he would limit the hearings.

In a statement, Mr. D'Amato said committee Republicans had made "every good faith effort to resolve the impasse" and that an agreement would have allowed the committee to use the two-week Easter recess to prepare for public hearings beginning April 16. He described the impasse as "unfortunate."

"I am saddened and disappointed that the Democrats have deprived the special committee of these two weeks to properly prepare for the resumption of public hearings," he said. "I believe we will now need additional time, at a minimum two weeks."

Mr. D'Amato said if the impasse cannot be resolved quickly, he was prepared to turn the matter over to the Senate banking committee.

"This will be a great strain on the banking committee members and staff," Mr. D'Amato said. "Senate rules make it extremely difficult to conduct the committee's regular business and the Whitewater investigation."

"It will mean early morning and late evening committee sessions, but I am determined to gather the facts about Whitewater and to continue to do so in a fair and thorough manner," he said.

Mr. D'Amato has said that moving the Whitewater inquiry to the banking committee would eliminate any restrictions on the content of the probe, which has been limited to certain topics.

\$9 million in 6 months for independent probes

By Michael Hedges
SCRIPPS HOWARD NEWS SERVICE

The squad of independent counsels probing everything from Whitewater to Clinton Cabinet members to Iran-Contra spent more than \$9 million in six months during 1995.

The biggest spender among eight independent counsels with the meter running was Kenneth W. Starr, who is investigating matters related to President and Mrs. Clinton's Whitewater land deal, according to an audit by the General Accounting Office.

Mr. Starr listed \$2,730,847 in direct expenses — pay for staff prosecutors, travel, rent, telephones and so on — between March and September 1995.

His investigation also accumulated \$2,135,000 in indirect costs, which include the salaries of FBI and IRS agents assigned to Mr. Starr but paid by their parent agencies.

The least expensive to taxpayers of the independent counsels filing expense reports for the period is also by far the longest running, as well as most expensive overall — the Iran-Contra probe by Lawrence Walsh.

Almost a decade after Mr. Walsh was appointed in December 1986, he was still charging \$39,093 for his investigation. Most of that money was unemployment costs for former employees.

It was the Walsh investigation, which cost an estimated \$40 million in direct expenditures, that led to the twice-yearly audits of independent counsels ordered by Congress two years ago.

The independent counsel statute, a byproduct of Watergate, was designed in 1978 to set up an office for handling investigations of high-ranking members of the executive branch of government.

In theory, an outside prosecutor would avoid conflicts of interest, or appearances of conflicts, that

could bedevil the Justice Department.

Some Republicans, stung by the Walsh probe and others, tried to kill the independent counsel statute in the early 1990s, but a Democratic-controlled Congress voted an extension of the law in 1994. It will expire again in June 1999.

In recent years, Democrats have been challenging the law in the wake of several probes launched against Clinton administration officials.

Two present Cabinet members — Secretary of Housing and Urban Development Henry Cisneros and Secretary of Commerce Ron Brown — are under investigation by independent counsels, as is former Secretary of Agriculture Mike Espy.

Between March and September 1995, those investigations cost as follows:

• Donald Smaltz, investigating alleged bribes of Mr. Espy, spent

\$1,505,935 directly and \$451,000 indirectly.

• Daniel Pearson, probing charges of business improprieties by Mr. Brown, logged \$80,551 in direct costs and \$81,000 in indirect expenses.

• David Barrett, looking into whether Mr. Cisneros lied to the FBI about payments to a former mistress, showed expenses of \$150,752 directly and \$67,000 indirectly.

Three other special prosecutors incurred expenses.

• Joseph DiGenova's probe into alleged tampering with Mr. Clinton's passport file spent \$227,576.

• The investigation begun by Arlin Adams into Reagan-era HUD programs, which was taken over by Larry Thompson, logged expenditures of \$1,248,452 with indirect costs of \$67,000.

• And while Mr. Starr has taken over the Whitewater probe, his predecessor, Robert Fiske Jr., still incurred costs in 1995 of \$117,282.

Congress Plays Doctor

By Allan Rosenfield

When the House took the unprecedented step last week of passing a bill that would outlaw a specific and safe surgical procedure, the so-called partial birth abortion, it set a dangerous precedent by inappropriately intruding into the clinical practice of medicine.

Medical decisions should be based on scientific evidence gleaned from laboratory and clinical evaluation. Procedures should be judged on safety, effectiveness, availability and affordability. Such decisions should not fall within the purview of ideology and politics.

In considering abortion, doctors examine the best data available, consider the patient's specific medical circumstances and, in consultation with the fully informed patient, decide on the best procedure. In declaring illegal the so-called partial birth abortion procedure, the House and Senate trampled on these criteria.

Indeed, the bill demonstrates why Congress should never supersede professional medical judgment. As the

Allan Rosenfield is dean of the Columbia School of Public Health and a professor of public health and obstetrics and gynecology there. He is former chairman of the Planned Parenthood Federation of America.

American College of Obstetricians and Gynecologists, which fought this bill, points out, partial birth abortion is not found in any medical dictionary; foes of abortion coined the term.

The procedure, known medically as dilatation and extraction, is a variant of dilatation and evacuation, the most common abortion method in the second trimester. Dilatation and extraction, rarely performed, is generally limited to pregnancies that are in the 20th to 24th weeks; very few are performed afterward. Dilatation and

Women who need late-term abortions could suffer.

evacuation is the preferred method because medical data indicate that it has the lowest complication rate of any method usable in the second trimester. In any case, fewer than 1.5 percent of all abortions take place after 20 weeks; most are done within 12 weeks.

The anguished decision to use dilatation and extraction is usually reached when a woman's life or health would be jeopardized if the pregnancy is continued or if there is a fetal abnormality incompatible with life. These abnormalities can be horrific — for example, a fetus with no brain or with the brain outside the skull.

Although proponents of the legislation described the procedure in luridly graphic terms, the bill is vague in defining a partial birth abortion. The language is so imprecise that many D and E's, as doctors call them, could arguably meet the definition. This could force the small pool of physicians who perform second-trimester abortions to use techniques that are less safe for fear of prosecution.

It is unconscionable for Congress to force a physician to potentially jeopardize a patient's health and ignore his or her best medical judgment. A woman in tragic circumstances should have the right to make her own decision, in consultation with her physician — not her legislator.

What legislatures and courts can decide is whether a class of practices should be lawful. Thus, in *Roe v. Wade* and later decisions the Supreme Court established the legality of abortion. To protect Americans from unethical research, Congress has required the establishment of review boards and informed consent. And while Congress requires consent before sterilization for Medicaid patients, it does not ban or mandate a specific procedure.

No issue is more controversial than abortion. But since abortion is legal, perhaps we can at least agree that members of Congress are simply not equipped to make pronouncements about surgical procedures. Wisely, President Clinton has promised to veto the bill. □

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In America

BOB HERBERT

Horror Threshold

City officials continue to argue that it somehow makes sense — is somehow in the best interests of the children — to develop a plan to return three boys to their parents, even though they were savagely abused, and their brother was killed, at the hands of those parents.

Adam Mann, 5 years old, was beaten to death in 1990. His father, Rufus Chisolm, and his mother, Michelle Mann, both went to prison. The torment they inflicted on their children was detailed in a celebrated "Frontline" documentary called "Who Killed Adam Mann?"

Adam's brothers were regularly whipped, burned and beaten. The litany of their injuries included a broken leg, broken wrist, broken finger, fractured skull, perforated intestine, liver damage, severe lacerations and bruises.

Adam had his teeth knocked out, suffered numerous broken bones, and endured rectal abuse. At one point, in the attack that eventually killed him, he was hung from a coat hook and beaten.

After Adam was killed, his three brothers and an infant sister were removed from the parents' custody. That would seem to have been an easy call. Take the children away and never send them back. Period.

So the plan, for a while, was to try to have the youngsters adopted.

Enter Terry Weiss, an assistant deputy commissioner in the city's child welfare agency. In June 1994, Ms. Weiss changed the plan. She decided that the long-term goal should be to return the boys to their parents. (Adoption proceedings are under way for the girl, who is now 6.)

The question arises: How many of their children's bones do parents have to break, and how many children do they have to kill, before a decision is made by the authorities that they are no longer eligible for custody?

Obviously, in the view of certain key child welfare officials, Rufus Chisolm (who is still in prison) and Michelle Mann (who was released in 1994) have not achieved the necessary threshold of horror that would bar them from further considerations of custody. Perhaps if they kill one more child.

In a deposition taken last January, Ms. Weiss acknowledged that the boys were experiencing severe problems. She was asked, "In your view, did their serious emotional and psychological problems weigh in favor of changing the plan to return to

parent, or weigh in favor of maintaining the goal of adoption?"

She replied, "In forming my opinion, it weighed in favor of changing the goal to return to parent."

Marcia Robinson Lowry is the director of the advocacy group Children's Rights Inc. She has filed a multimillion-dollar lawsuit that accuses the city of repeatedly failing to properly investigate credible charges of child abuse, and of failing to properly manage the cases of children placed in its care.

The Mann case is exhibit No. 1.

Ms. Lowry believes that the level of incompetence is so great, and is causing so much harm, that the entire child welfare operation should be taken over by a court-appointed receiver. To that end, Children's Rights has filed a separate proceeding in Federal court.

"The city," said Ms. Lowry, "cannot be trusted to protect children anymore."

Ms. Lowry said one of her goals in seeking damages on behalf of the Mann youngsters and others is to demonstrate to city officials "that there are consequences for ignoring these children and failing to act re-

Why isn't the city on the side of kids?

sponsibly, and that the consequence to the city is harsh."

The Mann case was exceptional, she said, only because the abuse was so extreme. She said, "Except for the horrible circumstance under which these kids came in, this kind of lack of planning, and totally unrealistic goal, is very typical of how they treat all kids."

On Friday afternoon, Nicholas Scoppetta, the head of the city's Administration for Children's Services, said he had asked for "all the records" and would personally review the Adam Mann case and its aftermath.

Mr. Scoppetta, appointed earlier this year by Mayor Rudolph Giuliani, is supposed to bring a semblance of sanity to the lunacy that passes for child protection in New York. The bulging, stomach-turning files on Adam Mann and his brothers should give him a pretty good idea of how much work he has to do. □

Abroad at Home

ANTHONY LEWIS

Smears And Facts

BOSTON

On Whitewater, it is time to follow Al Smith's advice: "Let's look at the record." For there is a record, the reports of a detailed and dispassionate investigation. And practically no one has read those reports.

The investigation was ordered by the Resolution Trust Corporation, the Government body for failed savings and loans, and done by the respected San Francisco law firm of Pillsbury Madison & Sutro. Several volumes were published in 1995, the last on Dec. 28. After billing records turned up in the White House, the investigation resumed; a further 164-page report was submitted on Feb. 25.

The reports examine charges against President and Mrs. Clinton in exhaustive detail — and find one charge after another to be without substance.

On the suggestion that the Clintons bore some legal responsibility for wrongdoing by the Whitewater developer, James McDougal:

"There is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others. . . ."

Pillsbury report, a voice of reason on Whitewater.

"There are legal theories by which one can become liable for the conduct of others — e.g., conspiracy and aiding and abetting. On this evidentiary record, however, these theories have no application to the Clintons."

On criticism of the fact that Madison Guaranty, the savings and loan owned by Mr. McDougal, retained the Rose Law Firm of Little Rock, Ark., in which Mrs. Clinton was a partner:

"A trier of fact is highly unlikely to find that there was anything untoward, let alone fraudulent or intentionally wrongful, in the circumstances of the Rose Law Firm's retention."

On the charge that a \$2,000 monthly retainer Madison paid to the Rose firm really went to the Clintons:

"The suggestion that the retainer was some sort of gratuity, or was handled improperly, lacks foundation." In fact, the investigation found, the Rose firm deposited it in a trust account and returned the balance to Mr. McDougal after billed fees were deducted from it.

"There is no evidence that the Clintons ever received anything like \$2,000 a month from this engagement, and every reason to believe that they never received more than a trivial sum. . . . Mrs. Clinton's share [after division by the firm] would have been less than \$20 a month."

On the claim that the Rose Law Firm conspired with Mr. McDougal in wrongdoing over Castle Grande, a development for mobile homes:

"The conspiracy theory is hopelessly flawed. The Independent Counsel has alleged a different conspiracy [involving Jim Guy Tucker, now being tried]. It strains common sense to place a second set of conspirators on the same property — a set . . . that was not cut in on the deal, a set whose senior members stood to gain something on the order of \$20 a month."

On the charge that the Rose firm and Mrs. Clinton wrongly discarded files on Castle Grande:

"New evidence shows that the Castle Grande files were discarded in 1988, long before Whitewater in any form became an issue. . . . There is no evidence that Mrs. Clinton knew anyone might need the files."

Those and many other findings are each backed by a painstaking statement and analysis of the evidence. Reading the reports, one is struck by the triviality of the long-ago events at issue — and by the detachment and clarity with which they are examined.

It is a different world from the conspiracy theories and smears of Senator Alfonse D'Amato and his Whitewater committee hearings. Which is no doubt why Republicans have done their best to see that the Pillsbury reports get no attention. Though they were transmitted to the committee, they have not been published in the usual pamphlet form. The last, of Feb. 25, has not been released by the D'Amato committee at all but was made available by a House Democrat, Henry Gonzalez.

The press, too, has a responsibility for the fact that hardly anyone knows about the findings of the Pillsbury investigation. Newspapers have paid scant attention to the reports. It is as if they had an investment in the existence of a scandal.

It is time for the press to apply to the Whitewater charges the journalistic principles of skepticism and fairness. A good way to begin is to look at the findings of the Pillsbury investigation. □

Fetal pain in late abortions creates anger on House panel

By Julia Duin
THE WASHINGTON TIMES

A congressional hearing on the effects of anesthesia on a "partial-birth" abortion turned into a shouting match yesterday between Rep. Patricia Schroeder and other subcommittee members.

Four anesthesiologists provoked heated argument on whether a fetus feels pain during such an abortion. Pro-choice forces say the fetus feels no pain in the late-term procedure, in which its skull is penetrated and its brain is sucked out.

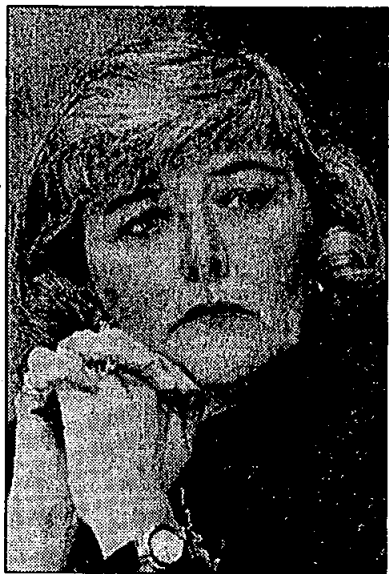
All four said the fetus does feel pain. This is a key point in the Partial Birth Abortion Act, which will be voted on next week in the House. The act would criminalize such abortions.

Despite an amendment providing an exemption if the mother's life is at stake, President Clinton has indicated he will veto the bill.

Emory University's Dr. Jean Wright provoked the greatest outburst when she said fetuses feel more pain than infants and adults because the fetus begins to develop pain fibers in its seventh week and has complete sensation by 20 weeks.

"Just because we can't hear the cry doesn't mean it's not there," she said. "If this procedure was done on any animal, it'd never pass review in my institution."

Mrs. Schroeder, Colorado Democrat, asked the panelists if one method of late-term abortion is less painful than another. They said they are not experts on various kinds of abortions, at which point Mrs. Schroeder said there



Rep. Patricia Schroeder

are many kinds of pain, including the pain of childbirth.

In response, Rep. Henry J. Hyde, Illinois Republican, began detailing various types of abortions, and Rep. Bob Inglis, South Carolina Republican, grilled Mrs. Schroeder on whether being aborted is painful.

"I've not seen the medical studies," she began. He interrupted by saying that although she acknowledged pain in other medical procedures, she balked at abortion.

"Your ideology stopped you. It gripped you there!" he said.

"This is a witch hunt!" she said. "This is a difficult medical choice between the health of the mother and the fetus."

The anesthesiologists casti-

gated the media and pro-choice spokesmen for misrepresenting the effects of anesthesia on pregnant women and fetuses.

Dr. David Birnbach, director of obstetric anesthesiology for St. Luke's-Roosevelt Hospital Center at Columbia University, said he contacted the St. Louis Post-Dispatch to demand a retraction after the newspaper said the fetus dies from anesthesia before the operation begins.

"They told me this was a fact received from Mary Campbell" of Planned Parenthood, he said. "I told [the reporter] there was no factual basis from what she had on that fact sheet."

Rep. Charles T. Canady, who heads the House Judiciary subcommittee that held yesterday's hearing, criticized Kate Michelman, president of the National Abortion and Reproductive Rights Action League, for spreading an "anesthesia myth." Miss Michelman turned down a chance to testify yesterday.

"Abortion advocates have repeatedly denied or misrepresented the facts on partial-birth abortion," said Mr. Canady, Florida Republican. "The creation of this anesthesia myth is unconscionable. It could cause women who are pregnant to refuse anesthesia for needed medical treatment because they fear it will harm or kill their unborn child."

Many fetuses do not feel the effects of local anesthesia because it is not necessarily carried through the placenta. Sometimes the mother's liver metabolizes it first, panelists said.

House committee passes Taxpayer Bill of Rights

From combined dispatches

The House Ways and Means Committee yesterday passed legislation known as the Taxpayer Bill of Rights, designed to enhance protections provided to taxpayers who find themselves at odds with the nation's tax collection agency.

"For taxpayers involved in disputes with the IRS, it's too often a David vs. Goliath fight that leaves David the taxpayer without a slingshot," said Rep. Bill Archer, Texas Republican, the committee chairman.

The legislation, he said, "fairly and properly maintains a balance between the government's need to collect revenue and the taxpayer's right to fair treatment."

Under the bill's terms, taxpayers who are victimized by reckless IRS collection actions would be allowed to sue for up to \$1 million — 10 times the current \$100,000 cap.

While the legislation would raise from \$75 to \$110 the hourly rate of attorney fees eligible for reimbursement when taxpayers win such suits, it would be easier for taxpayers to be reimbursed for legal fees.

The bill also would extend from 10 to 21 days the amount of time a taxpayer is allowed to make delinquent payments without being subject to an interest penalty. Interest charges would be dismissed

if the delay was generated by IRS mistakes.

In addition, the bill would enhance protections afforded divorced filers and authorizes the Internal Revenue Service to withdraw liens "when it is in the best interest of the taxpayer and the government."

And an amendment by Rep. Nancy L. Johnson, Connecticut Republican, would permit taxpayers to use private delivery services, in addition to the U.S. Postal Service, to deliver tax returns and other documents to the IRS.

Full House action on the proposal is expected around April 15 — the day tax filings are due.

The bill is part of a House Ways and Means Committee initiative, expected to take the rest of the year, to review the federal tax code with an eye toward simplifying the system.

"It is time to scrap our current tax code," said Rep. Rob Portman, Ohio Republican, a committee member. "At about this time of year we are all dreading the paperwork and hassles involved with preparing our federal taxes — and for good reason. Billions of dollars and man-hours are consumed annually in efforts to conform to this convoluted maze of regulations."

Dole backs off setting vote on assault arms ban repeal

By Laurie Kellman
THE WASHINGTON TIMES

Senate Majority Leader Bob Dole yesterday backed off his previous support of a vote on a bill to repeal the assault weapons ban, as House Republicans prepared a floor vote on the measure today.

"I haven't considered it, it's not a priority," Mr. Dole, the presumptive GOP front-runner, told reporters. He refused to say whether he supports the repeal.

His stance contradicts a letter he wrote a year ago. It is likely to be a campaign issue at a time when Mr. Dole's loyalty to conservative causes has been questioned by the House GOP freshmen who forced the matter to the floor of their chamber.

In a later statement, the Kansas Republican left open the possibility of a Senate vote but declared the bill dead in that chamber.

"I am not optimistic that there is sufficient support in the Senate to pass the repeal," Mr. Dole said. "After the House vote tomorrow, I will confer with my colleagues on the best course of action."

A spokesman for House Majority Whip Tom DeLay of Texas said no vote count had been conducted.

Like everything that happens in Congress from now on, the issue carries overtones of the presidential and congressional campaigns.

"I am hopeful that we will work closely with him in the weeks and months ahead," said National Rifle Association Executive Director Tanya Metaksa, who for the time being gave Mr. Dole the benefit of the doubt. "After all, politically speaking, we are not supporting Mr. Clinton."

House GOP leaders and the Republican sponsor, Rep. Bob Barr of Georgia, said bringing the matter to a vote fulfills the party's 1994 campaign promise.

Overtaking that ban has been the NRA's top legislative priority, and Mr. Barr, chair-

man of the House Firearms Legislation Task Force, said, "I'm confident that it will pass."

"This is an issue where people's minds are not going to change," he said.

"Now's as good a time as any," said Rep. Mark E. Souder, Indiana Republican.

At the weekly House GOP conference meeting Wednesday, several Republicans introduced a measure to delay the vote but failed to get the two-thirds majority of the conference to agree, according to several House sources who attended.

"To bring this issue up now is ludicrous," said Rep. Peter G. Torkildsen, Massachusetts Republican, who voted for the ban in 1994. "Congress needs to focus on balancing the budget and passing real welfare reform."

The Clinton administration, meanwhile, condemned what Rep. Charles E. Schumer, New York Democrat, termed the GOP's "sneak attack."

"I believe Congress should reject this extreme step. We ought to keep the assault weapon ban. And I would like to call upon the Republican leadership in the Congress to bring this to a vote," Mr. Clinton said.

Attorney General Janet Reno said the ban has worked.

"It is unconscionable to think that special interests in Congress should or could roll it back now," she said.

"[Assault weapons] are used on schoolyards, at airports, in bank lobbies, on trains, in traffic and in front of the White House," Miss Reno added. "They have no legitimate sporting purpose, and you won't find them in a duck blind or at the Olympics."

A year ago, Mr. Dole sent Mrs. Metaksa a letter saying he "hoped to have a bill [repealing the ban] on President Clinton's desk by this summer."

He called the repeal "one of my legislative priorities."

• Jerry Seper contributed to this article.

Gingrich wants IRS staffers put to work on drugs, aliens

ASSOCIATED PRESS

Republicans want to transfer one-fifth of the Internal Revenue Service work force to the FBI and federal drug and border police, House Speaker Newt Gingrich said yesterday.

"We can't stop illegal immigration, we can't stop illegal drugs but we can audit every one of you," Mr. Gingrich said in decrying what he views as a failed federal government and overstuffed IRS.

He noted the IRS has 111,000 employees; the FBI, 24,000; the Drug Enforcement Administration, 6,700; and the Border Patrol, 5,800. His solution to the drug, immigration and crime problems: move 25,000 workers from the IRS into the police agencies.

"None of our problems are insoluble if we are willing to be tough-minded," the Georgia Republican told the National Newspaper Association.

Mr. Gingrich predicted this year's elections will rival those of 1896 and 1932 "as a decision point where the country had a dialogue with itself." He accused President Clinton of abandoning the war against drugs and of appointing judges who are pro-criminal.

He reserved his sharpest jabs for organized labor, saying the most stunning activity he has seen this year is the pledge by the AFL-CIO "to buy the House of Repre-

sentatives" — \$500,000 on each of 75 targeted seats.

That is unprecedented, Mr. Gingrich said, adding that as many as 40 percent of union members vote Republican. The AFL-CIO campaign, he added, means those workers will be coerced into paying support to candidates they oppose.

Answering questions from the newspaper people, Mr. Gingrich said Republicans will need to regain the presidency and pick up seven Senate seats in order to "gain control of the bureaucratic agencies."

"It's going to be a very clear choice this fall, and the system will work once the country decides," he said. He predicted voters will reject a government stalemate.

Clinton backs 'partial-birth' abortion

Senate likely to uphold veto of bill this year

By Paul Bedard
THE WASHINGTON TIMES

President Clinton yesterday seemingly supported both sides in the abortion debate but ensured that "partial-birth" abortion, a late-term procedure that Congress has sought to ban, will remain available as a form of birth control.

In a letter to Congress, Mr. Clinton said that, while he generally opposes late-term abortions, they should remain an option in cases when the mother's health is threatened or to "avert serious adverse health consequences to the woman."

That language, said pro-life advocates, is a "legal term of art" to include any health issue raised by the mother, including depression or fear of having a child.

But since pro-lifers do not have a veto-proof majority in the Senate, which has approved tough anti-abortion language, Mr. Clinton's promised veto of the partial-birth abortion bill pending before Congress likely will be upheld.

"The president will succeed this year in keeping partial-birth abortion entirely unrestricted," said Douglas Johnson of the National Right to Life Committee.

Abortion has been a key issue in the Republican presidential primaries, pitting avid pro-lifers such as Pat Buchanan against candidates such as Steve Forbes, who has essentially adopted Mr. Clinton's position.

In his letter, Mr. Clinton restated his position that "I strongly believe that legal abortions — those abortions that the Supreme Court ruled in *Roe vs. Wade* must be protected — should be safe and rare."

He explained, however, that he has "long opposed late-term abortions except, as the law requires, where they are necessary to protect the life of the mother or where there is a threat to her health."

Mr. Clinton said that the partial-birth abortion bill before Congress is too restrictive and that he would



Photo by Cathleen Curtiss/The Washington Times

President Clinton meets with the emir of Kuwait, Sheik Jaber Ahmad Sabah, yesterday in the Oval Office.

veto it unless a compromise is struck to ease Senate-approved restrictions.

The House and the Senate have passed separate measures that would restrict the late-term procedure, with the Senate approving the more restrictive language. A conference committee to reconcile the two bills has not yet convened.

However, language proposed as an alternative has been rejected in the House and was defeated 51-47 in the Senate, where Sen. Barbara Boxer, California Democrat, championed the Clinton plan. Sixty Senate votes are needed to override a veto.

Explaining his compromise, Mr. Clinton wrote: "I am prepared to support H.R. 1833 ... if it is amended to make clear that the prohibition of this procedure does not apply to situations in which the selection of the procedure, in the medical judgment of the attending physician, is necessary to preserve the life of the woman or avert serious adverse health consequences to the woman."

Rep. Charles T. Canady, Florida Republican and author of H.R. 1833, said, however, the House will

not change the bill and will approve the Senate restrictions, forcing a veto.

"President Clinton is between a rock and a hard place. He does not want to veto a bill supported by 71 percent of the public, but hard-line abortion advocates will not allow him to sign the Partial Birth Abortion Act," Mr. Canady said.

"In an attempt to avert serious adverse political consequences, President Clinton is trying to deceive the American people: He claims he supports banning this disturbing procedure, but in reality his proposed amendment would gut H.R. 1833, making it meaningless," he added.

Partial-birth abortion is a gruesome procedure that is even opposed by many who support *Roe vs. Wade*, the 1973 Supreme Court decision legalizing abortion.

In the procedure, which commonly takes place after the fetus is about 6 months old, the fetus' feet and torso are delivered vaginally, while its head remains in the birth canal.

The abortionist then stabs the base of the fetus' skull with scissors and inserts a catheter into the opening. The catheter is used to

suck out brain matter, which kills the fetus and allows the skull to collapse for easier delivery.

Abortion leaders hailed Mr. Clinton's compromise and veto threat.

Kate Michelman, president of the National Abortion and Reproductive Rights League, said the president's position is "an important stand to take, and not an easy one."

"I think the president, in the letter, has reaffirmed his commitment to the constitutional right of women to make reproductive choices," she added.

Mr. Johnson of the National Right to Life Committee said: "The president, for political reasons, is trying to convey the impression that he favors limits, but the legal effect of his position would be to continue the status quo."

"The health clause that President Clinton seeks to include is so broadly defined in U.S. law that it would make all partial-birth abortions acceptable, including the 80 percent of partial-birth abortions that are performed for purely elective reasons," said Gracie Hsu of the Family Research Council.

A mole in 'the hole': Ames' solitary lament

In letter, spy complains of persecution

By Bill Gertz
THE WASHINGTON TIMES

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Two years after his arrest in the CIA's worst spying scandal, KGB mole Aldrich Hazen Ames is struggling with life alone in "the hole" — a small isolation cell in a high-security prison.

"Time seems to flow by for me here in contradictory ways," Ames, a career CIA officer now known as No. 40087-083, says in a letter addressed to "family and friends."

"Doing one's time without the expectation of release can turn into a mental and emotional self-imprisonment as brutal and deforming as the external realities of prison," he says.

"The real pain and humiliation comes from the helplessness and frustration felt as one is entirely dependent upon a distrustful, usually impersonal, careless and often hostile authority."

A copy of the eight-page letter, dated Jan. 3, was obtained by The Washington Times.

In it, Ames makes no reference to his nine years as a KGB spy and the \$2.5 million he was paid for passing CIA secrets to Moscow, though he apologizes for not writing about "the most painful and regretful events and feelings which brought this catastrophe about."

Fighting boredom and isolation, Ames reports he is struggling to "keep hope alive" for a possible release from the federal prison at Allenwood, Pa.

He has been in Allenwood's "jail" since August 1994. "The jail is termed the special housing unit but is universally known as the 'hole,'" he writes.

Still, observers note that Ames is far better off than the 10 recruited agents he betrayed to the KGB in 1985 for \$50,000. A CIA report last year said the 10, described as the agency's "most valuable assets," were executed for working covertly for the CIA and FBI.

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AMES

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"As far as I'm concerned, he got less than he deserves," said Richard Stolz, a former CIA operations chief, expressing the view of many former CIA officers toward Ames.

Another former CIA officer said: "In our day, we would have sat him down, learned everything he knew, then quietly arranged his death."

Ames pleaded guilty to spying in April 1994 and was sentenced to life in prison as part of a plea bargain. His wife, Rosario Ames, received a five-year prison term as an accomplice.

Plato Cacheris, Ames' attorney, verified the letter as genuine. "The letter was intended to be confidential to his family and friends," Mr. Cacheris said.

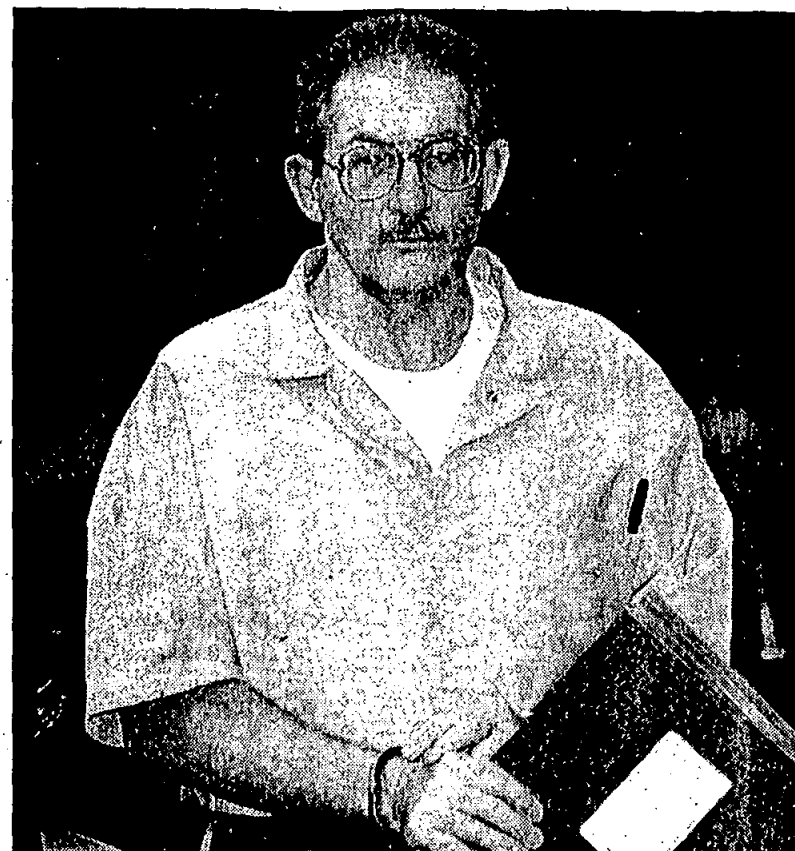
Since his arrival in prison, Ames has occupied a 9-by-12-foot isolation cell equipped with a stainless-steel shower, sink and toilet, a double bunk and a small desk. About 900 prisoners live in the facility, specially designed for dangerous inmates.

Shackled in chains during brief walks to an exercise yard he describes as a chain-link "dog run," Ames says he spends each day with "work," not otherwise described, and reading newspapers, magazines and books.

He wears bright-orange prison garb, which he says adds "a touch of humiliation to the regime."

Prison food is ample, "heavy on bread, rice, beans and potatoes, and accompanied by that favorite of the Bureau of Prisons and its prisoners, heavily sweetened Kool-Aid," Ames writes.

Ames devotes much of the letter to explaining his legal battle with



Aldrich Ames has been in a federal prison in Pennsylvania since 1994. AP

authorities over the conditions of his incarceration. He calls himself a political prisoner of the CIA.

He claims the CIA wants him to forfeit all of his legal rights in exchange for release from solitary confinement to the Allenwood prison's general population.

"Why am I in the hole, why is the CIA reading... our mail, deciding who can visit me and under what conditions, etc., etc.?" he asks.

"I've been told a dozen self-contradictory, evasive and false reasons, ranging from the absurdly serious, like being an escape

risk, to the absurdly trivial — being in the hole is to prevent me from misusing the inmate telephone system to call the Russians or The Washington Post."

Ames has asked prison authorities to provide him with a laptop computer, but he says that "reasonable" request has not been granted.

Ames also writes about his collaboration with Pete Earley, whose book on the spy is due this fall. Ames dismisses four other books already written about him as "sketchy, inaccurate, and pros-

ecutorial."

"I'm glad I chose Pete," he says, adding that "the Russians have helped him a great deal" in writing the book. The CIA is also helping the author, Ames adds.

Ames also reveals he was not happy with two television interviews he did last year, one for CNN and another for BBC. He was pleased, however, with the interview he gave to David Corn for the leftist Nation magazine.

Several television networks making documentaries about the Cold War are seeking to interview the CIA turncoat, including Germany's ZDF television, the BBC and the Discovery Channel.

"It'll be interesting to see how many of these the CIA will permit or what conditions it will impose," he says. "I know that it's this which is keeping me in the hold here, of course, and I ought to just shut up."

Ames receives the International Herald Tribune irregularly but gets daily copies of USA Today, which he calls "a better newspaper than I'd been led to believe," along with several magazines he subscribes to and books supplied to him by a relative.

The spotty Tribune delivery leaves Ames to conclude "the CIA may suspect the Russians of inserting secret messages to me among the escort service and get-rich-quick classified."

His Sony Walkman radio has poor reception in the cell, and the stations near the prison don't broadcast news or music he likes. Ames notes, however, that the prison staff "dote on Rush [Limbaugh] and G. Gordon Liddy."

Daily routine consists of breakfast between 6 a.m. and 7 a.m., then study, work, and reading until lunch. "A little more work, then I shift to reading til dinner between 4 and 5," he notes. "I usually go to sleep about midnight."

The Washington Times

THURSDAY, FEBRUARY 29, 1996

Clinton Seeks to Loosen Bill's Ban on an Abortion Method

By ALISON MITCHELL

WASHINGTON, Feb. 27 — Saying he had "studied and prayed about this issue," President Clinton, in a letter to Congress, urges lawmakers to amend a bill that would outlaw a late-term form of abortion so it would allow exceptions for cases where the life or health of a woman was at risk.

The White House plans to send the letter to Capitol Hill on Wednesday in an effort to influence Congressional leaders as they decide how to reconcile different House and Senate versions of the abortion measure, which has been a subject of emotional and vivid debate.

At issue is a method of abortion known medically as intact dilation and evacuation, which is performed only after 20 weeks of gestation. Under the procedure, the fetus is partially extracted feet first, and the skull is collapsed by suctioning out the brain to make it easier for the fetus to pass through the birth canal. Anti-abortion forces call the procedure a "partial birth abortion."

In his letter, a copy of which was made available by the White House, Mr. Clinton called the procedure

"very disturbing."

"I cannot support its use on an elective basis," the President said, referring to cases in which the abortion is performed "for non-health related reasons," or where there are "equally safe medical procedures available."

But Mr. Clinton also wrote of "rare and tragic" circumstances in which the procedure might be needed to save a woman's life or health and said that exceptions for such cases must be included in the legislation to meet the constitutional requirements set out by the Supreme Court.

"I have studied and prayed about this issue and about the families who must face this awful choice for many months," Mr. Clinton wrote. He said he would support the measure if it clearly stated that the ban would not apply if a doctor considered the abortion method "necessary to preserve the life of the woman or avert serious health consequences to the woman."

Douglas Johnson, the legislative director of the National Right to Life Committee, one of the nation's largest anti-abortion organizations, said an exception for a woman's health would gut the bill. "The President is attempting to generate a smoke-

screen here," he said. "He wishes to preserve the reality of unrestricted abortion but behind the facade of a symbolic limitation."

Kate Michelman, the president of the National Abortion and Reproductive Rights Action League, praised Mr. Clinton, saying his letter amounted to a veto promise. "The important point was that the President needed to veto this legislation because it is indeed a violation of the constitutional right of women to choose," Ms. Michelman said. "He is making good on his commitment to protect women, protect their health and freedom of choice."

The White House has said repeatedly that the President would veto either the House or Senate versions of the bill in their current form, but this was the first time Mr. Clinton himself had addressed the issue.

Only 13,000 of the country's 1.5 million abortions a year are performed at 20 weeks of gestation or later. Medical officials have said that the method that the legislation would ban is rarely used in these late-term abortions. Abortion opponents contest those assertions, saying no reliable figures are available.

Both sides in the abortion debate

see the legislation as important because it would mark the first time since 1973, when the Supreme Court legalized abortion in its landmark Roe v. Wade ruling, that Congress has voted to ban a particular abortion method.

Mr. Clinton's stand had been sought by abortion-rights groups, an important constituency of the Democratic Party. But it is not expected to effect the action taken by the Republican-run Congress.

The House voted 288 to 139 in November to ban this method of abortion and impose criminal penalties on the doctors who use it. One month later, the more moderate Senate also approved the bill, 54 to 44, but included an amendment that would allow the procedure to be performed to save the life of a woman. But even the Senate rejected a broader amendment that sought to make an exception for a woman's health.

Clinton Fills 2 Top Posts

WASHINGTON, Feb. 27 (Reuters) — President Clinton's re-election campaign named two political veterans to top posts today.

Theodore Carter was named deputy campaign manager and chief operating officer and Joseph Lockhart was chosen as national press secretary.

Mr. Carter, former director of New York City's Federal Urban Empowerment Zone project, currently is assistant to the city administrator in Washington. He worked in Mr. Clinton's 1992 campaign.

Mr. Lockhart, currently an official with a Washington consulting firm, was deputy press secretary for Michael S. Dukakis, the 1988 Democratic Presidential candidate. He also was press secretary for Senator Paul Simon, an Illinois Democrat.

Mr. Clinton has yet to name a campaign manager.

Chip to Block TV Violence Popular in Canadian Tests

By CLYDE H. FARNSWORTH

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TORONTO, Feb. 27 — Maxine Lawson says she did not think much about violence on television until her 2-year-old son, Caden, came into the kitchen one day after watching the Mighty Morphin Power Rangers and started making karate chops.

"He wanted to deck me," Ms. Lawson, 29, an accountant in north Toronto, said with a laugh. "He's very impressionable."

No more Power Rangers for Caden, at least not until he gets a little bigger.

The Lawsons are among 150 families in Toronto, Ottawa, Calgary, Vancouver and Victoria who are in the third wave of testing the Canadian cable industry's new violence- or V-chip, which lets viewers block out violence, sex or coarse language on their home television screens.

President Clinton recently signed a law mandating that all new television sets bought in the United States come equipped with V-chips within two years.

The device has not yet been tested among viewers in the United States, but in Canada testing began a year ago. The current round of testing by

Rogers Communications of Toronto and Shaw Communications of Calgary, the two largest cable operators, has already put V-chips in the hands of many families.

The reviews by cable companies and families are good. "We're finding this is the kind of thing people like to have in their homes," said Allan Sayegh, spokesman for Shaw Communications. "They like being able to decide for themselves what can be seen. We feel we're on the right track."

Using a one-button remote control device the size of a matchbox, Ms. Lawson has preset the tiny computer chip in the set-top cable converter to screen out all but the gentlest of shows for Caden, like his favorite, Barney.

"I like it," she said. "I can be in the kitchen and know if he goes to the channels he won't see anything bad. I can monitor him without actually being on top of the set."

Actually, only 11 of up to 60 channels available to Canadians are taking part in the tests. But they are

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among the most popular, including Canadian Broadcasting Corporation Television and CTV Television Network Ltd., and two American border stations, WUTV, the Fox affiliate in Buffalo, and KVOS, an independent station in Bellingham, Wash.

The test is far from perfect. Since all homes receive more than 11 channels, programs from the other channels are not subject to V-chip blocking, and children can still switch to other shows. An American program may be screened out only if it is broadcast by a participating local channel.

Programs are encoded at the point of local transmission, with an identifying electronic signal designating the intended audience level. The V-chip reads the signal and compares it with the level authorized by the parent and either blocks or allows viewing of the program.

Other Canadian and American

Canadians hope they can filter out offensive U.S. TV.

broadcasters are watching the tests closely. The cable companies are trying to convince Ottawa that voluntary controls, in which parents use the V-chip to manage what their children watch, are preferable to heavy-handed Government regulation.

"This is the least intrusive way to regulate violence on television," said Sylvie Powell, director of media relations for the Canadian Cable Television Association, which speaks for the country's 70 cable operators. "It puts control in the hands of parents, where it should be."

Betty Hulleman, a nurse in Edmonton, Alberta, agrees. She often baby-sits for her two grandchildren. Having taken part in early tests last year by Shaw Communications, she is favorably impressed by the way the device has evolved.

"Mechanically," she said of the early model, which went out a year ago in Edmonton, "it was rotten, hard to manipulate." But the current one is, "really simple to operate, fits on a key chain."

"It's wonderful," she said. "I'm for the V-chip, for what it does."

For an extra monthly fee of between \$1 and \$2, the Canadian industry is hoping to make the V-chips generally available by July 1.

The man who developed it is Tim Collings, 34, a professor of electrical engineering and robotics at Simon Fraser University in Vancouver, who has three young children of his own. Professor Collings started working on the technology five years ago, and has been helped by a \$250,000 grant from Shaw Communications.

"I wanted something that parents could use as a tool but that would not affect the creative freedoms of the production and artistic community," he said in an interview. "It's not a complicated technology, didn't take that long to figure out."

Asked if he expected to make millions, he just laughed.

Professor Collings and the cable industry expect encouragement

from Canada's communications regulator, the Canadian Radio-Television and Telecommunications Commission.

The issue has been one of the principal concerns of the Ottawa agency's chairman, Keith Spicer, a former broadcaster and editor who believes that television violence translates into increased violence in society and must be controlled.

He said he had received signatures from more than two million Canadians in the last four years complaining about violence, much of it on American programming distributed in Canada through cable systems, and had threatened to use his regulatory powers to block out offending American shows.

This would almost certainly set off a new cultural trade war between the two countries. But with the V-chip concept now advancing, he has backed off. "We're on a peaceful path," he told reporters a few weeks ago.

After President Clinton signed the V-chip bill, part of sweeping telecommunications legislation, the four American broadcast networks were reported to be seeking to establish a rating system, the key to a working V-chip.

Professor Collings's technology has been combined with such a system in Canada. In the testing now under way, programs are classified according to their degree of violence, sex or coarse language. Five levels range from General Audience, in which programs are suitable for all ages, to the graphic and explicit. Sports and news shows are exempt.

For Caden, Ms. Lawson sets the V-chip at General Audience. The chip automatically blocks out anything stronger. But when Caden goes to bed, she simply presses a button to override the chip and views whatever she likes.

Canadians hope to work with American broadcasters on a joint classification system that would serve as the foundation for a North American V-chip. The Canadian Association of Broadcasters and the American National Association of Broadcasters are already exploring the issue, Canadian industry officials say.

"Since most of our TV originates in the U.S., it's very important that we go forward together," said Trina McQueen, president of the Discovery Channel and head of the Action Group on Violence on Television, representing all sectors of the Canadian television industry.

"Classifying only Canadian-originating programs," she said, "gives us only half a glass."

THE NEW YORK TIMES, WEDNESDAY, FEBRUARY 28, 1996

The president's choice

an opinion by Mark Zimmermann

When he campaigned for president, Bill Clinton painted himself as a moderate on the issue of abortion. He pledged to make the procedure "safe, legal and rare."

His critics dispute that notion, pointing out that from his first hours in office, President Clinton has worked to expand legal access to abortion in the United States and around the world. Nearly all of his major appointees in the executive and judicial branches of government have been outspoken supporters of legal abortion. Some abortion opponents like Rep. Chris Smith (R-N.J.) call President Clinton "the abortion president," surely a moniker that no public figure would want to have.

The president's actions on abortion are especially heartbreaking to those who admired his pro-life stances while he was the governor of Arkansas. But now as the nation's president, he seems to oppose all limits to the practice of abortion.

This past week, as the U.S. Senate voted to ban the late-term abortion procedure known as "partial-birth abortions," it again seemed clear that the president would oppose the measure because it would restrict some abortions.

His press secretary Michael McCurry was quoted in the *New York Times* as saying that the president would likely veto the bill when it emerged from a House-Senate conference committee because in Clinton's view the bill represents "an erosion of a woman's right to choose."

What exactly are partial-birth abortions? Brenda Pratt Shafer, a registered nurse who witnessed the procedure, described it as follows:

"I stood at the doctor's side and watched him perform a partial-birth abortion on a woman who was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He

was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall. Then the doctor opened the scissors up. Then he stuck the high-powered tube into the hole and sucked the baby's brains out. Now the baby was completely limp."

Shafer, who described herself as "very pro-choice" before seeing the procedure, said that day changed her life. "I never went back to the clinic. But I am still haunted by the face of that little boy. It was the most perfect, angelic face I have ever seen."

In terribly graphic terms, we hear the reality of abortion. When the measure was introduced recently in the House of Representatives, some "pro-choice" members were in opposition to members having the choice of seeing pictorial diagrams outlining the procedure. They said the images were too gruesome and were an affront to the decorum of that chamber of government.

But House members voted to look at the pictures, and they voted overwhelmingly to ban the procedure. Democrats and Republicans alike voted for the ban, including many who described themselves as favoring the "choice" of abortion. The bill passed the House by a 288-139 margin.

Their vote wasn't based on emotion. It was based on expert medical testimony describing the procedure. Abortion doctors who practice the method have themselves offered graphic testimony to what is involved in those abortions.

In the Senate, the bill faced a tougher fight, with many senators favoring a ban that would have allowed the procedure

to be used in cases where the "life and health" of the mother were at risk. Both abortion supporters and opponents know that phrase would have provided a legal loophole allowing nearly unrestricted partial-birth abortions, because courts have found that mental anguish can be the key aspect of a woman's "health" when considering abortions. Indeed, one abortionist who practiced the procedure admitted that one-fourth of the late-term abortions were performed because of the mother's "depression." Another abortionist said that over three-fourths of those procedures that he has performed were "purely elective."

The Senate passed the partial-birth abortion ban with an amendment that would only allow the procedure in cases where the mother was in danger of losing her life otherwise. But the Senate only passed the bill by a 54-44 vote, one that would not override a promised presidential veto.

Significantly, all the representatives and senators from Maryland opposed the measure. For abortion rights supporters like the Maryland delegation, the partial-birth abortion ban is a line in the sand which marks the first time that Congress has voted to outlaw an abortion procedure since the Supreme Court's 1973 *Roe v. Wade* decision legalizing abortion on demand.

McCurry said the president was disappointed that the Senate bill did not include language saying "the life and health of the mother must be protected."

Those who oppose abortion rights are often labeled as extremists. But as columnist George Will recently noted in *Newsweek*, the debate over partial-birth abortions has shown that those favoring "choice" often do so even when overwhelming evidence points to the

humanity of the unborn child. "So, who now are the fanatics?" Will asked.

In a meeting with Catholic newspaper editors earlier this fall, the president said he was committed to reducing the number of abortions in the United States, and he emphasized his support for adoptions. For the most part, he tried to sidestep the abortion issue, but when it was raised, he again tried to present himself as a moderate on the question.

In a short time, the president will again have to deal with the abortion question, as the partial-birth abortion bill crosses his desk.

This should not be a question of wrapping oneself in the mantle of limitless "choice." Like the representatives and senators who considered the issue before him, the president should listen to the eyewitness testimony and look at the diagrams, which have been authenticated by the American Medical Association and by abortionists who have practiced the procedure.

First and foremost, what is at stake is the life of the estimated 450 unborn children who each year die from this gruesome practice. The mothers who will permanently bear the psychological scars of this procedure are likewise at great risk.

Lastly, what is at risk is the president's claim that he is a moderate on the issue of abortion. Maryland's delegation, tragically, has already shown what their principles are on this issue.

As Douglas Johnson, legislative director for the National Right to Life Committee has asked, "Will the president really defend even pulling babies alive from the womb in order to abort them?"

The choice, Mr. President, is yours. In recent weeks you have made difficult decisions to try to bring peace to the wartorn Balkans. For that, you and our service men and women deserve our prayers and our support. We now pray that you will likewise take a further step to protect and save innocent life.

Cardinals Condemn Clinton Abortion Veto

By GUSTAV NIEBUHR

In an unusual joint statement that carried a scarcely veiled political threat, the nation's Roman Catholic cardinals yesterday condemned President Clinton's veto last week of a bill that would have barred a certain late-term abortion procedure.

Declaring their anger in a three-page letter to the President, the eight American cardinals, along with Bishop Anthony Pilla of Cleveland, president of the National Conference of Catholic Bishops, accused Mr. Clinton of deciding to permit a procedure "more akin to infanticide than abortion to continue."

The letter, in which the cardinals promised to make their outrage a public issue among American Catholics, points to an election-year chasm

Signs of an election-year chasm between the President and leaders among Catholic bishops.

between the President and leaders of the nation's bishops.

In recent months, the bishops had voiced concerns on immigration and welfare that showed them to be closer on those issues to the Clinton Administration than to the Republican majorities in Congress. But the letter yesterday served as a clear reminder that among the Catholic hierarchy, abortion remains the dominant issue.

"In the coming weeks and months, each of us, as well as our bishops' conference, will do all we can to educate people about partial-birth abortions," the cardinals wrote. "We will inform them that partial-birth abortions will continue because you chose to veto H.R. 1833."

The cardinals also said they would "urge Catholics and other people of good will" to petition Congress to try to override the veto.

Mr. Clinton announced his veto last Wednesday in an emotional White House ceremony at which five women who had undergone such abortions described their decisions to do so as agonizing, prompted by health disorders that threatened

their lives and those of the fetuses.

A White House spokeswoman, Mary Ellen Glynn, said yesterday that she did not think that the President, traveling in Japan, had yet seen the cardinals' letter. But she added that Mr. Clinton "thought very hard about the issue" before deciding to veto the bill on behalf of women like those "standing beside him" at the ceremony. "He didn't take this decision lightly," Ms. Glynn said.

The abortion procedure at issue, a relatively rare one technically called intact dilation and evacuation, is performed after 20 weeks of gestation and entails a doctor's partly extracting a fetus feet first, then suctioning out its brain to allow the head to pass through the birth canal.

The bill would have barred the procedure except to save a woman's life. The President unsuccessfully lobbied Congress to expand its provisions to allow the procedure in the case of a pregnancy's "serious health consequences" to the woman.

Abortion opponents, including the bishops' Pro-Life Activities Office, had urged the President to sign the bill, which passed the House with strong bipartisan support and was narrowly approved by the Senate. But abortion rights supporters rallied against it, calling it the first effort to ban an abortion procedure since the Supreme Court established a right to abortion in 1973.

The day he vetoed the bill, Mr. Clinton wrote to James Cardinal Hickey, Archbishop of Washington, to say he did not approve of the procedure except to save a woman's life and to prevent "serious risks to her health."

"The cases I have in mind are not those where a doctor is convinced that a woman risks death, but where the doctor knows that the woman risks grave harm," the President wrote. He added that if Congress "amended the bill as I have suggested," he would sign it.

But the cardinals rejected the President's argument, saying an exception in the case of a woman's health would be loosely interpreted.

Echoing a full-page advertisement placed by the Pro-Life Activities Office in The Washington Post two weeks ago, the cardinals said a health exception would permit abortions in such cases as when a woman was judged to be "emotionally upset" at being pregnant or felt her career threatened by the pregnancy.

"In other words, as you know and

we know, an exception for 'health' means abortion on demand," said the letter, whose signers, in addition to Cardinal Hickey and Bishop Pilla, were Joseph Cardinal Bernardin of Chicago, Anthony Cardinal Bevilacqua of Philadelphia, Bernard Cardinal Law of Boston, William Cardinal Keeler of Baltimore, Roger Cardinal Mahony of Los Angeles, Adam Cardinal Maida of Detroit and John Cardinal O'Connor of New York.

Officials at the bishops' conference said they could not recall another instance in which the cardinals had sent a letter to the White House on a single piece of legislation. But two years ago, the prelates wrote the White House asking that the United States delegation to a United Nations conference on population growth not support an abortion rights agenda.

The Rev. Thomas J. Reese, a senior fellow at the Woodstock Theological Center at Georgetown University, said: "The bishops have clearly felt that abortion is not the only issue but is certainly the most important issues on their agenda. So they're using language that very clearly shows how upset they are by Clinton's veto."

New Boat People Exodus: Back to Vietnam

By SETH MYDANS

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KUALA LUMPUR, Malaysia, April 16 — Two decades after the fall of Saigon, the biggest flood of Vietnamese boat people in years is under way. But this time the flow is being reversed, as refugee camps around Southeast Asia begin closing down and tens of thousands of asylum-seekers are sent back to the country they fled.

In an effort to be done with this last chapter of the Vietnam War, the United Nations agreed at an international meeting last month to cut off financing for the camps on June 30. The people who remain in the camps are no longer considered eligible for resettlement, and officials say the only option for the Vietnamese now is to go home — willingly or not.

This week officials here plan to march as many as 500 holdouts onto a ship and send them back across the South China Sea — the largest single group yet to be sent home and the first boat people to be returned by sea.

Vietnam, while still Communist, has changed, refugee officials say, and the last 35,000 people in camps around the region are not true refugees fleeing repression but "economic migrants" who do not have a claim to resettlement in the West.

"We have tried to make it very clear to them: there is no more hope," said Rear Adm. Yaacob bin H. J. Daud, the director of the Malaysian Government task force on refugees. "They cannot extend this thing anymore."

It may still be many months

before the camps are empty, but with the cutoff in international financing, conditions in the camps will become increasingly harsh.

In Vietnam, the Government is preparing to receive, process and resettle a flood of reluctant returnees, many of them hostile or broken in spirit, many without homes or jobs to return to.

"The last ones will be the most difficult," said Nghiem Xuan Tue, who oversees the return of refugees for the Vietnamese Ministry of Labor. "We will try our hardest. The most important thing is for their local community to welcome

them as long-lost relatives who have come home."

He said Vietnam had streamlined its procedures for processing the returnees and was prepared to receive as many as 3,600 a month, straining its bureaucracy and social services.

"It will be a monumental undertaking," said Court Robinson, an American consultant to the United Nations High Commissioner for Refugees. "This population has been in the camps for seven years now, and if we know anything

about reintegration it becomes more difficult the longer one has been away — and even more difficult when one is really dead set against coming back."

As the first boat return, scheduled for Thursday, approached, Erika Feller, the United Nations refugee representative in Kuala Lumpur, voiced a worry shared by officials around the region: "We hope it does not boil down to the model that you have seen in Hong Kong, where protesting refugees are carried horizontally onto airplanes."

The longer that people have remained in the camps, the more desperate their fears have become. There have been riots in camps in Malaysia and the Philippines. The police have used tear gas and batons to battle protesters in Hong Kong. In Indonesia two years ago refugees set themselves on fire to protest plans to send them home.

Camps Are Closed To All Visitors

"We need help here!" one man called out to reporters as Philippine officials prepared to send a plane-load of refugees back to Vietnam in February. "Help! Help!"

And another said: "We won't be safe in Vietnam. We're scared."

Here in Malaysia, in Thailand, the Philippines and elsewhere, officials have closed the camps to visitors as they lobby intensely to persuade the refugees to leave without a struggle.

"We are talking to them," Admiral Yaacob said. "We have gone deep into their hearts to tell them: 'This is the time to go. If you keep delaying, it will only get worse.'"

Since the Communist takeover of Saigon in 1975, more than 800,000 Vietnamese have passed through the camps in Southeast Asia, most on their way to resettlement in the United States, Canada, France, Australia and other "third countries."

To the consternation of these countries, the flood of boat people continued through the decades, and in 1989 a screening system was set up under which the West would accept only true refugees. Some 115,000 people were deemed to be economic migrants and were refused resettlement. As of this month, about 77,000 of these had been sent home by plane.

Special Pressure In Hong Kong

This policy has helped bring a virtual halt to boat departures from Vietnam. Since 1989 most refugees have left by plane under the Orderly Departure Program.

About half the remaining holdouts are in camps in Hong Kong, and officials there are counting on the persuasive power of an unusual local deadline: June 30, 1997. On that date the British colony is to be handed over to the Chinese, who have demanded that the camps there be empty when they take control.

The United States is also pressing Hanoi to accept a "Track II" policy in which returnees will be allowed a final interview with American officials once they are back in Vietnam. Such a policy would add one more incentive to return and would address concerns in Washington that some refugees have been unfairly denied asylum.

In a carefully worded statement last month, the Vietnamese Government suggested that such interviews might be possible within the framework of the Orderly Departure Program, a statement that one Western diplomat called "highly significant."

Vietnamese officials are concerned that "Track II" could complicate the already delicate task of resettling reluctant returnees. "It is very dangerous, very dangerous to give them hope that they can still go to America," Mr. Tue said. "Instead of settling in, they will spend the day gathered in front of the United States Embassy asking for visas and creating disorder."

The fate of the returning refugees is a delicate issue that has caused alarm among Vietnamese émigré groups as well as panic among the people who remain in the camps. But United Nations officials insist they are tracking the returns closely and have found no cases of political persecution by the Government.

Catherine Bertrand, the United Nations refugee agency's representative in Hanoi, said a team of seven foreign monitoring officers, all fluent in Vietnamese, had interviewed 23,000 returnees since 1989. "We are witnesses that these people have returned to Vietnam and have not been persecuted for leaving illegally," she said.

Returning refugees receive cash assistance and loans from the United Nations and the European Union, and their home communities receive help for local construction projects that is intended to cushion any resentment against the new arrivals.

Not All Succeed In Restarting Lives

Though most returnees have managed to restart their lives with the help of their families and communities, Mr. Tue said: "There are 25 to 30 percent who are not stable. They keep thinking about leaving again. Some are lazy. And some who left here with criminal records must now face justice."

There are many kinds of problems, Mr. Robinson said, including

delays in receiving reintegration help, problems with community members, problems with local party officials and "the inevitable corruption."

"Not everybody will hit the ground running and say, 'Where's my cash grant; I'm off to start a business,'" he said. "There's going to be a lot of decompressing, a lot of depression. Many of them will just veg out."

Nguyen Minh Quan, a 39-year-old mechanic, spent nearly seven years in a refugee camp in Hong Kong with his wife and two children before giving up and returning to Hanoi last November.

When a Vietnamese-speaking United Nations monitor named Dirk Hebecker visited him last month, he made no pretense about being a political refugee. "Things were hard here back then," he said of his departure in 1988. "We were looking for a better life."

When they became stranded in Hong Kong, simple inertia kept them there.

"You know, you get used to it," he said. "You get attached to the place you're in. It becomes a habit."

Counting the Cost Of a Perilous Trip

Like other returnees visited on this day by Mr. Hebecker, Mr. Quan had not found a job and was living with relatives. In a long and relaxed conversation, he volunteered that he had had no difficulties with local officials.

He said he had received a \$960 resettlement allowance from the United Nations for his family of four and \$550 from the Hong Kong authorities as an incentive to volunteer to return.

"That's not peanuts in this country," Ms. Bertrand said in describing grants that can add up to well over a year's pay. "It gives them the means to find another job or help them start to build a house or buy a field or start a small business." But like many other refugees, Mr. Quan said he had used the money not to begin a new life but to survive.

People like Mr. Quan and his family gained little from their aspirations for a better life. The perilous boat journeys, the wasted years in a refugee camp and the hardships their return have left them mostly worse off than they were before.

Those who remain in the camps today may face an even rougher final chapter, Mr. Robinson said.

"The picture of people being dragged crying and screaming to airplanes may become not the occasional exception but the norm," he said. "These are people who are essentially innocent of any crime. No matter what we feel about their status — no matter whether they are actually refugees or not — that is still very sad."

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Clinton veto of abortion bill bodes far-reaching political effects

By ADELLE M. BANKS

c.1996 Religion News Service

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WASHINGTON (RNS) — President Clinton's veto Wednesday (April 10) of a proposed ban on a controversial late-term abortion procedure has highlighted an emotional moral battle that may have profound implications for the 1996 presidential race.

Condemned harshly by groups ranging from the National Conference of Catholic Bishops to the Christian Coalition and praised by religious and secular groups that favor abortion rights, Clinton vetoed legislation that would have made it a crime for doctors to perform a third-trimester procedure known as "intact dilation and evacuation" — what foes called "partial-birth abortion."

If it had not been vetoed, the legislation would have been the first congressional ban of an abortion procedure since the U.S. Supreme Court upheld women's right to abortion in the 1973 *Roe vs. Wade* decision.

Opponents of abortion rights said the procedure is tantamount to murdering a fully formed human. Clinton argued that while he, too, abhors late-term abortions, the procedure is necessary in a small number of cases to protect the life or health of a mother suffering the effects of a dangerously difficult pregnancy.

Immediately after vetoing the measure Wednesday evening, the president put a personal face on the debate by introducing several women who had undergone the procedure after learning of dire health problems with their fetuses.

"This terrible problem affects a few hundred Americans every year who desperately want their children, are trying to build families, and are trying to strengthen their families," Clinton said. "And they should not become pawns in a larger debate, even though it is a serious and legitimate debate of profound significance."

Clinton said he vetoed the ban because its supporters did not include an exception for "serious, adverse health consequences to the mother." The proposed measure would have allowed the procedure if the mother's life were in danger, but did not make a broader exception to cover cases where the woman's health — but not life — was in jeopardy.

The procedure involves partially extracting a fetus, feet first, and then collapsing the skull in the birth canal by suctioning out the brain.

Spokespersons on either side of the debate variously described Clinton as an extremist and a protector of sound public policy.

"Even though it (the veto) was promised ... we are shocked that he could put himself on the side of what is virtually infanticide," said Helen Alvare, planning and information director of the pro-life office of the National Conference of Catholic Bishops.

"I think it means pro-lifers have gained the moral high ground in an even stronger way. They have shown that the other side is more extreme than their ordinary rhetoric would reveal. It will be a black mark on the pro-abortion group and the pro-abortion president that will last a long time."

But Ann Thompson Cook, executive director of the Religious Coalition for Reproductive Choice, a group representing 38 Christian and Jewish religious organizations, said those who supported the ban are exercising only "partial compassion."

"They're not compassionate toward the women who do what can only be called soul-searching at this moment, and it's not compassionate toward the fetus that is in severe circumstances," she said.

Cook said giving the government an opportunity to "second-guess" the decisions of women, their families and physicians is inappropriate.

"It can only impose somebody else's religion for the government to say one thing is right and wrong in all situations," she said.

Ban supporters, including Sen. Majority Leader Robert Dole of Kansas, the expected Republican nominee for president, intend to make Clinton's action a key issue in the 1996 election campaign. Dole said Clinton has "embraced the extreme position of those who support abortion at any time, at any place and for any reason."

"It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and evangelical voters in the eye and ask for their support in November," declared Ralph Reed, Christian Coalition executive director. "By allowing that procedure to continue unchecked, President Clinton has disappointed and deeply offended one of the largest voting blocks in the electorate. Bill Clinton has done more today than jeopardize the lives of unborn children, he has jeopardized his own chances of re-election."

Gloria Feldt, president-elect of the Planned Parenthood Federation of America, said she, too, expects that voters will be reminded of the veto closer to Election Day.

"I'm sure that anti-choice groups will try to make it an issue," she said. "This is not an issue for Congress. This is an issue for doctors and for their patients."

John C. Green, director of the Ray C. Bliss Institute of Applied Politics at the University of Akron in Ohio, said the debate over the procedure will likely help Republicans and hurt Democrats as they attempt to attract swing voters.

"The Catholic swing vote among those people who might be influenced by this type of issue may amount to 5 percent," said Green. "In a real close election, you can see how that could make a difference one way or another."

Beyond the political rhetoric are the sheer emotions that are evoked by descriptions of the medical procedure and the conditions of the fetuses that prompt its consideration.

The women who met with Clinton shortly after his veto described the torment of the doctor's-office visits when they learned that the child they looked forward to bearing was no longer a healthy fetus.

Claudia Ades of Los Angeles, Calif., said she and her husband implored physicians to help them.

"We begged for a cardiologist or a neurosurgeon or someone that could fix my baby's brain or the hole in his heart," said Ades, who is Jewish. "I say this for the people that say that we don't care and for the people who say we don't want our children, and for the people that say we have no spirit or no soul or no religion."

Ban supporters, describing the procedure in explicit detail, say they can't see how it can improve the mother's health.

"Once a woman has vaginally delivered a child four-fifths of the way, to say that it is medically necessary rather than to just deliver it another couple of inches ... defies common sense," Alvare said.

Clinton explained in a letter Wednesday to Cardinal Joseph Bernardin of Chicago why he had used his veto pen. Bernardin was among those who supported the ban.

"These are painful and sobering issues," the president wrote. "I understand your desire to eliminate the use of a procedure you see as inhumane. But to eliminate it without taking into consideration the rare and tragic circumstances in which its use may be necessary would be, in my judgment, even more inhumane."

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COMMENTARY: Who's the victim here?

By DICK FEAGLER

c.1996 Religion News Service

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(Dick Feagler is a columnist for the Cleveland Plain Dealer.)

(RNS) — The long mugging of Bernie Goetz continues.

Twelve years ago, Goetz shot four kids on a New York subway train. The kids were after his wallet. Now, one of the muggers is back and he's better armed and more ambitious. This time he's packing a lawyer and he wants \$50 million.

After the moment that made him notorious, self-defense became Goetz's career. His batting average of self-preservation shows him two for three. He kept his money in the subway. He beat an attempted murder rap in criminal court. But he was convicted of having an unlicensed firearm and served eight months in jail. Now he's back where he started in 1984 with the same hostile stranger reaching for his wallet.

But plenty has changed in America since Goetz earned the nickname "subway vigilante." Many states have passed laws allowing citizens to carry concealed weapons. This is not a happy evolution. Even the people who champion these laws would have to admit that they represent a breakdown of civil order. They are a symbol of too many bad guys and too few cops.

In the days of the old West, a hero could ride into a town and tame it. The Hollywood historian who wrote the Western persuaded us that a town could be tamed in one dramatic gunfight. When the smoke cleared, the bad guys who were still alive high-tailed out of there. They didn't hang around to declare victimization and go shopping for defense lawyers.

But these days the script sometimes takes a startling new turn. After a crime is committed, roles are often swapped. The victimizers of the first act become the victims in act three. A magician with a law degree takes their vice and, Presto!, reverses it.

In Philadelphia the other day, convicted cop killer Mumia Abu-Jamal filed a \$2 million suit against National Public Radio for first agreeing and then refusing to run his commentaries recorded on death row. Abu-Jamal alleges he is the victim of artistic censorship.

I am an NPR fan and have, from time to time, unloaded commentaries on that network myself. But I joined those who protested the idea that a cop killer would be a welcome addition to the stable of NPR blabbermouths.

My reasons were admittedly simple. I thought it would be tough on Patrolman Daniel Faulkner's family to twirl the radio dial and encounter the regularly scheduled musings of the man who killed him. There was no talk of giving Faulkner's wife equal time, and Faulkner himself is obviously unavailable for comment.

In the face of a lot of flak, NPR backed down.

'Civilized society,' an expensive concept

By Stephen Gold

Americans work hard for their money, very hard. So it's not surprising that many of us are discouraged to discover we must toil an average of two hours, 47 minutes every eight-hour work day just to pay our taxes — more time than we spend working for food, clothing and shelter combined. That's the latest figure from the Tax Foundation, which this morning will formally announce this year's tax Freedom Day — the day the average American can expect to quit working for Uncle Sam and his counterparts at the state and local levels and start working for himself.

But not everyone gets angry. Last year, advocates of big government complained publicly that Tax Freedom Day only focuses on one side of the fiscal equation, that is, the revenue side. What about the return on our money, they demanded. As IRS commissioner Margaret Richardson (quoting Justice Oliver Wendell Holmes) observed last year at this time, "Taxes are what we pay for civilized society."

Of course, she didn't mention that when Holmes made this observation in 1904, the average American's total tax burden was about 7.6 percent of income. Today, America's total tax burden hovers around 35 percent of total income — not including the high (and very real) cost of tax compliance.

Tax advocates will counter that more taxes simply mean more (and, by implication, better) government. "Every nickel that goes in comes back in some way or another," Citizens for Tax Justice's Robert McIntyre told the media last year after the Tax Freedom Day announcement. In a broadside against the concept of "tax freedom," the Des Moines Register defended the current level of taxation by touting the value of such programs as national defense, public schools, police and fire protection, national parks, roads and highways and safety nets for the disadvantaged.

Everyone has a list of publicly funded items he or she believes is necessary. The question is, how much government spending do we really need? How much tax collection does it take to achieve a "civilized society"?

Justice Holmes probably saw civilization centering on a stable system of governance that protects life, liberty and property and provides due process of law to its citizens. Based on this view, of course, the United States was civilized at its founding. The central government created by framers of the Constitution was, to say the least, minimalist. A little defense, some minting, a few roads and canals, and a judicial and postal system. No large transfer payments, no regulatory agencies, no funding of the arts, humanities, or sciences. Still it was, to be sure, civilized.

To pay for this, the federal government collected a mere \$1 per capita in 1790, almost all from duties on imported goods. In today's dollars, that's roughly \$10 per person — a truly economical path to civilization.

A little over a century later, when Oliver Wendell Holmes joined the Supreme Court, government's prime mission remained centered on national defense, law and order, roads and



mail delivery. The federal government had also entered the business of public land management, agriculture and regulation of interstate commerce. Yet by contemporary standards government was still small, unobtrusive, and cheap. By 1900, the total cost of all government had risen to \$21 per capita (about \$425 in today's dollars), a third of which was for administrative purposes.

Here, then, was Justice Holmes' turn-of-the-century vision of the price of civilized society. Maybe it was overpriced, considering that the taxes used to create Jim Crow laws and Supreme Court cases like *Plessy vs. Ferguson* (a.k.a. "separate but equal facilities") served more to set civilization back. But

compared with today's unimaginably large expenditures by government, the price was low.

Since then, of course, government has aggressively expanded into such areas as income redistribution, business regulation and education, not to mention the subsidizing of a vast array of special-interest programs. To pay for these, government expanded its ability to collect taxes, mainly through the income tax (1913) and payroll tax (1935). Altogether, total taxes in 1996 average almost \$8,500 per person, an inflation-adjusted increase of about 1,900 percent over 1900 levels.

So are we more civilized — indeed, 1,900 percent more — than before? Well, we beat the Nazis and the Soviets. We ended segregation. These would confirm Justice Holmes' view of the purpose for taxes.

Yet to imply that every dollar in taxes today is necessary to maintain our civilized society is to ignore government's inevitable waste, its bureaucratic inefficiency, and the constant political shuffling of money to favorite targets. How much of the money sent to Washington could be more wisely used by the families and individuals if they were allowed to hold onto it?

The current level of taxation in America — the highest ever according to Tax Freedom Day measures — should be a part of any future debate in Congress over tax reform. For its part, the American public needs to decide what it expects out of government, and what it's willing to pay for this. In other words, Americans need to rethink Justice Holmes' observation, and clarify our vision of what will be needed to make a civilized society in the 21st century.

The Washington Times

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Stephen Gold is associate director and communications director at the Tax Foundation in Washington.

The crimes of teen pregnancies

The teen-age birth rate in the United States declined for two years in 1993 and 1994. That's promising, for the record. The reductions are slight, but at least the numbers seem to be moving in the right direction.



Suzanne Fields

active."

If your eyes glaze over at the subject of teen-age pregnancies, other numbers might wake you up to a special alarm. The number of girls aged 14-17 will increase by more than a million between 1996 and 2005, and sexually-active unmarried teen-age girls are less likely than married women to use contraceptives, according to Child Trends Inc. a non-profit research organization in Washington.

That means that the increasing numbers of children born to children are likely to repeat the devastating cycles of almost everything bad — teen-age pregnancy, school failure, early behavioral problems, drug abuse, child abuse, depression and crime. As the numbers of girls increase, so do the number of teen-

Suzanne Fields, a columnist for The Washington Times, is nationally syndicated. Her column appears here Monday and Thursday.

age boys. Many of them will be what John DiIulio, Princeton professor and intellectual crime-fighter, calls "loveless, godless and jobless." These young men, says Mr. DiIulio, are likely to become "super predators," violent young men without the slightest conscience. No neighborhood will be safe from such foul children.

One such teen-ager recently stole my neighbor's pocketbook. He didn't have a knife or a gun; he merely cracked her jaw with his fist and knocked her out. He did not seem to think he was doing anything "wrong."

Teen-age sex is dangerous not only for a young person's health but the health of our society because trouble is reproducing trouble. Such raging hormones seeking immediate gratification may even be addictive (without artificial additives). But no rich tobacco corporation is available to pay the costs of sexual irresponsibility. One generation's sexual promiscuity becomes the next generation's crime wave.

Social predators often become sexual predators. The majority of the fathers of babies born to teenage girls are more than three years older than the girls they get pregnant. The Urban Institute reports that three-quarters of the girls under the age of 14 who are sexually active say they were forced by their first partner to have sex relations. This is statutory rape, but who's around to say so?

When Jerry Lee Lewis, the rock-and-roll pioneer, married his 13 year old cousin in 1958, he created

an international scandal that might have cost him the lasting fame that fell to Elvis; many music historians think Elvis hit the jackpot with Jerry Lee's nickel. He was ostracized even though he married the young girl he "got in trouble." So quickly has the culture changed that now we keep statistical tables to demonstrate how many teen-age girls get pregnant by older men.

How did this come about? Obviously there are many cultural streams that swell the running river of teen-age sexuality. Custom rather than coercion is probably a likelier force to rein in sexual drives, but custom proscribing sexual activity for teen-agers has gone with the winds of personal liberation and media-saturated sex desire. "If it feels good do it," has become, "do it and see if it feels good."

So that leaves coercion. Prosecutors in California, where more than 70,000 babies were born to teen-age mothers in 1993 (nearly 28,000 were 17 and younger) are now charging men in their 20s who get underage girls pregnant with either statutory rape or lewd sexual activity with a minor. This may frighten a few young men who pursue what an earlier generation called "jail bait" or "San Quentin quail," but it's not likely to have a great impact on out-of-control male behavior. Requiring teen-age girls with babies on welfare to stay in their parents' home, or cutting off welfare if a woman has more than one or two illegitimate babies may coax some teen-agers to restrain themselves, but I wouldn't bet on that, either.

John Updike, in an essay on lust, colorfully describes medieval prohibitions against sex as "patchwork attempts to wall in the polymorphous-perverse torrents." We've replaced those prohibitions with a patchwork of laws to curtail children from having children. Maybe we ought to revive medieval patches.



Infanticide as health care?

By Chris Smith

President Clinton outdid himself this week for saying one thing while meaning another — particularly when it comes to abortion.

First, the president announced his veto of H.R. 1833. This bill, which passed by overwhelming majorities in both Houses of Congress, would mercifully ban a practice known as partial-birth abortion. Let's not forget, this is the procedure in which a living baby that is fully delivered — except that the baby's head is left within the birth canal — is killed via a scissors into the base of the skull and a suction catheter into the brain.

In a statement to Congress accompanying his veto, the president suggested that he really wished he could have signed the bill. Indeed, he said he would have signed it, if only Congress had adopted an ostensibly benign amendment proposed by the president himself.

The president was trying to get himself out of a tight spot. Had he simply vetoed the partial-birth abortion ban, it would be hard to follow his political handlers' mandate that he must position himself as a "social conservative" to win re-election. But signing the bill would have alienated many of his more radical supporters. They hate everything about this bill, even its name. They deny that there is any such thing as a "partial-birth abortion," preferring the genteel and obfuscatory term "dilation and extraction." But the most honest name of all for this procedure would be "partial-birth infanticide."

Hard-core abortion proponents hate this bill not only because they never met an abortion they could not support, but also because it exposes the dirty little secret of the

Rep. Chris Smith is a New Jersey Republican.

abortion industry: The baby dies.

Our president's veto message portrays his proposed amendment to H.R. 1833 as necessary to prevent "serious, adverse health consequences" to women.

The president does this by, first, professing long-held opposition to elective, late-term abortions. Then he contends that his amendment would make H.R. 1833 constitutionally permissible, under the "health" exceptions of Roe vs. Wade. In making this plea, Mr. Clinton tries to

Abortion proponents hate this bill because it exposes the dirty little secret of the abortion industry: The baby dies.

sound pious and compassionate. He misses the mark by a mile.

The central flaw in the president's argument is that he simply ignores the constitutional case law dealing with abortion. In *Doe vs. Bolton*, the companion case to *Roe vs. Wade*, the Court defined "health" in such a way as to make it an absolute trump over any and all regulation of abortion. The Court wrote: "[M]edical judgment may be exercised in the light of all factors — physical, emotional, psychological, familial, and the woman's age — relevant to the well being of the patient. All these factors may relate to health."

The two cases, taken as a whole — as they must be according to the Court — inescapably mean that "health" is threatened whenever an abortionist concludes that a woman's emotional well-being or financial situation might be negatively affected by a pregnancy. It is factually incontrovertible that this

definition of "health" left the abortion industry completely exempt from government regulation. This is true even when an abortionist kills a baby in the final moments before what would have been his or her natural birth. The grim reality of abortion on demand for all nine months gestation — and, under the partial-birth procedure, for the first four-fifths of delivery — may unfortunately be America's best kept secret (or act of collective denial).

It defies credulity to suggest that this president, with all his education and government service, is simply ignorant of these rudimentary Supreme Court decisions on abortion. He must be aware that his proposal, if adopted, would incorporate the open-ended *Doe* definition of health, thereby preserving the unfettered license that abortionists now enjoy to commit partial-birth abortions for any reason or no reason at all. If the "health" exception were incorporated into H.R. 1833, not one abortion would be prohibited by the bill.

It is highly unlikely that the president, a graduate of one of America's most prestigious law schools, and a man whom the University of Arkansas Law School saw fit to employ as a professor of constitutional law in his first year out of school — the very year *Roe* was decided — would be so unaware of how the Supreme Court defined "health."

The inescapable conclusion is that Mr. Clinton is, yet again, talking from both sides of his mouth on the subject of abortion. When he condemns elective, late-term abortions, while simultaneously paying homage to the all-permissive "health" exception of *Roe and Doe*, he is trying to say one thing to those Americans who are troubled by abortion, while doing something else. That "something" is a badly disguised effort to gut Congress's effort to abolish a particularly barbaric form of child abuse.

The United States should also utilize next week's meeting between Secretary of State Warren Christopher and Chinese Vice Premier Qian Qichen to once again urge China to use its influence with Pyongyang to counsel restraint. At a time when the difficulties in our bilateral relationship with Beijing are threatening to swamp the relationship, this meeting provides an important opportunity to coordinate policy in an area where the United States and China share a common in-

terest. To be sure, China's clout with the North has declined in recent years, primarily because of its now flourishing economic relationship with the South. Nevertheless, it remains an important lifeline for food and fuel. And the Chinese military is probably the only one in the world that maintains regular channels with the North Korean military, a key institution in Pyongyang's decision-making matrix. These factors suggest that China's potentially helpful role should be a key component in a U.S.-South Korean strategy to deal with the current challenges.

Even with this concerted diplomatic campaign, "face" may prevent North Korea from formally rescinding its repudiation of the armistice. But whether it's through a face-saving "clarification," by private assurances or simply by the absence of future incidents, the North will be able to communicate that it has absorbed the unified message from the United States and its allies.

Even if a return to the status quo ante can be achieved, which seems likely, the recent events in the DMZ are a sober reminder that the Korean peninsula remains a very dangerous place. While the 1994 and 1995 agreements have significantly diminished the nuclear threat to peace, the conventional threat remains great on a peninsula where almost two million armed men confront each other. Yet there is no ongoing diplomatic process either to resolve the conflict or, short of that, to agree on confidence building measures that would make the situation less dangerous.

Astonishingly, the only peace proposal currently on the table is the North's longstanding and unacceptable offer for bilateral peace negotiations. When Presidents Clinton and Kim meet, they should give priority to discussing mechanisms and means for initiating a peace process. Many different proposals, ranging from a top-down approach (a high-level summit meeting to jump start the process) to a bottom-up, incremental approach based on confidence building measures, can be imagined. The South should clearly be in the lead in any peace initiative, with support and facilitation as appropriate from the United States and others.

No one who has followed the twists and turns of North-South relations since the beginning of their dialogue in the early 1970s can be overly sanguine about the short-term prospects for a dramatic breakthrough. Assuming that the North is even willing to engage in a genuine peace process, rather than a propaganda exercise, the likelihood is that any negotiating process will be long and tortuous. But the alternative to trying is so unattractive—the perpetuation of an inherently dangerous conflict on the Korean peninsula—that the Republic of Korea and the United States owe it to their respective publics to try.

2/2

MARY McGRORY

Clinton Vetos Catholic Voters

I HAPPENED to be at a party for Commonweal, the liberal Catholic periodical, the night that Bill Clinton vetoed the ban on late-term abortions. The reaction was consternation, dismay, anger.

"Disappointing" was the mildest word; "dumb" the most frequently heard. Margaret Steinfelds, Commonweal editor, defined the sense of betrayal. "When he said that abortion should be 'safe, legal and rare,' we all believed him. Tonight, a liberal friend called me and said, 'How can I possibly vote for him after this?'"

"It was a chance for him to draw the line, to lead and say, 'We go this far and no farther,'" mourned another guest. "He blew it." One of two priests in the room undertook some sort of a defense for the president. "It was made on

Mary McGrory is a Washington Post columnist.

medical grounds, I understand. He had these women with him who had gone through the procedure"

The other priest shouted him down: "If you believe it's medical, you'll believe anything. He simply determined that there are more people who are for abortion than against it, and made a political decision on a moral problem."

It was an amazing week. Clinton locked up one constituency, the blacks, and alienated another, the Catholics. His performance during the wake and funeral of Ron Brown was dazzling. He riveted the country's attention on the blithe spirit of the Democratic Party. He shared totally in the grief and pride of Brown's people. The sad event occasioned a wonderful chance to show Americans another view of the black world.

See McGRORY, C5, Col. 4

THE WASHINGTON POST

SUNDAY, APRIL 14, 1996

MARY McGRORY

Clinton Vetos Catholic Voters

McGRORY, From C1

Brown and his friends were pictured in tributes at a memorial service at the Metropolitan Baptist Church, as happy, fulfilled, prosperous human beings, fathers who take their children to pickup basketball games and riotous lunches at a seedy cafe; who meet at the best clubs, and plot and spin and scheme and laugh. It was a show of blacks without bitterness. It comforted them, made whites feel better.

Clinton stinted the Brown family nothing: Lincoln's catafalque, full military honors, final fulsome eulogy. Clinton came home from a funeral fit for a president and turned around and gave Catholics the back of his hand. They took a back seat to Kate Michelman and the other abortion advocates. Clinton chose consistency over his commitment to limiting abortion. Some, of course, blame his wife.

Militant feminists are like the NRA: They fight like steers against sensible prohibitions in regard to guns and abortion, respectively. The NRA sticks up for the abominable assault weapon for fear that a ban would chip away at their obsessive concern with the right to bear arms. The National Abortion and Reproductive Rights

Action League defends a procedure so harrowing that even agnostics or pro-choice voters are repelled by it. The baby is drawn through the birth canal feet first. The cranium is crushed and the contents of the brain are drained out. In an editorial in the current Commonweal, Margaret Steinfelds asks the key question: "Why does a

Militant feminists are like the NRA: They fight like steers against sensible prohibitions.

procedure that can reasonably be called infanticide get so much support from pro-choice forces and from Bill Clinton?"

Clinton presented himself as a protector of a small but vulnerable constituency. Bob Dole instantly responded with radioactive words: The president's views were "extremist." Clinton favors "abortion on demand." Abortion is back as an issue.

Dr. David Walsh, chair of Catholic University's Department of Politics, where he presided over a forum on next year's Catholic vote, says the president made "a major mistake. This could be a crystallizing issue. It will come back in all sorts of ways. The Clinton vote could be seriously eroded." Commentator Mark Shields, who spoke at the forum, summed up the paradoxical nature of public opinion on abortion: "Whenever the debate is focused on the decision, made by the woman with her conscience and her doctor, pro-choice wins every time. But when it is about what is being decided, pro-life comes into its own."

What discourages Democrats is that Clinton was making progress with Catholics, especially Irish Catholics, who appreciated his efforts to bring peace to Belfast. And the bishops, in a guide to voting, told their flock to examine the records of candidates on many social issues, not just abortion. Plus, many Catholics aren't crazy about Bob Dole. They have an antipathy to Newt Gingrich and social ideas that differ sharply with theirs. That leaves Clinton. But if the first Tuesday in November is cold or rainy, they might not get out of bed for someone who let them down so hard.

exceptions when necessary to protect a mother's health. The bill did permit an exception if a doctor deemed the procedure necessary to save a mother's life.

"My pleas (for a health exception) fell on deaf ears," Clinton said.

Proponents of the ban said providing a health exception would have opened a wide-open loophole. "A health exception is equivalent to allowing abortion on demand," Malloy said.

Abortion-rights supporters accused anti-abortion forces of using this relatively rare medical procedure to inflame emotions against all abortion rights.

"The real objective ... is eliminating women's access to safe, legal abortion ... This is manipulation and distortion. It does not talk about the circumstances" of when partial-birth abortion might be necessary, said Jane Johnson, interim president of Planned Parenthood of America.

Johnson said such abortions occur almost invariably because serious health abnormalities arise late in the pregnancy.

From 500 to 1,000 such abortions are estimated to occur annually, although there is no official count. They typically involve fetuses aged six to nine months.

At the White House ceremony, Vikki Stella of Naperville, Ill., talked about her abortion, which doctors said was required because her unborn son's cranium was filled with fluid and lacked brain tissue, the White House said.

"I didn't make the decision for my child to die. God made the decision for my child to die. I had to make the decision to take him off life support," Stella said.

According to the White House, the abortion was needed to protect Stella's health and life. Abortion opponents argued that if Stella's life was endangered, the ban would have allowed the abortion to proceed.

(EDITORS: STORY CAN END HERE)

A January poll by the Tarrance Group showed 71 percent of the public supported the proposed ban, although Americans typically support abortion rights by 3-to-1 margins.

"It's always the case that around the margins, the public is much less pro-choice than usual. The public is actually pretty ambivalent about abortion. Many people believe simultaneously that abortion is murder and a woman has a right to choose," said Clyde Wilcox, a Georgetown University professor of government who monitors abortion politics.

"It's hard for anyone to listen to a description of the procedure without getting uneasy about it," Wilcox said. "The question is, who would want to make it an issue, really? Dole might want to make the veto the issue, but if he takes a really strong pro-life position, that puts him further away from the majority of the American people (on the general question of abortion), and that's not in his interest."

But Christian Coalition Executive Director Ralph Reed predicted that Clinton's veto would hurt him politically. "It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and evangelical voters in the eye and ask for their support in November," Reed said.

Clinton to stop in Detroit to highlight trade policy By Janet L. Fix Knight-Ridder Newspapers(KRT)

WASHINGTON In the midst of the pomp and circumstance of President Clinton's visit to Japan next week he plans to stop off at a Chrysler showroom to check out some American wheels.

The purpose of showroom visit is to reinforce an argument that the White House is making with increasing urgency in recent days that Clinton has managed trade with Japan better than any recent president.

This Friday, Clinton is expected to tout the early success of his landmark auto trade pact with Japan in a White House show-and-tell complete with vehicles on the lawn. His aides claim the deal is Clinton's crowning achievement in trade.

The planned showroom visit is a coup for Chrysler and

a big disappointment for Ford, General Motors and Toyota. Each lobbied hard in recent weeks to persuade Clinton to visit one of their Japan showrooms.

Clinton's hard sell on the auto pact is designed to put a positive spin on his trade record and increase his chances of reelection.

He's expected to gloss over the fact that no progress is expected during next week's trip on continuing trade problems with Japan. But some say Clinton's management of Japan trade is far from perfect.

"The auto deal has produced positive results, but it's not nirvana," said Clyde Prestowitz, head of the Economic Strategy Institute.

"And we still have enormous trade problems in semiconductors, photo film, insurance, glass, and airlines and Japan's market remains very difficult to penetrate for outsiders," Prestowitz said.

But Clinton is sure to emphasize the positive.

Two successes: A 46 percent jump in sales to Japan last year by U.S. auto makers and the significant reduction in the regulatory hurdles auto makers must go through to import cars to Japan.

And, while U.S. auto makers are not thrilled with the trade pact with Japan, they'll cheer Friday when Clinton releases the first review of the deal.

Each company will park on the White House lawn one of the right-hand-drive vehicles they have designed for release in Japan's market.

But the automakers remain concerned that Japan has not done enough to open its market. They say the government has not done enough to convince Japanese dealers that it's OK to sell U.S. autos.

Through the six months that ended in February, U.S. auto makers had found only a handful of dealers with 29 showrooms interested in selling their vehicles.

But Clinton's visit to a Chrysler showroom, begrudged by competitors, is a sign that Clinton will avoid coming down hard on the Japanese and will instead focus on Japan's progress.

Here's why: Chrysler recently announced that it added 54 showrooms in March almost doubling the number of showrooms U.S. auto makers had at the end of February. Technically, Chrysler's deal was completed after the period under the current review by Clinton.

Also by year end, Chrysler expects to be marketing five right-hand drive vehicles in Japan more than it's competitors.

"Chrysler has had more good news in this area," said Chrysler spokesman Chris Pruse. "We're delighted the president will highlight our success."

"No question, each of the auto makers have had successes in Japan," said Marie Kissel, Japan analyst for the American Automobile Manufacturers Association. "Of course, we'd like to see more."

Family, friends say farewell to Ron Brown By Angie Cannon and Mary Otto Knight-Ridder Newspapers(KRT)

WASHINGTON It was the kind of funeral Ron Brown would have loved.

More than 4,700 people crammed into the beautiful National Cathedral on Wednesday at a majestic sendoff for the charismatic commerce secretary, who was killed with 34 other people in a plane crash last week in Croatia.

It was a star-studded event. O.J. Simpson lawyer Johnnie Cochran was in the second row. Stevie Wonder was there in a long, dark coat with rhinestone buttons. Colin Powell sat a few rows behind President Clinton.

The church was filled with Democratic politicians: a host of U.S. senators and representatives, Detroit Mayor Dennis Archer, former New York Mayor David Dinkins, Washington Mayor Marion Barry and the Rev. Jesse Jackson, among others.

Business executives, media heavyweights, civil rights leaders and federal workers also came to say farewell.

"And as I look around, I see that all of us are dressed almost as well as he would be today," President Clinton quipped about the fashionable Brown during the

the guilty pleas don't reflect the breadth of your crimes," Johnson said. "In your position, you inappropriately pursued a course of personal gain for you, your family and your friends. You have stained them, as well as yourself and the high position you held."

But Rostenkowski sees himself as having been singled out for conduct that had been common among his House colleagues. "When they read what I pleaded to they would say, 'There but for the grace of God,'" he said Wednesday.

"I was there 36 years. They changed the rules 30 times. I can honestly say I was not fully cognizant of the rules and where there were changes, maybe I was brazen, I ignored it."

Mondale says U.S., Japan will reaffirm security ties at Tokyo summit By Michael A. Lev Chicago Tribune(KRT)

TOKYO After butting heads for several years on trade, the United States and Japan have found an issue they can use as the centerpiece for a relatively harmonious summit meeting: the continued use of American troops to protect Japan.

In advance of President Clinton's arrival for a state visit, U.S. Ambassador Walter Mondale met with reporters Wednesday and painted a rosy portrait of U.S.-Japan security relations. He said the two nations had rethought their defense relationship in the post-Cold War era and have agreed to reaffirm close ties.

Putting a positive spin on the summit meeting, especially during an election year, is good politics, but it isn't always an accurate reflection of U.S.-Japan relations, which are strained by trade friction. That is one reason why the pre-meeting talk is focusing on security.

An agreement concluded in time for the summit includes a deal to diminish the American military presence on Okinawa, a result of massive protests by Okinawans who say the 27,000 American troops stationed on the island represent an oppressive occupation. The protests were triggered by the rape last year of a 12-year-old girl by two U.S. Marines and a sailor.

"We have taken the outrage in Okinawa as a signal that the U.S. and Japan must very seriously look at our presence on Okinawa," Mondale said.

He declined to disclose details of the Okinawa agreement but said Defense Secretary William Perry will make an announcement when he arrives in Japan ahead of the president's scheduled arrival Tuesday.

The Yomiuri newspaper in Japan said the United States plans to return 12,350 acres of land to its owners. The newspaper said there are no plans to return Futenma Air Base, which Okinawans want because it is located in the middle of a city.

Mondale said the rape incident has led unexpectedly to a significant strengthening of the security relationship between the two nations.

"Beginning with the outrage over the rape in Okinawa, a great debate was opened up in Japan," Mondale said. "It went beyond that to the question of the security relationship and its importance."

Mondale suggested that after the rape, when Okinawans began demanding that American troops either leave Okinawa or greatly diminish their presence, Japan had the chance to re-evaluate whether it wants to house 47,000 American troops.

Japan's answer was that the United States should not reduce its military presence because of continued instability in Asia. That turned out to be all too true because of menacing behavior recently by China and North Korea.

But because Japan engaged in a debate about its future security ties, Mondale said, Japan's decision to renew ties takes on greater impact.

"I think (we have) seen a very positive series of debates and steps that strongly reaffirm the relationship," Mondale said.

Among the concrete steps expected to be announced before or during the summit between Clinton and Prime

Minister Ryutaro Hashimoto is a new military "cross-servicing" agreement, Mondale said. It would allow Japanese and American troops to share supplies and transportation and cooperate in other ways during training and humanitarian missions.

Such cooperation had been impossible in the past because many politicians interpreted Japan's peace constitution as precluding any "collective" defense activities.

On the trade side, Mondale was more cautious in his assessment of relations. The Japanese market, he said, is more open than before to American companies but trade barriers remain. One indication of progress, Mondale said, will be the release of a report Friday in Washington that assesses last year's auto-trade accord with Japan.

He also said there may be pre-summit progress on renewing an agreement on semiconductors and on a dispute over a previously agreed-upon insurance deal.

On the semiconductor issue, Mondale said he expects industry officials to work out a deal that both governments would endorse. But there is no progress in a dispute over American access to the Japanese photographic film market, he said, adding, "We will continue to press them."

Mondale also commented on a speech given recently by a Japanese trade official who suggested that the era of bilateral relations on trade issues is over, and that future discussions will be held multilaterally through the World Trade Organization.

Mondale said Clinton and Hashimoto plan to reaffirm a reliance on bilateral relations to deal with trade questions.

"It will be very clear both nations welcome and expect bilateral negotiations," he said.

Clinton vetoes late-term abortion bill By Robert A. Rankin Knight-Ridder Newspapers(KRT)

WASHINGTON President Clinton vetoed a bill Wednesday that would have banned a particular kind of late-term abortions, saying the prohibition would harm women who have little choice but to resort to the grisly medical procedure.

"These people have no business being made into political pawns," Clinton said at an emotional veto ceremony at which five women recounted the medical problems that caused them to terminate their pregnancies.

But Clinton's veto which he said came after months of study and prayer ensures that the abortion issue will be injected more forcefully into the presidential campaign this year.

Senate Majority Leader Bob Dole, the Republican running against Clinton, co-sponsored the bill Clinton vetoed. Dole immediately blasted Clinton for rejecting "a very modest and bipartisan measure reflecting the values of a great majority of Americans."

Anti-abortion activists were likewise critical. "We think the Clinton veto on this will come as a surprise to many people, because he has tried to portray himself as a moderate on abortion, saying he wants it to be safe, legal and rare," said Maureen Malloy, a lobbyist for the National Right to Life Committee. "This really shows him to be in the pocket of the abortion lobby."

Nevertheless, Clinton's veto is expected to stick. Although the ban cleared the House on March 27 by a vote of 286-129 nine more than needed to override a veto it passed the Senate by only 54-44, far short of the required two-thirds majority.

The bill would have banned "partial-birth abortions," defined as those taking place when a doctor "partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Proponents of the ban said the procedure painfully kills a fetus whose arms and legs typically are wriggling outside the birth canal until the doctor shoves scissors into its neck, then vacuums out its brains.

Opponents said the procedure is sometimes necessary to protect a mother's health in pregnancies gone awry, and is integral to a woman's right to choose abortion.

Clinton said he vetoed it because it failed to permit

Clinton vetoes 'partial-birth abortion' bill By Carol Jouzaitis Chicago Tribune(KRT)

WASHINGTON Intensifying an emotionally charged election-year debate over abortion, President Clinton on Wednesday vetoed a bill outlawing a late-term abortion procedure, saying the measure lacks an exception for women facing "serious, adverse health consequences."

Clinton announced the veto flanked by five women, including one from Naperville, Ill., who tearfully recounted past decisions to undergo the procedure because of profound fetal defects.

Abortion rights groups praised the veto as a politically courageous act protecting the health of women carrying abnormal fetuses. Anti-abortion groups and Catholic Church officials, including Joseph Cardinal Bernardin of Chicago, decried it for allowing a procedure they called brutal and unjustified.

It is unlikely that the veto can be overridden by a two-thirds majority in the Senate, where the bill passed in December by a slim 54-44 margin.

The measure represents the first congressional attempt at criminalizing a particular abortion method since the Supreme Court legalized abortion nationwide more than 20 years ago. It is aimed at a method described as a "partial-birth abortion" by opponents because the procedure involves pulling a fetus' lower body into the birth canal.

The bill would have permitted the method to be used if a woman's life was in jeopardy and no other medical options were available. A broader health exception sought by Clinton would have allowed it in cases where a woman's life was not endangered but her ability to bear children, for example, was at stake.

Supporters say the method is rarely used about 500 times a year in the U.S., though opponents say the number is probably somewhat higher.

The women at the signing were brought to the White House with their families by an abortion rights group. They said the procedure had safeguarded their lives and fertility. Several had become pregnant again and one, Vikki Stella of Naperville, gave birth to a son three months ago.

Such deeply personal stories have played prominently in abortion rights groups' lobbying to defeat the measure. They have used the accounts to blunt the impact of graphic pictures of late-term abortions wielded by opponents.

Kate Michelman, president of the National Abortion Rights and Reproduction Action League, praised Clinton, saying, "This is a time when the president stood for principle and women's lives and health."

The veto was a risky decision for Clinton in light of the fact that polls indicate most Americans oppose the procedure.

"Catholic voters are obsessed with this issue," said Washington-based political analyst Stuart Rothenberg. "The church's hierarchy is enraged. They may well cause a major stink and attempt to polarize the Catholic rank-and-file."

The veto could give Republicans ammunition against Clinton, who won a plurality of Catholic voters in 1992, in their efforts to portray him as a liberal who only talks like a moderate.

A vocal opponent of late-term abortion, Chicago's Cardinal Bernardin reacted to the veto Wednesday by accusing Clinton of ignoring "an unusual consensus" among Americans against the procedure.

"There is no justification medically, legally or morally for allowing such an abhorrent procedure to be performed," Bernardin said.

Chairman of Chicago's Harza Engineering Co. A Victim of Croatia Plane Crash By Kenan Heise, Chicago Tribune Knight-Ridder/Tribune Business News

CHICAGO—Apr. 10—John A. Scoville, 63, chairman of Harza Engineering Co., died April 3 in the plane crash in Croatia which killed 35 people, including Commerce Secretary Ronald H. Brown.

Mr. Scoville oversaw all business operations of the \$110 million, employee-owned, international engineering and environmental consulting firm based in Chicago.

A resident of Wilmette, Mr. Scoville's mission to Croatia was to help rebuild that country by restoring telecommunications, rebuilding dams, laying roads and rebuilding factories.

His firm had earned an international reputation for its innovative problem-solving in civil works. He was known in countries such as China, Pakistan and Egypt for his expertise on hydroelectric power projects. He oversaw the Ertan Hydro-Electric Project in Sichuan, China. The double-curve arch dam is the largest of its kind in the world and represents a partnership between local engineers and international consultants.

Mr. Scoville had been working with Pakistan's Water and Power Development Authority since 1959 and had been involved with a hydropower project on the Indus River in Pakistan.

It was in working with Chicago, however, that he attained a long-standing and multi-talented reputation in dealing with urban problems. His firm devised the Deep Tunnel Project to build 110 miles of tunnels to combat water pollution. Under way since 1975, it is one of the world's largest civil works projects. His firm also was key in resolving the Chicago freight tunnel flooding in 1992. It developed bulkheads at 26 locations where the river intersected the tunnel system so it would not happen again.

"That company helped us tremendously," Mayor Richard M. Daley said. "They brought people from around the world dealing with that situation."

Mr. Scoville graduated from Dartmouth College in 1954 and earned a master's degree from Thayer School of Engineering in 1955. Before joining Harza in 1957, he had worked with Ohio Oil Co. and the Army Corps of Engineers.

Survivors include his wife, Elizabeth; three sons, John A. III, James C. and William H.; a daughter, Susan Cotton; a sister; and four grandchildren.

Visitation will be from 3 to 9 p.m. Thursday in Donnellan Family Funeral Home, 10045 Skokie Blvd., Skokie. Services will be private.

Economy picks up steam but risk of overheating appears slim By Tim Jones Chicago Tribune(KRT)

CHICAGO Inflation, forever looming in the weeds as a menace to the economy, is expected to establish a somewhat higher profile as the Labor Department reports March figures on producer prices Thursday and consumer prices Friday.

But even as inflationary pressures increase, economists do not see any immediate indicators that the economy is in danger of quickly overheating.

The bulk of what the inflation numbers likely will reflect is dramatically higher gasoline prices and more modest hikes in food prices. Although those two highly visible indicators strike a chord with consumers, they do not necessarily indicate a long-term, fundamental change in the economy as a hike in wages would.

"There's no reason to think that inflation is an imminent problem. This is the result of a supply shock and not excessive demand," said Robert Dederick, economic consultant at Northern Trust Co.

"But it doesn't take much in the way of growth for some stress to appear," he said. "At the moment it doesn't seem to be occurring, but certainly the risk is there because the economy is operating at near full

capacity. ... Farther down the road, the possibilities become higher and higher."

This is a familiar refrain. With the March unemployment rate at a relatively low rate of 5.6 percent, job growth increasing and inflation remaining low, the economy is walking a tightrope with regulators trying to keep the balance through tight monetary policy.

For the moment, the numbers suggest the Federal Reserve Board will maintain the monetary status quo. Although there has been no sign that the central bank is about to act quickly to keep inflation in check, economists said other early indicators of inflationary trouble will be watched closely.

"Inflation at the finished-goods level is a lagging indicator," said Dana Johnson of First Chicago Capital Markets Inc. "What we would see first is a pickup in production, consumer spending and employment.

"This is not an economy that is running on all of its pistons right now."

The expectation of inflation growth came Wednesday as the government reported a mixed bag on worker productivity, considered a key indicator of Americans' standard of living. The Labor Department said workers posted their best performance in three years but productivity tailed off as the year ended.

Non-farm productivity the measure of output per number of hours worked grew 1.1 percent last year, the largest gain since the 3.2 percent boost in 1992, according to the report.

"The setback in the fourth quarter was hopefully a temporary and not a permanent change. I think one should expect a slow rate of increase in productivity during the first half of this year," said Sung Won Sohn, chief economist at Norwest Corp., in Minneapolis.

The new year began with robust growth in employment figures, an average gain of 206,000 workers during each of the first three months. But the potential benefit to productivity was held back by the harsh winter weather and a strike at General Motors Corp. facilities that all but shut down its production and affected related industries.

Causes for the 1995 overall boost in productivity are in dispute. Some economists say it is the product of economic recovery, but others say it is due to greater efficiencies at businesses that have restructured their operations through layoffs and improved technology.

Dederick said the economy is "close to the acceleration stage," but he and other economists note the impact of longer-term interest rates, which have risen dramatically this year, will likely dampen consumer demand for automobiles and housing. That should go a long way toward controlling inflation.

"No one is expecting any surge in the inflation rate anytime soon, especially if you look at the economy in the global context," Sohn said. "The worldwide demand for goods and services is not that strong."

Defiant Rostenkowski returns to Chicago By Michael Tackett Chicago Tribune(KRT)

WASHINGTON The scene at Morton's had been repeated too many times to count: Dan Rostenkowski holding forth at a table, tossing back a couple of glasses of gin and then enjoying wine, a sirloin and asparagus with hollandaise sauce and hash browns.

In another time, the former congressman's companions might have included the chairman of a powerful corporation, one of its top lobbyists or another titan from Capitol Hill.

But Tuesday evening, just hours after the moment of his greatest humiliation, he was surrounded by a more personal group: his former longtime assistant, Virginia Fletcher; his daughter, Gayle; and a lawyer, Nancy Luque.

The picture was at once defiant and revealing. Though he had just pleaded guilty to two felonies, agreeing to serve 17 months in prison and pay a \$100,000 fine, he didn't want to appear to be hiding. But unlike his other dinners at Morton's, this one was more to commiserate than celebrate.

On Wednesday, he was back in Chicago, awaiting assignment to a federal corrections facility. During an interview, he sought to clarify some of the issues in the case denying, for example, that he had rejected a much better plea bargain two years ago and offering insight into why he admitted guilt now.

In the end, Rostenkowski said, it was the cumulative weight of the investigation and the personal and financial toll that it took on him and his family that led him to recant his early assertions of total innocence.

"I'm two years older into this thing," the 68-year-old Rostenkowski said in the telephone interview. "You become apprehensive even picking up the phone. Every phone call is a bad phone call. You are laughing on the outside and dying on the inside."

And he admitted that some of his actions were clearly wrong.

"I always said I violated House rules, but was not in violation of the law," Rostenkowski said. "But my lawyers later explained to me that a jury could conclude that I had violated the law."

For instance, Rostenkowski admitted that he had purchased with federal funds commemorative chairs that he later gave away as personal gifts. "There's no question about the chairs," he said. "The chairs are a violation. No doubt about that."

He emphatically denied that he had ever rejected a plea-bargain agreement in May 1994 in which he would have been forced to resign from Congress, spend six months in jail and pay a \$38,000 fine.

Such a deal reportedly was negotiated by Rostenkowski's lawyer at that time, Robert Bennett. Rostenkowski said he did not believe that Bennett had engaged in face-to-face negotiations with prosecutors, including U.S. Attorney Eric Holder.

"I would consistently say, 'Have you talked to them?'" recalled the former chairman of the House Ways and Means committee. "(I would say) Bennett ... I know a little about negotiations. If you can't look them in the face, you don't know, you can't see their body language.

"One thing I felt was unfair here was in the press you would see that the deal was to resign, serve six months and pay a fine," he said. "That never, never took place."

A federal source with detailed knowledge of the negotiations, however, said Bennett had met several times with Holder and other prosecutors and they had agreed to such a six-month deal.

"The notion that there was not a six-month offer is preposterous," the source said. The only nuance was that the agreement had not been put into writing and approved by the attorney general. But the source said Bennett had conveyed the offer to Rostenkowski verbally.

Rostenkowski said Wednesday he had contemplated a plea agreement back then that would have forced his resignation and required some commitment to community service. The government apparently never considered such a deal, however.

When the initial reports of a proposed plea agreement surfaced in 1994, Rostenkowski said he would not accept it. He dismissed Bennett and vowed to fight any charges, retaining Chicago lawyer Dan Webb.

A federal grand jury soon returned a 17-count felony indictment against him, accusing him of converting nearly \$700,000 in federal and campaign money to his personal use.

On Tuesday, Rostenkowski pleaded guilty to two felony counts, agreeing to a 17-month prison term and a \$100,000 fine. He also has incurred an estimated \$2 million in additional legal bills.

Though the original indictment against him was broad in its reach, including charges of obstruction of justice and conspiracy, the charges to which he pleaded guilty involved using public funds to buy personal gift items and using the mail to make payments to federal employees who did no official work.

Prosecutors and U.S. District Judge Norma Holloway Johnson were steadfast that his wrongs extended far beyond the plea agreement.

Clinton vetoes abortion curb

By Warren P. Strobel
THE WASHINGTON TIMES

A1

Pro-life activists cry 'betrayal'

President Clinton yesterday vetoed a bill banning partial-birth abortions. The move enraged pro-life activists, but the White House defended it as necessary to preserve a rare and lifesaving procedure.

To soften the political fallout, Mr. Clinton held a White House ceremony at which five women described how they agonized over

whether to have the procedure when they discovered that their fetuses were severely deformed and their own lives perhaps in danger.

"This affects staunchly pro-life families as well as people that are pro-choice," the president said after vetoing the measure. "They never had a choice."

Mr. Clinton's words did little to dampen the anger of abortion opponents.

"Bill Clinton has taken his veto pen and pointed it like a dagger at the hearts of the innocent unborn," said Ralph Reed, executive director of the Christian Coalition, who called the president's action "a brazen betrayal of his solemn promise to make abortion rare."

In a statement that underscored the issue's election-year power, Mr. Reed said: "It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and evangelical voters in the eye and ask for their support in November."

Senate Majority Leader Bob Dole, who has locked up the Republican presidential nomination, said Mr. Clinton "apparently believes in abortion on demand."

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VETO

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The bill that the president vetoed would have made it a felony for doctors to perform a rare but gruesome procedure. Late in pregnancy, the fetus is partially delivered and then a hole is punched into its skull and its brain is sucked out through a tube.

The measure passed March 27 by a 286-129 margin in the House, where 290 votes, or two-thirds of those present, are needed to override the president's veto. Prospects for an override are far dimmer in the Senate, which approved the legislation 54-44 in December. There, 67 votes are needed to override.

Rep. Charles T. Canady, Florida Republican, who sponsored the House measure, said he would discuss with House GOP leaders an attempt to override the veto.

"By vetoing this bill today, President Clinton showed that he believes that abortion should receive the absolute protection of the law — at any stage of pregnancy, for any reason, and using any method," he said.

Kate Michelman, president of the National Abortion and Reproductive Rights Action League, praised Mr. Clinton. "The president has chosen compassion and

concern for families fighting medical tragedies over the cynical, election-year ploy of politicians advancing this legislation," she said.

Mr. Clinton's action could have serious political repercussions. His stance has angered many Catholics, who make up sizable parts of the electorate in Midwestern states such as Illinois, Ohio and Michigan that are vital to the president's re-election.

In a statement yesterday, Cardinal James A. Hickey, the archbishop of Washington, said: "If we deny the humanity of a child as it is being born, whose humanity will be denied next? Thoughtful Americans should keep this in mind as they ponder their choices on election day."

Privately, White House advisers argue that Mr. Clinton's action will not change many votes. Most Americans do not want government intrusion into personal decisions on abortion, while Catholics are not single-issue voters, they say.

The White House also accused Republicans of using the issue as a political wedge.

Mr. Clinton complained yesterday that "the emotional power of the description of the procedure ... was so great that my plea just to take a decent account of these hundreds of families every year

that are in this position fell on deaf ears."

The bill's sole exception was in cases where the mother's life was in immediate danger.

Mr. Clinton pressed Congress for broader language that would allow partial-birth abortions when there was a serious threat to a women's health. Critics lampooned this, saying such a sweeping exemption would allow for cases where a girl would not fit into her prom dress or a woman had a headache.

The president rejected that characterization of his position. "I said, 'No, no, no. I will accept language that says serious, adverse health consequences to the mother,'" he said. "Everyone in the world will know what we're talking about."

With Mr. Clinton standing behind her in the Roosevelt Room yesterday, Mary Dorothy Line, a Catholic, described how she and her husband discovered that the boy she was pregnant with had hydrocephalus, a condition in which the brain cannot develop because of too much fluid.

She said that not only was there no hope for the fetus, but her own health would have been in grave danger if she carried the child to term.

• Julia Duin and Laurie Kellman contributed to this report.

The Washington Times

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Taxicab nominee accused of graft

Ex-driver trainer denies payoffs

By Brian Blomquist
THE WASHINGTON TIMES

Mayor Marion Barry's nominee to head the D.C. Taxicab Commission illegally sold prospective cab-drivers cards verifying they had attended his training class even though they had not, a former taxi driver swears in a written statement now in police possession.

The former driver, Sala Khattak of Arlington, said he knows 10 taxi drivers who purchased the attendance cards from Novell Sullivan for \$100 to \$200 apiece about two years ago.

In order to take the D.C. cab-drivers' exam and become a licensed taxi driver, an applicant must complete the course, taught at the University of the District of Columbia, before receiving the attendance cards. Mr. Sullivan taught the course from 1988 to 1993.

Mr. Khattak, 25, a student at American University who quit driving cabs about a year ago, said in his statement that Mr. Sullivan sold attendance certification cards, allowing applicants to bypass the course and go straight to the driver's exam.

Mr. Khattak's statement, dated

see TAXI, page A10

Rwandan in U.S. linked to massacre

Ex-minister faces war-crimes probe

By Gaedig Bonabesse
THE WASHINGTON TIMES

An international war-crimes tribunal is investigating a Rwandan now living in Laredo, Texas, for his reported role in a 1994 massacre that left thousands dead.

Human rights activists and war-crimes investigators say Elizabeth Ntakirutimana, who until last year was an Adventist minister, is suspected of involvement in the massacre of Tutsis who had sought refuge in a church in Kibuye prefecture.

"The tribunal is investigating what happened in Kibuye, and Elizabeth Ntakirutimana is on the list of persons presumed guilty," said Alain Sigg, spokesman for the International Criminal Tribunal for Rwanda, which is based in Arusha, Tanzania. The tribunal is connected with the International War Crimes Tribunal in The Hague.

An investigator from The Hague came to the United States in September to look into the case.

see RWANDA, page A9

Clinton vetoes abortion curbs

Pro-life activists cry 'betrayal'

Clinton vetoes abortion curbs

By Warren P. Strobel
THE WASHINGTON TIMES

President Clinton yesterday vetoed a bill banning partial-birth abortions. The move enraged pro-life activists, but the White House defended it as necessary to preserve a rare and lifesaving procedure.

To soften the political fallout, Mr. Clinton held a White House ceremony at which five women described how they agonized over

Pro-life activists cry 'betrayal'

whether to have the procedure when they discovered that their fetuses were severely deformed, and their own lives perhaps in danger.

"This affects staunchly pro-life families as well as people that are pro-choice," the president said after vetoing the measure. "They never had a choice."

Mr. Clinton's words did little to

dampen the anger of abortion opponents.

"Bill Clinton has taken his veto pen and pointed it like a dagger at the hearts of the innocent unborn," said Ralph Reed, executive director of the Christian Coalition, who called the president's action "a brazen betrayal of his solemn promise to make abortion rare."

In a statement that underscored the issue's election-year power, Mr. Reed said: "It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and evangelical voters in the eye and ask for their support in November."

Senate Majority Leader Bob Dole, who has locked up the Republican presidential nomination, said Mr. Clinton "apparently believes in abortion on demand."

see VETO, page A18

'A truly American life'



Farewell to a friend: President Clinton, attending yesterday's service with wife Hillary and daughter Chelsea, watches as Commerce Secretary Ron Brown's casket is carried out of the Washington National Cathedral.

By Warren P. Strobel
THE WASHINGTON TIMES

Commerce Secretary Ron Brown was laid to rest yesterday after a funeral at the Washington National Cathedral in which President Clinton led 4,700 mourners in a bitter-sweet farewell.

Mr. Brown's hearse wound its way to Arlington National Cemetery through an inner-city neighborhood after an extended final expression of warmth and respect unusual by the standards of ceremonial Washington.

The motorcade moved past grieving residents of the Shaw dis-

Brown buried after president leads mourning

trict who turned out to honor the first black secretary of commerce.

Killed with 34 others in an airplane crash last week in Croatia, the Army veteran was buried with military honors in a hillside just below the Tomb of the Unknowns. Mr. Clinton presented the folded flag to Mr. Brown's widow, Alma.

At the cathedral, Mr. Clinton observed that Mr. Brown had "a truly American life."

The president eulogized his close friend and valued political adviser as a man who was driven to succeed but "never forgot that there are always some people who are left behind."

Mr. Clinton acknowledged a huge debt to Mr. Brown, who was widely credited with re-energizing the Democratic Party and setting the stage for the election of a Democrat to the White House for

see BROWN, page A10

U.S. orders ouster of Sudan envoy, cites link to plot

U.N. diplomat tied to sheik's case

By Catherine Troups
THE WASHINGTON TIMES

NEW YORK — The United States has ordered the expulsion of a Sudanese diplomat for his suspected links to terrorists who plotted to bomb the United Nations and assassinate Egyptian President Hosni Mubarak.

Ahmed Yousef Mohamed, a second secretary at Sudan's U.N. mission, was given until tonight to leave the country, officials said yesterday. Sources said they have known about Mr. Mohamed's terrorist and espionage activities for as long as two years and have had him under surveillance.



Mohamed

"The United States intends to remain firm in its commitment to the American people not to allow individuals enjoying diplomatic privileges and immunities accredited to the U.N. to use this country as a safe haven or base for terrorism," said James P. Rubin, spokesman for the U.S. mission to the United Nations.

A Sudanese official at the United Nations yesterday called the allegations "baseless" and said the United States had failed to produce evidence of suspicious activities by Mr. Mohamed. Even so, the official said, the diplomat will leave the country as ordered in respect for U.S. sovereignty.

The official charged that the expulsion, which was not contested by a U.N. review panel, is being used by the United States in a campaign to undermine Sudan.

Mr. Mohamed and another Su-

see ENVOY, page A18

Many question Dole for enlisting Matalin

Some blame Bush loss on 'Mrs. Carville'

By Ralph Z. Hallow
and Laurie Kellman
THE WASHINGTON TIMES

The move by Sen. Bob Dole's presidential campaign to tap Mary Matalin, the wife of Democratic strategist James Carville,

for a major role has elicited disbelief and anger among Republican officials across the country.

"She's what?" said Florida GOP Chairman Tom Slade on being told Mrs. Matalin, who was deputy director of George Bush's failed presidential re-election campaign in 1992, was joining the Dole campaign.

"On a scale of one to 10, with 10 being the most stupid choice, this is a 14," Mr. Slade said. "There is little doubt she is a talented political operative, but there are lots and lots of talented political operatives on our side of the aisle."

David Opitz, chairman of the Wisconsin GOP, was equally incredulous.

"Didn't anybody take notes in '92?" he said. "Republicans must be [expletive] nuts. I can't believe it. Is she so brilliant that we are going to put up with a Mrs. Carville in our campaign? ... I don't know what she brings to the table."

The Dole campaign has from the beginning lacked a hands-on communications director — considered one of the most crucial and sensitive jobs in a 50-state campaign organization — and Mrs. Matalin has hinted she would fill that job.

But a senior Dole campaign official said privately that her role in both strategy and communications has yet to be worked out.

Mrs. Matalin said she will join the Dole campaign in June, but the senior Dole official said it has yet to be decided when she will come on board. She is scheduled to meet with Mr. Dole's campaign man-

see MATALIN, page A18

Lawmaker turns to 'Toronto blessing'

By Julia Quin
THE WASHINGTON TIMES

As they saw their 15-year-old son's life ebbing away in December, Rep. Tony P. Hall and his wife, Janet, made a desperate decision.

They took Matthew Hall, critically ill with leukemia, to a church in Toronto, noted for remarkable manifestations of the Holy Spirit.

"There's healing going on up there and there's power up there, and I want my son to have everything that's available," Mr. Hall said.

The youth enjoyed a brief remission after the Toronto visit but has since relapsed. He's had the cancer for 3½ years.

"I can't say Toronto made the difference, but prayer did make the difference," the Ohio Demo-

Son with cancer still clings to life

crat said. "It was a little bit wild, a little bit crazy sometimes, but there was no doubt in my mind there was power there."

One of the eight friends who also flew aboard the private plane was Rep. Frank R. Wolf, Virginia Republican.

"Tony is one of my best friends, and he asked me to go," Mr. Wolf said. "I believe in the power of prayer, and I think it was important to go."

In visiting the Toronto Airport Christian Fellowship, the two congressmen stepped into a showcase for the worldwide Pentecostal-charismatic movement that has influenced millions, particularly in the Third World.

Being a showcase has come at some cost. The Toronto church was ejected from its denomination — the Association of Vineyard Churches in Anaheim, Calif. — last December for its unusual methods of prayer, prophecy and interpretations of Scripture.

But the Halls were open to it if their son could be helped. The encouragement attended one service at the church, then went to the home of the lead pastor, the Rev. John Arnott, and his wife, Carol, for other prayers.

"The family had done everything they knew to do for years," Mr. Arnott said. "The doctors said he had two weeks to live and they asked Matthew what he wanted to do and he said, 'Go to Toronto.' The point is, he's still living four months down the road."

see FAITH, page A18

INSIDE

Thursday, April 11, 1996
Volume 15, Number 102, 6 Sections, 80 Pages

Sports

BULLETS BOUNCE CELTICS — The Washington Bullets keep their playoff hopes alive with a 122-108 victory over the Boston Celtics at the FleetCenter in Boston. B1

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PRINT-SIZE PILOT — Jessica Dubroff, 7, who hopes to become the youngest pilot to fly across North America, stands on a California runway with her father, Lloyd, yesterday before embarking on the first leg of her trip. A3

7 02803 87040 7

death, and Clinton recalled that Brown himself had visited former Republican National Committee Chairman Lee Atwater in the hospital and attended his funeral five years ago.

-0-

AIDS IN MILITARY: One obstacle to congressional action on the long-awaited budget bill is a new law requiring the Pentagon to discharge military personnel infected with the virus that causes AIDS. As part of a bill to fund much of the government for the rest of fiscal 1996, the Senate voted to repeal the requirement. But the House did not. When House and Senate negotiators start meeting next week to finish the budget bill, they are expected to consider a compromise that would extend the deadline for discharging people with HIV. The law requires their discharge by Aug. 10. But Rep. Robert K. Dornan, R-Calif., author of the requirement, proposes changing the date to Jan. 1, 1997, to allow time for senators who dislike the law to "get educated on the pandemic." However, opponents including Senate Appropriations Chairman Mark O. Hatfield, R-Ore. do not think delaying the discharge is much of a compromise and will fight it when the talks resume.

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GETTING TOUGH: An arm of the Treasury Department is considering stricter financial reporting rules for card clubs to discourage money-laundering. The crackdown by Treasury's Financial Crimes Enforcement Network would stem, in part, from allegations of skimming, cheating, stealing and payoffs at the Bicycle Club, a Bell Gardens, Calif., card club seized by the federal government six years ago. Until now, Treasury has not imposed the rules on card clubs on the grounds that they are not like full-scale casinos, which provide a range of financial services and take a percentage of the gaming transactions for acting as the "house." But now, authorities believe, the card clubs have grown to the point that they generate huge revenues, making them an inviting site for those who want to launder millions of dollars. Authorities also believe that the clubs are more active in operations than merely providing a location for card players. The Treasury Department recently extended the more stringent rules to Indian gaming establishments.

-0-

YIN'S BACK IN: The Republican half of the Yin and Yang political odd couple Mary Matalin and James Carville is taking a senior position in Senate Majority Leader Bob Dole's presidential campaign. Dole aides said that Matalin will have a major role alongside campaign manager Scott Reed and Don Sipple, the campaign's top strategist. Matalin served as President Bush's political director in the 1992 campaign, while Carville was Bill Clinton's chief strategist. The Clinton reelection campaign has yet to carve out an official role for Carville, although the mercurial Cajun is in regular communication with the president about broad themes and strategies. Matalin will step down as co-host of the CNBC television program "Equal Time" to assume her new role, although she will continue to serve as host of a CBS radio show.

Sweatshirt, Glasses Resembling Unabomber Sketch Found (Helena) By Maria L. La Ganga and Ronald J. Ostrow= (c) 1996, Los Angeles Times=

HELENA, Mont. Federal investigators searching the mountain-side shack of Theodore Kaczynski have discovered a hooded sweatshirt and aviator sunglasses that closely resemble those worn by the elusive Unabomber the one time he is believed to have been sighted while placing a bomb.

The glasses and sweatshirt were a prominent feature of a sketch of the suspect that repeatedly has been circulated since February 1987 when a worker at a Salt Lake City computer store reported that she has seen a man

with a moustache, dark glasses and a sweatshirt put something under the wheel of her car in the store's parking lot. The parcel exploded when another worker moved the item. The woman is believed by authorities to be the only eyewitness to a Unabomber attack.

Disclosure of the discovery came as the government, for the first time officially tied Kaczynski to the Unabomber's full spree of crimes. Kaczynski has been charged with a single count of possessing bomb-making materials, and until now, the government has only unofficially linked him to the full string of bombings and murders whose targets have included university professors and the airline industry.

But in a court proceeding Wednesday, opposing a request by news organization to release documents in the case, government lawyers officially confirmed Kaczynski's status as a suspect in the full range of Unabomber crimes.

In arguing that the documents should remain under seal, Assistant U.S. Attorney Bernard F. Hubley said government officials had promised the Kaczynski family confidentiality in exchange for their much-needed cooperation in the case. District Judge Charles C. Lovell ruled that promise should outweigh the public's right to immediate information in a case that has riveted worldwide attention to rural Montana since Kaczynski's arrest last week. Lovell said he would consider releasing the information next week.

The FBI's voluminous application justifying the search warrant for Kaczynski's cabin was sought by news organizations, including the Los Angeles Times. The government objected to releasing the information, which "describes a series of crimes occurring over an 18-year period, including 16 bombings and three murders."

"The FBI's overt investigation of Kaczynski's ties to specific bombing incidents is only a few weeks old, and an extraordinary amount of work remains to be done," Hubley argued in court filings. The media's "contention that the government's investigation is 'essentially complete' simply ignores the reality of this case."

Lovell also extended until Monday the period in which federal agents can search Kaczynski's mountain shack. The search warrant had been scheduled to expire Saturday.

"There were explosive devices and components which have necessitated cautious examination by X-ray equipment at the place to be searched," Lovell said. "The presence of these devices caused some delay in the exercise of the warrant and the completion of the search."

Meantime, sources familiar with the investigation said that agents had recovered at least one manual typewriter from Kaczynski's cabin in addition to the two typewriters whose discovery has already been reported. It could not be learned, however, whether any of the machines has been identified as the typewriter used in writing the Unabomber's 35,000-word manifesto, letters to newspapers and other type-written material recovered from bomb scenes.

Last week, government sources said there had been a preliminary match between one of the two machines found at Kaczynski's cabin and the Unabomber's writing, but that additional testing at the FBI laboratory in Washington was needed.

At the time, those officials estimated the testing would require two to three days, but now, several days beyond that time, the same sources decline to say whether any of the machines match or have been ruled out.

(Begin optional trim)

The sources also revealed further signs of Kaczynski's estrangement from his family, particularly his father who died in 1990. According to the sources, the suspect had told his family to use a special code when they were writing him about something "urgent and important." He instructed them to underline in red the postage stamp on any such correspondence to assure he would not ignore it.

The sources, confirming an account first reported by the Chicago Tribune, said that the family used the urgent red line when they wrote him of his father's death. Kaczynski objected to that use of the code, saying the

... to prevail over Clinton's veto, they asserted they have scored political gains in the struggle for Americans' sympathies.

"This debate has opened the eyes of many Americans to how terribly unprotected unborn human beings are in this country," said Douglas Johnson, legislative director of the National Right To Life Committee Inc., an anti-abortion group. "Most Americans wrongly believe that abortion is not legal after the third month, yet these partial birth abortions are often performed not earlier than the fifth month and often much later."

Clinton noted Wednesday he had hoped Congress would adopt an amendment to the bill that would have allowed exceptions to protect the health of the mother. While lawmakers would waive the ban in cases where the abortion is necessary to save the mother's life, they rejected efforts to add the waiver the White House sought.

The Supreme Court, in its landmark Roe vs. Wade case, left to states the right to place limits on abortions after the second trimester of pregnancy the point at which specialists generally agree that a fetus could survive life outside the womb, given expert medical intervention. And currently, 41 states, including Ohio, have adopted restrictions on such late-term abortions. But to the consternation of abortion foes, almost all contain broad exemptions for abortions performed in cases where the mother's health including emotional health is endangered by the pregnancy.

Clinton Eulogizes Brown at Full-Honors Funeral (Washn) By Paul Richter= (c) 1996, Los Angeles Times=

WASHINGTON Former Commerce Secretary Ron Brown was eulogized by President Clinton as a "force of nature" and laid to rest Wednesday after a full-honors funeral procession that threaded its way through the bustling black neighborhoods and marbled monuments of Washington, symbolically retracing the path of his remarkable career.

Brown's funeral the fifth official observance of his death in six days drew 4,300 mourners to the Washington National Cathedral, from top administration aides to such prominent black Americans as Gen. Colin Powell, former New York Mayor David Dinkins, celebrity lawyer Johnnie Cochran Jr., and musicians Stevie Wonder and Wynton Marsalis.

But the words that drifted through the cavernous cathedral were joyous and playful, as well as melancholy, as they recalled a middle-class Harlem boy who came to embody black achievement as he became top campaign aide, Democratic party chief, lobbyist and cabinet secretary.

"He proved you could do well and do good he also proved you could do good and have a good time," Clinton said of his friend, who died with 34 others April 3 when his plane crashed on a fog-swaddled Croatian hillside.

Brown had laid in repose at the Commerce Department for 24 hours Tuesday, atop a crepe-draped platform called a catafalque that was built for Abraham Lincoln in 1865. The line of mourners who came to see him was still snaking around the block at dawn Wednesday, despite an unseasonable cold.

After Wednesday's service, Brown's mahogany coffin was lifted from a hearse at the gates of Arlington National Cemetery, and placed on a six-horse black caisson. The one-time Army captain was interred to strains of "Battle Hymn of the Republic."

Clinton saluted Brown's abilities as he thanked him for restoring the Democratic Party after the shattering 1988 election in a way that allowed Clinton to later win the White House. "Thank you: If it weren't for you, I wouldn't be here," the president said.

Clinton joked about the elegant tastes of Brown, who loved scents and expensive clothing, and ordered his shirts tailor-made.

"I'm telling you folks, he would have loved this deal today," Clinton said. "Here we are for Ron Brown, in this national cathedral, with full military honors. ... And as I look around I see that all of us are dressed almost as well as he would be today." The remark drew a

smile from Brown's widow, Alma.

Clinton was seated with wife Hillary Rodham Clinton, and daughter, Chelsea, Vice President Gore and his wife, Tipper. Just across the aisle was Powell, who is still the subject of discussion

if involuntarily as a possible running-mate for the presumptive Republican presidential candidate, Sen. Bob Dole.

Brown's son, Michael, also remembered his Dad's playful side, and his warmth.

Anybody who said Brown exemplified "grace under pressure," he said, hadn't seen his father play golf, he joked. He spoke of how close the family was, recalling how some people thought father and grown son were "weird" because they still kissed each other on the lips.

At the family's request, Brown's funeral procession drove down Washington's Embassy Row, then east to the historically black Shaw neighborhood once called the "Black Broadway" before doubling back to cross once more by the Commerce Department. The gesture was to recall Brown's attachment to his roots.

Brown's funeral was far from the most elaborate official funeral in Washington has seen. He did not lie in state at the Capitol, or receive a 21-cannon salute at Arlington.

But the past week's series of memorial events, most presided over by Clinton, made it one of the most prolonged observances in the capital's history. Clinton remembered Brown in successive appearances at St. John's Episcopal Church, the Commerce Department, Dover Air Force Base in Delaware, and at the Washington National Cathedral.

Indeed, Michael Brown disclosed in his eulogy that his sister, Tracy, had gotten "a little emotional" in her unhappiness over the long succession of memorial events, which were primarily organized by the White House. "Tracy ... I hope you and we now understand that we have to share Dad with the world," Michael Brown said.

(Optional add end)

Brown's meaning for his many black American admirers was evident even at the end.

Jarvis Stewart, 27, program manager at the nonprofit African American Unity Center in Los Angeles, bought himself a ticket on a red-eye flight Tuesday night in hopes of getting one of 200 free tickets that were distributed Wednesday morning at the cathedral.

"He was able to move between the Anglo and African-American communities effectively, and with an open heart," Stewart said, before he entered the cathedral. "That's a considerable achievement these days."

Charles W. Saunders, 48, the mayor of tiny Waynesville, Ohio, admired Brown's skill so much that and his wife drove all night from southwest Ohio to try to make the funeral. "He was a very skilled and artful politician," said Saunders, who also got in. "If I could use him as a role model to rise higher than a mayor's job, well, I would be very happy."

WASHINGTON INSIGHT: Clinton Sees 'Mean Streak' in GOP Silence (c) 1996, Los Angeles Times=

WASHINGTON President Clinton expressed disappointment privately to friends and aides that he had not received a single phone call or note of condolence from a Republican in the four days after Commerce Secretary Ronald H. Brown died in a plane crash in Croatia last week. Although Republicans, including Sen. Majority Leader Bob Dole of Kansas and House Speaker Newt Gingrich of Georgia, expressed their sympathies to Brown's family directly, Clinton saw their lack of communication with him as a reflection of the political climate now reigning in the capital, according to someone who heard his remarks. He mentioned their silence more in sorrow than anger, and said it demonstrated what he thought was a "mean streak" in Republican politics today. Many Democrats had spoken to the president about Brown's

Top of page:

Col 1: Feature on auto workers. (moving later with art).

Cols 2-4: Commerce Secretary Ronald H. Brown is eulogized by President Clinton as a "force of nature" and laid to rest after a full-honors funeral procession that threads its way through the bustling black neighborhoods and marbled monuments of Washington, symbolically retracing the path of his remarkable career. (with art.) (BROWN-TIMES, moved.)

Cols 5-6: The University of California at Berkeley, one of the nation's premier public institutions, has operated its own special admissions program for students sponsored by VIPs ranging from a U.S. Senator to the UC regent who now is leading the charge against affirmative action, according to documents released Wednesday. (ADMIT, upcoming.)

Above fold:

Col 2: Setting up a potentially explosive political battle between advocates for the working poor and major state business interests, a labor-backed coalition apparently has gathered enough signatures to put an initiative on California's November ballot that would sharply raise the minimum wage. (WAGE, moved.)

Col 4: President Clinton vetoes a bill that would outlaw a controversial late-term abortion procedure, but takes pains to minimize the political impact of a potentially unpopular decision. (ABORTION-TIMES, moved.)

Col 6: Federal investigators searching the mountain-side shack of Theodore Kaczynski have discovered a hooded sweatshirt and aviator sunglasses that closely resemble those worn by the elusive Unabomber the one time he is believed to have been sighted while placing a bomb. (UNABOMBER-TIMES, moved.)

Below fold:

Col 3: Late to your destination and trapped in traffic? You may not believe it but the California Department of Motor Vehicles says there are one million fewer licensed drivers out there. The department reports that the number of licensed motorists fell an unprecedented 5.2 percent last year from 1994 from 20.1 million to 19.0 million. (DRIVERS, moved.)

Cols 5-6: Scientists exploring the human brain's exotic terrain of soft furrows and corrugated folds say they discovered where the brain stores entire categories of words and the concepts they describe. (BRAIN-TIMES, moved.)

Bottom of page:

Cols 1-2: North Korean leader Kim Jong Il might seem to have picked a strange time to launch a fresh salvo including military theatrics at the truce village of Panmunjom against the armistice agreement that ended the Korean War. (KOREA-ASSESS, moved.)

Cols 5-6: Feature on a local psychiatrist.

Clinton Vetoes Bill Outlawing Partial-Birth Abortions (Washn)By Melissa Healy= (c) Los Angeles Times=

WASHINGTON President Clinton on Wednesday vetoed a bill that would outlaw a controversial late-term abortion procedure and took pains to minimize the political cost of a potentially unpopular decision.

Appearing with a group of women who have had the procedure to end pregnancies that went tragically awry, Clinton called the so-called "partial birth abortion" bill a dangerous intrusion into a decision that should rest with a woman and her doctor.

In a clear signal he will make the president's veto a campaign issue, Sen. Bob Dole, R-Kan., the presumptive Republican nominee, said Clinton's action makes it "clear there is no restriction on abortion, for any reason, he (Clinton) would accept."

Dole said the president "has rejected a very modest and bipartisan measure reflecting the values of a great majority of Americans. He instead embraced the extreme position of those who support abortion at any time, at any place and for any reason."

At the White House on Wednesday, Clinton said he had initially been sympathetic to the bill. However, he said, "I came to understand that this is a rarely used procedure, justifiable as a last resort when doctors judge it necessary to save a woman's life or to avert serious health consequences to her."

(Begin optional trim)

Clinton's decision was cheered by groups that favor abortion rights, as well as by the families who recounted the wrenching circumstances that led them to seek late-term abortions.

"I didn't make the decision for my child to die," said Vicki Stella of Naperville, Ill., whose unborn son's cranium was filled with fluid and no brain tissue. "God made the decision for my child to die. I had to make the decision to take him off life support."

"The president is a hero for vetoing this legislation," said Vicki Saporta, executive director of the National Abortion Federation.

(End optional trim)

Opponents of the bill contend that about 500 of the late-term abortions that would have been banned are conducted yearly a small percentage of the roughly 1.5 million abortions performed yearly in the United States. Most, they add, are performed on women who wanted a baby, but felt they had to end the pregnancy because it seriously jeopardized their health or because the developing fetus had a severe abnormality.

But anti-abortion groups, citing in part testimony of doctors who perform the procedures, maintain that thousands of "partial birth abortions" may be conducted yearly nationwide. Many, they assert, are performed for frivolous reasons.

The bill vetoed Wednesday by Clinton would have been the first to outlaw a specific abortion procedure since the 1973 U.S. Supreme Court decision granting women the right to abortion. In the procedure called "intact dilation and extraction" by doctors all but the head of a fetus is delivered vaginally. Before the fetus's head passes through the cervix, however, a catheter is inserted at the base of its skull and the contents are suctioned out so that the head can be delivered without harm to the woman's reproductive organs.

The president's veto effectively blocks legislation that was narrowly passed by the Senate last December and overwhelmingly 286-129 by the House in late March. The Senate vote of 54-44 means proponents of the bill do not have the necessary two-thirds majority to override the president's action.

(Optional add end)

But while proponents of the measure knew they were

Rouse's mark on USA

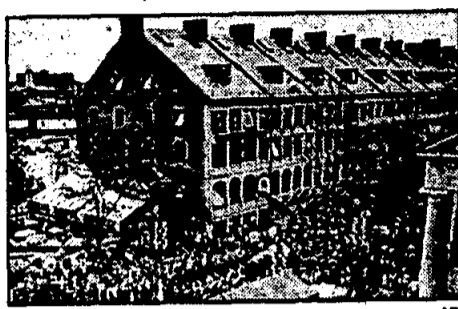
Whether your orientation is urban or suburban, developer James W. Rouse, who died Tuesday, touched your life. He created the indoor mall that gave a center to sprawling suburbs. And he created the "festival markets" that showed how to reinvigorate dilapidated city centers.

Especially in the cities, the Rouse strategy proved fruitful. In Boston and Baltimore and Manhattan, he restored unappealing downtown neighborhoods with shops, eateries and attractions. Consumers long lost to the suburbs began streaming back. Similarly, the indoor shopping malls Rouse pioneered have become organizing magnets against the ineluctable, disconnecting creep of the suburbs.

The success of these creations has been imperfect. Not every city project works, and compared with the traditional town center, malls and marketplaces are striking for their lack of warmth. They have stores and cineplexes and food courts, not shops and theaters and diners. The leases are short; turnover is high.

Rouse saw the problem. Within years of creating his first malls, he began building the planned community of Columbia, Md. And he built it around a series of "villages," not malls. Today, Columbia is noted not for design, as a mall's interior might be, but for neighborhood cohesion.

In his last years, Rouse worked to develop affordable housing, and again his vision was for self-contained development. His



Boston: Opening day for Faneuil Hall.

When Faneuil Hall opened in Boston in 1978, it was the first of James Rouse's heralded festival marketplaces. Others:

- ▶ Harborplace, Baltimore
- ▶ South Street Seaport, New York
- ▶ The Gallery, Philadelphia
- ▶ The Underground, Atlanta

Sandtown project in Baltimore attempts to provide everything from housing to jobs to education in one swoop.

Can it work? Hope so. But more broadly, the malling of America has been only half successful. The mall seems unbeatable, even by the "power-center" strip malls that have sprung up. But they have no human touch.

As the suburbs continue their sprawl, developers with Rouse's unique social vision — if indeed, there are any — will look for ways to improve the mall and marketplace. Or move past them.

Voices: Do you think U.S. troops should be used to protect other countries?

The dangers remaining for U.S. troops worldwide were highlighted this week when North Korean troops crossed into the DMZ, where 37,000 U.S. troops stand guard to protect South Korea. North Korea says it no longer recognizes the 1953 armistice that ended the war. President Clinton visits the area Tuesday. USA TODAY asked for readers' views.



Clayton Stowe, 63
Retired
Rochester, Minn.

Of course, there isn't a blanket answer, but I would say yes. We've been in the Korean region all these years, and if we still have a stake over there, we should stay. We're not going to be the world protector for every country. But 90% of the time I would say yes.



Yvonne Johnson, 53
Council member
Greensboro, N.C.

We have an obligation to those nations that we have good trade and diplomatic relations with. But in those countries where human rights violations are tragic, we do have a role to play in mediation. I don't think we can police the world.



Stan Stone, 40
School administrator
Dunnellon, Fla.

I do not have a problem with U.S. troops being used as long as it's under the American flag. I'm opposed to U.S. troops serving under the United Nations' flag, under U.N. leadership and under multinational forces' leadership.



Jeanne Kelton, 35
Commercial pilot
Scottsdale, Ariz.

I don't think we're ever going to achieve world harmony. It's basic human nature that there's always going to be some strife. That's why we shouldn't try to be involved in every skirmish in the world because it's never going to end. It's going to drain us economically.



Joe Barnes, 22
College senior
Charleston, S.C.

Yes. We used to be a bipolar power; we are now a unilateral power. The U.S. now has to play a larger role in world security. It's now our responsibility globally to protect the world. The U.S. always takes a stand on issues, whether good or bad, or for economic reasons.

Chaos slows evacuations in Liberia

By Marilyn Greene
USA TODAY

AI

Looting and shooting marred a tenuous cease-fire in Liberia Wednesday as machine gun-armed U.S. helicopters continued evacuating foreigners amid ethnic fighting.

The situation in the capital of Monrovia is in "meltdown," said Brian Johnson, director of the World Relief aid organization's Liberia program.

He spoke as he and 30 missionary families huddled in his home outside the city.

At least 270 Americans and other foreigners have been airlifted to neighboring Sierra Leone and Senegal.

That leaves about 400 other U.S. citizens still in the country, either by choice or because roaming thugs and street fighting prevent their reaching the embassy in Monrovia.

The Pentagon dispatched 18 Navy SEAL commandos to reinforce security at the embassy. Two warplanes are on stand-by in Sierra Leone.

Food and medical supplies are arriving for about 200 Americans and other foreigners inside embassy grounds.

But with temperatures in the 90s and humidity near 100%, food and water for 15,000 Liberians holed up across the street in the embassy's Graystone annex may become scarce.

No Americans have been reported hurt or killed, but a Red Cross worker counted 16 bodies in the street.

The worst violence in three years erupted Saturday when Liberia's six-member council of state, set up in an August peace agreement, ordered the arrest for murder of fired rural development minister Roosevelt Johnson.

Johnson's followers resisted, and the fighting degenerated into a renewal of the civil war that's smoldered for six years.

"I'm not very optimistic," said Violet Johnson, a native of Sierra Leone who teaches African history at Agnes Scott College in Decatur, Ga. "The situation is anarchy. So many are armed, it's just chaos."

U.S. expels Sudan diplomat

By Carrie Dowling
USA TODAY

AI

The United States expelled a Sudanese diplomat suspected of plotting to bomb the United Nations and kill Egyptian President Hosni Mubarak.

Sudanese officials dismissed the U.S. charges but said Ahmed Mohamed, a secretary to its mission to the United Nations, has left the country.

Mohamed's name, and that

Late-term abortion bill vetoed

By Susan Page
USA TODAY

AI

President Clinton vetoed a ban on partial-birth abortions Wednesday, setting up an emotional election-year debate.

The bill, Congress' first attempt to outlaw a specific abortion procedure, barred a rarely used technique that ends late-stage pregnancies.

Clinton called it a potentially lifesaving measure for a "small but extremely vulnerable group of women and families."

But Sen. Bob Dole, his likely Republican opponent in November, said the procedure "blurs the line between abortion and infanticide."

Both sides of the debate over legal abortion predict the veto, Clinton's 13th, will be used against him in the campaign.

"This is going to ... haunt him," says Gary Bauer of the Family Research Council, which opposes abortion.

Kate Michelman of the National Abortion and Reproductive Rights Action League said the bill was designed "to put the president on the spot."

Clinton had offered to sign the bill if it included an exception to protect the health of the mother, but backers refused.

Clinton's veto is unlikely to be overridden since the Senate passed the bill with fewer than the required two-third votes.

To reduce political fallout, the veto came on a day dominated by Commerce Secretary Ron Brown's funeral.

Clinton was accompanied by five women who described the devastating fetal disorders that led to their abortions.

In the procedure, a fetus is partially extracted, feet first, through the birth canal. The skull then is collapsed by draining the brain with a catheter.

of fellow Sudanese diplomat Siraj Yousif, surfaced during the investigation of the 1993 World Trade Center bombing.

Yousif has already left. Last week, U.S. Ambassador Madeleine Albright referred to the two in talks with Security Council members about sanctions against Sudan for its role in a 1995 assassination plot against Mubarak in Ethiopia.

Sudan, Egypt's southern neighbor, denies involvement.

Kaczynski linked to site of Utah bomb

By Tom Squitieri
USA TODAY

AI

SALT LAKE CITY — Unabomber suspect Ted Kaczynski sought work at a job agency where one of the bombing victims serviced computers, USA TODAY has learned.

It is the most direct link so far between Kaczynski and a victim, and the first time he's been placed in Utah, where two bombings occurred.

Kaczynski sought day work at SOS Staffing Associates in 1978, eyewitnesses said.

Gary Wright, the owner of a computer store near the temporary employment agency, was injured Feb. 20, 1987, when he picked up a bomb that was behind his store.

Wright had maintained the computers at SOS Staffing in 1978, said SOS chief executive Richard Reinhold.

Reinhold said employment records for years prior to 1988 have been destroyed. But workers clearly remembered Kaczynski.

"I saw him several times with me and the others in the mornings," Greg Nance said.

Nance, 37, said he knew Kaczynski because they both stayed at the Regis Hotel.

Wednesday, the FBI seized Regis Hotel records that contained Kaczynski's registration, and a swarm of agents questioned Nance and others.

The Regis Hotel is located five blocks from SOS Staffing and seven blocks from the defunct computer store.

► The Utah connection, 2A

Portable 401(k) key to Clinton plan

By Anne Willette
USA TODAY

AI

The 5 million people who change jobs every year would have an easier time saving for retirement under a proposal President Clinton is scheduled to announce today.

Clinton's Retirement Savings and Security Act would change 401(k) regulations so that new workers could:

- Start contributing immediately to a firm's retirement savings plan. Now, many companies make workers wait a year to start saving.
- Transfer 401(k) balances from their old jobs to the new

company's savings plan. About 50% now work for firms that don't take rollovers. Current law indirectly encourages — but doesn't require — companies to keep new workers out of 401(k) plans. Plans can't favor highly paid workers. Generally, contributions by people earning more than \$66,000 are limited by what co-workers save.

Firms fear making entry-level employees eligible will bring down the average contribution and throw their plans out of balance.

Clinton's proposal stems from the growing fear among workers — especially baby boomers — that they won't have enough money to retire. Besides the new 401(k) measures, the bill pulls together earlier proposals by Clinton to encourage individuals to save and companies to set up retirement savings plans.

- Streamlining 401(k) regulations, especially for small businesses.
- Expanding individual retirement accounts.
- Toughening enforcement of pension laws.

Some proposals have GOP support. Its budget bill, which Clinton vetoed last year, would have expanded IRAs and cut pension red tape.

USA TODAY • THURSDAY, APRIL 11, 1996

UNABOMBER A hero to some

COVER STORY

Some find the suspect a hard man to hate

Some even feel sorry for him and paint him as a brilliant boy gone astray

By Richard Price
USA TODAY

LINCOLN, Mont. — A week after Theodore Kaczynski was arrested at his mountain cabin here, there are signs that some corner of the national psyche finds the accused Unabomber more intriguing than horrifying.

In an undercurrent to public outrage over an 18-year reign of terror that killed three and injured 23, the 53-year-old hermit and former math professor is being romanticized for his intellect and mysterious lifestyle, for his ability to outwit society and, perhaps most of all, for his attacks on technology and the sanctity of the environment.

Some people even feel sorry for him, seeing him as a brilliant boy gone astray.

With analysis of Kaczynski a national parlor game, first signs of this ambiguous reaction showed up in cyberspace. A "Kaczynski Defense Fund" soon appeared on the Internet amid postings of support and denunciation. So did a darkly satirical "Kaczynski for President" effort. But sympathy for Kaczynski's message also is popping up in letters to the editor and radio talk shows. People find the bombings reprehensible, but they also find Kaczynski a hard man to hate.

"I would have loved to have met him," says 28-year-old Barbara Andrews, owner of Spud Brothers restaurant in Berkeley, Calif., where Kaczynski once taught and where two bombs injured two people. "He's so intelligent. He must be a fascinating person."

"I admire him in some ways," agrees Brian Chichester, an Emmaus, Pa., health and fitness book writer. Not for the bombs, but for the suspect's "back to basics philosophy" and his resolve.

But you won't hear that from Patrick Fischer. "He's not a hero, he's a serial killer," says the apparent target of a bomb delivered May 5, 1982, at his office at Vanderbilt Uni-

Please see COVER STORY next page ►

Continued from 1A

versity in Nashville, where he teaches computer science. "I feel sorry for him, frankly, but I also feel sorry for my secretary who was injured and the three people who have been killed."

Many people feel the case of Theodore Kaczynski adds up to one very unusual crime. He's a man who has played mental chess with the FBI over the years. "He played chess and won with the biggest media in the world. He got his 35,000-word manifesto printed," says Chichester, who felt so strongly about the Unabomber that he wrote his first letter to a newspaper, in this case, USA TODAY.

The Unabomber's manifesto, printed in *The Washington Post* jointly with *The New York Times*, showed an intense intellect, advocating "a revolution against the industrial system" and denouncing society's abuse of the environment.

Howard Harper, a 48-year-old construction worker, lives just up the highway from where Kaczynski was arrested. Harper has the environment on his mind as well, and thinks Kaczynski indirectly may do some good.

"He's not the real problem," says Harper. "The real problem is this damn gold mine they want to put in our valley. It's going to ruin everything. If nothing else, maybe all this stuff with Kaczynski will make people sit up and notice that."

Phelps Dodge Mining Co. has proposed a massive open pit gold mine near Lincoln, eight miles from Kaczynski's cabin. The issue has dominated the local news and cast environmentalists against pro-growth advocates.

Far beyond the Montana mountains, comedians were quick to pick up on this morbid fascination with Kaczynski. The day after he was arrested, David Letterman suggested to viewers that if Kaczynski were tried in California, he'd be "playing golf with O.J. (Simpson) in six months."

On *The Tonight Show*, Montana Gov. Marc Racicot did a skit with Jay Leno, generated in part by the arrest. It was largely an attempt to defuse criticism of Montana (Racicot: "Montana is Spanish for mountain." Leno: "California is Spanish for cosmetic surgery.") Governors rarely banter over issues involving killing.

In Helena, Montana Marketing Inc. sells one-liner T-shirts about the Unabomber ("Montana — At least the cows are sane") and may produce Unabomber sunglasses and pens and pencils shaped like pipe bombs.

Even among those who don't take it lightly, the tone often falls far short of condemnation.

"Poor, strange guy," says Nancy Kosenka, a Berkeley book store manager. Another Berkeley book seller, Moe Moskowitz, demands to know "why the media is vilifying this guy. People in the ghetto knock off twice as many people and don't get half the notoriety. I think the power structure is very threatened by this."

So what's going on here?

"He's a high-tech Robin Hood," says Jack Levin, author of *Overkill* and a professor of sociology at Northeastern University. "There are plenty of Americans who feel exactly the same way about technology, about big business, about government intrusion, downsizing, mergers, consolidations. These are people who wouldn't kill, but they do feel resentment. To these people, the Unabomber may look like a hero."

Levin says many also glorified Bernhard Goetz, who shot four black teen-agers in a New York City subway in 1984. He became known as the "Subway Vigilante" because the youths had demanded \$5 from him.

Hailed by many New Yorkers frustrated with crime, Goetz was cleared of assault and attempted murder, then did eight months for possessing a concealed weapon. He wound up an "idol of activism," Levin says. "In our quest for heroes, we have latched on to making heroes out of monsters."

The public feared the anonymous Unabomber. But "now that he's been apprehended they can like him," Levin adds. "We did the same thing with Ted Bundy" — the law student turned serial killer who was executed in Florida in 1989.

Does this fascination say something drastic about our culture today? Not really, Levin says. Most Americans, he says, use "grotesque, extraordinary crime as an escape from everyday problems. ... These killers might as well be in a movie, and the fascination is not really morbid. It's benign."

Here in Lincoln, Kaczynski was considered a quiet neighbor.

"It's such a hard thing to believe," says librarian Beverly Coleman, who took his book requests. "I can only judge him by the way he treated me, and he was always very pleasant."

Although tales of a few less serene encounters have filtered out over the last week — he apparently called a former employer a "fat con-man" — most still cling to their original impression of the harmless hermit who had little to say and didn't bother anyone. "I can't help but feel sorry for him," says Betty Butler, a Kaczynski neighbor. "He was just a lost soul."

Surviving on the barest of essentials, never straying into extravagance, Kaczynski offers the portrait of a monk, a man devoted to the principles of ecology. He's "a wilderness guy with a religious zeal," is how Donn Zea of the California Forestry Association puts it.

Zea is no sympathizer, however. One of the bombs killed Association president Gilbert Murray a year ago.

Contributing: Gale Holland in San Francisco and Haya El Nasser in Washington, D.C.

USA TODAY • THURSDAY, APRIL 11, 1996

PRESIDENT VETOES MEASURE BANNING TYPE OF ABORTION

A LIKELY CAMPAIGN ISSUE

He Calls Late-Term Procedure
Possible Life-Saver, While
Voicing Reservations

AI

By TODD S. PURDUM

WASHINGTON, April 10 — Aligning himself firmly with abortion-rights advocates in an election year, President Clinton today vetoed a bill that would have outlawed a certain type of late-term abortion, saying the women who need the procedure to safeguard their own health "should not become pawns in a larger debate."

Mr. Clinton vetoed the measure, then held an emotional White House ceremony at which he was flanked by five women who had undergone such abortions and who spoke tearfully about the disorders that threatened their lives and those of their fetuses and led to agonizing decisions.

The issue is likely to be a flashpoint in the Presidential campaign, since abortion opponents denounce the procedure — performed only after 20 weeks of gestation — as a gruesome "partial birth" abortion in which the fetus is partly extracted feet first and its brain then suctioned out to allow the head to pass through the birth canal. But abortion rights groups vehemently opposed the bill as the first Congressional ban on a particular abortion method since the Supreme Court legalized abortion in *Roe v. Wade* in 1973.

At the White House ceremony, Mr. Clinton called the procedure a "potentially life-saving, certainly health-saving" measure for "a small but extremely vulnerable group of women and families in this country, just a few hundred a year."

"This is not about the pro-choice, pro-life debate," he said. "This is not a bill that should have ever been injected into that."

Still, the President has had reservations about the procedure. He unsuccessfully pressed Congress to include an exception to allow it if necessary to save a woman's life or "avert serious health consequences to her," and he repeated those concerns in a letter sent today to Cardinal Joseph Bernardin of Chicago in which he said, "I do not support the use of this procedure on an elective basis where it is not necessary to save the life of the woman or prevent serious risks to her health."

Senator Bob Dole, the presumptive Republican Presidential nominee, said in a statement today that Mr. Clinton had "rejected a very modest and bipartisan measure reflecting the values of the great majority of Americans."

Mr. Dole added: "A partial-birth abortion blurs the line between abortion and infanticide and crosses an ethical and legal line we must never cross. President Clinton now stands on the wrong side of this line."

The President's critics contend that an exception concerning the "health of the mother" has been interpreted by courts to include so many emotional, psychological and physiological considerations, as to

Continued From Page A1

allow the procedure to be performed for depression or youth of the mother, or other reasons.

The precise number of such abortions, known technically as intact dilation and evacuation, is unknown. According to the Federal Centers for Disease Control and Prevention, 1.3 million abortions were performed nationwide in 1993, the last year for which figures are available, and fewer than 1.5 percent of them were performed after 20 weeks of gestation. Not all such late-term abortions are performed through intact dilation and evacuation.

Congress would not appear to have the votes to override Mr. Clinton's veto. The measure passed 286 to 129 in the House, with many Democratic leaders voting for it, but the Senate voted much more narrowly, 51 to 47, below the two-thirds majority necessary to override the veto.

In a sign of the campaign arguments to come, several anti-abortion groups issued statements harshly condemning the veto, some of them citing medical testimony that fetuses aborted in such procedures feel pain.

"Clinton's veto of the overwhelmingly supported partial-birth abortion ban act shows once again his absolute loyalty to the most extreme abortion advocates," said Gary L. Bauer, president of the Family Research Council, a conservative group.

Ralph Reed, the executive director of the Christian Coalition, called the veto "an insult to millions of people of faith who consider abortion to be the taking of innocent human life." Underscoring his agreement with Roman Catholic bishops who had urged the President to sign the bill, Mr. Reed added, "It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and Evangelical voters in the eye and ask for their support in November."

Abortion-rights advocates offered just as much praise, summed up by Kate Michelman, president of the National Abortion Rights Action League, who said: "The President has chosen compassion and concern for families facing medical tragedies over the cynical, election-year ploy of the politicians advancing this legislation."

A few weeks ago, the prospect that the President might muse aloud about his qualms over the procedure was enough to send abortion-rights groups into a lather, and Mr. Clinton is intent on retaining their support as he seeks to hold onto his support among women voters.

But the White House also took great pains to assure that Mr. Clinton's veto would not be seen as endorsing a gruesome practice. He had until next Wednesday to veto the bill, but slipped today's ceremony onto his schedule at 5 P.M., on a heavy news day dominated by the funeral of Commerce Secretary Ronald H. Brown.

In the Roosevelt Room, Mr. Clinton was accompanied by families, including self-described abortion opponents and Republicans, who told wrenching stories of dangerous pregnancies. Among those describing their ordeals were Claudia and Richard Ades of Los Angeles, who were picking out names for a boy when,

late in the second trimester, tests revealed that the fetus suffered from a chromosomal disorder that would probably cause it to die in the womb.

Ms. Ades, who is Jewish, described having the procedure on Yom Kippur, the holy day of atonement, and struggled to control her emotions as Mr. Clinton put his hand on her shoulder.

"We need more families in America like these folks," the President said. "We need more parents in America like these folks. They are what America needs more of. And just because they happen to be in a tiny minority to bear a unique burden that God imposes on just a few people every year, we can't forget our obligation to protect their lives, their children, and their families' future."

THE NEW YORK TIMES

THURSDAY, APRIL 11, 1996

Beijing Places A Large Order For Airbus Jets

AI

By CRAIG R. WHITNEY

PARIS, April 10 — China's Prime Minister, Li Peng, began a visit to France today by placing an order for an estimated \$1.5 billion worth of European-built passenger planes, sending a signal to the Clinton Administration that Beijing can turn to European partners if the United States becomes too intractable on human rights and trade.

The Chinese leader, making his first visit to France since presiding over the 1989 military crackdown on the democracy movement in Tiananmen Square, met with Prime Minister Alain Juppé tonight and signed a contract for 10 short-haul A320 passenger planes for China Southern Airlines from the Airbus Industrie consortium.

France's Foreign Minister, Hervé de Charette, said the deal also obligated China to buy another 20 of the narrow-bodied A320's, but it was not clear whether this constituted a firm order or an option. Big airplane deals are often announced and reannounced, and today the Chinese confirmed an order originally made known two years ago for three larger long-haul A340 jumbo jets, also from Airbus Industrie. Details were not fully disclosed tonight.

These and earlier inroads by Airbus Industrie, a French-German-British-Spanish consortium, make it the Boeing Company's biggest competitor in China, long an almost captive market for American plane makers.

Today's Chinese Airbus order came a month after China's Trade Minister, Wu Yi, postponed a visit to the United States, where plane manufacturers had hoped for up to \$4 billion in new orders.

The commercial aircraft business is one that the United States has long dominated; it supports both high-

Continued on Page A10, Column 1

Continued from Page A1

paying manufacturing jobs and advanced technology development. As such, it not only has considerable economic importance, but often assumes a high degree of political significance, as it has in the relationship between the United States and China.

Asia is the fastest-growing market for passenger aircraft, and Boeing and the other American plane manufacturer, the McDonnell Douglas Corporation, have been coming under intensifying competition from Airbus.

The Chinese Government has taken advantage of the competition and has made no secret of its strategy of using aircraft orders as a carrot and a stick in dealing with the Clinton Administration. Mrs. Wu, the Trade Minister, put off her trip to the United States, and the announcement of orders, many of which had been expected to go to Boeing. She acted after the Administration refused her a meeting with President Clinton and refused to delay its consideration of sanctions against China for allowing factories to produce pirated American videocassettes and compact disks.

One Administration official said tonight in Washington that the Airbus decision would not cause the United States to change its trade policy toward China, or drop its consideration of sanctions.

"It appears from reports that much of this involves agreements

previously reached," the official said of today's order. The official added that "it would be improper to draw any conclusions one way or another" about the deal's effects on the overall relationship between China and the United States.

Cindy Smith, a Boeing spokeswoman, said: "We're disappointed in China's decision to purchase Airbus aircraft, but more importantly, the order underscores the need for the United States to move beyond the annual debate of most-favored-nation status for China and to create a long-term stable trading relationship. Boeing supports the Clinton Administration in its efforts to normalize trade between the United States and China. Establishing normal trade with China will lead to job creation and economic gain."

[Reuters reported Wednesday that Ron Woodard, president of Boeing Commercial Airplane Group, had said that the Airbus order was "precipitated not because of the strength of our competition or the quality of their product," adding, "Rather, it is precipitated by what I believe are ill-founded political considerations."] Nevertheless, Mr. Li did not escape pressure on human rights in Paris.

French newspapers greeted his arrival with satirical cartoons, and protesters denounced the visit as a sign of European willingness to sacrifice principle for profit. A small rally near the Eiffel Tower demanded that China release political prisoners and end what demonstrators called "the

oppression of Tibet."

For security reasons, the French police kept a tight lid on the Chinese delegation's movements. The Chinese Prime Minister originally intended to go on to the Netherlands and Luxembourg this weekend, but canceled those visits, saying he was short of time. A visit he made to Germany two years ago was marked by many protests.

Mr. Li's visit to France also produced a three-year wheat deal, a \$460 million French-financed expansion of a car factory in Wuhan that produces Citroën cars for the Chinese market, and a \$50 million gas liquefaction plant for Shanghai. An agreement was also reached giving French ships unrestricted access to Chinese ports.

But the results amounted to far less than the \$10 billion or so in trade deals that the French had hoped for after agreeing two years ago to stop selling arms to Taiwan, which China regards as a renegade province.

Taiwan bought 60 Mirage jet fighters worth about \$2.6 billion from France in 1992, on top of a \$4.8 billion purchase of 16 naval frigates the previous year, and Beijing responded by slapping a ban on Chinese orders from France.

But now, a new, conservative administration under President Jacques Chirac is eager to establish France as a potential supplier of modern technology to China, and one less squeamish than the United States about doing business with countries that do not live up to Western standards on human rights.

The French deny a double standard, but are glad to have the business.

"Will we sacrifice human rights for trade?" asked Foreign Minister de Charette before Mr. Li's visit began. "That's out of the question." But Jean-Pierre Desgeorges, president of a French-Chinese industrial trade group, said that he did not plan to raise the question of human rights during the visit at all. "I'm a businessman," he said.

Still, French officials said that the signing of the plane deal tonight was delayed for two hours by a disagreement over Mr. Juppé's plan to bring up human rights during his dinner speech. In the end, Mr. Juppé did not touch on the subject, The Associated Press reported, but the two sides refused to exchange toasts.

For some French intellectuals, however, Mr. Li's presence spoke for itself.

"Mr. Li recovers his lost honor today," an essay in Tuesday's issue of *Le Monde* said. "But do those who govern us realize they are sacrificing theirs, and ours as well?"

Le Monde said the essay was written by "several senior officials who have filled posts in Asia," but published under a pseudonym.

About 50 supporters of Amnesty International stretched a white banner across the Champs-Élysées reading "Li Peng ignores human rights. We don't." French policemen quickly removed it, and barred demonstrators from approaching the Chinese Embassy on Avenue Georges V.

With unemployment in France at 11.8 percent, and in Germany at 10.8 percent, both countries have been outdoing each other in soliciting job-generating trade orders from Asia's largest market. It is especially important for the aircraft industry, which President Chirac regards as crucial for maintaining European technological competitiveness with the United States in world trade. Mr. Chirac planned to have lunch with Mr. Li on Thursday.

Jacques Rummelhardt, the Foreign Ministry spokesman, said, "France, as the world's fourth-largest exporter, doesn't have the position in China that it should have."

On Saturday Mr. Li will visit the plant near Toulouse where the Airbus planes are made. Airbus Industrie received more orders for new planes than Boeing did in 1994, but last year secured only 106 orders worth \$7 billion compared with Boeing's 346 orders, worth \$31 billion.

French Foreign Ministry officials said negotiations were continuing on a possible purchase of 28 electric locomotives from the Alstom group, an aluminum plant and other projects before Mr. Li returns to China on Saturday.

THE NEW YORK TIMES

THURSDAY, APRIL 11, 1996

THE WHITE HOUSE
WASHINGTON

April 9, 1996

MEMORANDUM TO GEORGE STEPHANOPOLOUS
MELANNE VERVEER
BETSY MYERS
VICKI RADD
ELENA KAGAN
JENNIFER KLEIN
TERRY EDMONDS
JOHN HART
DEBBIE FINE
JUDY GOLD

From: Jeremy Ben-Ami
Subject: Additional Stories for Press Packet

Attached are articles I would propose putting in a press packet for the veto of HR1833.

Please review and let me know ASAP if you see a problem distributing any of them. We do have others we could substitute. All of these women have had personal contact either with White House staff, congressional staff, or one of the women's groups. Their stories have been subject to at least some public scrutiny.

Giving Up My Baby

By Coreen Costello

THOSE who want Congress to ban a controversial late-term abortion technique might think I would be an ally. I was raised in a conservative, religious family. My parents are Rush Limbaugh fans. I'm a Republican who always believed that abortion was wrong.

Then I had one.

It wasn't supposed to be that way. My little girl, Katherine Grace, was supposed to have been born in the summer. The births of my two other children had been easy, and my husband and I planned a home delivery.

But disaster struck in my seventh month. Ultrasound testing showed that something was terribly wrong with my baby. Because of a lethal neuromuscular disease, her body had stiffened up inside my uterus. She hadn't been able to move any part of her tiny self for at least two months. Her lungs had been unable to stretch to prepare them for air.

Our doctors told us that Katherine Grace could not survive, and that her condition made giving birth dangerous for me — possibly even life-threatening. Because she could not

Coreen Costello testified at the Senate Judiciary Committee's hearing on late-term abortions on Nov. 17.



Jerelle Kraus

absorb amniotic fluid, it had gathered in my uterus to such dangerous levels that I weighed as much as if I were at full term.

I carried my daughter for two more agonizing weeks. If I couldn't save her life, how could I spare her pain? How could I make her passing peaceful and dignified? At first I wanted the doctors to induce labor, but they told me that Katherine was wedged so tightly in my pelvis that there was a good chance my uterus would rupture. We talked about a Caesarean section. But they said that this, too, would have been too dangerous for me.

Finally we confronted the painful reality: our only real option was to terminate the pregnancy. Geneticists at Cedars-Sinai Medical Center in Los Angeles referred us to a doc-

When a late-term abortion is the only option.

tor who specialized in cases like ours. He knew how much pain we were going through, and said he would help us end Katherine's pain in the way that would be safest for me and allow me to have more children.

That's just what happened. For two days, my cervix was dilated until the doctor could bring Katherine out without injuring me. Her heart was barely beating. As I was placed un-

der anesthesia, it stopped. She simply went to sleep and did not wake up. The doctor then used a needle to remove fluid from the baby's head so she could fit through the cervix.

When it was over, they brought Katherine in to us. She was wrapped in a blanket. My husband and I held her and sobbed. She was absolutely beautiful. Giving her back was the hardest thing I've ever done.

After Katherine, I didn't think I would have more children. I couldn't imagine living with the worry for nine months, imagining all the things that could go wrong. But my doctor changed that. "You're a great mother," he told me. "If you want more kids, you should have them." I'm pregnant again, due in June.

The New York Times
11/29/95
pg. 1 of 2

I still have mixed feelings about abortion. But I have no mixed feelings about the bill, already passed by the House and being considered in the Senate, that would ban the surgical procedure I had, called intact dilation and evacuation. As I watched the Senate debate on C-Span this month, I was sick at heart. Senator after senator talked about the procedure I underwent as if they had seen one, and senator after senator got it wrong. Katherine was not cavalierly pulled halfway out and stabbed with scissors, as some senators described the process.

I had one of the safest, gentlest, most compassionate ways of ending a pregnancy that had no hope. I will probably never have to go through such an ordeal again. But other women, other families, will receive devastating news and have to make decisions like mine. Congress has no place in our tragedies. □

The Washington Post

AN INDEPENDENT NEWSPAPER

On Tort Reform, He's Right

THE ECONOMICS position paper released by the Dole campaign Monday dealt with more than tax cuts. The candidate also spelled out his proposals for what he called "common sense legal reform," and he did it in terms that pulled no punches. Rightly blasting President Clinton for vetoing both product liability and securities litigation reform bills this year at the behest of a powerful lobby that he described as rich, influential and greedy, Mr. Dole pledged to put an end to the power of the trial lawyers.

The Dole proposals are not new ideas. Variations on most have been introduced and even passed, though not signed, before. They are the product of legal scholars and business leaders who have been grappling for years with changes in the tort system that would limit cost and delay, provide incentives for prompt settlements and curb the high awards now paid to lawyers instead of to plaintiffs. Mr. Dole, for example, wants to limit punitive damages to \$250,000 or three times actual damages, whichever is greater, except in cases involving death, serious injury, alcohol or drug use, criminal misconduct or civil rights violations. He also would eliminate joint and several liability for noneconomic damages so that each defendant's responsibility for punitive damages would be limited to that proportion of

the harm caused by his own negligence. These changes would apply to all civil cases, not just product liability, as was the case with the bill Mr. Clinton vetoed earlier this year.

Three other reforms also are proposed, from which states could opt out if they chose. They are designed to promote early settlement of claims essentially by restricting lawyers' fees after offers of settlement are rejected and by making it more difficult to collect punitive damages in such situations. The final proposal would allow consumers to choose between an expensive auto insurance policy that covers all damages now available and a significantly cheaper one in which pain and suffering damages would be limited. Mr. Dole estimates that this system would reduce an average driver's car insurance premium by 29 percent a year.

These are serious proposals developed by thoughtful lawyers. They could save consumers billions and speed the settlement of claims, in most cases, by offering options to litigants. There is bipartisan support in Congress for reform, and Mr. Dole's decision to make this a campaign issue may force the president to do more than dismiss these ideas out of hand. It's also a good time to watch where the trial lawyers' money goes and what it buys. Mr. Dole is right on this one.

Fire Code Violations Rerun

IMAGINE PICKING up the newspaper or turning on the radio or TV and learning that when school bells ring in four weeks, your child's building is likely to remain locked. Most parents would consider that a bad dream. For some District parents, however, it's a real possibility.

In fact, for parents of elementary school children participating in the Fillmore Art Center's summer school program, it is a reality. On Monday Fillmore was shut down in the middle of the day, and students and their teachers were made to trek across the parking lot to the nearby Rosario Adult Education Center, where classes resumed. In the case of Fillmore and several other D.C. schools, the closings stem from an all-too-familiar problem: The buildings have been judged unsafe.

School officials know the drill. Two years ago, chaos reigned on opening day when D.C. Superior Court Judge Kaye Christian ordered school doors kept locked after finding that the city had failed to provide safe buildings as the law required. It took emergency repair work by the school system and fire inspector before the threats were removed and students and teachers were allowed inside the buildings. Even then, classes were disrupted for several days. Unless

suitable repairs are made—and soon—at more than a dozen schools on the current list, a repeat performance of the 1994 fiasco could take place, albeit on a smaller scale. That could happen, given Judge Christian's declaration that she will not grant the city any last-minute reprieves as she did two years ago.

The price tag for bringing the entire system up to code is about \$1.2 billion, according to schools spokeswoman Beverly Lofton. A school system struggling to lay off teachers hardly has that kind of money. But Ms. Lofton said yesterday that it may have enough funds to repair all of the problem schools on the judge's list. The one exception is Wilkinson Elementary, which has a roof problem that is beyond patching. The judge has set this week as D-Day for repairs; otherwise, alternative attendance plans must be drawn.

School officials, to no one's surprise—and despite a two-year warning—want more time to get the schools ready. They've had plenty of that already. What's missing is the work. Angry parents have every reason to wonder why. They may get some answers when the D.C. financial control board conducts hearings this Friday on the school system's "Readiness to Start the School Year." It's time somebody asks.

Mexico's Promise

ONE OF THE sordid and seemingly permanent scandals of the hemisphere has been the long life of Mexico's authoritarian ruling party, the PRI. In power for 67 years, it has used its monopoly position to enrich many of its leaders and members and otherwise to shield massive corruption and criminality and damage the welfare of the country. By electoral mumbo jumbo, it has sought to convey the impression that Mexico is a democracy. Many of Mexico's American friends have accepted the notion, but it is false.

This is the setting against which President Ernest Zedillo's efforts to modernize the Mexican political system must be judged. It may be true that he acted out of a desperate desire to limit the political dangers flowing from the country's economic crisis. It is also true that the PRI's record altogether denies it the presumption of good faith in any matter affecting its institutional continuity and power. Nonetheless, President Zedillo has done something as monumentally bold as Mikhail Gorbachev did in dismantling the Soviet system. He has produced a rare consensus of all the parties and pushed through the Mexican congress constitutional amendments that promise to strengthen democracy. The amendments should make it possible for the opposition to contemplate overthrowing PRI rule.

Legislation still will be required to bring the new amendments to life, and here it will be necessary to train a beady eye on the devious and secretive PRI. The changes, however, are by Mexican standards unprecedented. An electoral commission, not the presidency and the ruling party, henceforth will oversee elections; the supreme court, not the PRI, will adjudicate complaints. Campaign spending reforms are meant to be set in place to put the opposition parties on a level playing field and, not incidentally, to flush out drug money. The country's second-most important post—mayor of Mexico City—henceforth will be filled by popular vote, not by PRI appointment. Absentee ballots will be allowed. And so on.

Why would a party put at risk its nearly seven-decade stranglehold on power? So deep are Mexico's economic and social ills that no party with a pretense to democratic dealing could ask the people to make the inevitable extended sacrifices unless they were making them in support of a government they had selected themselves. The PRI had reached the limits of ruling from above. Its only chance to redeem and renew itself was to open up the system to fair electoral competition. If Mexicans follow through on the new promise, they will have accomplished a truly Olympian national feat.

Medium Tedium

HOW MANY times have we read about the government-commissioned and usually expensive study that, after months or years of costly and pointless research, comes up with a lengthy report that confirms something patently obvious from the outset? "A high-level, blue-ribbon watershed coalition of experts has found that traffic in the metropolitan area tends to increase on major arteries during the hours when most motorists are going to and from their jobs." But now comes a marvelous, backfiring study out of Montgomery County that has bared an awful truth: The Montgomery Journal reports that the county council spent \$20,000 of cable-subscriber funds for a private-consultant study of the viewing habits of those who watch County Channel 55, the local government channel.

The survey and marketing firm's first challenge was to find 500 people who could talk about the channel at all; it took interviews with 800 subscribers. The result: People find the channel's coverage of county council meetings boring. So low are the ratings, in fact, that the researchers wound up considering a "watcher" to be anybody who looked at the channel for 10 minutes in the previous six months. What this out-of-focus group may suggest—but not confirm—is that

there may be more members of the council than there are viewers of any council session.

This presents an unfair picture, of course, since Montgomery County is famous for its masses of keenly concerned, highly informed residents, all willing and able to endure hours in hard chairs for their 15 minutes or more—much more—at a mike. Most have done their own at-home studies of whatever the issue is, and come with multicolored charts and graphs to embellish their presentations. It just doesn't make for riveting TV, apparently.

But who says good government has to be high drama? Cable viewers in the District are constantly treated to startling outbursts on the school board, city council and all-Barry channels. When school board meetings used to be carried on a regular broadcast channel, one session featured a board member locking out another board member. Revealing, yes, but good government?

Still, for better or worse, the doings of local government—boring or not—should be aired for all who may want to watch at home (it's hard to find these shows on the TV sets in taverns). There's an advantage to following government leaders this way: Those who are in the live audience can't punch a MUTE button.

Why Do We Call Taxes a 'Burden'?

I learn a lot watching C-SPAN. The other night, one of Washington's leading economists was asked about using the tax system to help reduce environmental damage. The response? It certainly would be difficult, because it would increase the "tax burden."

"Tax burden" is a phrase with which we are all so familiar that we don't stop to think what it means—nor what it implies. At first blush it seems value-free. But plainly a "burden" is something to be lifted. We don't refer to the monies we spend on movies, popcorn, milk or shoes as "burdens." We refer to them—and think of them—as expenditures, some (movies and popcorn) optional, others (food, shoes) necessary. We don't speak of our "consumption burden." Why, then, a "tax burden"?

Is it that our tax payments are not optional but our food expenditures are? That can't be it: We have to buy food. We can choose between steak and hamburger (or yogurt and tofu), but we can't choose between eating and starving. Indeed, the penalty for not eating far exceeds the penalty for nonpayment of taxes. Yet we do not speak of the "food burden."

More likely, we think of taxes as a burden because we're not quite certain what it is we're buying when we pay them. We miss, somehow, the connection between our tax dollars and the fire protection, the highways, the security against foreign powers and the biomedical research that our dollars buy. The problem is that few of the benefits we derive can be seen, touched or smelled. Moreover, the benefits we derive from government expenditures most often accrue to everyone; they do not come packaged in discrete units—this box of defense for me, this piece of highway for you.

And many of us assume that we'd continue to get whatever it is we're getting from government even if we didn't pay our taxes. Without spending our dollars, we'd have no milk on our tables, but we can't really imagine that schools and roads would disappear if you and I didn't buy them with our tax dollars. Clearly, government doesn't determine how many potholes to fill only after it deposits our tax dollars. If I don't buy that book, that restaurant meal, that aspirin—or if I cheat on my taxes—does government really subtract from the pothole-fixing budget or the salaries of judges? That's a tough connection to make—but without that connection, my taxes come to seem irrelevant, hence unnecessary, hence a "burden."

Of course, no government program would suffer if you or I consumed less (and thus paid less in sales tax) or if I cheated on my return (and thus paid less in income tax). But if you and I both underpaid, everyone else would have to pay more. And it surely stretches language beyond acceptable usage to call not taking advantage of one's neighbors a "burden."

Burdens are by definition oppressive, and our facile use of the term in connection with our taxes thereby encourages us to do everything we can (within the law) to ease them. Cheating on our taxes comes to seem acceptable (at least understandable), even though tax evasion is precisely analogous to shoplifting. If we take fire protection, guarantees on educational loans, clean air and water but fail to pay for them, we are stealing.

Our language shapes our attitudes. To weigh appropriate tax and expenditure policies is difficult when our language encourages us to think of our taxes as burdens not connected to the benefits we derive from them.

Some weeks ago, I received a brochure encouraging me to open an IRA. In that brochure, a 1040 tax return was labeled "pain," while the application for an IRA was labeled "pain killer." By implication, taxes (like pain) are to be avoided. By implication, I can continue to enjoy the benefits of government expenditures without paying for them.

We can debate "value for money," the wisdom of particular government policies, programs and expenditures. We can argue as to whether we're spending too much here, not enough there. But that debate is distorted if we enter it with the view that any government expenditure—which means my tax dollar—is inherently burdensome.

I feel as I do because I remember what Justice Holmes wrote in 1904: "Taxes are what we pay for a civilized society" and what Franklin Delano Roosevelt said in 1936, "Taxes, after all, are the dues that we pay for the privileges of membership in an organized society."

Now, at century's end, our economists tell us taxes are a burden, and our pension funds tell us taxes are a pain. Is it any wonder that our leaders vie to reduce the burden and the pain, even if in so doing our society becomes somewhat less organized and less civilized?

The writer is a professor of the economics of medicine at Harvard Medical School.

Faulty Products, Faulty Bill

In four editorials in the past couple of months, The Post has claimed that the product liability "reform" bill vetoed by President Clinton on May 3 is responsible legislation that would not limit a plaintiff's right to recover actual damages in defective product cases.

Nothing could be further from the truth. One only has to look at those injured citizens and families who attended the White House veto ceremony to support President Clinton's courageous stand on behalf of consumers.

Carla Miller came from Missouri to witness the president's rejection of this harmful bill. Try telling her that she would not have been left "high and dry" if this legislation had been in force at the time of her family's tragedy. Under the bill, this young, widowed mother would have been prevented from even suing to recover medical expenses and lost wages for her deceased husband.

That's because the defective tractor that rolled over and killed her husband, James, in 1990 was 24 years old at the time of the accident. The product liability bill would have barred lawsuits where a faulty product that injures someone is more than 15 years old—regardless of how long that product was built to last.

This arbitrary period was plucked out of thin air, as if it had some meaning. But as anyone who has ever been around a farm or a factory can tell you, much of the equipment used by those workers lasts far longer than 15 years.

In Carla Miller's case, her lawyers showed that the manufacturer of the tractor knew that hundreds of people a year had been killed in rollover accidents involving tractors that were not equipped with a protection system. However, the company made the conscious decision not to equip its tractors sold in the United States with a rollover protection system as standard equipment. Yet all such models sold in Europe were properly equipped at that time.

After hearing the evidence, the local jury found the manufacturer responsible and awarded Carla Miller approximately \$2 million in compensation for her loss.

Lola Reinhart and Ruth Kamin-Nizar of Ohio also were at the White House

Another visitor in Washington who vetoed was Janey Fair, who lost her 7-year-old daughter, Shannon, when a school bus burst into flames after a collision with a drunk driver in Kentucky. Twenty-seven people died in the fire. In trial, it was learned that the bus had a dangerous fuel-tank design—a defect known by Ford, the manufacturer.

Janey Fair's case, which ultimately was resolved during trial, reveals the bill's inherent unfairness. First of all, it was Janey Fair's ability to bring a lawsuit against Ford and the threat of meaningful punitive damages—which this bill would unfairly cap—that was instrumental in exposing the company's reckless behavior.

Second, the bill's elimination of joint liability for "non-economic" losses is very unjust. For a child with no earnings history, damages are virtually all non-economic. It was the reckless acts of two wrongdoers—the drunken driver and Ford—that combined to cause Shannon's death. The drunken driver had minimal assets; even if he were wealthy, 26 other children died in the accident, so a full recovery of losses from the driver would have been difficult if not impossible. At the same time, the jury could have determined that Ford was only partially responsible for the bus inferno. The result: Janey Fair would have found it very difficult to be compensated adequately for the "non-economic" loss of Shannon's death.

Every empirical study to date shows that faulty product cases are not common, that punitive damage awards are rarer still and that the courts closely scrutinize such awards.

Believe it or not, the legislation the president vetoed would actually allow businesses that lose profits or sustain property damage because of a product defect to sue the manufacturer to recover its losses. At the same time, workers who are injured as a result of the same product defect could not even get in the courthouse door.

Are the American people, with their intuitive sense of fairness and abiding passion for justice, really supposed to believe that this product liability bill is modest, fair and necessary? The answer clearly is no.

The writer, a former Democratic senator from Ohio, is chairman of the Consumer Federation of America.

Taking Exception

to support the president's veto. In June 1994, they were in an apartment building elevator with friends when the machine broke and plunged four stories. This catastrophe necessitated the amputation of Reinhart's right leg, while Kamin-Nizar's feet were permanently damaged. Two of their friends died in the tragedy. Ohio state investigators determined that the elevator lacked a fail-safe device to slow or stop it in the event of a malfunction.

The people injured in this tragedy filed liability claims against the elevator manufacturer, maintenance company and property owner. Their cases were settled before trial. Because the defective elevator was 22 years old at the time of this accident, the federal product liability bill would have barred Reinhart, Kamin-Nizar and the family members of the deceased victims from filing a lawsuit to hold the manufacturer accountable.

LETTERS TO THE EDITOR

THE WASHINGTON POST
FRIDAY, MAY 17, 1979

No Help for Liberia?

Historical facts are sadly missing from public discourse in the present consideration of the United States' responsibility leading to, and possibly playing an important role in ending, the anarchic bloody chaos in Liberia today.

We must remember American leaders of the United States, including President Monroe, who gave the impetus, sponsorship and funds to American slaves to found Liberia in 1847 and to act as a wealthy uncle continuing our useful assistance until about a decade ago.

In return, Liberia has permitted its flag to be used to build one of the world's largest merchant marine fleets, including giant tankers, with the proviso that in the event of war this fleet would automatically be placed under the U.S. flag for our use, as indeed it was. Further, during World Wars I and II it was an unquestioning American ally lending its international airport, built for civil use by Pan American Airways, to serve as the conduit of U.S. warplanes to the North Africa theater and beyond.

Liberia's resources have been sup-

plied to the United States, including the world's purest iron ore and rubber grown in the world's largest such plantation (both under concessions to U.S. companies). An American bank has looked after the country's currency, which is the American dollar and smaller pieces. Even its postage stamps were made in the United States.

Under President Tubman, Liberia's annual national budget grew from \$400,000 in 1943 to nearly \$60 million in the 1960s, largely through growth of domestic and export commerce, much with American partners. Higher education of its youth has been mostly by American universities.

Liberia's constitution and its code of laws are modeled on our own. So is its government structure. Liberia's votes at the United Nations have been nearly always with us.

When President Tolbert, who had served as head of the World Baptist Union, and his entire cabinet were seized and executed summarily by an uneducated army sergeant and his

followers with no ideology but power and greed, the United States did nothing to help restore civil government under Liberia's rightful leaders. Instead, the United States actively supported Samuel Doe for years with many times the \$60 million we have provided to the West African nations' forces trying to restore order in Liberia with no success for more than six years.

Now we are piously saying we should let the West Africans persuade the five or more warring factions in Liberia to lay down their arms. An estimated several hundred thousand Liberians have already died by the civil war among the rampaging factions and by disease and starvation. We know that many times that number are refugees awaiting action by countries that never showed them, or the United States, the loyalty and friendship Liberia has given us since its founding with our help early in our own history and since.

Certainly, if we rightly felt obligated to assist Somalia, as we did, and even Rwanda and Burundi, Namibia, and South-West Africa, as we did, then we must owe the 2 million Liberians direct assistance in reestablishing a democratic government with at least more aid than we foolishly gave the Doe dictatorship we supported handsomely until it led to the present bloody chaos.

EDWARD K. MOSS
Washington

One Vote—English

I fully agree with George Will in his op-ed article "A Vote Against Bilingual Ballots" [May 2]. It is absurd to translate voting ballots for American citizens who had to demonstrate a knowledge of English in order to become citizens eligible to vote. I go one step further in thinking that the melting-pot process included melting foreign tongues into English, the common language of these United States. Language equals nationality. Case in point: The Quebecois do not feel Canadian, the Catalans do not feel Spanish. They fly their own flags and resent traveling with passports of countries they have no allegiance to because they do not speak their languages.

Let us not encourage the language splintering of this nation but hope that new citizens—while using their own languages at home as part of their heritage—soon vote in English throughout the land.

SILVIA B. ZIMMERMANN
Washington

My Uncle's 'Titanic'

I would like to provide additional information to Ken Ringle and the Men's Titanic Society ["First Class Tribute," Style, April 16]. I have visited the beautifully sculptured memorial many times, partly because of its honoring "those brave men" and also because my great, great uncle, John Horrigan, sculpted it. Mr. Ringle's article lists Gertrude Vanderbilt Whitney as the sculptor; I would like to clarify this. Mrs. Whitney designed and financed "The Titanic." John Horrigan carved "The Titanic" from a 20-ton block of granite from my hometown, Quincy, Mass., where his shed backed to the railroad tracks.

I realize Mrs. Whitney's name is on the back of "The Titanic," and many people will assume she carved it. I would just like the above info passed on so that my great, great uncle is recognized for his rare talent.

MARY E. DIXON
Derwood, Md.

New to Sexual Harassment on the Job

There is enough blame to go around in the Mitsubishi sexual harassment case, but Sandra Sugawara's article ["The Office Problem Japan Winks At," front page, May 1], which traces the Japanese roots of this latest edition of gender wars, may lead some readers to simplify a complex matter.

True, Mitsubishi senior officials—all three of whom are Japanese—seemed to have tolerated or ignored an egregious situation affecting hundreds of their workers (male and female) and apparently did not exercise any leadership on the whole issue of gender relations in an automobile plant. Studies have shown that women are much more likely to be harassed when employed in occupations dominated by men, and most human resources professionals now know this. It is also true that the Japanese executives' inattention to this matter may be traced to Japanese workplace practices that are still backward by more "enlightened" U.S. standards.

While blame can be ascribed to those ultimately in charge in the Mitsubishi plant in Normal, Ill., censure can be shared by American union officials at that plant—mostly men—who should have acted more aggressively regarding the complaints of their female members. Union dues are supposed to guarantee protection and advocacy on behalf of all workers, not just those who happen to be men. Unions in other areas of this country are in the forefront of providing a harassment-free environment for women workers. This plant should not have been an exception.

The ultimate blame should go to the American male employees at that plant who created, according to the Equal Employment Opportunity Commission

and other workers at the plant, what the Supreme Court has defined as a "hostile environment"—sexual graffiti, pornography, public sex acts and physical and verbal abuse—that no rational woman would find tolerable. The question here should be what are the American cultural roots of this type of behavior? Journalists should also look into the culture of small one-company towns like Normal, Ill., or the culture of automobile manufacturing plants to track down the basis for the largest sexual harassment suit ever in this country.

It is important to remember that the harassers and the victims are all Americans. Equally important to know is that this country is still on a learning curve regarding the whole issue of sexual harassment. Were it not for Anita Hill throwing a spotlight on this issue during the Clarence Thomas Supreme Court nomination hearings, few of us would talk about this prevalent workplace problem as openly as we do now. Many American women, like their Japanese sisters, still keep quiet for fear of losing their jobs. Most American women do not sue, but instead put up with an intolerable situation or simply quit—just like their Japanese counterparts.

The bottom line is this: Both Japanese and American societies still have deep-seated cultural biases regarding women's roles that affect the way women and men interact at work. When it comes to preventing sexual harassment of women, both countries are still neophytes.

IRENE NATIVIDAD
Washington

The writer is chairman of the National Commission on Working Women.

The Washington Post

EUGENE MEYER, 1975-1969
PHILIP L. GRAHAM, 1915-1963

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FRIDAY, MAY 3, 1996

PRESIDENT VETOES LIMITS ON LIABILITY

Political Debate Continues on Manufacturers' Protection

By NEIL A. LEWIS

WASHINGTON, May 2 — In a move likely to reverberate throughout the election campaign, President Clinton today vetoed a bill that would restrict the amount that people injured by faulty products could win in lawsuits.

The measure would set limits in both state and Federal courts on punitive damages, money juries may give beyond awards to compensate victims for their losses. It involves products as diverse as school buses, heart valves, cigarettes and microwave ovens.

The issue is a vivid example of how difficult policy questions become wrapped in politics in the shadow of a Presidential race. Both Mr. Clinton and his presumptive Republican opponent in November, Senator Bob Dole of Kansas, have seized it to define their differences.

When Mr. Dole and Speaker Newt Gingrich sent the measure to the White House earlier this week, they held an unusual ceremony that included a girl who they said could be denied a needed medical device because of lawsuits against its manufacturer.

Today in the Oval Office, Mr. Clinton responded by presiding over an even more richly staged event highlighting what he said would be the bill's human costs. He was joined by three people who suffered greatly because of faulty products.

White House officials said that the measure would have prevented the three from being properly

Continued From Page A1

compensated by the measure.

Mr. Clinton said the bill "tilts the playing field against consumers." He also said it "inappropriately intrudes on state authority."

He was joined by Janey Fair of Radcliff, Ky., whose 14-year-old daughter was killed in 1988 when her school bus's poorly designed fuel tank burst into flames after it was struck by a truck operated by a drunken driver. White House officials said that the bill would have limited compensation available to Mrs. Fair by prohibiting her from seeking punitive damages from the bus' manufacturer.

Also in attendance were Carla Miller of Blue Springs, Mo., whose husband was killed in 1990 when his tractor rolled over and Jeanne Yanta, who became infertile because of her use of an ill-designed contraceptive device.

But while the three stories were moving, it was unclear how changes in the bill that Mr. Clinton has said he wanted would make any difference in the Miller case. Mr. Clinton has said he favors having some national standards for product-liability lawsuits.

One of the principal sponsors of the measure vetoed today, Senator John W. Rockefeller 3d of West Vir-

ginia, was so angered by Mr. Clinton's opposition that he made the extraordinary move of accusing a President of his own party of selling out to trial lawyers, among the President's major campaign contributors.

Mr. Clinton's veto, the 15th of his Presidency, is unlikely to be overridden. That would require two-thirds votes in both houses of Congress.

Underneath all the frenetic political image-making is the high-stakes issue of how the nation should structure its civil-litigation system. The bill was initially part of a much larger measure that was included in the "Contract With America," the Republican House members' campaign manifesto in 1994. The House passed much of that proposal, but Mr. Dole was unable to get the Senate to go along.

The plan would have drastically overhauled the litigation system, sharply reducing incentives for people to try to resolve disputes in court by imposing even more drastic limits on damages than the vetoed bill and by increasing penalties for frivolous lawsuits.

Although the bill would not limit the amount a person may collect for actual damages caused by a faulty product, typically lost wages and medical expenses, it would limit punitive damages to \$250,000 or twice the actual damages, whichever is greater. Punitive damages are awarded by juries to punish especially outrageous conduct.

Those supporting the measure included the National Association of Manufacturers and the United States Chamber of Commerce. The major opponents were trial lawyers and consumer groups.

"This bill shot at lawyers but hit consumers, workers and families," said Joan Claybrook, the president of Public Citizen, a consumer group. She praised Mr. Clinton, who she said had stood up to powerful business lobbies.

But Representative John Boehner of Ohio, the chairman of the House Republican Conference, said Mr. Clinton's action was a payoff to trial lawyers. Money from those lawyers, he said, "can buy you a Bill Clinton veto."

Continued on Page A22, Column 1

ECONOMY REVIVED AT PACE OF 2.8% IN FIRST QUARTER

STRENGTH HELPS CLINTON

But Investors Are Shaken as
Dow Falls 76.95 Points and
Bond Yields Pass 7%

By DAVID E. SANGER

WASHINGTON, May 2 — The economy sprang back to life in the first quarter of the year, the Commerce Department said today, growing at an annual rate of 2.8 percent after practically coming to a halt at the end of 1995. The report set off a near-celebration in the White House as Clinton Administration officials took credit for reviving an economic expansion that once seemed about to expire.

The growth, which exceeded even the most optimistic forecasts by private economists, was strong enough that it immediately complicated the Presidential campaign of Senator Bob Dole. The presumptive Republican nominee and his supporters, citing the anemic growth rate of five-tenths of a percent in the fourth quarter of last year, have been talking about the arrival of "the Clinton crunch," blaming higher taxes and government regulation for extinguishing economic growth.

And the gain — which would have been even greater, economists said, had it not been for the January blizzard in the East and a strike at General Motors in March — suggested that further advances were likely this spring and summer.

But what was good news to the White House was sobering to investors, who feared that the quickening of the economy posed a threat of higher inflation, rising interest rates and a tighter monetary policy by the Federal Reserve. In the bond market, traders dumped existing bonds, pushing interest rates on long-term Treasury securities above 7 percent for the first time in a year. On Wall Street, where investors were fearful that higher rates may make stocks less attractive, the Dow Jones industrial average fell nearly 77 points to close at 5,575.22. [Page D1.]

The 2.8 percent estimate issued today, an "advance" figure that is subject to revision up or down in coming months, was fueled by a 12 percent surge in the rate of investment by businesses, including a jump of nearly 50 percent in the pace of computer purchases. Consumer

Continued From Page A1

spending also soared after a slow Christmas, increasing at an annual rate of 3.5 percent. The only negative news was a great slowing in exports and a surge in imports. (All the figures are adjusted to try to eliminate the effects of inflation and seasonal variations.)

Laura D'Andrea Tyson, director of the White House's National Economic Council, called the revival of growth "more evidence that the President's economic strategy is paying off."

Mr. Dole's advisers declined to speak for attribution, but one of his economic strategists speculated that the figures would further force the campaign to focus on issues of character, leadership and experience, rather than critiques of Mr. Clinton's economic record. For their part, Mr. Clinton's strategists said that while the signs of a reviving economy built a solid foundation for the campaign, they were hardly a guarantee at the polls in an era of job insecurity.

So just hours after members of the Administration paraded out to take credit for the economy's continued strength, Robert B. Reich, the Labor Secretary — who has been used frequently to test themes for Mr. Clinton — argued that the Administration now had to focus on workers left in the wake of economic transition.

"Even if we can't supply job security, we can supply some economic security," he said in pressing the Administration's agenda of tax credits for college tuition and worker training, among other programs. "There is still good reason for all that anxiety out there."

As one Administration official said today, explaining the strategy of talking about corporate downsizing and economic growth in the same

breath: "If you only do good news and ignore the bad news, it just doesn't sound credible."

While today's numbers are extraordinarily good compared with expectations — Merrill Lynch & Company, along with many other forecasters, predicted only a 1.5 percent annual growth rate for the quarter — they are not particularly remarkable when viewed against other economic advances since World War II. And the figures still leave room for Mr. Dole and others to argue, as the conservative Heritage Foundation has recently, that more than a million new jobs would have been created and employee wages would be significantly higher had the Democrats not pushed through a tax bill three years ago.

But that is arguing a might-have-been, compared with Mr. Clinton's ability to refer to the here-and-now of more than eight million net new jobs added in the midst of an era of widespread corporate downsizing.

Until very recently, one of the the greatest fears at the White House was a rerun of 1992 in which the economy appeared to languish in the six months leading up to the Presidential election. Administration officials referred to this as the "Bush scenario." (Only later was it clear that the economy picked up steam that summer.) While economists and political strategists can argue the point of what Mr. Clinton could have done to help the economy further, he can campaign on numbers that give the promise of prosperity — and hints that the wage stagnation of the last several years is slowly reversing.

"The Achilles' heel for this Administration is that the American workers are unhappy campers," Allen Sinai, the chief global economist of Lehman Brothers, said in a telephone interview from Boston today. But now, he added, "anecdotally and regionally almost all of the indicators are good. The result of this is that the economic card is a losing card for the Republicans."

While some economists suggested that the economy would slow down later this year, especially if bond yields remain above 7 percent, others guess that while growth may moderate, the economy is likely to meet or exceed the White House estimate of 2.2 percent for the year. "It's on track to something closer to two and a half," Mr. Sinai said.

For Mr. Clinton and Mr. Dole, the remaining big issue is the second quarter. The "advance" figures for that quarter will be issued on Aug. 1, just before the Democratic and Republican conventions, and will be revised through the heart of the campaign. The first look at the third quarter will not come until Oct. 30, just days before the election.

What threw off the economic forecasts of the country's first-quarter performance so severely was the surge in business investment, particularly for factory equipment and computers, which rose 14.5 percent, compared with an increase of 4 percent in the fourth quarter of 1995. Nonresidential building grew 5.8 percent, compared with a meager nine-tenths of a percent.

For Mr. Clinton, perhaps the most damaging part of today's report is the evidence that exports are slowing down. That was one of the shining sectors of the economy, which Mr. Clinton has claimed as his greatest success. The slowing, while expected, creates an opening for Mr. Dole to say that some of the market-opening initiatives have failed to narrow the country's trade gap.

Data included in the gross domestic product for the first quarter of 1996 follow, with all dollar amounts in billions at seasonally adjusted annual rates. Percentage changes are from the previous quarter at seasonally adjusted annual rates.

THE NEW YORK TIMES

FRIDAY, MAY 3, 1996

Continued on Page D2, Column 1

Liability-limits bill shipped to Clinton

GOP welcomes veto as part of election strategy

By Laurie Kellman
THE WASHINGTON TIMES

With much election-year fanfare, Congress yesterday sent President Clinton a bill to limit monetary awards to consumers injured by faulty products, a part of the House GOP's "Contract With America" and a prospect for veto.

Republicans made it clear that they know that gathering votes for a veto override is impossible in an election year.

What's crucial to the majority is collecting a presidential veto for a bill that polls show voters overwhelmingly want.

"When this bill arrives on his desk, President Clinton will choose whether he's on the side of the hard-working American consumers ... or of the smooth-talking, get-rich-quick trial lawyers," Senate Majority Leader Bob Dole, the likely GOP presidential nominee, said at a press conference in which he refused to answer questions.

"The doors of the Clinton White House appear to have swung wide open for this lobby of greed, while closing the door on average Americans who seek justice," said former Attorney General Dick Thornburgh. "We're going to have to wait for a change of heart by the president, or a change of presidents, to get [such reform]."

The bill is an example of the Republicans' "veto-bait" strategy — purposely sending bills to Mr. Clinton that he is certain to veto. The motive is to draw sharp distinctions between Republicans and the president.

Rather than quietly sending the product-liability bill to the White House as usual, Republicans hyped the event and accused the president of opposing the bill under pressure from the trial lawyers' lobby.

Rep. Ed Bryant, Tennessee Republican, released a letter signed by 200 House members — including four Democrats — asking Mr. Clinton to sign the bill.

The measure sent to the White House is a compromise between versions passed by the House and Senate to stop frivolous lawsuits. Passed by the Senate 59-40 on March 21 and by the House 259-158 a week later, the compromise bill would limit damages paid by large businesses to \$250,000, or twice the value of the claimant's



Speaker Newt Gingrich and Sen. Bob Dole are joined by (from left) Sen. Don Nickles, executive Lewis Fuller, 9-year-old Tara Ransom and her mother, Linda, yesterday as the product liability bill is sent to the president.

PRODUCT LIABILITY FAIRNESS ACT OF 1995

Congress yesterday sent President Clinton a bill that would limit money awarded to consumers injured by faulty products. Mr. Clinton plans to veto the bill. Its provisions include:

- Awarding punitive damages only if the claimant establishes by "clear and convincing evidence" that the harm was the result of conduct carried out by the defendant with a "conscious, flagrant indifference to the rights or safety of others."
- Allowing victorious claimants suing businesses with 25 or more workers to collect punitive damages of \$250,000, or twice the cost of the injury, whichever is greater.
- Allowing victorious claimants suing businesses with fewer than 25 employees to collect punitive damages of \$250,000 or twice the cost of the injury, whichever is less.
- Giving judges authority to award additional amounts for punitive damages in egregious cases.
- Setting a two-year statute of limitations on suing, from the time the harm is discovered or should have been discovered.
- Reducing awards for claimants who are partially responsible for the harm, and providing reduction in awards if the harm results from the misuse or alteration of the product.
- Defending against claimants whose intoxication is found to be the primary cause of the harm.

Source: Office of Sen. Slade Gorton, Washington Republican and Senate sponsor

The Washington Times

economic harm.

Opponents say the bill would deny states the ability to set their own limits and would deprive consumers of redress against manu-

facturers of unsafe products.

Passage came after Mr. Clinton doused the Senate debate with presidential politics by personally urging his allies to oppose the ef-

fort to stop a filibuster on the matter. But many of the president's Senate friends, such as Sen. John D. Rockefeller IV of West Virginia, supported the bill.

Mr. Clinton's opposition to the bill has been shaky. In a March 16 letter to congressional leaders, he objected to provisions that would allow irresponsible companies to use the award limits as "incentive to engage in egregious misconduct." Five days later, he said he would sign the bill if "relatively modest" changes were made.

Yesterday, White House Press Secretary Michael McCurry made no bones about Mr. Clinton's intentions.

"The president believes the product-liability legislation passed by this Congress does not adequately protect consumers [and] does not address the need to protect the American people from faulty products that could cause damage to American families," Mr. McCurry said. "It's no question that he will veto it."

Senate Minority Leader Tom Daschle, South Dakota Democrat, left the door open to negotiations. "This bill is fixable," he said, referring to the prospect of a post-veto revival.

Penmanship draws Whitewater scrutiny

Did Susan McDougal disguise writing?

LITTLE ROCK, Ark. (UPI) — An FBI agent testified yesterday that Whitewater defendant Susan McDougal, a former business partner of President and Hillary Clinton's, tried to disguise her handwriting in samples she gave for the FBI last year.

Special Agent William Heilman said he and another agent repeatedly had to direct Mrs. McDougal to write in a cursive style and make her letters smaller during a 2¼-hour session in which she gave 50 pages of handwriting samples.

"I noticed a number of wide varieties in letter forms, disconnected letter forms, shakiness and exaggerated letter formation with more printed than cursive style," Mr. Heilman said. "The probability was great I did not receive examples of natural writing."

Mr. Heilman said the agents had to instruct Mrs. McDougal to sign her name McDougal instead of Henley, her maiden name.

The agent said the samples indicated an attempt to disguise her writing.

Prosecutors contend that Mrs. McDougal's actions at the June 22, 1995, session in which she gave handwriting samples was evidence of a guilty conscience and the criminal intent of her 10-year-old loan history.

Mrs. McDougal, her ex-husband James McDougal, the Clintons' former real estate partners, and Gov. Jim Guy Tucker are accused in a 21-count indictment of conspiring with the government's star witness, David Hale, to float fraudulent loans to finance their business ventures.

Hale has testified that the defendants submitted false loan applications to get money from his government-licensed loan brokerage and the McDougals' Madison Guaranty Savings and Loan Association for themselves and selected political friends.

He said President Clinton received \$150,000 from a \$300,000 loan issued by Hale's company to Mrs. McDougal's firm, Master Marketers, a wholly owned subsidiary of Madison.

On Sunday, Mr. Clinton testified on videotape during a four-hour session at the White House. The tape will be played when the defense presents its case.

Deputy Independent Counsel Ray Jahn said the government had

"I noticed a number of wide varieties in letter forms, disconnected letter forms, shakiness and exaggerated letter formation."

— William Heilman, FBI special agent

about six more witnesses and could rest its case this week.

Mrs. McDougal's attorney, Jennifer Horan, questioned Mr. Heilman about the defendant's emotional state last year when she gave the writing samples.

Mr. Heilman said she was animated and "somewhat agitated," but he said he knew little of problems Miss Horan said her client had in traveling to Little Rock and checking into the hotel room the government was supposed to have reserved for her.

Over prosecution objections, Miss Horan told the jury that Mrs. McDougal worked a full day in California before boarding a plane for a six-hour trip to Arkansas. She arrived near midnight with no one to meet her at the airport, arrived at a hotel and found no reservation awaiting her and, because the hotel had no restaurant, had nothing to eat until the agents came for her around noon the next day.

"Isn't it true when you saw Susan McDougal she was visibly upset," Miss Horan asked.

"No," Mr. Heilman replied. "She was talking about the experience of traveling."

"She was raising a ruckus about it, wasn't she?" Miss Horan asked.

"She's a very animated person," Mr. Heilman said.

Miss Horan asked Mr. Heilman if he knew Mrs. McDougal was divorced and was using her maiden name at the time she was asked to give signature samples. He said he didn't know.

Later, Mr. Jahn showed the witness a hotel registration form Mrs. McDougal signed when she arrived in Little Rock last year. It was signed Susan McDougal.

Court rejects senators' bid to oust Starr

By Jerry Seper
THE WASHINGTON TIMES

A federal appeals court panel yesterday rejected a bid by two Democratic senators to oust Whitewater independent counsel Kenneth W. Starr over what they said was a conflict of interest.

U.S. Appeals Court Judge David Sentelle, who presides over the three-judge panel that appointed Mr. Starr in August 1994 to head the Whitewater probe, said the court had "no power of removal over independent counsels."

The judge, in a two-page letter, said the Independent Counsel Statute provided for removal for good cause and only at the direction of Attorney General Janet Reno.

Last week, Sens. J. Bennett Johnston of Louisiana and Harry Reid of Nevada asked the court in a letter to remove Mr. Starr, saying his private law firm work for tobacco companies had undermined

Judge claims 'no power of removal'

independent counsel under the statute," Judge Sentelle said.

Mr. Starr declined comment on the controversy, but he said in a recent speech that the independent counsel law allows him to do outside work. He told a San Antonio legal group that an independent counsel "was never expected to become a full-time employee of the government and leave his or her law firm."

Of the 17 independent counsels since 1978, all but one — Iran-Contrá prosecutor Lawrence Walsh — remained with their law firms.

Mr. Starr, among numerous private clients, represents Brown & Williamson, a Louisville, Ky., tobacco company. Mr. Clinton has proposed tougher regulation.

The senators also pointed to Mr. Starr's representation of Chiquita Brands International, whose

chairman is a longtime supporter of Senate Majority Leader Bob Dole, and noted that the independent counsel had served as a consultant until last fall for a conservation foundation critical of Mr. Clinton.

"By a series of actions and omissions, Mr. Starr has demonstrated partisanship, partiality and prejudice against the president of the United States and this administration to such an extent as to compromise his ability to perform the duties of independent counsel and project an image of fairness to the American public," the senators wrote.

In a statement yesterday, Mr. Johnston said he continued to believe Mr. Starr's appointment was "improvident and that he has shown partisanship, partiality and prejudice.... No one in America — the president of the United States or the most humble of citizens — should be subject to such unfair prosecution."

Economic Scene

Peter Passell

A Dole bill to revise tort law may lure some centrist Democrats.

THIS week or next President Clinton is expected to veto a bill that would limit punitive damage awards in product liability suits. In response, Senator Bob Dole plans to introduce a new bill to change tort law — one even more ambitious than the full-blown makeover for civil justice proposed by Republicans last year.

This counterpunch will no doubt be interpreted as a pre-election reminder to corporate America where its bread is buttered. But the new bill also represents a sharp change in substance, and it may win over centrist Democrats.

The 104th Congress treated legal reform as a zero-sum game in which defendants' gains inevitably meant plaintiffs' losses. By contrast, the Dole-McConnell bill (for Senator Mitch McConnell, the Kentucky Republican) takes dead aim at the lawyers who, its proponents say, confound the process. "We now have a civil justice system that might as well have been invented by Kafka," said Michael Horowitz, a policy analyst at the Hudson Institute and a part of the brain trust behind the Dole-McConnell bill. "The core issue," he said, "is how to get more money into injured people's pockets, faster."

Civil justice revision, as conceived by business lobbies, would make it harder to win damages and limit the latitude of courts in making the punishment fit the transgression. The new Federal "loser pays" law, for example, deters securities fraud lawsuits by requiring the losing side to pay everyone's legal bills.

This approach pleases corporations more likely to see themselves as defendants than plaintiffs. It also fits the world view of conservative legal scholars, who argue that the courts have grown too willing to play Robin Hood. But it has made



tort reform an easy target for trial lawyers, who have successfully tarred it as antipopulist.

Peter Kinzler, a former Congressional staff member who is now a partner in the consulting firm of Kinzler-Swab, notes that it wasn't always thus. "No fault" auto insurance, designed to compensate injury victims without expensive legal confrontation, was a liberal cause. "Mike Dukakis sponsored the first state no-fault law to pass," he noted.

But the coalition of consumer groups and labor unions backing no-fault broke up in the early 1980's after Ralph Nader took on all who dared restrict access to courts. And civil justice reform refocused on the issues that most concerned business. Now the pendulum is swinging back.

The Dole-McConnell bill resurrects no-fault auto insurance with some clever twists. "Auto-choice," invented by Jeffrey O'Connell of the University of Virginia Law School along with Mr. Horowitz, would require that insurers compensate their own policyholders for economic losses. Those who wish could maintain the right to be compensated for intangible pain and suffering by buying extra coverage from the insurers.

With no need to establish fault in court, the cost of insurance would fall sharply. Allan Abrahamse and Stephen Carroll, economists at the Rand Corporation, estimate that it would save one-third in premiums — \$40 billion in 1996 — provided people chose to do without pain and suffering coverage. "Tort reform would be transformed from political broccoli to ice cream," Mr. Horowitz said.

The other big piece of the Dole-McConnell package would restrict contingency fees to cases in which plaintiffs' lawyers bear significant risk of working for nothing. "In most injury suits, settlements are virtually guaranteed and even the size of the settlement follows standardized guidelines," explained Lester Brickman, a professor at the Cardozo School of Law in New York.

Plaintiffs would be obliged to give defendants a chance to make a settlement offer before the lawyers had invested much in legal maneuvering. The plaintiffs would not be obliged to accept an early offer. But contingency fees, which now run to a third or more of judgments, could not be collected by their lawyers on any smaller sum.

Suppose a defendant's insurer offered \$50,000 to settle an injury case after being notified of the suit. And suppose the victim turned down the offer and years later won a judgment for \$60,000. The victim's lawyer could collect a contingency fee only on the last \$10,000. He or she would be limited to an hourly fee for the routine work involved in soliciting the \$50,000 early offer.

The likely savings? According to the Joint Economic Committee of Congress it would amount to "a significant portion of the over \$45 billion in tort costs attributable to lawyers' fees."

The big lure here, Mr. McConnell argues, is the potential consumer savings. "This is the tax cut for the middle class both Republicans and Democrats want," he said.

Could any piece of this bill be enacted before the election? "This is not arcane legislation that is difficult to explain," Mr. McConnell allowed. "All things are possible."

THE NEW YORK TIMES,
THURSDAY, MAY 2, 1996

Of Marriage, Money and a Lawmaker's Woes

By TIMOTHY EGAN

A month ago, Representative Wes Cooley, a freshman Republican from eastern Oregon, mistook an April Fool's spoof for real news and cited it in a speech. Asked about the gaffe by a reporter from his home state, Mr. Cooley is reported to have replied that he would beat her up if she were not a woman.

In a clarification, he later said he had told the reporter, Rose Ellen O'Connor of *The Oregonian*, "You should be whipped, and if you were not a lady, I would whip you." Ms. O'Connor was six months pregnant at the time.

Many of Mr. Cooley's staunchest supporters in the rural Second District of Oregon dismissed the episode as nothing more than the venting of a folksy Congressman. But now far more serious problems have arisen that could land Mr. Cooley or his wife in jail, and his constituents are clamoring for answers.

The biggest question has to do with how long Mr. Cooley has been married. If he and his second wife, Rosemary Herron Cooley, have been married since the mid-1980's, as he has said in the past, the couple could face fraud charges for continuing to accept Mrs. Cooley's benefits as a marine's widow.

The Department of Veterans Affairs said yesterday that Mrs. Cooley received a monthly benefit for nearly 20 years after the death of her first husband, a Marine captain. The benefits ended in early 1994, when Mrs. Cooley told department officials that she and Mr. Cooley were married. At the time, the benefits were nearly \$900 a month. Federal law prohibits anyone from receiving such benefits if he or she remarries.

The records of the Cooley marriage are sealed in California, at the Cooleys' request. Friends of the Cooleys say the couple had always said they married in Mexico in the mid-1980's. Mr. Cooley will not say when, exactly, they exchanged vows.

"He will attempt to explain it when he has all the facts at his disposal," said Dave Redmond, Mr. Cooley's press secretary.

Mr. Redmond said he did not know whether the Department of Veterans Affairs had begun a fraud investigation of the couple. The agency refused to comment, citing privacy laws.

No matter the exact date of the wedding, the Cooleys could face legal trouble if they lived together and represented themselves as husband and wife, according to veterans department guidelines.

"We didn't do anything fraudulent," Mr. Cooley said on Monday. "That will all come out."

Mr. Cooley might also face charges in Oregon for giving false information on official election documents. In both his voter registration card from the mid-1980's, when he moved to Oregon, and the official state voters' pamphlet from 1994, Mr. Cooley stated that he was married to Rosemary Cooley.

Already, officials at the Oregon Secretary of State's office are investigating an allegation that Mr. Cooley provided false information for the voters' pamphlet about his record during the Korean War. Mr. Cooley had said that he served with Army Special Forces in Korea. He

said later that he had done secret demolition work, something his spokesman said was so classified that Mr. Cooley could not speak about it.

But, following reports in *The Oregonian*, the Congressman now says he was lying about his war record. "I shouldn't even have said Korea," he said last month. "I was in the Army. I was in the Special Forces. At that period of time, the Korean conflict was going on."

He also said he mistakenly put in the voters' pamphlet that he was a member of Phi Beta Kappa, the scholastic honorary society. In fact, he was in another Greek honor society at a community college in California, he said.

A person who provides false information in the voters' pamphlet, or on a voter registration card, could be subject to felony criminal prosecution in Oregon, the Secretary of State's office said yesterday.

For Republicans, who are seeing a number of their more outspoken Western Representatives implode as the political season unfolds, the saga of Mr. Cooley is particularly painful. The filing date for Oregon's May 21 primary has already passed, and Mr. Cooley is the sole party nominee.

If Mr. Cooley were to step down after the primary, the party could name a nominee. But they are facing a formidable challenge from a Democrat, Mike Dugan, a county prosecutor with strong support from the area around Bend, one of the largest cities in the vast district east and south of the Cascades.

"People in the district are very concerned," said state Senator Neil Bryant, a Republican from Bend. "He's got to provide some answers on two fronts: one, his Korean experience, and two, whether he was married in Mexico."

Mr. Bryant added: "People want disclosure. People want the facts."

While past problems about Mr. Cooley have sometimes been dismissed in his district as biased reporting by *The Oregonian*, the state's leading newspaper, the new round of questions is not being taken lightly, Mr. Bryant said.

Mr. Cooley, 64, is best known in Congress for his efforts to roll back environmental laws. He once compared Federal Fish and Wildlife Service agents to the Gestapo, and in a Congressional hearing last year in Louisiana he told a wildlife conservationist, "Don't come to Oregon, because you are in trouble."

Ranchers, timber industry officials and miners have hailed him, along with Representatives Helen Chenoweth of Idaho and J.D. Hayworth of Arizona, two other freshman Republicans, as leaders in a charge against environmentalists.

"He's talking for us, he's speaking for people in the natural resource industries," said Joyce Wheeler, whose family is in the logging business in eastern Oregon. "But you do wonder why he would say or do some of the things that have come out recently."

Mr. Cooley got into trouble in 1992, when he was running for the State Senate and moved a trailer into the district so he could qualify as a resident. Neighbors said he never lived in the district.

Mr. Cooley's Congressional district is bigger than two-thirds of the states. It is mostly conservative, and tends to vote Republican by a 5- to 10-point margin. But even there, he is now in serious trouble.

Last month *The Bulletin* newspaper of Bend called for Mr. Cooley to resign, saying his false claims about military service and other issues had made him "an embarrassment to Congress and the good people of the Second Congressional District."

In the 1994 voters' pamphlet, Mr. Cooley presented himself as a "rancher, farmer and family man." But *The Bulletin* reported recently that Mr. Cooley and his wife used the ranch primarily for a vitamin manufacturing business, but received a tax break because the property was zoned for farming.

Mr. Cooley has not explained the circumstances behind the tax break.

His flareup with the *Oregonian* reporter came after *Roll Call*, a Capitol Hill newspaper, issued an April Fool's spoof in which it reported that Democrats planned to bring back former Speaker Jim Wright to head up a Congressional ethics office. Mr. Wright, a Texas Democrat, resigned over ethics problems.

Mr. Cooley said in a speech to timber representatives that this was an example of what could happen if the Democrats regained power.

"It was an April Fool's article, and everyone knew it but Wes," said Representative Jim Bunn, a fellow Republican freshman from Oregon. "It was just classic Wes."

When asked about it by reporters, Mr. Cooley exploded in front of colleagues and other reporters, according to *The Oregonian*. The paper and witnesses said he threatened to punch Ms. O'Connor in the nose, saying, "The only thing between you and me is jail."

But today, Mr. Cooley's office again said that he had actually threatened to "whip" her, not punch her in the nose. "Whip is correct," Mr. Redmond said.

THE NEW YORK TIMES,

THURSDAY, MAY 2, 1996

Business Groups Hope Ads in Pivotal Electoral States Sway Clinton on Product Liability Bill

By JAMES BENNET

WASHINGTON, April 29 — In a coordinated advertising campaign running in states critical to the Presidential race, several groups financed by business are accusing President Clinton of carrying water for greedy trial lawyers.

The groups say they are advertising in hopes of persuading Mr. Clinton to sign legislation limiting damage awards in lawsuits over faulty products. Mr. Clinton has said he intends to veto the legislation.

But Democrats see the advertisements in states like Michigan and Ohio as a proxy assault to weaken President Clinton on behalf of Senator Bob Dole, the presumptive Republican nominee, who for the moment cannot afford to advertise. Mr. Dole and Speaker Newt Gingrich plan to hold a joint briefing on Tuesday to call attention to the legislation

before they send it to the White House.

The bill, which would cover product liability lawsuits in all Federal and state courts, would limit punitive damages in most cases to \$250,000, or two times damages, whichever is greater. Mr. Clinton has said the measure does not provide enough protection for consumers.

Most of the advertisements sponsored by the business groups say that trial lawyers have donated heavily to Mr. Clinton's campaign.

"Even though the President says he puts people first, he plans to veto the product liability bill," says the announcer in one advertisement, paid for by the United States Chamber of Commerce and the National Association of Wholesaler-Distributors. "Who's first now, Mr. President?"

Words flashed on the screen ask:

"People first? Or trial lawyers first?"

Frank Coleman, a spokesman for the Chamber of Commerce, said the advertisements were taking advantage of the political season to reach Mr. Clinton.

"His mind-set is in the electoral college, so that's where we're going to drive a stake through his heart," Mr. Coleman said.

The groups behind the advertisements say they represent hundreds of thousands of businesses and individuals. But Democrats see an effort to help Mr. Dole by big business, and in particular tobacco companies, which together with manufacturers and insurers are likely beneficiaries of the legislation limiting damage awards.

"This is Presidential politics, pure and simple, and the driving force behind this is the tobacco compa-

Democrats see a campaign to limit damage awards as a proxy assault on the President.

nies," said David Eichenbaum, communications director for the Democratic National Committee.

The Chamber of Commerce and the wholesalers association began running their advertisement on April 23. They plan to take it off the air on Tuesday, said Dirk Van Dongen, president of the National Association of Wholesaler-Distributors. He said that, depending on what Mr. Clinton

does, it was conceivable that "we will ramp up again in key electoral states on the issue."

He said the advertising campaign was not coordinated with the Dole campaign or the Republican National Committee, but was coordinated with other groups favoring the product liability legislation.

As part of that joint effort, a second advertisement, paid for by Citizens for a Sound Economy, also began turning up last Tuesday in most of the same states. It presents a woman, Peggy Phillips, who says the manufacturer of a medical device she needs may stop making it "because of the threat of frivolous product liability lawsuits."

Addressing the camera, she says, "Mr. President, won't you please sign this bill?"

Both advertisements were produced by the firm Robinson Lerer

Sawyer Miller. And all three business associations were among the groups sponsoring a print advertisement, which ran last Thursday in newspapers here and in state capitals, suggesting that Mr. Clinton was beholden to trial lawyers.

Citizens for a Sound Economy has received large donations from tobacco companies, said John Canham-Clyne, research director of Congress Watch, an arm of the organization Public Citizen, which opposes the product liability legislation. He said it was also supported by foundations associated with the Koch family, industrialists based in Wichita, Kan., who have donated heavily to Mr. Dole.

William S. Armistead, vice president for campaign development at Citizens for a Sound Economy, said, "We don't reveal who our members are and our donors are."

Dole Calls Public Housing One of 'Last Bastions of Socialism'

By ADAM NAGOURNEY

WASHINGTON, April 29 — Senator Bob Dole called today for an end to government-assisted housing programs, terming public housing "one of the last bastions of socialism in the world" and attacking the Clinton Administration for regulatory excess that he likened to the "thought police."

Mr. Dole called for the elimination of the Department of Housing and Urban Development, and declared that government had an obligation to maintain basic services for the poor. But he added: "These programs have failed in that mission. They have not alleviated poverty. They have not; in fact, they've deepened it. — "Public housing is one of the last bastions of socialism in the world," Mr. Dole said. "Imagine, the United States Government owns the housing where an entire class of citizens permanently live. We're the landlords of misery."

With his speech to a convention of real estate agents here this morning, the presumptive Republican Presidential nominee signaled his third attempt in two weeks to define differences between himself and President Clinton. And again, he did so by portraying the two men as occupying opposite ends of the ideological spectrum. He had previously attacked Mr. Clinton's record of judiciary appointments, and over the weekend, he called for a rollback of the 4.3 cent gasoline tax that Mr. Clinton had pushed through as part of the 1993 deficit-reduction package.

Mr. Dole's remarks about public housing were at the heart of a speech

that included both a broad range of criticism of Mr. Clinton's record as well as a defense of Mr. Dole's ties to the Republican Congress. Aides to the Kansas Senator believe that Mr. Dole's recent political difficulties, suggested by his poor standing in public opinion polls, have been caused, at least in part, by his association with House Republicans and the difficulties he has encountered in trying to run the Senate as majority leader while running for President.

Mr. Dole made clear today that he intended neither to step down from his position in the Senate, nor to step

Dole further defines his differences with the President.

away from his colleagues in the House. "I've read lately that all those radical ideas that we had are the reasons we may be in difficulty," said Mr. Dole. "First of all, I don't think we're in difficulty but secondly, they're not radical ideas."

He mentioned in particular the attempts by Congress to balance the budget over seven years. "We thought it was a pretty good idea," Mr. Dole said, "and it wasn't radical, wasn't some crackpot idea that Newt Gingrich and Bob Dole thought of at midnight some — one night, and said, 'Oh, let's do this.' And we did it."

Still, Mr. Dole's speech showed the

difficulties he has encountered trying to find a middle ground between Mr. Clinton's policies and those of conservative Republicans in Congress. Even as he pointedly rejected suggestions that his political difficulties were caused by his association with Mr. Gingrich, Mr. Dole made a point of saying that he thought government "has an obligation to maintain a safety net."

And even as he offered a broad criticism of the Department of Housing and Urban Development he offered some praise for the organization he was attacking. "I think we've certainly downsized it a great deal, and I've said before we could abolish it," Mr. Dole said. "But I think their goals are commendable. They want to reduce the number of homeless; they want to expand housing opportunities and open housing markets to minorities." Mr. Dole said he had no quarrel with HUD's goals, but rather its tactics.

Mr. Dole suggested that the public housing programs be replaced with a system of vouchers, under which people eligible for public housing assistance would be awarded certificates that they could use to pay for rent in private housing.

To clear the way for the elimination of the housing agency, Mr. Dole proposed that homeless assistance programs should be transferred to the Department of Health and Human Services, and enforcement efforts be turned over to the Department of Justice.

Henry G. Cisneros, the Secretary of Housing and Urban Development, said that his department had tried to push the voucher program through,

but had encountered resistance from Republicans in Congress. He rejected Mr. Dole's statement as "election-year simplistic answers. What about all those units, and all those people, and what has been a 60-year consensus on housing policy?"

Beyond policy, Mr. Dole singled out for criticism a senior official in the Department of Housing and Urban Development — Roberta Achtenberg — as an example of liberal excesses. He noted that Ms. Achtenberg had led an effort by HUD to investigate groups that had fought the agency's efforts to build public housing.

Mr. Dole was referring to two instances in which HUD investigated citizens who sought to block public housing projects by writing letters of protest and gathering petitions.

Both investigations were scaled back in response to criticism, on orders of Mr. Cisneros.

Ms. Achtenberg was the only HUD official Mr. Dole mentioned by name. Her appointment was noteworthy because she was the highest-level openly lesbian appointed by the President, and her appointment had been opposed by some conservative Republicans, notably Senator Jesse Helms of North Carolina, who is a longtime friend and supporter of the Kansas Senator. Mr. Dole's aides said the Senator had singled her out only because she was in charge of the department behind these inquiries, and they were not trying to revive the controversy that surrounded her appointment.

REVIEW & OUTLOOK

Asbestos Audacity

Last month we reported on the chutzpah of Peter Angelos, the plaintiffs lawyer who tried to push a bill through the Maryland legislature to make it easier for him to win punitive damages in asbestos cases. Mr. Angelos's effort was stymied (though the state did throw the Orioles owner a bone by hiring him on a contingency-fee basis to sue the tobacco companies). No such luck in Texas. That state's asbestos lawyers succeeded in rewriting a tort reform measure in their favor—and now they're using the loophole to clog up the state courts with asbestos cases and win millions in fees.

Many readers may have forgotten that the asbestos cases even exist. Breast implants and now tobacco have pushed asbestos out of the limelight. But more than two decades after this toxic tort started, and long after many of the original manufacturers went out of business, asbestos litigation grinds on. No state has more cases than Texas. As of last December, the Texas Civil Justice League estimates there was a backlog of 39,896 asbestos cases in state court. Most of them are concentrated in a handful of plaintiff-friendly jurisdictions, principally the city of Beaumont, notorious as the Tort Capital of America.

These cases have made a small number of plaintiffs attorneys very, very wealthy. The 1995 Forbes list of the best-paid lawyers in America has two asbestos attorneys from Beaumont in the No. 3 and 4 spots: Wayne Reaud, \$26 million, and Walter Umphrey, \$19 million. All this lucre was generated by suits that are mainly meritless. Yes of course there are some genuine victims of long-term exposure to asbestos who have contracted asbestosis (scarring of the lungs) or mesothelioma (a rare form of cancer). But large numbers of the plaintiffs weren't seriously injured. They just want to hit the jackpot for "mental anguish" and the like.

Nothing unusual about that. Unfortunately it's how the civil justice system works nowadays. But even by today's standards, there is one mind-boggling element of the asbestos cases: Tort reformers estimate that 85% of the plaintiffs—or roughly 34,000 cases—clogging Texas courts aren't from the Lone Star State. Neither are most of the defendants. The only connection to Texas is that the plaintiffs lawyers are there, and they know that it offers a friendlier venue than neighboring states. So why don't the courts simply tell all these plaintiffs to go home?

Some judges would like to but they can't. In 1990 a plaintiff-friendly Texas Supreme Court decided to abolish the doctrine of *forum non conveniens* in personal injury cases. This meant Texas judges could no longer dismiss cases from out-of-state or foreign plaintiffs, even if they could seek justice in their home jurisdictions. This turned Texas into the "court-house to the world," and accelerated the trend of Lone Star litigators spanning the globe to bring in lucrative cases, from breast implants to air crashes.

Texas companies were so upset by the *Dow v. Alfaro* decision that they pushed the state Legislature to override it. In 1993 lawmakers did just that, but not before Democratic Governor Ann Richards engineered a loophole designed to benefit her campaign contributors in the plaintiff's bar. The new law allows judges to dismiss out-of-state cases *except* those involving railroads, aircraft crashes and asbestos.

Naturally this has turned into a bonanza for the plaintiffs bar. They've flooded the state with asbestos cases, many from Alabama, which has a more restrictive statute of limitations. And every time that the state Legislature convenes, which raises the possibility that the loophole will be closed, the lawyers file several thousand more cases.

The judiciary has responded by giving the cases special treatment. In many counties, judges now spend a month each year handling nothing but asbestos cases. Since the judges don't want to preside over lengthy trials, this puts powerful pressure on the manufacturers to cave in and settle dubious claims. That pressure is of course intensified by verdicts like the \$26.5 million that Walter Umphrey's firm won for 10 plaintiffs in 1994 from a Houston jury.

It's a sweet deal for the plaintiffs bar, but a bad one for the rest of Texas. "We are in essence subsidizing out-of-state lawsuits," says Jon Opelt of Citizens Against Lawsuit Abuse in Houston. "Texans are paying to support this system, but they have to wait in line for their own cases to be heard, while out-of-state litigants are getting into court."

Governor George Bush, who replaced Ann Richards, deserves a lot of credit for pushing through and signing a tort reform package last year. But plainly more needs to be done. Until the asbestos loophole is closed, Texans will continue to pay the costs for the extreme audacity of a handful of bar-certified buccaners.

One for the Gipper

Who says the American political system doesn't work? Congress finally gave the president a line-item veto last week, only 12 years after Ronald Reagan first asked for it. The moment shouldn't pass without some recognition of how this reform became both necessary and possible.

Especially because the same crowd that opposed the item veto for so long is now saying it won't make much difference. The press corps is dragging out the usual suspects to deride it, some of whom (for example former GOP Representative Mickey Edwards) lost their jobs in Congress because they liked spending too much. But no one we know has ever said the item veto by itself would shrink the federal deficit. We doubt the Gipper ever did.

What he did say was that the item veto was a tool, a political lever to restore more discipline and accountability to Beltway budgeting. Specifically, it will help restore a power balance between Congress and the executive that was tipped toward the Capitol by the budget act of 1974. Congress was caught in a budget fight with Richard Nixon, who resorted to the age-old presidential power of "impounding," or refusing to spend, funds. So Congressional liberals stripped a president weakened by Watergate of that power. The era of runaway spending and deficits began right there.

While Congress tried to blame Reagan's tax cuts for deficits during the 1980s, the flow of red ink began in earnest in the mid-1970s. Congress ran roughshod over presidents of both parties, from Ford through Carter and Reagan to Bush. A president's only option has been to veto the entire federal budget, even if he objects to only a few provisions. Most presidents have de-

clined to take that political risk. The item veto, with its power to remove specific provisions, puts the president back into the budget game. While runaway spending won't really be stopped until middle-class entitlements are reformed, the item veto at least increases a president's bargaining power with Congress.

What's extraordinary, and praiseworthy, now is that a Republican Congress has voted to hand this power to a Democratic president, albeit starting in January. The veto never would have passed if Tom Foley were still Speaker of the House. Indeed, while Bill Clinton supported the item veto during the 1992 campaign, he quickly forgot about it after Mr. Foley and friends got to him during their famous visit to Little Rock after the election. Thus began the capture of Mr. Clinton by the liberal Congress of 1993-94, an era he now wants voters to forget.

Passing the item veto now is Ronald Reagan's revenge on the liberals who thwarted him on spending during the 1980s. Their profligacy brought the public view of Congress so low that its new members now feel obliged to hand some of their own power to the executive. Credit goes to many, but especially to Republican Senators Dan Coats and John McCain, for persevering despite objections from spenders (Pete Domenici, Ted Stevens) in their own party. When even liberal Democrats Russ Feingold and Paul Wellstone feel obliged to support the item veto, as they did last week, you know where the tide of history is moving.

Twelve years seem like a long time from proposal to passage, but in the difficult American system it often takes that long to break the back of business as usual.

Asides

Party Ethics

You'll be reassured to know that when in August you're watching all those home-state pols and delegates in the silly hats blowing horns and smoke on the floors of the political conventions, it'll all be ethical, if nothing else. On Thursday the House Ethics Committee issued a bunch of rules to foment ethical behavior at the conventions. The Members can accept the ubiquitous tote bags full of junk—T-shirts, caps, propaganda—"If it's

something that everybody else gets." They can go to any party if 25 or more people are present, not unlike, we suppose, the rules they set for their own daughters on prom night. Parties thrown by state or local governments seem to be OK, though no word on whether there's a ceiling on the number of lobbyists allowed in before the fire marshal has to be called. Maybe the Ethics Committee should throw a model party, sackcloths handed out at the door.

WILL 1961's 61-HOME RUN RECORD FALL IN 1996?

ALBERT BELLE AMONG THOSE AIMING FOR ROGER MARIS' RECORD AS SEASON ENTERS FIRST FULL DAY TODAY, 6:10C



By Dan Rice, AP
Frank Thomas: Hits first home run of '96 season, 1C

PATTY SHEEHAN WINS HER FIRST DINAH SHORE 1,4,15C

MONDAY, APRIL 1, 1996

NEWSLINE

A QUICK READ ON THE NEWS

WALL STREET: Though the Dow Jones Industrial Average failed to record gains to start the year, experts say a 1995 repeat — a 33.5% Dow gain — is unlikely. 1B

MIGRATION: Winter's harsh treatment of most of the USA has travel agencies warning up their computers to help guide fleeing, freezing vacationers. 1B

HELLO? First it was call waiting. Example: 56% of BellSouth's 14.5 million customers have it. Now it's caller ID. Bell Atlantic gets 6,000 orders a day. Call it the rage. 1B

REJOICE: Americans overwhelmingly believe in God, and religious beliefs are a part of everyday life. USA TODAY takes a look at seven days in a nation of faithful. 4A

TRAIN SAFETY: Federal officials urged the Federal Railroad Administration to require safer signal calling as early as 1976. They sought a system to stop trains before they hit; they were rejected. Train wrecks ched. 12A

CHURCH FIRES: Arson attacks on black churches spark \$400,000 in donations. 3A

DR. BURNOUT: Beloved New York doctor to the poor Joseph Kramer is done. It's the paperwork. "Those morons tried to tie me up with their red tape," he says. 3A

BOSNIA: Defense Secretary William Perry reaffirms that U.S. troops are to be out by year's end. Serb army Gen. Milan Gvero says war will resume when they leave. 11A

TODAY'S DEBATE: The designated hitter. In USA TODAY's opinion, "the DH will distort interleague games the same way it does the World Series." 14A

► "Fans would much rather see a DH swinging for the fence than a pitcher trying to look respectable at bat," says Thomas DiBacco, former shortstop with the Shady Side, Ohio, Mudcats and now American University historian. 14A

MONEY: Forget the fairways; if you want to score with Sun Microsystems CEO Scott McNealy, strap on some skates, grab a stick and head down ice. 1B

► Russians open their palms to new \$100 bill. 2B

SPORTS: Orlando Magic claim second straight Atlantic Division title with 96-79 victory vs. N.Y. NBA. 12C

► Andre Agassi wins 2nd straight Lipton title. Tennis. 12C

► Red Wings rout St. Louis 5-1. NHL. 14C

► Jeff Gordon continues road back. Autos. 15C

LIFE: You just can't get good godparents anymore — at least that's what some church officials say. 1D

► Last year, it was Mootz in Chicago and Vermeer in Washington. This year it's Cézanne in Philadelphia. 4D

CORRECTION: Dean W. Colvard, president of Mississippi State University in 1963 when its team played in the NCAA basketball tournament, lives in Charlotte, N.C.

COMING TOMORROW
GO DIRECTLY TO JAIL: G. Gordon Liddy, G-man to talk-show fans, gets down and dirtier with his new board game. Whose turn is it, anyway?

By Anne Squires
Inside USA TODAY 4 SECTIONS
Crossword 8D
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TV listings 10D
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USA TODAY

NO. 1 IN THE USA . . . FIRST IN DAILY READERS

NATURAL RESOURCES FUNDS ROAR IN MARCH

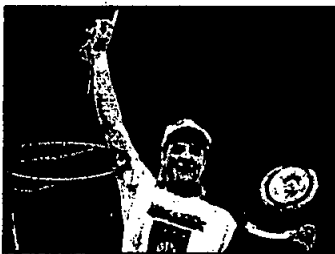
SHOW 5.7% GAIN IN MONTHLY STOCK MUTUAL FUND REPORT

HILLARY CLINTON CHARMS TROOPS AND DIGNITARIES ON FOREIGN TRIP 7A

MONDAY



By Robert D'Amico, USA TODAY
Sheryl Crow: With Clinton to sing for troops, 2D



Top of her game: Michelle Marciniak celebrates Tennessee winning the NCAA women's championship.

Tenn. hounds Ga., wins title

By Tom Weir USA TODAY

CHARLOTTE, N.C. — Tennessee followed the lead of its mascot Sunday in its 83-63 defeat of Georgia for the women's college basketball title.

Tennessee's mascot, a blue tick hound, held up the start of the game by knocking the string out of a Georgia Bulldog doll.

Tennessee did the same to Georgia to win its fourth championship under coach Pat Summitt.

"This team could not have responded any better," she said.

Tennessee used rebounding to overcome Georgia's speed. "Defense sets tickets, defense wins games and rebounds win championships," said Summitt.

NCAA MEN'S CHAMPIONSHIP GAME

Kentucky vs. Syracuse
Tonight at 9:22 ET, CBS
► Can Kentucky fulfill expectations? 1C

Senior point guard Michelle Marciniak was named Outstanding Player of the Final Four.

"I had a few people pinch me after the game,

and I still can't feel anything," said Marciniak.

Tennessee also won titles in '87, '89 and '91.

► Women's final, 13C

SECURITY TIGHTENS . . .

AS OKLAHOMA CITY ANNIVERSARY APPROACHES



Shattered: Oklahoma City federal building in ruins after April 19, 1995, bombing that killed 169

Outsiders told to stay away from standoff

By Bob Twigg and Kevin Johnson USA TODAY

Federal officials and some militia leaders Sunday warned others to steer clear of the week-long standoff between "Freemen" white supremacists and the FBI in Montana.

Outsiders "probably are going to create more problems," Sen. Max Baucus, D-Mont., said Sunday after visiting the area.

U.S. Attorney Sherry School Matheson said the scene remained "very calm" Sunday.

FBI agents are watching an estimated 10 Freeman holed up at a farm near Jordan.

The FBI also contacted contacts with militia leaders to defuse any possibility other groups might offer aid.

"Stay home," John Parsons of the Tri-State Militia of South Dakota told others Sunday.

But militia members in Michigan and Iowa said they would go to Montana.

"If we have enough numbers, we could prevent another Waco from happening," said Edward LeStange of the Idaho-based Freeman Patriots.

The group plans a protest in Lewistown, Idaho.

The Northern Michigan Militia wants to carry supplies to the farm, despite an FBI prohibition against such actions.

COVER STORY

April 19 raises anxiety among federal workers

'Pretty massive effort' helps make offices more secure, but it also has cost a lot

By Mark Potok USA TODAY

As the first anniversary of the April 19 Oklahoma City bombing approaches, officials are rushing to install modern security measures at federal buildings across the USA.

About \$283.9 million will be spent, \$174 million of it not until after the anniversary of the bomb that killed 169 people.

But in recent weeks, workers have been installing everything from closed-circuit TV cameras to bomb-resistant glass in many of the nation's 8,200 federal facilities, according to details obtained by USA TODAY from the General Services Administration.

Even as the measures are implemented, a volatile atmosphere continues between the government and anti-government extremists. The FBI is in a standoff with armed militants in Montana, similar to the Waco, Texas, incident that prosecutors say sparked the Oklahoma bombing.

The attack in Oklahoma came two years to the day after 71 people died in Waco as the confrontation with the FBI ended in fire. Many officials fear that right-wing extremists could decide to strike again April 19.

"We recognize very much this anniversary," says John Sturdivant, president of the American Federation of Government Employees. "We don't want to go down hysteria lane. But there will be a heightened level of anxiety."

Rep. Charles Schumer, D-N.Y., believes the odds are greater than ever for a terrorist act. "There are enough looks out there that you can't rule out that someone will try to do something awful that day," he says.

From massive offices in New York and other cities to

Yeltsin offers peace plan for Chechnya

By Jack Kelley USA TODAY

Russian President Boris Yeltsin, trailing in presidential polls, Sunday announced a halt to his 16-month offensive in the breakaway Chechen republic.

But he refused to budge on the rebels' two main demands: Full withdrawal of Russian troops from Chechnya.

As a result, there is little chance the fighting will stop.

"We cannot agree that Chechnya is an independent (state) outside Russia," Yeltsin said in a short TV address.

His long-promised Chechen peace plan comes 11 weeks before Russia's June 16 presidential election. Yeltsin is trailing Communist Party leader Gennady Zyuganov in the polls.

Russian voters are demanding an end to the Chechen war, which has killed more than 30,000 people, most civilians.

"This is not really a peace plan," said Fyodor Fedotkin, editor of Russia's Segodny newspaper. "But it allows Yeltsin to be seen as a peacemaker."

Yeltsin also warned the rebels that Russia "will not put up with terrorist acts."

Gen. Vyacheslav Tikhonov, Russia's top commander in Chechnya, told Moscow's NTV, "It's military that combat operations will be stopped."

Sunday, Russian planes and helicopters gunned down the village of Gudkovye.

Yeltsin Sunday also promised to withdraw a limited number of Russian troops in Chechnya, hold indirect talks with Chechen leader Dzhokhar Dudayev for the first time and give Chechnya more autonomy than any other republic.

Still, it's not enough, Chechen rebels said.

"Yeltsin's (announcement) was little more than a campaign gesture," said Chechen rebel Sulaiman Islamov. "We will fight on."

Yeltsin sent 40,000 Russian troops to Chechnya in December 1994 to stop the largely Muslim republic's independence drive.

Extra ATM fees start to add up today

By Christine Dugas USA TODAY

Starting today, consumers could be hit with an extra fee to use an automated teller machine not owned by their bank.

"It's a bad April fool's joke on the consumer," says Rep. Charles Schumer, D-N.Y., who today will introduce a bill requiring banks to prominently disclose the new charges.

Until now, ATM users typically were charged an average 95 cents per transaction by their own bank, if they were charged at all.

The major ATM networks, Cirrus and Plus, had banned the bank that owned the ATM from deducting a second fee — except in 14 states that allow it.

This month, however, Cirrus and Plus are removing the prohibition. And most regional ATM networks are going along, according to a survey by the Center for Study of Responsive Law and the U.S. Public Interest Research Group.

"The industry has converted ATMs from instruments of consumer convenience into profit centers for banks," says consumer advocate Ralph Nader.

How a transaction might work: A woman withdraws \$100 from an ATM not owned by her bank. The ATM screen says the fee is \$1, and the receipt shows \$101 has been debited from her account. Her bank then charges her another \$1 for the same transaction; that fee appears on her next monthly statement.

Banks say the extra fees are needed to cover the cost of ATMs in remote locations. But not all banks will charge them. Chase Manhattan Bank, the nation's largest, says it has no plans to charge non-customers a fee for using its ATMs.

USA SNAPSHOTS®

A look at statistics that shape the nation



By Cheryl Hall and Nancy E. Mathe, USA TODAY

Bill to Limit Damages Gains as Senate Debate Is Cut Off

By NEIL A. LEWIS

WASHINGTON, March 20 — After an intense legislative battle that had a strong whiff of Presidential politics, the Senate today voted to move ahead with a measure that would limit damages available to people who are hurt by faulty products.

By a vote of 60 to 40, the Senate provided the bare minimum necessary to cut off debate on the measure that was being staged by its opponents. For the dozen Democrats who voted in favor of the measure, it was a repudiation of President Clinton.

Just days ago, Mr. Clinton said he planned to veto the legislation because he feared that it tilted too much in favor of business and against consumers. Today's action means the Senate will almost certainly pass the measure on Thursday and send it to the House, which is expected to approve it next week, setting up another confrontation even deeper into the political campaign season as Congress takes up an effort to override the President.

Mr. Clinton called a handful of Senators on Tuesday and today to enlist their help against the measure.

At the same time, Senator Bob Dole, the Senate majority leader and presumptive Republican Presiden-

tial nominee, pressed his fellow Republicans to vote in favor of the bill. "He wanted to make sure this bill goes to the President," said a Republican Senator who spoke on the condition of anonymity.

In the end, Mr. Clinton came close, winning over four Democrats who had previously voted in favor of the measure: Senators Charles S. Robb of Virginia, Barbara A. Mikulski of

The stage is set for a confrontation with political overtones.

Maryland, Dianne Feinstein of California and Kent Conrad of North Dakota. But Mr. Dole was able to persuade an earlier Republican opponent of the bill, Arlen Specter of Pennsylvania, to switch his position, providing the margin of victory.

As the vote was taken, cheers erupted in a room outside the Senate chamber, where business lobbyists for the bill had gathered. They applauded loudly when Senator John D.

Rockefeller 4th appeared. The West Virginia Democrat and longtime ally of the President, has long sought to limit damages in product liability lawsuits. In an extraordinary rebuke to a President of his own party, Mr. Rockefeller accused Mr. Clinton of allowing "raw politics" to overcome reason.

Underneath all the fevered political maneuvering is the high-stakes issue of how the nation should structure its civil legal system, the one used to settle disputes among parties. The bill was initially part of a much larger Republican-inspired effort to drastically overhaul the nation's civil litigation system, sharply reducing the incentives for people to try to resolve their disputes in court by a combination of limiting damages and increasing penalties for frivolous lawsuits. Business lobbyists contended that the nation's legal system was a kind of lottery system in which a few people received exorbitant awards while most people got little. Consumer groups and trial lawyers argued that such proposals would close courthouse doors to people with no other recourse. The bill was a scaled-back version that would limit punitive damage awards in cases involving faulty products, a

category that would include a wide variety of items, including artificial hips, garbage disposals and automobiles. People would still be allowed to collect damages for their actual losses, typically lost wages, medical expenses and damaged property. But punitive damages awarded by juries to punish especially reckless behavior would be limited to \$250,000 or twice the actual damages.

Senator Byron L. Dorgan, a North Dakota Democrat, complained about changes in the section of the measure that dealt with whether it applied to disasters involving utilities like natural gas and electricity. He said the bill seemed to have been substantially changed — and cunningly — so that it now said the opposite of what it had seemed to say earlier.

The debate illuminated the complicated art of legislative language; in fact, a provision had been quietly added to that section which provided an exemption to an exemption. Natural gas disasters would be exempt from the bill's limits, except in states that treated such cases in a certain way. Under questioning, Senator Slade Gorton, a Washington Republican and sponsor of the bill, acknowledged that included 44 states.

Ranchers Descend on Capitol to Gain U.S. Grazing Land

By JOHN H. CUSHMAN Jr.

WASHINGTON, March 20 — A few hundred extra pairs of cowboy boots are moseying around Capitol Hill this week, on the feet of ranchers who came East to lobby for passage of a grazing bill that would loosen restrictions on hundreds of millions of acres of federally owned ranch land.

The Senate began debate today on the measure, which would override many regulations the Clinton Administration imposed last year.

Today, the Administration threatened to veto the bill unless it was substantially changed. The House, where the thinly populated grazing states have far less power, has not taken action on it so far.

With deft timing, the Republican leaders in the Senate arranged to bring up the bill during the annual meeting of the American Cattle-men's and Beef Association, which, like the board meeting of the Public Lands Council, a sister group representing ranchers, is being held this week in Washington.

Braced for a close vote, the ranchers are roaming through the Senate, bolstering their allies, pressuring their adversaries and making their pitches to the uncommitted, notably Eastern Republicans with no particular interest in the bill beyond party loyalty.

The proposed legislation, sponsored by Senator Pete V. Domenici, Republican of New Mexico, is strongly opposed by environmental groups, who say it favors grazing over objectives like wildlife conservation, hunting and recreation. Even some Western Senators, including Senator Jeff Bingaman, Democrat of New Mexi-

co, who will offer a substitute, are opposed to the bill.

As the ranchers argue for the bill, their demeanor sends some subtle signals calculated to tip the balance in their favor: an air of homeliness and hard work that is tailored, like their customary attire, to fend off accusations that Federal grazing permits are a type of corporate subsidy, and that ranchers are just another special interest group trying to avoid environmental regulations.

"Basically, this bill is our livelihood," said Truman Julian, a Wyoming rancher. In case his broad-brimmed hat, jeans and scuffed black boots did not identify him clearly enough, his rail-thin necktie carried a sheep's head motif. Mr. Julian holds permits to graze thousands of sheep on grasslands in the national forests.

"We don't know from one year to the next what our future is going to be," he said. "To me, right now, it would be the worst investment I could make to buy more public land permits."

In the West, many ranchers own a small piece of property and have permits to graze their livestock on the plentiful Federal acreage, for which they pay modest annual fees. They sometimes treat the public land almost as if they owned it, adding fences, wells and stock ponds, and passing it along from generation to generation.

But Mr. Julian said that he was even hesitant to add fencing to the land he grazes, since the regulations imposed last year by Interior Secretary Bruce Babbitt make it clear that ranchers do not own the improvements they make.

That is one of several Administration policies addressed by the Domenici bill. Another would be the broad national standards and guidelines set by Mr. Babbitt for environmental protection within which local authorities, in consultation with ranchers and other interested parties, control how the land is used. The Domenici bill would forgo national standards in favor of standards set at the local level, where ranchers would have greater influence.

Another of Mr. Babbitt's regulations allow the Federal Government to seek control over the use of water on public lands, to the extent state law permits. The Domenici bill would eliminate the Government's ability to restrict how ranchers use water on Federal lands, which might allow exclusion of wildlife from scarce water supplies on public lands.

Environmental groups are especially worried about provisions of the bill that would appear to weaken the rights of outsiders to comment on

decisions made by Federal regulators involving how public land might be grazed.

Grazing, they say, is especially destructive to stream banks and other sensitive wildlife habitat, and under the rules Mr. Babbitt put in place, environmentalists are guaranteed a seat at the table when grazing rules are set.

Mr. Domenici recently responded to the environmentalists' complaints by changing parts of the bill that would have eliminated much public participation in the decision-making process. But the bill as it stands would appear still to reduce public participation in many cases, according to an analysis by the Congressional Research Service, a nonpartisan arm of the Library of Congress.

More than 150 environmental groups have joined in opposition to the Domenici bill, saying in a statement that it "would set public range management and public range conditions back decades."

Judge Rules Clinton Testimony Will Be Videotaped for Trial

By RONALD SMOTHERS

ATLANTA, March 20 — A Federal judge in Arkansas ruled today that President Clinton would not have to travel to Little Rock, Ark., to testify in person at the Whitewater-related trial there and instead could have his testimony videotaped and played later for the jury.

The judge, George Howard Jr. of the Federal District Court in Little Rock, denied the request of Mr. Clinton and his lawyers to see the questions in advance. The judge said he would preside over the direct and cross-examination of the President through video-conferencing, which he said would allow him to rule on any objections to the questioning. The videotape will be edited before being shown to the jury if the path the questioning takes could prejudice the jury, the judge wrote in his ruling.

The judge also said that the questioning could take place in the White House but that no Presidential insignia or symbols could be displayed on the videotape.

Mr. Clinton had been subpoenaed by the lawyers for James B. McDougal, and his ex-wife, Susan, former partners of President and Mrs. Clinton in the Whitewater land venture. They, along with Gov. Jim Guy Tucker of Arkansas, are on trial in Little Rock on loan fraud and conspiracy charges. The charges relate to various real estate loans made by the now-defunct Madison Guaranty Savings and Loan Association in 1985 and 1986 when Mr. McDougal ran it.

The White House had opposed the President's personal appearance at the trial. After today's ruling, Mark Fabiani, an White House associate counsel, said: "We are committed to providing the court with the information it needs. We will cooperate fully with the judge's order."

While somewhat disappointed, lawyers for Mr. McDougal, 55, and Mrs. McDougal, 39, said they would not appeal. "It's not what I would have preferred," said Bobby McDaniel, Mrs. McDougal's lawyer, "but we'll do the best we can with it."

Despite Judge Howard's ruling, at least one other defendant in a Whitewater-related case is expected to seek Mr. Clinton's direct testimony at his trial.

Dan Guthrie, a lawyer representing Herbert Branscum Jr., a Perryville, Ark., banker accused of making an illegal \$7,000 campaign contribution to then-Governor Clinton's 1990 re-election campaign in exchange for a Highway Commission appointment, said he would still seek Mr. Clinton's personal appearance at the trial, scheduled to start on June 17 in Little Rock.

That case, as well as the one before Judge Howard, was brought by the Whitewater independent counsel, Kenneth W. Starr, and grew out of Mr. Starr's broad mandate to investigate all matters touching on the Clintons, the McDougals, the Whitewater company, Madison Guaranty and Capital Management Services Inc., a small business investment firm run in the 1980's by a former Little Rock municipal judge, David Hale.

The McDougals sought Mr. Clinton's testimony to counter the expected testimony of Mr. Hale, a main prosecution witness. Mr. Hale has told investigators that Governor Clinton personally urged him to give the McDougals loans that prosecutors said were fraudulently obtained and improperly used. Mr. Clinton has denied this assertion.

Even though Mr. Clinton's testimony will be videotaped, it is still possi-

ble that the defense will decide against using it, or that the judge will rule against admitting it. If it is admitted, it would come at the time of the defense case, well after Mr. Hale's expected appearance sometime at the beginning of April. The trial is now in its second week.

Lawyers representing the McDougals had argued that they needed Mr. Clinton's "personal attendance" at the trial to get his view on the record. But Mr. Clinton's lawyers had countered that such an appearance by the chief executive was both unnecessarily burdensome and unprecedented.

Presidents or former Presidents from Thomas Jefferson in the 1807 treason trial of Aaron Burr, to Ronald Reagan in the 1990 Iran-contra trial of his former National Security Adviser, John M. Poindexter, have been excused from appearing in court to testify. President Richard M. Nixon, after he left office, is the only ex-President to voluntarily appear to testify in court. His appearance was in 1980 in the trial of two former Federal Bureau of Investigation agents charged in illegal break-ins in search of politically radical fugitives from justice.

In all other cases, they have been allowed to submit written or videotaped depositions, which the courts have said balance the unique burdens on the person and office of the President with a defendant's right to a fair trial. But the courts have ruled that each case is unique and that the burden of showing "exceptional circumstances" that prevent the President from appearing personally is on the White House and the President's lawyers.

Judge Howard wrote: "In this instance, the Court is of the opinion that requiring President Clinton to

travel to Arkansas to provide in-court testimony would be unduly burdensome to the President in the performance of his official duties. Thus the court finds that exceptional circumstances exist and that the testimony of President Clinton shall be taken by videotape deposition."

While Mr. Reagan was given the questions before his videotaped testimony in the Poindexter case in 1990, no such step was necessary in this case, Judge Howard said, because Mr. Clinton's testimony would involve events before he moved into the Oval Office and would not touch on issues of national security as did the Iran-contra case.

In the upcoming Branscum case, Mr. Guthrie said he would argue that

it was only Mr. Clinton, and not his aides in state government or campaign officials back in 1990, who could best contradict the prosecutor's expected assertion that there was a quid pro quo for his client's campaign contribution. He also said the law was clear in saying that whether the President would appear in person or not should be determined case by case.

"This is an issue that will continue to come up as long as we employ the independent counsel procedure," Mr. Guthrie said. "In that procedure, we are by definition dealing with high government officials. And in the final analysis they are the ones who have the facts, the first-hand knowledge."

House-Senate Committee Agrees On Overhaul of Farm Programs

By ERIC SCHMITT

A1

WASHINGTON, March 21 — A House and Senate panel reached agreement today on a major overhaul of America's farm programs, ending New Deal policies that pay farmers for certain crops when market prices fall and replacing them with flat payments that would gradually decline over seven years.

The \$47 billion legislation, the most sweeping agricultural bill since the Depression, would also end most Government controls over the planting decisions of America's 1.5 million farmers. It would also overhaul milk-marketing agreements and provide \$2 billion a year for land conservation, water-quality improvement and other environmental protections.

"This legislation changes agricultural policy more fundamentally than any law in 60 years," said Senator Richard G. Lugar, an Indiana Republican who heads the Agriculture Committee.

The legislation, hammered out in a House-Senate conference committee over the last two days, is expected to advance to the full House and Senate next week, where approval is virtually assured. The Clinton Administration and Congress both want quick action, and farmers are clamoring for a resolution because the growing season has begun or will soon begin in many regions and they must decide what to plant.

Agriculture Secretary Dan Glickman said he would reluctantly recommend that President Clinton sign the legislation. "Congress's final farm bill has a lot of problems," Mr.

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Glickman said in a statement. "But the hour is late and further delay only hurts the people this department is here to serve."

Senator Bob Dole of Kansas was officially a member of the conference committee and generally supports the proposed measure. Mr. Dole was instrumental in winning approval for one of its environmental provisions, financing for restoration of the Everglades.

Democrats have complained that ending market-based subsidy payments for crops like wheat, corn and cotton would deprive farmers of a valuable safety net. Democrats were able to wring a concession that a permanent farm law remain in place, insuring that farm programs do not disappear after seven years and that this year's debate will likely be fought again.

While market-oriented Republicans have trumpeted the legislation's shift away from subsidies, the new approach is actually likely to cost the Government more than the old one, at least in the next few years. That is because with crop prices at 10-year highs, any subsidy payments would be modest. By contrast, the fixed-payment formula will require the Government to pay farmers \$4 billion to \$5 billion a year.

But over the seven-year life of the bill, supporters say, the new approach will save about \$2 billion. Large Midwestern farms favor this approach because it gives them broader discretion on what crops to plant. But because the fixed payments are calculated in part on acreage, small farmers say they will be more vulnerable to market swings than larger, wealthier landowners.

The measure's environmental provisions are a victory for Senator Patrick J. Leahy, Democrat of Vermont, and Representative Sherwood Boehlert, Republican of New York. House Republican leaders initially tried to exclude environmental provisions from the bill, but it became clear Senate passage of the overall bill was impossible without them.

"The conservation provisions of this farm bill will make a significant difference in the lives of all Americans by ensuring safer drinking water, cleaner rivers and more abundant wildlife," Mr. Leahy said.

Some of the environmental provi-

sions include nearly \$1.4 billion in guaranteed payments over seven years for farmers and livestock producers to curb water pollution, and \$35 million to protect farmland from being developed.

The conference committee also agreed to guarantee \$200 million to buy and restore environmentally sensitive land in the Everglades, and to seek an additional \$100 million from the sale or transfer of other land in Florida.

Restoring the Everglades is popular in Florida this election year and has drawn the attention of both Republicans and the White House. The

agreement avoids a proposed tax on Florida sugar growers.

The panel agreed to provide \$300 million for rural development and research programs, well short of the \$1 billion the Administration had sought. The conferees reauthorized the Food Stamp program for two years, but the ultimate financing level for it is tied up in the debate over changes in the Federal welfare system.

While the legislation signals a new era for farmers growing corn, wheat, rice and cotton, lawmakers defeated efforts to end price supports for peanuts and sugar. The conference

agreement phases out price supports for butter, powdered milk and cheese over four years, but retains a declining number of regional price supports that set the price of milk around the country.

The question of milk prices proved to be one of the most contentious issues in the Senate-House conference. The compromise would seek to make milk prices more uniform across the country and phase out guaranteed price supports. But it would allow the Secretary of Agriculture to permit the six New England states to form a regional dairy compact if there is a "compelling public interest in the area." This arrangement would operate for three years until the Agriculture Department carries out new milk-pricing mechanisms for the whole country.

The Senate last month defeated an amendment by Mr. Leahy to create such a compact, by a vote of 50 to 46. Consumer groups and Midwestern dairy farmers say a compact would erect trade barriers to cheaper milk from outside the region.

"This creates a new regional wall at a time when we're trying to move toward more uniform milk pricing," said James Eichstadt, general manager of the Farmers Union Milk Marketing, a cooperative in Madison, Wis., that represents 8,600 dairy farmers in 10 Midwestern states.

Temporary Spending Bill Extended by a Week

By The New York Times

WASHINGTON, March 21 — Negotiators from the House and Senate began work today on reconciling their widely differing spending bills to cover much of the Government for the remaining six months of the 1996 budget year.

To avert another partial Government shutdown while the negotiations go on, Congress today extended by one week until March 29 a temporary spending bill to keep money flowing to the agencies whose budgets have yet to be approved. The spending bills and the temporary measure cover major education, environment and social programs as well as the local Government of the District of Columbia.

Among other things, the bill extends temporary spending through April 3 for certain welfare payments to states. That provision would allow checks to be sent on time to recipients of Aid to Families with Dependent Children, foster care payments and adoption assistance.

The current temporary spending bill is due to expire at midnight on Friday.

On another budget front, House Republicans introduced legislation today that would extend the Federal Government's authority to borrow money up to \$5.5 trillion from the current level, \$4.9 trillion. The increase is expected to be enough to cover Government spending through the end of September 1997. The Government is expected to meet the current limit by the end of this month.

The debt limit increase is packaged with three other items: a provision that would allow the President to veto budget items one by one, rather than killing an entire bill; a provision to allow retirees 65 to 70 years old by 2002 to earn \$30,000 income without losing Social Security benefits (the current limit is \$11,520), and a provision to ease reg-

ulations on small businesses by allowing business to challenge in court the impact of certain regulations. The legislation would also establish regular judicial and Congressional reviews of small business regulations. Unlike other, more sweeping proposals to change regulatory powers, which environmentalists have criticized, this bill has overwhelming support in the Congress and has drawn scarcely any opposition from the White House.

Today's vote in the House was on the 11th stopgap spending measure, or continuing resolution, to be considered by Congress in the last six months.

President Clinton is expected to sign the measure when it reaches his desk. But the White House indicated today that it was losing patience with Congress over the failure to arrive at a permanent budget for the 1996 fiscal year, which is half way over.

"We are not going to tolerate a situation where we have Government by continuing resolution," said Leon E. Panetta, the White House chief of staff.

Republicans responded with a warning that a vote against the continuing resolution was a vote to shut down the Government for a third time. But that argument carried little weight with the Democrats in the 244-to-180 vote in the House that was mostly along party lines. Only 13 Democrats voted for the measure and just three Republicans crossed over to vote against it. It was approved by a voice vote in the Senate.

JERRY GRAY

Grazing Legislation

By The New York Times

WASHINGTON — The Senate narrowly approved legislation today that would overturn the Clinton Administration's rules for managing publicly owned grazing lands.

The bill, which has yet to be

considered in the House, was strongly favored by Western ranchers, whose livestock forage on hundreds of millions of acres of land controlled by the Interior Department and the Forest Service. It was opposed by environmental groups, who say overgrazing is damaging public lands. Administration officials have said Mr. Clinton would veto the bill.

The debate today showed the intense hostility among Republicans from ranching states to the Administration's land use policies, and the personal grudge they bear against Interior Secretary Bruce Babbitt, the leading proponent of more stringent controls. Senator Pete V. Domenici, Republican of New Mexico, said he had written the bill "because Secretary Babbitt declared war on the ranchers."

But the voting also showed that Congress would probably be unable to overturn a veto, that Western Democrats were less likely to side with the ranchers and that the issue of whether relatively low fees for grazing on public lands were an unwise subsidy was one that continues to split the Congress.

The bill passed by 51 to 46. The Senate turned aside an alternative bill offered by Democrats, including Senator Jeff Bingaman of New Mexico, tabling it by a vote of 57 to 40. Also tabled, by a vote of 52 to 47, was an amendment by Senator Dale Bumpers, Democrat of Arkansas, that would have substantially increased the grazing fees paid by ranchers on public lands.

JOHN CUSHMAN

Limits on Liability Damages

WASHINGTON (Reuters) — The Senate today passed a bill limiting damages in lawsuits involving faulty products, but the 59-to-40 vote would not be enough to override President Clinton's promised veto.

Mr. Clinton said last week that he would veto the bill in its present form. But he said shortly before the Senate vote that he would sign such legislation if Congress passed it with what he described as minor changes.

It takes a two-thirds majority in both chambers to override a veto, 67 votes in the Senate and 290 in the House if all members are present.

The House must still pass the bill before it is sent to the President and may not act until next week. If it is changed to satisfy Mr. Clinton, the revised measure would need approval from both the Senate and the House.

White House spokesman Michael D. McCurry said the changes Mr. Clinton wanted involved the issues of punitive damages and joint liability by more than one defendant. The bill would limit punitive damages in product liability cases to twice the amount of compensatory damages or \$250,000, whichever is greater. In cases involving small businesses, the smaller amount would be the limit.

Personal Plea on Gun Ban

WASHINGTON (AP) — A Long Island woman whose husband was killed by a gunman on a Long Island Rail Road train three years ago testified today at an impromptu hearing against a Republican measure to repeal a Federal law banning assault rifles.

The woman, Carolyn McCarthy of Garden City, whose son was left paralyzed in the railroad attack, said: "I'm proud to be a Republican, but when I talk to Republican Congressmen who are going to repeal this bill, I am ashamed." The hearing was called by Representative Charles Schumer, Democrat of Brooklyn, who was the key House author of the ban enacted with the 1994 crime bill. The measure, which Republican leaders in the House brought up unexpectedly on Wednesday, is expected to face a House vote on Friday. President Clinton has vowed repeatedly to veto the repeal legislation.

THE NEW YORK TIMES,
FRIDAY, MARCH 22, 1996

Candidate Seen For C.F.T.C.

WASHINGTON, March 21 (Dow Jones) — The Clinton Administration said today that Brooksley Born, a Washington lawyer, was being considered to head the Commodity Futures Trading Commission, but added that a final decision had not been made.

"She is very highly regarded, and it wouldn't be a surprise if she was under consideration," said Michael D. McCurry, the White House spokesman. "But I am not aware any final decision has been made on that."

Ms. Born, a partner in the Washington law firm of Arnold & Porter, has argued commodities and futures cases before the C.F.T.C. for more than 20 years. She would replace Mary L. Schapiro, who resigned as head of the commission in January to take the newly created position of chief regulator at the National Association of Securities Dealers.

Up in the Air

Concern Over 'Menace' Dissipates as Japan, U.S. Unveil Fighter Jet

Lockheed, Mitsubishi Project Is Late and Over Budget; Export Issue Unresolved

No More Capable Than F-16?

AI

By STEVE GLAIN

Staff Reporter of THE WALL STREET JOURNAL

Kuniichi Kanda paces around a brand-new fighter jet parked in a secluded hangar in Nagoya, Japan, a plane that will be formally handed to the Japanese government today. Relinquishing the jet, says Mr. Kanda, who led the team that built it, "is like giving away a child."

That is an odd way to think of the FSX, a jet that a decade ago was called everything from a "menace" to "a glorified nontariff trade barrier." When first proposed in the 1980s, the jet fighter became a symbol of America's fear of the Japanese industrial threat.

Instead, the product of a co-development project between Lockheed Corp. (now Lockheed Martin Corp.) and Mitsubishi Heavy Industries Ltd. is more than a year late, grossly over budget and, according to U.S. aviation experts, no more capable than the U.S. jet on which it is based: Lockheed's 17-year-old F-16.

"The general impression of the FSX has been unfavorable," says Makoto Ike, secretary-general for the defense production committee of the *Keidanren*, an influential Japanese business lobby.

Inordinate Costs

The plane has also become a sleek, superlative monument to the inordinate costs of Japan's industrial policy — the strategy of entering new industries by subsidizing businesses to develop them. The 130 planes ordered by Japan will cost between \$80 million and \$100 million each — five times as much as an F-16, and almost twice what the Japanese government expected to spend.

Washington and Tokyo will tout the FSX unveiling as the dawn of a new age in U.S.-Japanese industrial cooperation and a sign of Japan's growing might in aerospace. But controversy surrounding the aircraft remains. Now that Japan has sunk billions of dollars into developing the FSX, some industrialists are pressuring the government to ease its prohibition on weapons exports. The U.S., however, fears such a move would alarm Japan's neighbors and play into the hands of Japanese hawks who want the country to rearm aggressively.

The FSX's origins go back to 1979, when Japan's military identified a need to replace its existing fleet of aging fighters. By building its own planes, Tokyo felt, it could reduce its dependency on the U.S. while subsidizing local industry.

But in Washington, the move touched off a firestorm not seen since Sputnik. "There's no excuse for Japan producing the airplane all by itself, not with a \$60 billion trade surplus over the U.S.," said then-Sen. John C. Danforth of Missouri. "This is one time the Japanese can't tell us that our products aren't good enough, or that they don't need what we make." New York Sen. Alfonse D'Amato claimed the logical compromise — a co-development project — would let Japan plunder American expertise.

Lopsided Deal

After Japan gave its tentative consent to co-develop a version of the F-16 in 1987, books were written and speeches delivered about how Tokyo had outmaneuvered Washington into a lopsided deal. American trade hawks feared that Japan, by building the FSX, would transform itself into an aerospace giant and close off U.S. defense contractors from a huge market. Security specialists worried that such a project would strain the U.S.-Japan alliance.

U.S. concerns over the prospect of a Japanese-designed FSX were fanned by elegies to the aircraft written by people like Japanese nationalist Shintaro Ishihara. In "The Japan That Can Say No," a book he wrote with Sony Chairman Akio Morita, Mr. Ishihara described the FSX as "a plane no other fighter in the world can stand up to." Just as the Zero, Mitsubishi's fabled World War II fighter, surprised the Allies with technologies no one knew Japan had, he wrote, the FSX would prove to be "another menacing weapon."

The political dispute over the FSX — which will be known as the F-2 after it is deployed — lasted until 1989, when the U.S. and Japan agreed to the joint-development deal. But while the debate still simmers in some quarters, alarm over the aircraft has subsided. The more sanguine view of the FSX stems largely from the close relationship that has evolved between Mitsubishi and Lockheed during the past nine years at Mitsubishi's Nagoya plant — a relationship that has let the U.S. see just how far behind Japan is in aerospace. Along the way, the FSX project ran into cultural barriers, cost overruns and other complications that have revealed Japan to be less an emerging giant in the industry than a diligent apprentice.

Long Hours

When the enterprise started, Lockheed sent about 80 engineers from Texas to Nagoya to design the aircraft with 340 engineers from Mitsubishi and its support companies. The design team set to work in a corrugated steel tower known as Building 16.

Lockheed had briefed its engineers about the long hours their Japanese counterparts would devote to the project and

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their team-oriented approach to work. But many weren't prepared for the late-night bonding that often followed. "They would work until 9 p.m. or 10 p.m. and then go out for the social events to build relationships," says Toby Binsinger, Lockheed's lead engineer on the project in Nagoya. "A lot of us came out with our families, and it was hard for us to work until late in the night and then stay out until 1 a.m."

Mitsubishi's insistence on prompt delivery also complicated the relationship. "The schedule was absolute for us," says Mr. Kanda. "With U.S. companies, whenever they encounter problems developing new products, they can always negotiate with their government for an extension of the deadline. Our government would never agree to that."

The unforgiving schedule obligated Mitsubishi to transfer bits of the technology to Lockheed engineers in Fort Worth, Texas, at the same time as it was being developed. Whenever the Japanese would find a better way of making a part for the wing, they would insist on restarting the process. That led to a 24-hour day, with triple shifts, at Fort Worth.

"In the U.S., we wouldn't invest that kind of time and effort into tooling for only [prototype] aircraft," says Mr. Binsinger. "But the Japanese give great priority to the manufacturing end of a project. We learned a lot from their attention to quality control."

Computer Delay

Then there was the unexpected. In August 1991, the U.S. government caught Japan Aviation Electronics Industry Ltd. selling missile parts to Iran, and barred U.S. companies from doing business with it for nearly a year. That included Bendix Corp., an AlliedSignal Inc. unit, with which JAE was developing the FSX's flight-control computer, according to Mr. Kanda. Delivery of the computer was delayed for months.

Technological glitches also dogged the FSX. Last September, the avionics system, which helps the pilot to navigate and maneuver, overheated in flight tests and shut down, Mr. Binsinger says. "We still have problems that crop up," he says. "But it's early yet."

In an August report, the U.S. General Accounting Office cited Air Force concerns over possible shortcomings in the FSX's radar system and digital flight-control-system software. Because the Japanese devel-

oped those with little or no involvement from Lockheed, only time will tell if the concerns are well-founded, engineers say.

Mr. Kanda says the systems are sound. Despite all the initial worry about plundering each other's technology, neither side thinks it reaped that much. "The FSX hasn't proved to be the technological gold mine everybody thought it would be," one U.S. official says. Its radar has aroused some interest in the U.S., and Lockheed is looking at ways to use the composite wing process. But few companies are sure exactly what to do with FSX technologies.

Even a Japanese air-force colonel, trying to put the best spin on it, sounds less

than convincing. "I know that the Americans transferred 50,000 different types of technologies to us," he says. "But I can't think of any off the top of my head."

Boon to Some

That isn't to say that the FSX hasn't been a boon to some. U.S. officials estimate Lockheed and its subcontractors will reap about \$4 billion developing the FSX and between \$5 billion and \$7 billion producing it, which will generate as many as 15,000 American jobs. Japanese officials say they haven't yet calculated how much revenue and new jobs the project will yield, but they point out that the joint-development agreement guarantees 60% of production to local companies.

Though U.S. aviation experts say the FSX can't do much more than the F-16, Japanese air-force officials contend the FSX has a longer range and more maneuverability, and can engage enemies in the air, on the ground and at sea more readily than the F-16.

Japanese business leaders and engineers claim they could have built an even better fighter, for much less money, had they been able to do it on their own. And they complain that Japan received little in exchange for some of its most coveted technologies.

Much of the saber-rattling over the FSX in the 1980s was a product of its era — a time of national dread over the Japanese assault on the U.S. electronics industry and its huge investments in everything from corporations to Rockefeller Center. Still, lingering resentment over the FSX may set the stage for another fight between Washington and Tokyo over weapons procurement, and some Japan watchers warn that Japan may still find ways to use the FSX as an entree into global aerospace and military markets.

Security Interests

Keidanren and Japanese air-force officials say the Japanese government is considering a plan to build a domestically developed antisubmarine aircraft, similar to the U.S. Navy's P-3C, in addition to a transport aircraft. Some U.S. officials argue that such projects, unless corralled into an FSX-style co-development project with U.S. companies, will eventually undermine American commercial and security interests.

There is also concern in Washington that co-development projects such as the FSX are building momentum for Japan to develop its defense industry and ease its ban on weapons exports. Last May, Keidanren released a policy paper recommending Japan moderate its weapons-export control policy. For Japan, being able to sell weapons overseas would greatly reduce the costs of localizing its defense industry and Japan would gain the economies of scale it needs to make systems like the FSX economically viable.

Indeed, Japanese military and industry officials, staggered by the cost of the FSX, make no secret of their desire to build weapons for export. "If we could build 3,000 FSXs, the Japanese air-force colonel says, "we could get the price down to \$20 million a copy."

THE WALL STREET JOURNAL

FRIDAY, MARCH 22, 1996

As Clinton Vows to Veto Products-Liability Bill, Some Ask if He's Too Beholden to Trial Lawyers

By RICHARD B. SCHMITT

Staff Reporter of THE WALL STREET JOURNAL

Last September, while Cal Ripken Jr. was breaking Lou Gehrig's consecutive-game streak, James Moriarty was trying to hit a home run.

Mr. Moriarty, a plaintiffs' lawyer from Houston, got to sit for a while with President Clinton, at the landmark game in Baltimore, thanks to Peter Angelos, the team owner and fellow lawyer. Between innings, Mr. Moriarty says he lobbied the president to oppose then-pending legislation to make it harder to file lawsuits alleging federal securities-laws violations.

"I leaned on him big time," said Mr. Moriarty, a contributor to the Clinton-Gore re-election campaign. "That securities-law change was awful, awful, awful." Eventually, the president vetoed the bill, stressing that a number of eminent law professors and others had persuasive concerns about it. Congress overrode him.

This week, the trial lawyers are counting on the president's veto pen again, and Mr. Clinton is being accused of going to bat for them one more time. Yesterday, the Senate passed legislation that would limit manufacturers' liability in cases over defective products — relief which business has sought for more than a decade. Siding with the trial bar and putting himself at odds with moderates in his own party, President Clinton has vowed to veto the bill.

Generous Trial Lawyers

To business groups and others who support the legislation, the move shows how money can triumph over policy. Over the years, the trial lawyers have been among the most generous donors to the Democratic Party in general, and Bill Clinton, in particular. In an election year, the issue is rapidly becoming a campaign issue. "There is a broad bipartisan consensus that we must do more to curb lawsuit abuse in America," asserts Majority Leader Robert Dole, who introduced a bill this week aimed at protecting charities and nonprofit groups from lawsuits, and dared Mr. Clinton to oppose it.

Of course, consumer groups and others say there is more than adequate reason to oppose the products legislation. Most academic studies find no explosion in consumer suits (although suits by businesses are rising). Businesses complain that punitive damages, those intended to deter or punish wrongdoing and which would be limited by the legislation, are too unpredictable. But opponents say that is the point — to keep corporations on their toes.

The White House says it is wrong to say lawyers are calling the shots and defends its position as proconsumer and states rights. Yesterday, Mr. Clinton indicated he might actually still sign the bill if substantial changes are made, but he stood by his

earlier pledge to veto it in its current form.

"This was actually a very easy veto for the president, on the basis of principle," said John Hilley, assistant to the president and director for legislative affairs.

Some Democrats have watched the trial bar's success with mounting irritation, including some administration officials at the Justice Department, who worked with proponents in the Senate last year to craft a bill. "Some of us have worked to reconnect the Democratic Party to the whole idea of economic growth and upward mobility and part of that means reconnecting to the business community," says Sen. Joseph Lieberman (D., Conn.), the chairman of the Democratic Leadership Council. "The effect here, in my opinion, is not a good one for the Democratic Party and not good for the president." He adds: "This is a remarkable story of a small group of people who are deeply invested in the status quo who have worked the system very effectively and have had a disproportionate effect."

Last year, lawyers and law firms were the single largest source of "soft money" — funds for party-building activities that aren't subject to federal regulation — to Democrats, according to the Center for Responsive Politics, a Washington nonprofit group that tracks political giving. Among the big contributors: \$180,000 from the firm of class-action specialist William Lerach, who led the fight against the securities-law overhaul, and \$100,000 from Sullivan & Liapakis, whose name partner, Pamela Liapakis, is president of the Washington-based Association of Trial Lawyers of America, which has led the fight against the products legislation. The plaintiffs' lawyers defend their role.

"We are the tar babies," says Fred Baron, a Dallas lawyer, who has made millions representing asbestos victims. Last fall, Mr. Baron also helped organize a fund-raiser at a downtown Washington hotel that brought in about \$400,000 for the Clinton-Gore re-election campaign.

Business Dwarfs Lawyers

The lawyers' political contributions are dwarfed by those of big business. Over the last three years, industry political action committees supportive of the products legislation have given more than \$26 million to congressional candidates, according to a study released this week by Citizen Action, a consumer group that opposes the products bill. The political arm of the trial-lawyers association gave less than \$3 million, the study found. But industry contributors have a much broader array of legislative interests before the Congress.

The trial bar has pitched in early and often to Mr. Clinton's campaigns. Lawyers contributed about \$3 million to his 1992 presidential primary run at a time

when Mr. Clinton was still a candidate and really needed cash. During the first nine months of 1995, they gave \$2.5 million, or three times more than retired persons, the next most generous source of funds, according to the Center for Responsive Politics.

A study last year by the American Tort Reform Association found that more than 40 top plaintiffs' lawyers had given \$50,000 or more to congressional races between 1989 and 1994, including a dozen who gave more than \$100,000.

The elite include the likes of Stanley Chesley, a Cincinnati lawyer representing women in a national class-action over silicone-gel breast implants, and Philip Corboy, a Chicago personal-injury specialist, who has tried to scuttle a major new tort-overhaul law in Illinois, in a lawsuit challenging it on constitutional grounds.

Clinton's Friendliness Challenged

Michael Caddell, a Houston plaintiffs' lawyer whose firm has given several hundred thousand dollars to Democrats, contends that Mr. Clinton has been less friendly to lawyers than critics like to think. The administration's proposed overhaul of the health-care system two years ago, for example, included limits on medical-malpractice lawsuits, which could have crimped lawyers' contingent fees.

"The trial bar has been unhappy with the president on a number of issues," according to Mr. Caddell, a trustee of the Democratic National Committee, who also worked on the presidential inaugural.

Meanwhile, the trial lawyers association also is working on a plan that would make its campaign dollars go even further, and it has sought Federal Election Commission approval to bundle the contributions of its 60,000 members to make more of an impression on favored candidates.

Mr. Moriarty, the lawyer and baseball fan, says the secret of success just lies in having the better argument. While there are plenty of problems with lawyers and lawsuits, he says, the GOP proposals would shift the balance of power unfairly against consumers.

"The president understands the innate dishonesty of that," he says, adding that at the ballgame, he suggested that Mr. Clinton check out a book about a massive investment-fraud case he once handled.

"He got the book," says Mr. Moriarty, "and they [the White House] became believers."

Senate approves limits on damages in product liability cases

By Robert Green
Reuters

WASHINGTON — The Senate Thursday passed a bill capping damages in product liability cases, but the 59-40 margin was not enough to override President Clinton's promised veto.

Clinton said last week that he would veto the bill. But he said shortly before the Senate vote that he would sign a liability reform bill if some changes were made.

It takes a two-thirds majority in both chambers of Congress to override a veto, 67 votes in the Senate and 290 in the House if all

members are present.

"I've said all along that there's legislation in this area that I would sign. There are some changes that I think are relatively modest that would permit me to sign it," Clinton said at the White House.

White House spokesman Mike McCurry said the changes Clinton wanted involved the issues of punitive damages and joint liability by more than one defendant.

"The bill that they are working on now is unacceptable to him," McCurry said. "He will veto that bill. We are hopeful that veto would be sustained by Congress, and then we can get back to writing a satisfactory bill."

The House of Representatives must pass the bill before it is sent to Clinton, and it may not act until next week. If his veto is sustained, a new bill would have to go through both the Senate and the House.

As passed in the Senate, the bill would limit punitive damages in product liability cases to twice the amount of compensatory damages or \$250,000, whichever is greater. In cases involving small businesses, the smaller amount would be the limit.

Last Saturday, Clinton said he would veto the bill because it goes too far in limiting the amount victims could recover for injuries and pain and suffering caused by defective

products. Supporters of the bill, which is backed by major business groups, say it is needed to limit excessive liability awards and discourage frivolous lawsuits. Opponents include consumer groups and trial lawyers.

Senate Majority Leader Bob Dole, who has virtually locked up the Republican presidential nomination, accused Clinton of bowing to pressure from trial lawyers, who have made large contributions to Clinton's campaign.

"If money talks, this money screams," Dole said in a statement Wednesday. "This message has apparently been heard down at the White House loud and clear."

But the bill's opponents defended the pres-

ident's position. "This is not common-sense legal reform. In reality, this bill panders to the worst instincts of big business," Sen. Edward Kennedy, D-Mass., said.

"We can do better than this," said Senate Democratic Leader Tom Daschle of South Dakota. He said there would be more than enough votes in the Senate to sustain a veto.

The bill is one of the main items in the Contract with America promised by Republican congressional candidates before the 1994 election, when they won control of Congress.

It is a compromise between earlier Senate and House bills that would have capped punitive damages in all liability cases.

ALSO IN WASHINGTON

Whitewater logjam unjams

Senate leaders were nearing agreement Thursday on extending the Senate Whitewater Committee, a move that would break a three-week-long deadlock during which Democrats refused to allow a vote on extending the committee indefinitely. The extension would allow additional but limited hearings. Also Thursday, Hillary Rodham Clinton said in a statement that she "did not direct that any particular action should be taken, nor did I make particular comments about what should be done" to White House travel office employees dismissed in 1993.

FARM BILL READY: House and Senate negotiators finished work Thursday on a farm bill that breaks with 60 years of policy by ending controls on crop production and

making \$35 billion over seven years in direct payments to cotton, rice and grain farmers. The compromise bill could be voted on in the House and Senate next week. President Clinton has not indicated whether he will sign the measure.

ALSO ... THE 11TH TEMPORARY spending bill of the 1996 fiscal year passed Congress Thursday. The House and Senate extended for another week funding authority needed to keep nine federal departments and dozens of agencies from shutting down today. ... **ANOTHER B-2:** A month after the White House announced it wanted no more B-2 bombers, President Clinton has relented — for one more. The Pentagon announced Thursday that for \$493 million, Northrop-Grumman will outfit the original B-2 test flight plane to meet mission requirements. That's the same amount Congress put in the 1996 budget for B-2 procurement, against Clinton's wishes.

Immigration makes strange bedfellows

By Maria Puente
USA TODAY

This week's House debate over immigration reform spotlighted the unlikely alliances and unpredictable stands of Republicans and Democrats, liberals and conservatives.

The vote on a watered-down bill came as Republican presidential candidate Pat Buchanan crusades against both illegal and legal immigrants. He wants a five-year moratorium on most legal immigration.

But Rep. Howard Berman, D-Calif., says, "Eight out of 10 Americans polled say, 'Deal with the problem of illegal im-

migration before you touch legal immigration.'"

Supporters of turning away legal immigrants argued that they bring problems for the United States, too.

"A fundamental problem in our current immigration system is that more than 80% of all legal immigrants are now admitted without reference to their skills and education," said Rep. Lamar Smith, R-Texas, head of the House immigration subcommittee.

President Clinton opposes the House bill because it doesn't go far enough to protect Americans' jobs.

His spokesman, Mike

McCurry, called the plan to kick illegal immigrants out of school a "nutty idea."

The White House pushed to delete limits on legal immigration, but the margin of victory came from Republicans, especially freshmen, influenced by arguments that legal immigration is good for the economy and a vote against it is a vote against economic growth.

The Christian Coalition added its voice, saying a vote to reduce legal immigration by barring family members abroad from joining relatives here is anti-family.

► The House bill, 1A

Company fined \$1.5 million

The Immigration and Naturalization Service fined a cleaning and maintenance company a record \$1.5 million.

Collin Cares Inc. was cited for more than 150 instances of knowingly hiring illegal aliens and 2,500 instances of failing to maintain required records. The company said most of the charges stem from "paper mistakes."

CAMPAIGN '96

Buchanan could make it a four-candidate field

With the Republican nomination all but settled and Ross Perot leaning closer to a third-party bid, talk is growing of a possible fourth candidate — Pat Buchanan.

Buchanan fueled speculation Thursday by saying he would convene supporters after next Tuesday's California primary to determine his next move.

"We're going to listen to all options," Buchanan said in Santa Ana, Calif. "We're going to talk about what they believe we should do and where we should go."



Reuters

Buchanan: Undecided on 'options'

The Associated Press, meanwhile, reported that Buchanan's campaign is actively considering an independent run. The report cited three unnamed Buchanan aides, one of whom said four Buchanan advisers, including campaign manager and sister Bay Buchanan, are "four-square behind the idea."

Bay Buchanan talked about a third-party bid last week at lunch with Howard Phillips, a member of the U.S. Taxpayers Party's executive committee, a third aide said.

The Taxpayers Party announced Wednesday that it would try to put Buchanan on the November ballot across the country. Bay Buchanan said then that her brother was committed to running as a Republican through the convention but that no decision had been made on the offer.

Asked three times whether he was considering a third-party run, Buchanan would not flatly say no. He said he would discuss his options with supporters, and he insisted that he intends to "reshape the Republican Party."

Neither Bay Buchanan nor Phillips returned calls Thursday seeking comment.

Buchanan also said that he plans to mail letters to 125,000 supporters next week asking for advice on what step he should take next.

WHO IS HE, AND WHY IS HE FOR DOLE?

Ross Perot's former running mate, retired admiral James Stockdale, will be a Republican delegate from California for Bob Dole this time around. "That's the way it is," Stockdale said in San Diego. "I like Ross, but I want Dole to be president. That doesn't mean there's anything amiss between us. I had to go on with my life and (Perot) had to go on with his."

"I've been a Republican all my life. That was my only excursion away, and now I'm going back home," said Stockdale, remembered for his opening debating line in 1992: "Who am I and why am I here?"

The candidates' weekend . . .

DEMOCRAT: President Clinton — Today: White House. Saturday: Cincinnati, meets with young people, Xavier University speech, Democratic lunch; Columbus fund-raiser. Sunday: Washington.

REPUBLICAN:

► **Pat Buchanan:** Today: Hollywood, Calif.; Bakersfield, Calif.; rally at Big Fresno Fairgrounds, Fresno, Calif. Saturday: Modesto, Sacramento, Pinole, San Francisco, San Jose, Calif. Sunday: Ventura, Carpinteria, Santa Barbara, Calif.

► **Bob Dole:** Today: Pico Rivera, Calif.; San Diego. Saturday, Sunday: Schedules not available.

Campaign updates all weekend on USA TODAY Online: <http://www.usatoday.com>

Perot run not necessarily a boon to Clinton

Conventional wisdom is challenged

By Richard Benedetto
USA TODAY

An independent run for president this year by Ross Perot doesn't necessarily spell doom for Republican Bob Dole, the latest USA TODAY/CNN/Gallup Poll shows.

And some analysts and strategists believe Perot could damage President Clinton by running again.

At worst, it's a wash.

The belief that a Perot White House run assures Clinton a second term has long been gospel among political observers.

Perot on the ballot, the thesis says, siphons off critical votes that otherwise might go to Dole. That would hand Clinton another under-50% victory.

"My Democrat friends have worn out two sets of knee pads praying for Ross Perot to run," says GOP National Committee Chairman Haley Barbour.

But American University political scholar Allan Lichtman notes that "historically, third-party candidacies are bad for incumbents." Bush lost when Perot ran in 1992. And Jimmy Carter lost when John Anderson ran in 1980.

Anderson said it is "too early" to draw conclusions about what might happen this time.

Perot said Tuesday he would

run for president again if his Reform Party drafts him. He will discuss his plans tonight on CNN's *Larry King Live*.

A third-party run, Lichtman says, usually signals broad dissatisfaction with the way the president is governing.

And the third-party candidate usually attacks the incumbent rather than the challenger, Lichtman says. That forces the incumbent to run against two challengers. He recalls Perot and Clinton hammering Bush in 1992.

"I would think Bill Clinton

would prefer going one-on-one with Dole. Perot throws a very unpredictable factor into the mix," Lichtman says.

James Carville, a key Clinton strategist, agrees. He worries that Perot would pull away disgruntled lower-income voters who might otherwise be inclined to vote Democratic.

And he worries about the effect Perot might have in industrial Midwestern states, where the race is likely to be close. Carville would prefer just one candidate attacking Clinton.

"Perot is going to spend a lot

of time and a lot of millions of dollars ragging on the president," he says. "I don't know why the Republicans are doing so much whining."

Another factor that could harm Clinton — especially in California, considered critical for him — is an independent run by consumer watchdog Ralph Nader.

A USA TODAY/CNN/Gallup poll taken last weekend shows Clinton would win a two-way race with Dole by 12 points, if the election were today. The poll shows Clinton

would beat Dole by 11 points in a three-way race. Perot would pull 8 points from Clinton and 7 points from Dole.

The poll shows a majority of those who voted for Perot in 1992 now say they would back Clinton. That runs contrary to the claim that Perot voters naturally favor the GOP.

In fact, 1992 exit polls showed Perot voters were only slightly more likely to back President Bush over Clinton if only those two had run.

Yet, Barbour calls Perot "Clinton's best hope." He notes

that two of three Perot voters voted GOP in the 1994 congressional elections, and concludes those same people would vote for Dole absent Perot.

"On most issues — balanced budget, tax cuts, Medicare and welfare reform — Perot voters agree with us," he says.

Pollster Gordon Black, a former Perot adviser, says Perot will pull votes from both sides about equally because Perot is a "true centrist."

Democratic pollster Celinda Lake says Clinton wins with or without Perot. But Perot and

Dole would split the anti-Clinton vote.

"The sad thing is that Perot will deny the president a solid majority and make it harder to govern," Lake says.

Georgetown University political scientist Stephen Wayne says, "If Republicans fear Perot, it is only because of the weakness of their candidate."

And Lichtman suggests that with Dole rated an underdog, it might help to have Perot run.

"When you're behind you need something to scramble things up," he says.

page:

Col 1: There may never have been a more dangerous place to be a cop than the gritty streets of Belfast; across 25 bloody years, officers of the Royal Ulster Constabulary were murdered at an average of one a month, and they were not incidental victims of crime but carefully chosen targets of terrorist assassins who stalked them on the job and at home. (ULSTER, moving Friday).

Cols 2-4: Moving to end the biggest work stoppage to rock the auto industry since 1970, General Motors Corp. and the United Auto Workers union reach a tentative agreement to end a 17-day local strike that shut down most of the automaker's vehicle production in North America. (with art). (GM-TIMES, moved).

Cols 5-6: The House nears a final vote on legislation authorizing a tough crackdown on illegal immigration but strikes from the bill a series of proposed new restrictions on the number and type of immigrants allowed to enter the country legally. (IMMIG-TIMES, moved).

Above fold:

Col 4: California residents are increasingly confident in the state's rebounding economy, but their sentiment has yet to translate into higher popularity for Gov. Pete Wilson or the state Legislature, a new Los Angeles Times Poll has found. (POLL, moved).

Col 6: In an election year, hot issues rival produce as California's leading export; and, just as the rest of the country ultimately came to share the tax-slashing spirit of Proposition 13, the House vote seeking to ban illegal immigrants from public schools suggests that America as a whole is beginning to share California's obsession with immigrants. (IMMIG-REACT, moved).

Below fold:

Col 3: Consumers revolt against British beef after the government concedes there may be a link between what is known as mad cow disease and the deaths of 10 people from an incurable brain disorder. (MADCOWS-TIMES, moved).

Cols 5-6: After a campaign that began with virtually none of the leading Republicans eager to discuss abortion with several, in fact, urging the party to reduce its emphasis or seek new approaches on the issue the battle for the nomination has reestablished the central position of anti-abortion activists within the GOP coalition, many analysts say. (CAMPAIGN-ABORTION, moved).

Bottom of page:

Cols 1-2: Setting up another veto confrontation with President Clinton, a dozen Senate Democrats join forces with a majority of Republicans to pass legislation that would limit the amount of money awarded in product liability lawsuits. (LEGAL, moved).

Cols 4-6: Around the district attorney's office, they're calling it: "Menendez II: The Wrath of Conn." Now that Deputy Dist. Atty. David P. Conn has won a big one first degree murder convictions against the Menendez brothers he has grabbed the spotlight in an office where winning major cases has been difficult. (with art). (MENENDEZ-DA, moved).

Clinton Vows Veto if House Repeals Assault Weapons Ban (Washn) By Janet Hook= (c) 1996, Los Angeles Times=

WASHINGTON In an awkward twist to Republicans' campaign theme of "promises made, promises kept," the House of Representatives is scheduled to vote Friday on a controversial measure to repeal a two-year-old ban on certain assault weapons allowing GOP leaders to make good on a longstanding promise to the National Rifle Association and its allies in Congress.

The vote will put an election-year spotlight on an issue that many moderate Republicans had hoped to avoid and that Democrats seized as an opportunity to portray the GOP as being in the pocket of the gun lobby.

"The extreme elements of the Republican party are giving in to the NRA," said House Minority Leader Richard A. Gephardt, D-Mo.

It is an issue that starkly divides President Clinton from his rival for the presidency, Senate Majority Leader Bob Dole, R-Kan.

Clinton is a strong supporter of the weapons ban and has promised to veto its repeal.

"I believe it would be deeply wrong for Congress to repeal this assault weapon ban," Clinton said Thursday. "It doesn't need to be voted on in the House or the Senate and if it is passed, I will veto it."

Dole Thursday reiterated his support for repealing the weapons ban. "It is clear to me that the so-called 'assault weapons' ban does not do that, and is simply a public relations exercise, not effective policy," Dole said in a statement.

But at a time when Dole is beginning to turn his campaign focus from the party faithful who vote in GOP primaries to the general election, he is clearly in no hurry to bring the contentious issue to a vote in the Senate.

"It's not a priority," Dole said, adding later that he would "confer with my colleagues on the best course of action" after the House vote.

Sen. Dianne Feinstein, D-Calif., a leading proponent of the assault weapons ban, promised to stage "the mother of all filibusters" against the repeal measure if it comes up in the Senate.

Even House Republican strategists privately express discomfort about the impending debate.

"It's promises made, promises kept," said a top House GOP leadership aide, sardonically referring to Republicans' election-year claim that they have delivered on their 1994 campaign promises. "Nobody's thrilled about doing this, but they gave their word. It's not a good issue for us."

At issue is a 1994 law that banned the sale and possession of 19 semiautomatic, assault-style weapons. Proponents of the measure said it was needed to outlaw deadly weapons that have no place on the streets or in recreational use. "You won't find them in a duck blind or at the Olympics," said Attorney General Janet Reno, who estimated that the number of assault weapons traced to crime dropped 18 percent since the law took effect.

But opponents of the ban say it is an infringement of a citizen's constitutional right to bear arms and argue that the law has been ineffective at keeping the weapons out of the hands of criminals. They say gun manufacturers can easily evade the ban by making slight changes in weapons.

Clinton, GOP Agree to Higher Social Security Earnings Limit (Washn) By Robert A. Rosenblatt= (c) 1996, Los Angeles Times=

WASHINGTON One million workers over 65 who work will be permitted to keep a larger share of their Social Security benefits, sources said Thursday, as President Clinton and the Republican Congress prepare to give them an election-year gift.

The annual limit on how much a person can earn without losing retirement benefits will jump from the \$11,520 now to \$30,000 in the year 2002, Clinton and GOP leaders have agreed. The change is a liberalization long sought by

advocates for senior citizens.

The ceiling would rise to \$14,000 this year, providing an immediate boost during the political season. The measure, which was still under negotiation Thursday, is to be attached to the bill extending the federal debt ceiling, a vital piece of legislation that has bipartisan support.

The cost, an estimated \$7 billion over seven years, would be made up by curtailing Social Security disability benefits and special low-income payments to approximately 150,000 persons who are disabled because they are alcoholics or drug addicts. Social Security also would reduce payments to some stepchildren who are receiving survivors benefits.

Senior citizens groups are enthusiastic about the changes. "We have been working on the earnings limit for many, many years," said Evelyn Morton, legislative representative for the American Association of Retired Persons. "We have watched one house or the other pass an increase in the limit only to watch it die in conference," she said.

(Begin optional trim)

The AARP, with 32 million members, "believes middle-income beneficiaries should be able to earn more without losing benefits," she said.

The change in the law is likely to be a "win-win" situation, for beneficiaries and for the government, which will collect additional taxes from those who decide to work more, said Martha McSteen, president of the 6 million member National Committee to Preserve Social Security and Medicare.

Many older persons have economic pressures to work, she said. They range from escalating health costs to helping their own parents in a nursing home to helping grandchildren. "The time has come to recognize that lifting the earnings ceiling is a good thing to do," McSteen said.

(End optional trim)

The House passed a bill lifting the ceiling last year, but there has been no Senate floor action. The federal debt-ceiling legislation will include legislation by Sen. John McCain, R-Ariz., called the Senior Citizens Freedom to Work Act that has been approved by the Senate Finance Committee.

Under current law, the earnings ceiling for persons age 65 to 69 is \$11,520 a year. Workers lose \$1 in benefits for each \$3 in wages and salary above the ceiling. The proposed legislation would raise the ceiling to \$14,000 for this year, and another \$1,000 annually until the end of the century. It would rise to \$25,000 in 2001 and \$30,000 in 2002. Then, it would be indexed each year, as it is now, to rise along with the average increase in wages in the U.S. economy.

The proposed change would not affect those under 65 who receive benefits, such as workers who retire early, widows or other survivors. They can earn up to \$8,280, and lose \$1 in benefits for every \$2 in earnings above the ceiling.

There is no restriction for persons 70 and older. They receive full retirement benefits regardless of their earnings.

About 1 million persons between 65 and 69 who are working have earnings in excess of the current limit. It applies only to wages and salaries. There is no impact on money from private pensions, stocks, bonds and other investments.

But the 59-40 margin of approval was not adequate to override the veto that Clinton has promised. Clinton's opposition reflects, in part, pressure from trial lawyers who are among his biggest contributors, and fears that Clinton could lose votes in November to Green party candidate Ralph Nader who has fought the bill if he signs the product liability bill.

The bill, which includes provisions contained in the House GOP's "Contract With America," would cap punitive damages in most product liability cases at \$250,000 or twice the compensatory damages, whichever is larger. Businesses with fewer than 25 employees would be liable for the lesser of the two.

The legislation, which is expected to pass in the House, became a battleground for powerful interest groups, with trial lawyers on one side, and businesses and their insurers on the other.

Before the Senate passage, Clinton signaled that he would like to sign a modified version of a product liability bill, in an apparent attempt to avoid any appearance of kowtowing to lawyers during the pre-election season.

But both supporters and opponents of the measure were skeptical that it could be altered enough to please the president, while retaining enough votes to pass in both houses.

"Whether that is possible I don't know," said Sen. Joe Lieberman, D-Conn. "This was such a delicate balance."

Agreement was so hard to reach that the House and Senate conference committee labored 10 months to reconcile the differences between their versions of the bill.

The product liability measure is one of several popular initiatives that Congress intends to offer up to Clinton this year, despite veto threats.

"It's in their interest to send things to the president that are just an inch off what the president can sign," said Sen. John Breaux, D-La., who opposed the measure. "Then he vetoes it, and they think they have a political issue."

The measure's sponsors said their intent was to reform the product liability laws to protect business and insurance companies

and by extension the consumers they serve by making it much harder for juries to award excessive punitive damages.

"What we have tried to do ... is to make a fair reasonable balance between the interest of consumers and business," said Sen. Jay Rockefeller, D-W.Va., a sponsor of the legislation. "This is fair. This is the way America ought to work. I can only pray that the president will sign it."

(Begin optional trim)

Sen. Slade Gorton, R-Wash., who managed the legislation on the floor, said that the present system is "a lottery for plaintiffs and a bonanza for those who represent them."

But opponents of the measure argued that the possibility of business-busting product liability suits has forced manufacturers and retailers to be more responsible and have made America a safer place.

"Punitive damages have disciplined these businesses," Sen. Ernest Hollings, D-S.C., said. "That's why we're getting the recalls. Punitive damages is one of the things that has given us safe products in this land."

(End optional trim)

In order for the president to embrace product liability legislation, according to a senior administration official, the measure would have to give judges the authority to waive the cap on punitive damages. The measure passed by the Senate allows judges such discretion, but only in exceptional cases, which the Clinton administration considers too limited.

The administration also opposes a provision in the

Dozen Senate Democrats Side with GOP on Litigation Reform (Wash)By Elizabeth Shogren=(c) 1996, Los Angeles Times=

WASHINGTON Setting up another veto confrontation with President Clinton, a dozen Senate Democrats joined forces with a majority of Republicans Thursday to pass legislation that would limit the amount of money awarded in product liability lawsuits.

specifies that when several companies are
of damages,
company can only be charged the share of damages
according to its share of the responsibility. For
if a store sells a defective widget and a court
the store bears 10 percent of the responsibility for
the damage, it can only be held responsible for 10 percent
of the punitive damages, even if the manufacturer has gone
bankrupt and cannot pay.

"I've said all along that there's legislation in this
area that
I would sign," Clinton told reporters at the White House
Thursday. "There are some changes that I think are
relatively modest that would permit me to sign it."

House Approves Tough Crackdown on Illegal Immigration (Washn) By Marc Lacey= (c) 1996, Los Angeles Times=

WASHINGTON The House overwhelmingly approved a
tough crackdown on illegal immigration Thursday night, but
struck from the bill a series of new restrictions on the number
and type of legal immigrants allowed in the country and
rejected the admittance of 250,000 foreign agricultural workers.

The bill, on a vote of 333-87, would further restrict
public benefits for illegal immigrants, increase penalties
for smugglers and document counterfeiters, and boost
border enforcement by adding 5,000 more agents and 14
miles of triple fencing near San Diego.

The most contentious aspects of the legislation would
allow states the option of denying free public schooling
to undocumented students, would increase cooperation
between local law enforcement officials and the
Immigration and Naturalization Service, and would
permanently ban those who violate immigration laws from
ever legally entering the country.

Although most legal immigration restrictions were
removed, the bill would still cut public benefits for
legal immigrants and make their sponsors financially
responsible for their well-being.

"Americans got the whole loaf on illegal immigration
reform and half the loaf on legal immigration reform,"
said Rep. Lamar S. Smith, R-Texas, putting the best face
on the breakup of the bill he sponsored. "Three-fourths
of a loaf tastes pretty good."

The bill pleases neither immigrant rights groups nor
strong foes of illegal immigrants. The hard-line
Federation for American Immigration Reform announced its
opposition to the bill Thursday after lawmakers stripped
legal immigration reform and weakened worker verification
provisions.

"Despite a variety of high-minded sounding attempts to
reform immigration policy, Congress with the full support
of a do-nothing administration is on its way to passing
another bill that may only make things worse," said Dan
Stein, executive director of FAIR.

In a last-minute change, lawmakers eliminated the
proposed 30 percent cuts in the number of legal immigrants
and rejected a plan to disallow siblings and adult
children of U.S. citizens from receiving family visas.

(Begin optional trim)

The move to excise legal immigration reform from the
bill was a blow to those who argued that foreign workers
were reducing wages and taking jobs from U.S. citizens.
The reform was also aimed at reducing the huge backlog of
immigrants seeking to join family members here by
eliminating adult children and siblings from the
eligibility list.

Backers of legal immigration argued that those who come
into the country legally help the U.S. economy. They said
restricting the reunification of families runs counter to
the country's long immigrant tradition.

(End optional trim)

"In a country of 260 million people, 700,000 legal
immigrants (a year) is not an exorbitant amount," said

Rep. Dick Chrysler, D-Mich., who argued for deleting many
of the proposed changes in legal immigration. "We are all
immigrants or descendants of immigrants."

He was aided by a bipartisan coalition of groups,
ranging from labor unions to the Christian Coalition. The
238-183 vote to retain current immigration levels now
capped at roughly 700,000 people per year cut deeply
across partisan lines.

The elimination of legal immigration reform from the
bill decreases significantly the chances that the House
will address the issue this year. Already, the Senate
Judiciary Committee has voted to consider legal and
illegal immigration in two separate bills. The Senate is
expected to approve a similar illegal immigration bill
next month.

On illegal immigration, the House bill aims to tighten
security at the border but acknowledges that some people
will still elude the new agents and barriers there.

Other provisions would make it more difficult for
illegal immigrants to find work and receive government
benefits. And deportation procedures would be streamlined
to remove the undocumented, especially those who committed
crimes.

The bill would reduce the 30-odd identification
documents that immigrants can now present to employers to
just six. And it would treat those who forge immigration
papers like counterfeiters of U.S. currency.

The legislation calls for a pilot program that would
allow participating employers to check the immigration
status of new hires in a government database. To defuse
opposition from businesses and civil libertarians who call
it intrusive, the program is voluntary.

The bill would forbid undocumented parents from
receiving government benefits even if their children are
U.S. citizens, a provision critics called "anti-child."
Current law forbids illegal immigrants from receiving
benefits for themselves but allows parents to receive the
benefits for citizen children.

(Optional add end)

Lawmakers rejected an effort to create a special visa
for as many as 250,000 temporary foreign agricultural
workers.

Farmers worried that the immigration crackdown would
deplete them of many workers who now are using fraudulent
papers. Government studies estimate that anywhere from a
quarter to half of all farm workers are illegal
immigrants.

The United States already has a limited "guest"
worker program, started under the 1986 immigration bill,
that allows farmers to bring immigrants to the country for
temporary work assignments. But those so-called H-2A visas
are viewed by farmers as overly cumbersome and are little
used. Last year, 400 shepherders were the only guest
workers in California under the program.

The proposal raised the ire of migrant workers' groups
trying to improve working conditions in farming.

Illegal Immigrants' Issue Goes Nationwide By Amy Pyle and Patrick McDonnell= (c) 1996, Los Angeles Times=

In an election year, hot issues rival fresh produce as
California's leading export.

And, just as the rest of the United States ultimately
came to share the tax-slashing spirit of Proposition 13,
Wednesday's House vote seeking to bar illegal immigrants
from public schools signals that America as a whole may be
picking up California's obsession with immigration.

In fact, the congressional measure offered by Rep.
Elton Gallegly, R-Calif., which clones a key tenet of
California's Proposition 187, may push immigration to the
fore in this year's presidential election.

A spokesman for the likely Republican nominee, Kansas
Sen. Robert Dole, dodged the issue Thursday, saying the
Senate majority leader needed more time to focus on the

issue, which currently is not part of the U.S. Senate's version of the immigration reform bill.

President Clinton's spokesman branded the Gallegly amendment "nutty" and all but said the chief executive would veto any immigration bill that contained it.

But architects of the California initiative approved more than a year ago but stymied in federal court rejoiced that a national debate on their issue would hasten the question to the U.S. Supreme Court, which in its more liberal days ruled that such discrimination was unconstitutional.

"This has tremendous potential. ... It shows that people now have some guts to deal with a problem that should've been dealt with a long time ago," said Alan Nelson, the former U.S. Immigration and Naturalization Service commissioner who helped craft the California proposition.

Leading constitutional scholars agreed that the Supreme Court's current conservative majority might end up overturning a decision crafted by the century's leading liberal justice, the retired William J. Brennan Jr.

Those who fought Proposition 187, while confident the congressional amendment ultimately will fail, nonetheless fear that the renewed attention to the issue will fuel anti-immigrant sentiment across the nation.

"This raises the level of acceptability of all kinds of overt and virulent immigrant bashing," said Martha Jimenez, San Francisco regional counsel for MALDEF, a key anti-187 litigant. "It is the worst kind of bullying because it ... goes after the most innocent and vulnerable population among us."

For the proposed law's targets, the news of Proposition 187's federal incarnation was discouraging. In Los Angeles Thursday morning, Gladys Fuentes' voice rose in outrage as she walked her 7-year-old daughter to a school near downtown.

"Education should not be something political," said Fuentes, who came to the United States illegally from Honduras four years ago seeking better medical care for a sick son. "We are humans and we keep this country going. ... Do they want an ignorant citizenry?"

Still, opinion on the question remains deeply divided, even among Latinos, including another Logan second-grade parent who applauded the federal amendment: "Too many of them are coming over and crowding things up," said the woman, who identified herself only as Maria. "They know everything's free here and ... if it wasn't, they would stay home."

But underlying the current debate is another more focused campaign being waged by California's illegal immigration opponents and their legislative allies, who hope to overturn the landmark 1982 Supreme Court ruling that made it illegal to deny public education because of immigration status.

In that close, 5-4 decision *Plyler vs. Doe* the Supreme Court struck down a 1975 Texas law that cut off state funds for schooling illegal immigrants. Acknowledging that education is not a "fundamental right," the Supreme Court nonetheless cited its "fundamental role in maintaining the fabric of our society" in concluding that the Texas statute violated the Equal Protection Clause of the 14th Amendment.

Explaining the majority opinion, Brennan wrote: "It is difficult to understand precisely what the State hopes to achieve by promoting the creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare and crime."

Following passage of Wednesday's House amendment, however, two leading constitutional scholars Kenneth L. Karst of UCLA Law School and Akhil Amar of Yale Law School

said the *Plyler* decision is on increasingly shaky ground.

"This is not the same case," said Karst, author of "Belonging to America: Equal Citizenship and the Constitution," which details how the notion of equality developed in the United States.

"The court has been very deferential to Congress in

Congress' regulation of aliens," Karst said. "The question is whether that kind of deference would be warranted in this case."

Changing social conditions and the current court's conservative cast also could play a role, said Amar, the Yale professor.

At the time of the original ruling, for example, Brennan wrote, "There is no evidence in the record suggesting that illegal entrants impose any significant burden on the state's economy."

Studies used to promote Proposition 187, however, maintain that is no longer true. For example, California Gov. Pete Wilson and other Proposition 187 advocates estimated that almost \$2 billion is annually expended in educating more than 350,000 undocumented state youngsters about 5 percent of the state's public school enrollment.

Immigrant advocates say those figures are wildly inflated, but anti-illegal immigration activists believe such "pocketbook" considerations are winning them converts.

"It's about time Congress said something about all these illegal aliens who are bankrupting our school system," said Barbara Coe, chairperson of the California Coalition for Immigration Reform, an Orange-County based umbrella group that was instrumental in getting Proposition 187 on the ballot.

(Optional add end)

Meanwhile, attorneys working in the anti-187 legal battle vow to expand their fight to include any state that takes up the congressional mandate and passes its own law barring undocumented students from public schools.

"There would be a line at the courthouse" seeking to block any such attempts, predicted Mark Rosenbaum, of the American Civil Liberties Union of Southern California, co-lead counsel in the legal challenge to Proposition 187.

And any one of those cases could be the springboard to the U.S. Supreme Court, observers say.

Even if some future court overturns *Plyler*, the logistics of enforcing a ban on illegal immigrants would be mind-boggling in a school district like Los Angeles Unified. The massive school system, rivaled only by New York City in size and diversity, has also consistently maintained a philosophical and legal opposition to Proposition 187.

Senate Votes to Overhaul Western Grazing Laws (Washn) By James Gerstenzang= (c) 1996, Los Angeles Times=

WASHINGTON The Senate Thursday approved a major overhaul in the laws governing the multimillion-dollar business of grazing cattle and sheep on federally owned lands across the West. But it rejected a plan that would have brought a seven-fold increase in the fees charged to some of the nation's largest ranches, including those owned by major corporations.

Critics complained that the measure will force federal agencies to disregard environmental considerations in determining how ranchers may use the 270 million acres they manage in the West. And, they said it will freeze the public out of the decision-making process while elevating the role given to ranching interests.

"It turns the privilege of grazing on public lands into a right. That's a fundamental change," said Sharon Buccino, a staff attorney of the Natural Resources Defense Council, a private environmental group.

The vote was 51-46. The bill, which Senate Minority Leader Thomas A. Daschle, D-S.D., said was likely to be vetoed by President Clinton, has not yet been considered by the House of Representatives.

Earlier, the Senate turned aside a measure proposed by Sen. Dale Bumpers, D-Ark., that would have raised the fee charged to ranchers to run livestock on federal land from approximately \$1.35 per animal on each acre to \$2.00 still well below the costs charged for use of state-owned and private land in the West. The measure that was eventually passed imposes an approximately 50-cent increase.

The Washington Times

WASHINGTON, D.C., FRIDAY, MARCH 22, 1996

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Hillary denies role in firing travel staff

25-page statement made under oath

By Paul Bedard
THE WASHINGTON TIMES

First lady Hillary Rodham Clinton last night issued a blanket denial that she ordered the May 1993 firings of White House travel office employees, despite testimony from aides that her demands sparked the "Travelgate" affair.

In a carefully worded, 25-page sworn statement to a House panel investigating the scandal, Mrs. Clinton said she "had no decision-making role with regard to the removal of the travel office employees on May 19, 1993."

However, she said that if suspicions of travel office mismanagement turned out to be true, the firings would be justified.

"I am sure I felt such action could include, if necessary and justified, appropriate personnel actions so that this administration would not be blamed for condoning any existing fiscal mismanagement problems, even though the travel office employees had been hired by previous administrations," Mrs. Clinton said in a series of notarized answers.

The House Government Reform and Oversight Committee submit-



Hillary Rodham Clinton
posed 26 questions about her role in the affair after David Watkins, the former White House director of

Bill limiting liability suits passes Senate, faces veto

Clinton hit for changing position to appease lawyers

By Warren P. Strobel
THE WASHINGTON TIMES

The Senate yesterday passed a bill aimed at curbing abuses in lawsuits over faulty products, but the 59-40 tally fell short of the votes needed to override President Clinton's expected veto.

Mr. Clinton signaled yesterday that he would like to avoid being seen as blocking the reform, saying he could sign the measure if Congress makes "some changes that I think are relatively modest."

But proponents of the measure

Immigration bill approved

The House passes its first major immigration bill in a decade, voting 333-67 to crack down on illegal aliens. A3

warned that it is too late to alter legislation that had been carefully crafted with the White House's participation.

Sen. Joseph I. Lieberman, Connecticut Democrat and a cham-

panion of the measure, said in a telephone interview that the White House had given "indications in the last 24 hours that the president would like to sign a product liability bill."

Yet he warned: "We've compromised a lot to get this bill... And there's not a lot further we can go to still hold the votes [needed for passage]."

The supporters of the liability reform bill — which would limit jury awards to plaintiffs injured

see LIABILITY, page A12

Audit taints fraud witness

Whitewater judge chides prosecution

By Hugh Aynesworth
THE WASHINGTON TIMES

LITTLE ROCK, Ark. — The judge in the Whitewater-related trial of Gov. Jim Guv Tucker and Jim and Susan McDougal yesterday rejected defense motions to strike the testimony of a government witness who gave conflicting evidence to the Internal Revenue Service.

U.S. District Judge George Howard Jr. ruled that Lisa Aunspaugh Thompson, a former employee of Madison Guaranty Savings and Loan Association, may continue with her testimony, saying defense attorneys can use newly found information about her during cross-examination today.

Judge Howard had stopped the proceedings yesterday and ordered prosecutors to explain why they did not disclose a tax audit that Mr. McDougal's attorney, Sam Heuer, said proves that Mrs. Thompson had lied on the stand.

Mr. Heuer contended that the government had not turned over to him information about tax liens against Mrs. Thompson, who had testified earlier about her role as an occasional decorator for the McDougals in 1984 and 1985 when they ran Madison. The McDougals are former business partners of President and Mrs. Clinton.

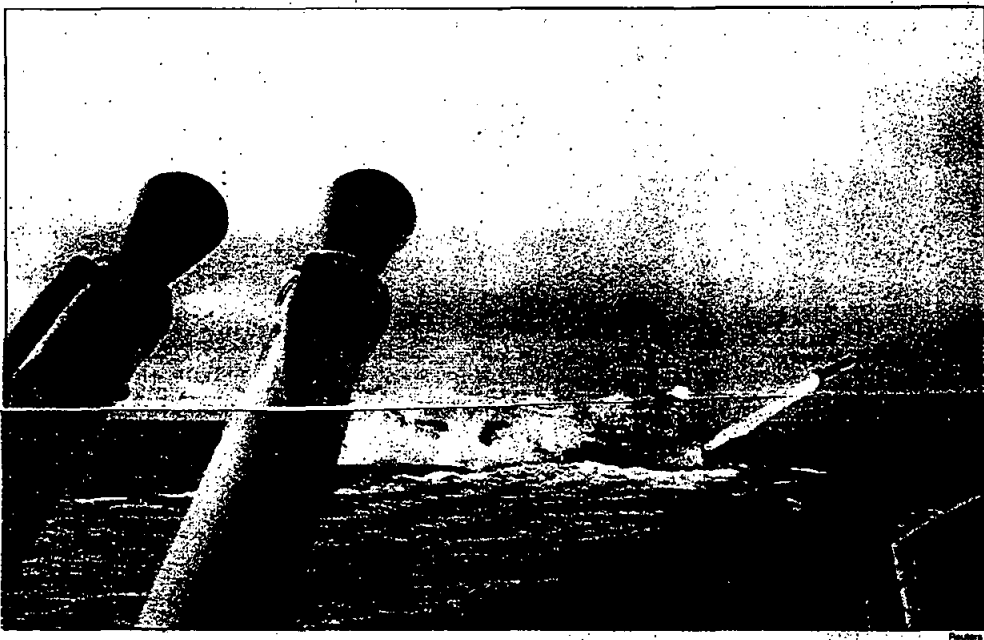
According to an IRS audit, Mrs. Thompson, 32, said she had a Madison checking account and agreed to pay more than \$58,000 in back taxes for 1985 and 1986 on the money in it.

But she testified this week — the third week of the trial — that she did not own or have an interest in the account, which she said was actually owned by Mr. McDougal.

Mr. Heuer said the prosecutors should have given the defense the

see TRIAL, page A14

MISSILE CARRIES MESSAGE



A Chinese naval vessel launches a missile during intimidating military exercises off Fujian Province, across from Taiwan. Stories, A15.

Gunman appears; students vanish

Parents empty school in District

By Sean Scully
THE WASHINGTON TIMES

A confrontation between an armed man and an elementary school principal in Southeast yesterday morning led frightened parents to pull virtually all students out of the school.

By 9:30 a.m. "most of the children were gone," D.C. school-system spokeswoman Beverly Lofton said.

About 8 a.m., Steven Roseman, an assistant principal at Ferebee Hope Elementary School, arrived for work. As he entered the building, he heard someone running behind him, turned and saw a teenager with a gun, Ms. Lofton said.

Mr. Roseman fled into the school. He was not harmed or robbed, Ms. Lofton said. Police found no sign of the gunman, Officer Kenny Bryson said.

The incident came a day after two janitors at the school were robbed at gunpoint, Ms. Lofton said. The janitors were robbed in their office about 3:30 p.m., shortly after school let out, by two masked men.

The school, which normally has one security officer, will have three guards today and possibly next week, Ms. Lofton said.

Parents began gathering yesterday as soon as they heard erroneous reports of a hostage situation at the school, which is at Eighth and Yuma streets SE.

"That spread like wildfire," Ms. Lofton said. "You talk about a run on the bank."

School officials tried to reassure parents, she said, but by noon only about a dozen of the 560 students remained.

The two incidents this week were the first violent incidents at

see SCHOOL, page A14

Achille Lauro killer likely fled to Algeria

Furloughed terrorist used documents from U.S. to escape

By Peggy Polk
SPECIAL TO THE WASHINGTON TIMES

ROME — Authorities believe Youssef Magied Molqi, the Achille Lauro terrorist who escaped custody while on leave from an Italian prison, has made his way to Algeria using documents issued by a Washington-based organization.

Italy has launched a formal investigation into the procedures that permitted the escape, including the way Molqi was able to secure a passport and identity card from the World Service Authority while still in prison.

Italian newspapers have reported that Molqi is in possession

of WSA passport No. 197232 and identity card No. 002036, both issued in Washington on June 20, 1988, while he was serving a 30-year prison sentence.

The documents have an expiration date of June 20 this year, long before his prison term was to end. The imminent expiration date may have prompted Molqi to make his escape at this time.

Federal law enforcement officials in Washington confirmed yesterday that U.S. authorities were "seriously looking into" reports that Molqi had reached Algeria with the ersatz passport and identity card.

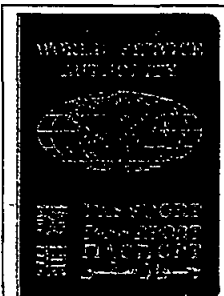
A U.S. intelligence official said

American investigators were seeking to find out how Molqi obtained the documents from the 14th Street organization, which specializes in providing documentation to "countryless" refugees and those who object to travel restrictions imposed by their governments.

The World Service Authority, part of the World Refugee Fund, was founded in 1954 by American maverick Garry Davis, who in 1948 renounced his U.S. citizenship to become a "citizen of the world."

The group says travelers have

see ESCAPE, page A14



A World Service Authority passport isn't hard to get. A14

'Mad cow disease' besets British beef

Europeans ban imports

From combined dispatches

LONDON — A British official said yesterday the country may have to slaughter its entire 11 million head of beef cattle, as panic spread throughout the country and several European nations about "mad cow disease."

At least five European countries banned imports of English beef, while concerned British officials dropped hamburgers from their lunch menus amid reports the disease may have killed dozens of people.

In Britain's shops, consumers were simply confused.

"Everyone tells you what are the risks of getting AIDS, but nobody tells you what are the risks of eating beef. I don't know enough facts," said Natasha Parker, shopping in London.

Prime Minister John Major and other political leaders said they were still eating beef, though the gov-



Here's the beef: A London customer eyes what's been banned in five other European nations.

ernment on Wednesday had confirmed for the first time that humans might have contracted the cattle disease.

France and Belgium banned imports of beef, and Germany asked the European Union to ban all British exports of beef and beef products to the rest of the

see COW, page A12

INSIDE

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Army task force finds scant extremist danger

Advises screening recruits' 'sensitivity'

By Rowan Scarborough
THE WASHINGTON TIMES

The Army concluded yesterday that extremist groups have scant influence on its 504,000 troops, but it nevertheless will explore a new screening process to weed out recruits with unsuitable associations.

A special task force made 12 major recommendations to blunt extremism, including one that recruits be evaluated for "human relations sensitivity."

"This tells us that the Army is composed of soldiers who reflect

the American belief that extremism is unacceptable in our society and in the Army," Army Secretary Togo West said in announcing the findings.

Mr. West commissioned the task force last December, after three members of the 82nd Airborne Division at Fort Bragg, N.C., were charged with killing a black couple in downtown Fayetteville. Police said the three had racial motives.

While the task force found "minimal evidence of extremist

see ARMY, page A14

Bill limiting liability suits passes Senate, faces veto

Clinton hit for changing position to appease lawyers

By Warren P. Strobel
THE WASHINGTON TIMES

A1

The Senate yesterday passed a bill aimed at curbing abuses in lawsuits over faulty products, but the 59-40 tally fell short of the votes needed to override President Clinton's expected veto.

Mr. Clinton signaled yesterday that he would like to avoid being seen as blocking the reform, saying he could sign the measure if Congress makes "some changes that I think are relatively modest."

But proponents of the measure

Immigration bill approved

The House passes its first major immigration bill in a decade, voting 833-87 to crack down on illegal aliens. A3

warned that it is too late to alter legislation that had been carefully crafted with the White House's participation.

Sen. Joseph I. Lieberman, Connecticut Democrat and a cham-

panion of the measure, said in a telephone interview that the White House had given "indications in the last 24 hours that the president would like to sign a product liability bill."

Yet he warned: "We've compromised a lot to get this bill . . . And there's not a lot farther we can go to still hold the votes [needed for passage]."

The supporters of the liability-reform bill — which would limit jury awards to plaintiffs injured

see LIABILITY, page A12

LIABILITY

From page A1

by faulty products — were outraged on Saturday, when Mr. Clinton abruptly announced his intention to veto the measure, which he had earlier supported.

Assuming they had presidential backing, the bill's supporters struggled in a conference committee to pare down the measure from a broader civil litigation reform sought by House Republicans.

Critics — including some in his own party — have accused Mr. Clinton of pandering to the concerns of trial lawyers, who are Mr. Clinton's most reliable political donors and vigorously oppose caps on jury awards.

A frustrated Sen. John D. Jay Rockefeller IV, West Virginia Democrat, last night criticized Mr. Clinton for issuing yesterday's statement within hours of the Senate's final vote on the bill and after the Senate had voted Wednesday to end a filibuster by opponents.

"The president understands that he's in a very difficult position, both substantively and politically," said Mr. Rockefeller, a co-sponsor of the bill.

Mr. Rockefeller said that in intense telephone negotiations with the White House before the cloture vote, he and Sen. Slade Gorton, Washington Republican, offered to fix four of the five problems with the bill identified by the White House. They even agreed to cast the changes as a political victory for Mr. Clinton, he said.

"They [the White House] wouldn't do it," Mr. Rockefeller said.

As he did in a press conference Monday, the senator raised the question of trial lawyers' influence on the White House. "It raises the question, 'Did they really want changes? Or was this just a statement to make them seem separate from the trial lawyers?'" he said.

White House Press Secretary Michael McCurry declined to join the verbal battle with Mr. Rockefeller. But he rejected accusations that Mr. Clinton has been influenced by campaign contributions.

"We have resisted the temptation to suggest that people on the other side of the issue are affected by political contributions that are 10 times" those given by the lawyers, Mr. McCurry said. He referred to business groups that have poured millions of dollars into supporting liability reform.

There are large amounts of political contributions on both sides of the issue, the spokesman said. "Which is why the president, on balance, thought it was best to look at the issue on its merits," he said.

According to a study by the Center for Responsive Politics, lawyers have contributed far more than any other industry to Mr. Clinton's re-election campaign.

However, the center's Joshua Goldstein supported Mr. McCurry's analysis. A detailed counting of campaign receipts probably would show that business groups have contributed more money and more lobbyists to the fight than have the trial lawyers, he said.

"When you look at campaign donations and you see a major sum of money [going] to a candidate, coming back and wanting something in return, it stretches credulity that there is no connection," Mr. Goldstein said.

Twelve Democrats voted for the measure yesterday, sending it to the House for approval. Six Republicans voted against it. No fewer than 67 Senate votes can override a veto.

In a letter to Sen. Bob Dole, Kansas Republican, Mr. Clinton said he objects to the bill's intrusion on state authority regarding tort law; to its elimination of "joint and several liability," which would reduce compensation if one of the guilty companies goes bankrupt; and to the bill's capping of punitive damages at \$250,000 in most cases.

The Washington Times

FRIDAY, MARCH 22, 1996

...e conservative than the party at large, centrists
...ed the right wing by a ratio of nearly 3-1.
...e study said that "centrist candidates," whom it
...efined as Sen. Bob Dole, publisher Steve Forbes, former
...Tennessee Gov. Lamar Alexander and Indiana Sen. Richard
...Lugar, received three times the votes of candidates such
...as Buchanan, former ambassador Alan Keyes, Texas Sen. Phil
...Gramm and Rep. Robert Dornan of California, who all
...courted conservative voters.

"The centrists received 5.4 percent of the eligible
vote; the combined conservatives received 1.9 percent of
the eligible vote," the study said.

Gans said the data also indicated that Buchanan was
winning a very small portion of the eligible Republican
vote about 1.7 percent which he said showed a
"willingness of religious and the secular conservatives to
vote for more mainstream candidates in the hope of
defeating President Clinton."

The study provided good news for advocates of voting by
mail. Both Oregon and North Dakota, which permitted
mail-in ballots for the first time, showed increases in
turnout.

U.S. troops say they're staying in Bosnia, but the brass disagrees By Tom Hundley Chicago Tribune(KRT)

TUZLA, Bosnia-Herzegovina. Maybe the GIs know
something the generals don't.

Ask any buck private with mud on his boots if he
believes. U.S. troops will be out of Bosnia at the end of
the year, as promised by the Clinton administration, and
he'll shake his head and say, "No way."

Put the same question to the brass and you'll receive a
stern lecture about peace being up to the Bosnian people
and how the U.S. is giving them a one-year window to take
it or leave it.

Three months into the planned one-year mission, the
question of when and how the 18,505 American troops now on
the ground in Bosnia will be withdrawn is a touchy subject
around U.S. headquarters in Tuzla.

The problem is that the military side of the mission
has been a resounding success while the civilian side the
implementation of the political aspects of the Dayton
agreement has not.

The massive presence of American ground troops has
stopped the Bosnian War cold, and at a cost that has not
been as high as many anticipated. One American soldier was
killed in a mine-clearing accident.

But stopping the war is one thing; achieving actual
peace is another. And thus far, none of the warring
factions appears enthusiastic about the latter.

Soldiers in the field know this.

"A Serbian soldier told me face-to-face that as soon
as you leave, we start killing each other again," said
Staff Sgt. Volda O'Conner, 26, a squad leader from Phoenix
who helps keep the peace in the nasty no-man's land south
of Brcko.

"I don't think we're leaving," said O'Conner. "I
think we'll have to stay here at least two or three years
before peace starts to develop."

Pfc. Christopher Beard, 20, agreed. "A year isn't
going to be long enough," said the Roseville, Ill.,
native. "It would be kind of a waste to walk out of here
at the end of the year and have things go back to the way
they were."

Many soldiers believe that with the collapse of the
Soviet Union, and a surplus of GIs in Germany, the
Pentagon's intentions are pretty obvious.

"With Russia gone, those troops in Germany don't have
a mission anymore," said O'Conner, the squad leader. "A
lot of guys think they are going to downsize in Germany
and make this a duty station."

But Gen. William Nash, the commander of U.S. forces in
Bosnia, jumped all over those notions.

"The U.S. military commitment in Bosnia is clearly
defined. It is one year. I think that is ample time,"

said the cigar-chomping general.

"Peace in Bosnia rests on the shoulders of the Bosnian
people and their leaders. If they want peace, there will
be peace. If they don't. ..." He didn't finish the
sentence, but punctuated it with a not-my-problem puff
from his cigar.

The Clinton administration also has been holding firm
to the one-year pledge. With a re-election challenge
looming in November, administration officials are quick to
discourage talk of a long-term entanglement.

"The president has given a very clear commitment on
the 12 months. That is our policy. It will remain our
policy," said Richard Holbrooke, the chief architect of
the Dayton agreement, who recently left his State
Department post for Wall Street.

(EDITORS: NEXT GRAF OPTIONAL TRIM)

"I recognize that it is the most problematic part of
our policy in many ways, but I believe that if we had
doubled or tripled the length of time, it wouldn't
necessarily have made a fundamental change in the chances
of success or failure of the civilian side," said
Holbrooke.

(END OPTIONAL TRIM)

Another reason why senior U.S. officials, political and
military, are reluctant to discuss prolonging the mission
is a concern that it would send exactly the wrong signal
to local leaders.

"We've got to hold their feet to the fire. If we start
talking about a successor force, or a follow-on
engagement, it would only give the political leaders
around here another excuse to drag their feet," said a
senior NATO adviser.

But talk of a successor force already has begun,
especially among the European allies.

(EDITORS: NEXT GRAF OPTIONAL TRIM)

"The North Atlantic Council will discuss this question
after D-plus-120 and give me my guidance," said U.S.
Admiral Leighton Smith, overall commander of NATO forces
in Bosnia. D-plus-120 refers to the 120th day of the
deployment, about one month from now.

(END OPTIONAL TRIM)

The emerging consensus is that keeping the peace in
Bosnia will require more than the unarmed international
police force being assembled, but less than the
60,000-strong NATO force now on the ground.

Will a continued American presence be necessary?

The conventional wisdom is that American engagement was
decisive in bringing the fighting to a halt. The previous
U.N. peacekeeping effort foundered in part because the
U.S. refused to commit ground forces to Bosnia.

So, assuming the mission hasn't gone awry, would
President Clinton, lame duck or otherwise, pull the plug
on Dec. 20?

That would be a serious mistake, according to the top
commander from one European ally. "It would create a
dangerous vacuum that no one can fill," he said.

Whether the Americans ultimately stay for a little
while or a long while, they are building up a massive
military infrastructure in Bosnia that does not yet
suggest a permanent presence, but which could easily become
one. At the very least, the U.S. will leave behind an
infrastructure that it can return to in a hurry.

(STORY CAN TRIM HERE)

"Forget it," huffed Col. Mark Brzozowski, a Pentagon
spokesman in Tuzla. "Active planning has already begun
for our departure."

"Listen, we're giving the Bosnians the best shot
they're going to get," said Brzozowski. "Let's hope they
don't blow it, because on Day 365, we're outta here."

Senate passes bill, 59-40, capping awards in product-liability suits By David Hess **Knight-Ridder Newspapers(KRT)**

WASHINGTON Despite a veto threat from President Clinton, the Senate approved a scaled-back bill Thursday to discourage big damage awards in cases involving defective products.

The bill, passed on a 59-40 vote, is the product of a 20-year effort by large and small businesses including insurers and tobacco companies to limit their exposure in product-liability lawsuits.

The long-running fight has pitted the nation's trial lawyers, who have generously supported Clinton's election campaigns, against big manufacturers, the National Federation of Independent Businesses and makers of medical devices, who have shoveled money into congressional campaigns.

Consumer lobbies have also weighed in, complaining that the bill would set back efforts to ensure safer products in both market and workplaces.

On the final vote, 47 Republicans and 12 Democrats supported the bill, while 34 Democrats and six Republicans opposed it. The House is expected to pass the measure next week. As of now, supporters don't have the votes to override a Clinton veto.

The congressional debate also drawn a sharp distinction between Clinton and his Republican rival for president, Senate Majority Leader Bob Dole.

As one of the bill's staunchest supporters, Dole said Clinton was in the thrall of the trial lawyers.

"I'm not one to assume just because someone gives you money, they call the tune," said Dole, himself the recipient of vast campaign contributions from corporate political action committees. "But this message (from the trial lawyers) has apparently been heard down at the White House loud and clear."

The president, in explaining why he intended to veto the measure, said it would "prevent injured persons from recovering the full measure of their damages."

That assertion drew a quick rebuke from the Senate's chief sponsors of the bill, Democrat John D. Rockefeller IV of West Virginia and Republican Slade Gorton of Washington.

"It has no basis in fact," Rockefeller said in response to Clinton, insisting that juries could still return awards to injured persons that fully covered all their financial losses and also provide damages for pain and suffering.

The bill does, however, limit punitive damages to:

Either the greater of two times the sum of the compensatory damages (which consist of financial loss as well as pain and suffering) or \$250,000 in cases involving big businesses;

Or the lesser of two times the sum of compensatory damages or \$250,000 in cases involving small businesses.

Punitive damages are permitted in most states to punish corporate wrongdoing and deter future bad behavior. Clinton opposes caps on punitive damage awards.

The bill would permit higher punitive damage awards in particularly egregious instances of willful misconduct by defendants, although the standard of proof in such cases would be so high that such awards probably would be rare.

Sen. Barbara Boxer, D-Calif., opposed the bill on grounds that it would discriminate against women of child-bearing age who are vulnerable to mistakes by makers of birth-control devices.

Harking back to the Dalkon Shield case, in which the manufacturer continued to produce it despite complaints of serious damage to women's reproductive organs, Boxer said the firm made so much money that "it took seven punitive damage awards to finally stop it."

The threat of punitive damages, she said, impels manufacturers to take more care in assuring the safety of their products.

"This bill is designed to relieve corporate America of its responsibilities," Boxer said.

Gorton contended that "nothing in the bill limits the ability of any individual to recover in any court for all the actual and provable damages suffered" from loss of

employment income, health costs and pain and suffering.

"The real problem with punitive damages now," he said, "is that they can be awarded in multiple cases (involving the same product) with no limit."

Last year, as part of the new Republican majority's "Contract With America," the House passed a broader bill that would have made it even harder for plaintiffs to receive punitive damages. The House also included new protections for doctors against medical malpractice suits. The Senate balked, however, and induced the House to go along with a more modest bill that deleted the malpractice provisions and put a softer cap on punitive damage awards.

(EDITORS: STORY CAN END HERE)

Though this Congress has moved vigorously to return more power and programs to states, the product-liability bill would impose on states

a new uniform set of standards for such cases thus preempting state laws and procedures.

House will vote to repeal ban on assault weapons By David Hess and Robert A. Rankin **Knight-Ridder Newspapers(KRT)**

WASHINGTON House Speaker Newt Gingrich has made a big deal out of the Republicans in Congress "keeping our promises."

So, on Friday, GOP leaders will keep a vow they made to the National Rifle Association: they will bring up a bill to repeal the 2-year-old ban on military-style assault weapons.

House leaders are scheduling the vote even though the repeal bill, which is expected to pass the House, may not even get to the floor in the Senate and faces a certain veto from President Clinton.

"Our leadership made a commitment and we intend to keep it," said Rep. Bill McCollum, R-Fla.

That promise has stirred a small tempest in GOP ranks, however, even among several members who support repeal and intend to vote for it Friday.

"It would be one thing to vote on it if it had a chance of passing Congress," said Rep. Mark Foley, R-Fla., who said he backs repeal. "But this is not going to survive in the Senate, so I don't see much point in making us vote on a highly volatile issue that's going nowhere. We're exposing ourselves politically to no good end."

Even the NRA acknowledges that the issue is a dead letter in this Congress.

But, said NRA lobbyist Tanya Metaksa, "Our members who were active in the 1994 (congressional) elections need to know the people they helped have stuck to their original promise to repeal the Clinton gun ban."

The NRA and other gun enthusiasts contend that the ban has had no measurable effect on reducing violent crimes. "It's a poorly crafted, symbolic gesture that has failed to make a meaningful contribution to reducing violent crime," said Rep. Jim Chapman, D-Texas, one of about 40 House Democrats who are expected to support repeal.

Chapman, ironically, will offer the repeal bill, permitting the Republican leadership to maintain that it is a bipartisan initiative.

At the White House, political strategists are delighted that the vote is taking place. Noting that the public, by a large majority, favors the ban, the president and Attorney General Janet Reno seized every opportunity Thursday to bash the Republicans for bringing up the repeal bill.

"It will endanger law enforcement officials if it does pass," the president said. "It will cost more citizens their lives if it does pass. The only people who will be benefited are people who engage in illegal activity."

Reno, at her weekly news conference, said the repeal effort was tantamount to renewing a license for more bloodshed.

"Assault weapons have become the weapons of choice for violent criminals, drug dealers, gangs and dangerous maniacs everywhere," Reno said. "They have been used in school yards, at airports, in bank lobbies, on trains, in traffic, and in front of the White House. They have no

1997 budget rolled out

Plan faces almost certain rejection

By Judi Hasson
USA TODAY

President Clinton sends Congress a \$1.6 trillion federal budget for fiscal 1997 on Tuesday, with almost no expectations it will be approved.

Clinton's plan, with \$99 billion in tax cuts and increased spending on the environment and education, is likely to be rejected out-of-hand as Republicans begin putting together their own plans for spending.

The 1997 budget arrives even before Congress finishes work on the 1996 budget, which has been bogged down in a legislative stalemate over \$8 billion in spending cuts.

Congress and Clinton failed to close a deal on a plan to balance the budget over seven years earlier this year after long months of negotiations.

The same issues that blocked earlier budget deals could tie up the 1997 budget: The GOP wants bigger reductions in the growth of Medicare/Medicaid spending. Clinton wants smaller tax cuts and more dis-



By Mark Wilson, AP

Battling over the budget: House Minority Leader Richard Gephardt, D-Mo., left, and House Majority Leader Dick Armey, R-Texas, on 'Meet the Press' Sunday.

cretionary spending.

But White House chief of staff Leon Panetta said he's optimistic Congress and the White House would be able to work out a deal because of the pressure of this year's presidential election season.

"We think we've got a very unique window of opportunity here," he said on CBS's *Face the Nation*.

He urged Senate Majority Leader Bob Dole to reject the "extremism" of the Republican right and work with Clinton to pass key legislation.

In strong disagreement with Panetta, House Majority Leader Dick Armey, R-Texas, appearing on NBC's *Meet the Press*, blamed Clinton's vetoes of the GOP budget and spending bills for the gridlock and two partial government shutdowns.

"This is what he's been doing for a

year, vetoing everything we sent down there to him," he said.

In other developments:

► Clinton signed yet another temporary spending plan, this to end Saturday, for the District of Columbia government and the nine federal departments and that have no permanent funds.

► Congress faces a March 29 deadline for extending the government's borrowing ceiling. That will be done, both sides agree, with the debt ceiling raised enough to cover deficit spending through mid-1997.

► The House this week takes up an immigration bill that would cut legal immigration by 20%, increase border enforcement and make asylum more difficult to obtain. It would be the most significant change in immigration law in 30 years.

Clinton vows to veto bill to limit damages on defective products

President Clinton says he will veto a product liability reform bill that would make it harder for consumers to sue for damages from defective products and place a cap on damage awards if they win.

A compromise version of the bill, strongly backed by manufacturers of a range of items from automobiles to raw materials used in medical devices, is scheduled to come to a final vote in Congress this week.

Clinton said the bill "displaces state law only when that law is more beneficial to consumers. It allows state laws to remain in effect when that law is more favorable to manufacturers and sellers."

Some members of Congress reacted angrily to Clinton's announcement Sunday, saying they had

worked hard to devise a compromise acceptable to Democrats and Republicans. "I cannot believe that he won't go with some legal reform," said Sen. Trent Lott, R-Miss., on NBC's *Meet the Press*.

A key Democratic supporter of the Senate bill, Sen. Jay Rockefeller of West Virginia, also said he was "extremely disappointed the president has taken such a shortsighted political view of a serious bipartisan effort that would restore common sense to the American legal system."

Jerry Jasinowski, president of the National Association of Manufacturers, warned that businesses big and small would unify against the president if he vetoes the bill.

"He's going to regret having decided to go to bed with the trial law-

yers," Jasinowski said on ABC's *This Week with David Brinkley*.

The House passed its stronger version of litigation reform last March, 255-161. The scaled-back Senate version, which is closer to the compromise plan, passed in May, 61-37. Neither would provide the two-thirds majority needed to overturn a presidential veto.

One other wrinkle in the debate: Clinton's opposition to the bill could help him in November. Consumer activist Ralph Nader is running for president on the Green Party ticket and could attract enough votes in California to cost Clinton that crucial state. Clinton's stand on the bill could cut into Nader's support.

By Judi Hasson

U.S. rethinking its land mine policy

By Sally Buzbee
The Associated Press

The Pentagon confirmed Sunday that a review is under way of the military's longstanding policy that anti-personnel land mines can be used to defend U.S. troops in danger zones.

Behind the review: increasing concern around the world that mines targeted at people, not tanks or other equipment, pose a growing threat to civilians.

Worldwide, the use of such land mines has escalated in the last 15 years. They kill or injure 26,000 people each year, the State Department estimates. Most victims are civilians in war-torn countries such as Angola, Cambodia and El Salvador.

Land mines also pose risks to U.S. troops in Bosnia.

U.N. Secretary-General Boutros Boutros-Ghali and the International Red Cross have called for a global ban on land mines. Twelve nations,

including Canada, Mexico and Belgium, have renounced their use.

But until now, U.S. military officials have insisted that they need the option of using land mines to protect the lives of U.S. soldiers. They also have argued that the United States should not give up a weapon if other nations won't.

Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, ordered the review last week, *The New York Times* reported Sunday.

NATIONLINE

A weekend of green, from river to revelers

Weekend revelers honored St. Patrick's Day with parades, beer and politicking. In Chicago, where the Chicago River was dyed green, presidential hopeful Pat Buchanan trekked the entire 15-block parade route Sunday.

In New York, police Officer Ed Lewis, 23, broke ranks with marching officers to propose on bent knee to girlfriend Eileen Breslin, 25, who tearfully accepted.

For the fifth year, the Irish Lesbian and Gay Organization protested its exclusion from the parade with a pre-march demonstration. Thirty-eight demonstrators were arrested, Officer No-reen Murray said.

In Savannah, Ga., the parade drew at least 350,000 people, including Mayor Kieran Crotty of Kilkenny, Ireland, who rode in the 172nd annual parade with Savannah Mayor Floyd Adams Jr. Other celebrations included those in Cleveland; St. Louis; Dublin, Ga.; Dublin, Calif.; San Francisco and San Diego.

In Washington, D.C., 120 Irish immigrants were sworn in as U.S. citizens. Many then marched in Washington's St. Patrick's Day Parade. (Gerry Adams' U.S. visit, 7A)



By Ben Margot, AP

In San Francisco: Aislin Roche performs a jig in the city's parade.

HEAVENLY POLLUTANTS: Stardust contains many of the same pollutants found right here on Earth, scientists say. A joint study by researchers from Stanford and Washington universities shows stardust contains the same kind of carbon compounds produced by diesel exhaust, forest fires and volcanic eruptions. Specific carbons in stardust that rode to Earth inside meteorites included a chemical found in mothballs and a cancer-causing chemical found in charred meat. The study is scheduled to be presented today at the Lunar and Planetary Symposium in Houston.

SPACE MISSION: NASA plans to begin the traditional three-day countdown today for the next mission of space shuttle Atlantis, which will transport U.S. astronaut Shannon Lucid to her 4½-month stay aboard the Russian space station. She will be the first American woman aboard Mir.

SWAMP SURVIVOR: A former Everglades National Park ranger and veteran outdoorsman survived 41 days on an island in the Okefenokee Swamp in southeastern Georgia by eating bugs, leaves and berries washed down with swamp water. Mike Goodell, 33, who became lost Feb. 4, lost more than 50 pounds while searching the 8-square-mile Billy's Island for his canoe. He found it Friday and park volunteers found him. He was taken to a hospital for treatment of dehydration, scrapes, cuts and bug bites.



AP

Shoup: Charged in spring break killing

TOURIST KILLING: Florida police charged a teen-ager with murder in the shooting of Canadian student Mark Fyke, 19, who was killed while he was speaking with his mother on an outdoor pay phone in Daytona Beach. Accused killer Donald Shoup, 18, turned himself in to a police officer in his hometown of Ormond Beach. Fyke, killed Friday, was one of about 40 Ontario students who went to Daytona for spring break. His classmates returned home Saturday.

CLEANUP SETBACK: Pressure in one of 14 derailed freight cars carrying liquid propane rose sharply Sunday, forcing crews in Weyauwega, Wis., to again halt efforts to drain the final two cars. However, about 200 families were allowed to return to their homes along the outer rim of the evacuated area. Seventeen hundred residents in a 2-mile radius around Weyauwega were evacuated March 4 when 35 cars derailed. Several of the propane tankers burned; the rest are being drained to avert an explosion.

CORRECTION: A story Wednesday on Oregon school reforms should have said students will continue getting letter grades after reforms are implemented in 2001.

ALSO . . .

► **SEAPLANE CRASH:** Ten-year-old Matthew Blackburn was the only survivor when a seaplane crashed while taking off on a sightseeing tour from Key West. Killed were the pilot, Keith Bellows, and Lynn and Pamela Blackburn and two of their three children, Jonathan, 6, and Martha, 3. The Blackburns lived in Charleston, S.C.

► **HIGHER DRINKING AGE:** Nearly two out of three voters want Louisiana's drinking age to remain at 21, a poll shows. On March 8, the state Supreme Court ruled that 18-year-olds are considered adults under the state Constitution, and cannot be stripped of a right allowed other adults.



By Demian Dovarganes, AP

Swallow search: From left, Myrna Mendelson, wife of the town patriarch, Dolores Meeker, town matriarch, and Gerald Miller, San Juan Capistrano administrator

Early birds get the tourists in Calif.

Some swallows returned to San Juan Capistrano early this year, bringing with them tourists and profits for local merchants.

Traditionally, the 220-year-old California mission welcomes the return of the swallows on March 19, The Feast of St. Joseph, and will again this year, but church and town officials decided to add a Saturday "Swallow's Day" — complete with a mariachi band — for those who couldn't make it Tuesday.

Four hundred thousand people visit yearly.

Written by Claudine Kriss. Contributing: Steve Marshall.

USA TODAY • MONDAY, MARCH 18, 1996

Scan the Congress

First, require all laws that apply to the rest of the country also apply equally to the Congress.

CONTRACT WITH AMERICA,
September 27, 1994

Wise words, and we hope they apply to the immigration bill being pushed on the House floor by Congressman Lamar Smith (R., Texas) and up for a vote as early as Tuesday night. By all means, set up a little office in the House gym and let Congresspeople be the first to line up for their retina scans.

Indeed, such an amendment was pondered by Colorado Democrat Pat Schroeder, bless her palpitating heart, though it didn't make the long list of amendments and resolutions available Friday. While the Republican Contract also called for a smaller government, Representative Smith's brainstorm would move toward requiring all citizens to get verification from a federal database before they are allowed to take a new job. Like the Senate version of the bill, it would also pilot a "voluntary" national ID system, although both sides, for the moment, seem to be backing away from the sinister biometric identifiers such as retina scans we heard about earlier.

The ID system is an ornament, of course, on the bill reducing legal immigration by nearly half, cutting family reunions and slashing the intake of refugees. It at least has the virtue of not hiding behind arguments about illegal immigration; it is purely a mean-spirited outburst against legal immigration. The horde of amendments and resolutions try to separate "good" immigrants—former H'Mong soldiers, for example, from "bad" immigrants—parents of citizens, for example. All of this is to be decided by a Congress that routinely deplores micromanagement from inside the Beltway; proposals to vitiate the family unification principle for immigration come from the same lips that deplore the decline of family values.

The reality of the immigration contribution to American society comes clear in a study by Philip Peters of the Alexis de Tocqueville Institute. As a proxy for intellectual and economic contribution, Mr. Peters looked at recent U.S. patents. He found that one patent in four in this country is created by immigrants or immigrants working with U.S.-born engineers or investors. This is three times their presence in our population (8.7%), so presumably immigrants are out there doing more than their share to keep the U.S. competitive with Japan.

Nor of course did all the patenters in the Tocqueville study enter the

country on skilled worker visas. Take Alexander Owczarz (O-zarz), a product development engineer who stopped counting after registering his 25th U.S. patent. Mr. Owczarz reckons that one recent patent alone generated 20 jobs at Semitool, the Kalispell, Montana, exporter where he works. Mr. Owczarz is a citizen now, but he entered this country on a tourist visa when he got sick of Communist Poland. Nineteen-nineties restrictionists would expel people like Mr. Owczarz when they overstay their visa.

Or how about refugees? Mr. Smith would cut them. Tocqueville found Ernesto E. Blanco, a professor at MIT who fled Havana in 1960 on a visa provided through a special accelerated program to rescue Cubans from Castro. Mr. Blanco has 13 patents, including a flexible arm that makes endoscopic surgery easier. There are more famous examples: Smith-Simpson-style legislation would bar the door to the future equivalents of Intel's Hungarian refugee, Andrew Grove. For that matter, another big job creator in Silicon Valley, Borland International, was founded by an illegal immigrant, Philippe Kahn.

In recent days we've seen growing recognition of these points. On the Senate side, Spencer Abraham was able to defeat the far more senior Alan Simpson, and split the Senate legislation into two bills, on legal and illegal immigration. On the House side Congressmen Dick Chrysler (R., Michigan), Sam Brownback (R., Kansas), Howard Berman (D., California) and Phil Crane (R., Illinois) were able to squeeze an unfriendly rules committee into letting them offer an amendment that would remove all Mr. Smith's cutbacks on legal, family-sponsored immigration. Steve Chabot, a freshman Republican, and John Conyers, a Democrat, are offering an amendment to strike the odious ID system.

For freshmen Republicans, this is an issue of heritage. Put bluntly, are they the children of Ronald Reagan and the House Contract, or Pat Buchanan and his nativist campaign? Between Senator Simpson and Representative Smith, all of the noxious provisions are likely to come back with the conference committee report. The best hope is that the bills will fall of their own weight, like Hillary Clinton's health-care boondoggle, and that the issue can be taken up by another Congress where cooler heads prevail.



Smelly Verdict

richer than the Beverly Hillbillies.

Mitchell rightly calls the award "unwarranted and excessive." The company plans to appeal, but if it does, it'll have to pay interest on the award at the rate of \$1.7 million a month. And it still faces copycat suits from other local residents.

Defenders of the status quo no doubt will argue that such verdicts are rare. That may be true, but with McDonald's coffee and BMW paint jobs—not to mention class-action suits for asbestos, breast implants and the like—each of them sends a ripple through the whole civil justice system. They encourage more lawyers to chase wilder and wilder claims, and ratchet up pressure on companies to settle baseless suits before they end up playing Russian Roulette in court. The answer is clearly to rein in runaway juries. Texas did just that last year. Its tort reform package would have limited the Mitchell verdict to "just" \$5.5 million, but the case was filed before the law took effect.

Now the battle over tort reform has shifted to the national level. The bill that will be voted on in the Senate is quite modest: It includes a cap on punitive damages of \$250,000 or two times actual damages, whichever is greater, but a judge can overrule those limits if the defendant's conduct is particularly egregious. The limits apply only in product liability cases and not to, say, claims alleging seepage from gas wells. Conferees even passed up an opportunity to extend protection to charities. So while the proposal may be the best the Senate is likely to do when most Democrats and some Republicans are deeply dependent on trial lawyers as campaign contributors, it isn't enough to end the tide of torts.

If Congress passes the measure, however, it will have a wonderfully clarifying political effect. To wit, it will force Mr. Clinton to choose between his pals in the plaintiff's bar and the victims of lawsuit abuse, like Mitchell Energy. When he vetoed the securities "strike suit" bill, the President sided with the tort tycoons. Our bet is he'll do the same thing this time. If Bob Dole is looking for campaign issues, this one is made to order.

The Senate is expected to vote tomorrow on a watered down legal reform bill that applies only to product liability cases. Even if it passes, the measure faces a likely veto from the President, so the real question is why Republicans don't make him veto something more meaningful, like the "loser pays" rule standard in the civilized world or at least more comprehensive limits on punitive damages at the whim of juries?

To understand what's at stake, we'd like to direct attention to the flyspeck north Texas town of Decatur, the site of a recent tort atrocity. A jury awarded a whopping \$204 million to eight local families, which of course means \$60 million to \$80 million split among the plaintiffs' three law firms. The cause of action? Smelly water.

Seems that the water in the neighboring town of Boyd has a foul odor, reminiscent of rotten eggs. The residents blame the smell on hydrogen sulfide in their water wells, which they claim seeps in from natural gas wells owned by Mitchell Energy & Development Corp. of Houston. But laying aside the disputed issue of causation, the amount of the award was wildly disproportionate to any harm suffered by the plaintiffs.

Even the plaintiffs' attorney, W.T. Womble, acknowledges that the evidence of physical harm "was not overwhelming." In fact, claims amounted to a few headaches, lethargy and the like. Yet the jury awarded \$412,500 for physical pain and another \$3.3 million for "mental anguish, discomfort, annoyance and inconvenience." The other harm suffered by the plaintiffs was the cost of buying bottled water. The jury awarded economic damages of \$340,000, which buys a lot of Perrier.

Then the small-town jury decided to sock the big-town company with punitive damages of \$200 million, four times its net earnings last year. Mr. Womble says the jurors were "aggravated" by evidence he presented that Mitchell allegedly hid its pollution from Texas regulators. But if the company was genuinely cheating on pollution laws, that should be a job for law enforcement. It shouldn't be an excuse for making a handful of plaintiffs and their lawyers

Reporting by the Numbers

By WILLIAM MCGOWAN

Serving a white-bread town in the nation's whitest state, Vermont's Burlington Free Press seems an unlikely place to look for what the diversity wars are doing inside America's newsrooms. At issue is whether the Free Press—one of 93 owned by Gannett—acted properly in firing Paul Teetor, a reporter who had been targeted by Burlington's small but vocal minority community over his reporting on a controversial community forum on racism in March 1993.

During the forum, a white woman trying to defend Vermonters against angry accusations of white racism was cut off at the microphone by the moderator, a black mayoral aide named Rodney Patterson. Mr. Patterson directed that the woman be escorted outside, explaining that the meeting was "specifically designed for people of color" to describe their "ethnic experiences" of living in Vermont.

Mr. Teetor, three times named the Vermont Press Association's Reporter of the Year, agreed with the woman's characterization of the incident as reverse racism. When his account appeared the next day, minority activists charged that the story was "ugly" and "distorted" and that it "inflamed racial tensions." Leading the attack was Mr. Patterson, who threatened to file a lawsuit and to march on the paper unless Mr. Teetor was fired and an apology published.

A 90-Second Meeting

Free Press editor Ronald Thornburgh terminated Mr. Teetor that night in a 90-second meeting without giving him a chance to defend himself, reviewing a videotape that supported the reporter's account or talking to any officials in attendance (who also confirm what Mr. Teetor reported). The blackballed reporter has tried to make ends meet since then with a string of menial jobs.

Still Mr. Thornburgh insists he did not cave in to community pressure. But Mr. Patterson later told a Boston Globe reporter: "He [Mr. Teetor] messed with the wrong person. And I think the Free Press was aware that we could rally enough support to cause people to question what they were doing."

At Mr. Teetor's wrongful dismissal and defamation trial, which opened two weeks ago, attorneys for the Free Press and Gan-

nett argued that Mr. Teetor's inaccurate and unbalanced account of the race forum "was the last straw . . . after a long history of problems." Citing a record of poor performance, unprofessional conduct and a reputation for recklessness, Free Press attorney Robert Rachlin told the Boston Globe last year that Mr. Teetor was "a problem employee from day one" who would have been fired much sooner if Gannett had not been so "kindhearted."

Mr. Teetor argues that the facts and the tone of his story were accurate, and that an incident of reverse racism at a

Thornburgh was under pressure from Gannett—which ties executive compensation and career security to the contest results—to improve them. This made the editor highly susceptible to Mr. Patterson's threats, attorneys for Mr. Teetor argue; if an alienated black community stopped taking calls from the paper's reporters, mainstreaming would become impossible.

To establish just how skittish Free Press editors were on the racial front, Mr. Teetor's lawyers point to a July 1993 letter from Mr. Thornburgh to Gannett in which he desperately trumpeted the steps the

Free Press editor Thornburgh had instructed him in a memo that at least one column in every four should be about a minority or address a diversity issue.

community forum on race was indeed newsworthy. He admits his record has some blemishes, but he insists it is being distorted to obscure the fact that he was "sacrificed on the altar of political correctness" in what his attorney Ritchie Berger told the jury was an act of "pandering to the minority community." These minority critics could have made trouble for Free Press editors back at Gannett corporate headquarters. There, Mr. Teetor's attorneys argue, sensitivity to minorities has been declared Holy Writ, and they appear to have the goods to prove it.

Delving into the bowels of Gannett's corporate diversity effort, Mr. Teetor's attorneys found internal documents that shed light on the quota-based system that the company relies on to measure the racial correctness of its editorial products. This is a system, they argue, that encourages hyper-sensitivity and double standards, and is inappropriate in a setting like Burlington, where minorities represent less than 3% of the population.

The documents center on Gannett's "All American Contest," an annual numerical review that judges editors on how successful they have been at achieving racial balance on their news staffs and their news pages. An important part of this diversity effort is what Gannett calls "mainstreaming," a controversial, ill-defined policy of covering the news by racial numbers that encourages reporters to maintain and consult minority source lists, and to integrate positive images of minorities in news coverage and photos.

Court papers show that at the time of the Teetor dismissal, the Free Press had some of the lowest All American scores in the newspaper division and that Mr.

newspaper had taken to strengthen its commitment to diversity. These included the hiring of a Japanese-American writer and an African-American couple, one of whom would be groomed for management, in keeping with a promise to seek minority candidates for every editorial opening. Mr. Thornburgh also underscored the recruitment of a new managing editor who had formerly spearheaded a successful diversity drive at the Gannett-owned Detroit News. In addition, the letter crowed about sending a photographer to three minority business forums, with the assignment of photographing every minority face there, and having senior editors meet with the paper's minority committee to review coverage, particularly coverage of crime. And it included a proud description of Mr. Thornburgh's plans to make mainstreaming a part of all newsroom professionals' annual reviews, not just top editors'.

In a deposition to Mr. Teetor's lawyers, Mr. Thornburgh conceded that he had decreed that one out of six faces in a photo series called Vermont Voices should be a person of color. Another deposition from the paper's star columnist disclosed that Mr. Thornburgh had instructed him in a memo that at least one column in every four should be about a minority or address a diversity issue. Court papers also show that Mr. Thornburgh was especially cautious about photographs; a shot the paper ran of a black man raking refuse was later criticized by Mr. Thornburgh because it could be seen as reinforcing stereotypes of blacks as suitable for manual labor only.

Mr. Teetor also cites two incidents as background for understanding the paper's racial anxieties. One involved the fits of

protest triggered in the black community when the Free Press ran a picture of a scowling, manacled black suspect as he was arraigned in a sensational 1992 murder case. (Photos of the defendant did not run a year later during the actual trial, which would not have been the case had the defendant been white, Mr. Thornburgh conceded in his deposition.) And since racial trouble in the Gannett empire had become national news two weeks before Mr. Teetor's dismissal with the revelation that USA Today had run a front page photo of armed black gang members later found to be staged, the Free Press was even more anxious than usual.

The climate of racial solicitude at the Free Press was also underscored by the fact that prior to the forum the paper's editors never challenged its ground rules—that it was exclusively designed for people of color to speak and that those who did not wish to make statements in public could hold forth from a media-free zone. These were infringements on First Amendment liberties and would have been considered newsworthy in a normal newsroom, Mr. Teetor argues.

A So-Called Clarification

The case has been a profound embarrassment to the editors of the Free Press and the corporate officers of Gannett, none of whom would comment for this story. A so-called clarification that ran the day after Mr. Teetor was fired and was clearly published to appease angry minorities was itself inaccurate on several critical points, leading a columnist for an alternative weekly to dub the paper "the gang that couldn't retract straight." In the early stages of the court proceedings, the paper's attorney asked that information relating to personnel records and financial information be impounded under a gag order, a move that was denied by the judge, who wryly observed that the Free Press was asking him "to prevent newspaper coverage." And the psychiatrist Free Press attorneys hired to evaluate Mr. Teetor declared he had an antiauthority complex—an odd thing to hold against a reporter.

Odd, but not totally surprising in the bland new world of corporate journalism. "I stood up for one woman who was denied her First Amendment rights and removed from a public meeting room because of her skin color," Mr. Teetor insists. "And now I think I am standing up for the rights of journalists. It is too bad Gannett wants generic stories that don't offend anybody."

Mr. McGowan is writing a book about identity politics and the press.



Paul Teetor

Planned Veto Of Liability Bill Is Business's Loss

Consumer, Lawyer Groups
Are Winners in Debate;
Election Plays a Role

By RICHARD B. SCHMITT

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON — President Clinton's decision to oppose legislation that would limit manufacturers' liability in lawsuits over defective products is a bitter defeat for business.

Over the weekend, the president said he would veto the product-liability legislation, as Congress is scheduled to vote on the landmark measure this week. The veto pledge probably ensures the legislation's demise. While the House is enthusiastic about the legislation, the Senate is considered shy of the two-thirds majority needed to override a veto, and may even lack the 60 votes needed to end debate.

In a statement, Mr. Clinton condemned the legislation as one-sided and heavy-handed, saying "it interferes unduly with state prerogatives and unfairly tilts the legal playing field to the disadvantage of consumers." Among other concerns, he cited the bill's "artificial ceiling" on punitive damages that may be awarded to deter or punish wrongdoing.

Key Elements Attacked

Proponents said they planned to press ahead anyway and put the bill to a vote. While it's conceivable that they could try to modify the legislation to satisfy the president, supporters weren't hopeful because Mr. Clinton attacked most of the bill's key elements. The only provision the president said he would support was one giving protection to suppliers of raw materials used in medical devices.

Mr. Clinton's decision is yet another rebuff to the Republican majority in Congress, which had made product legislation part of its "Contract With America." It is also a swipe at Senate Majority Leader Robert Dole, the GOP presidential nominee-in-waiting, who has been a prime mover behind the federal bill.

Yet, the decision — the second time in three months that Mr. Clinton has balked at legislation aimed at curbing lawsuits — is also apt to advance criticism that the president is overly influenced by plaintiffs lawyers, who have been major campaign contributors. In December, he vetoed legislation that would limit securities-fraud suits. But Congress overrode his veto and the bill became law.

Dole Attacks Decision

Campaigning in Milwaukee on Saturday, Sen. Dole quickly seized the issue, asserting that Mr. Clinton had decided to "veto a very narrow product liability bill because the trial lawyers poured millions of dollars in his campaign."

The products bill has been pressed by business groups in Washington since the

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early 1980s, but the Republican majority gave new life and hope to its corporate backers, who have argued that lawsuits and unpredictable jury awards are sapping American innovation and new-product development.

While the White House last year raised concerns with earlier versions of the legislation, supporters, including several prominent Democrats, felt they had cobbled together a version that might win the president over. The compromise legislation draws mostly from a relatively narrow bill approved by the Senate last May, and rejects a House-backed overhaul of damage suits that would have applied to all civil actions.

Coup for Consumer Groups

A co-sponsor of the legislation, Sen. Jay Rockefeller (D., W.Va.) said in a statement that the president had taken "a shortsighted political view of a serious bipartisan effort that would restore common sense to the American legal system."

But the decision is a coup for consumer groups and personal-injury lawyers, who mounted an all-out attack on the legislation over the last two weeks as House-Senate conferees neared agreement on the compromise legislation.

"President Clinton has stood with injured consumers and rebuffed both the corporate lobbies and their congressional allies, including Sen. Dole, who want to federally tie the hands of state jurors and judges in favor of wrongdoers who harm innocent people," said Ralph Nader, the consumer advocate. "This is unusually good news."

"I think the American consumer has every right to be hopeful that the president's appropriate and strong stand on their behalf will make senators and congressmen reconsider their respective positions on this issue," added Pamela Lia-

pakis, the president of the 60,000-member Association of Trial Lawyers of America.

In recent days, opponents had published new studies purporting to show how the legislation would give hidden new protections to the likes of gun dealers and breast-implant manufacturers, assertions which proponents deny.

They also had been pressing the White House for a statement as a kind of pre-emptive strike to help persuade wavering Senate Democrats to vote against the bill, which is likely to be considered tomorrow or Wednesday. Last week, the trial-lawyer group published a white paper attempting to show how the conference report was more extreme than the version senators narrowly approved last spring.

Little Room to Negotiate

Sen. Rockefeller and other proponents urged Congress to pass the legislation and send it to the president nonetheless.

But the White House statement seemed to leave little room for negotiation. The veto "doesn't even have an avenue to discussion," said Victor Schwartz, a lawyer for the Product Liability Coordinating Committee, an industry group that has been pushing for legislation for years. Mr. Schwartz said "it is going to be much more difficult" to win the necessary support in Congress, adding, "some Democrats could simply go with their president in an election year."

Clearly, election-year strategies were considered by the White House. By opposing the bill, Mr. Clinton can portray himself as protecting average citizens from greedy corporations and allow him to attack Sen. Dole as a friend of big business. But the position leaves Mr. Clinton open to attack as being in the pocket of trial lawyers.

—Michael K. Frisby
contributed to this article.

Federal Prosecutors See Victory in Ruling On Tucker Indictment

By a WALL STREET JOURNAL Staff Reporter

LITTLE ROCK, Ark.—An appeals court decision reinstating an indictment of Arkansas Gov. Jim Guy Tucker is a victory for federal special prosecutors.

The three-judge appeals panel, in St. Louis, reversed a lower-court ruling that threw out the charges, saying the federal judiciary lacks authority to review independent-counsel indictments. The appeals panel also removed the judge who threw the case out, citing an apparent conflict of interest.

Mr. Tucker's attorneys said they would ask the full court of appeals to review the decision, and if necessary press their case with the Supreme Court.

At issue was a January ruling by Judge Henry Woods in Little Rock that independent counsel Kenneth Starr went beyond his jurisdiction in having Mr. Tucker indicted for an alleged fraud scheme unrelated to the Whitewater real estate venture and a savings and loan failure that Mr. Starr was appointed to investigate.

The appeals court also directed that Judge Woods be removed from the case "to preserve the appearance of impartiality." Judge Woods has longstanding ties to the Clintons, and Mr. Starr had sought his disqualification. The appeals court said there's no evidence that Judge Woods is biased. However, "Given the high profile of the Independent Counsel's work and of this case in particular, and the reported connections among Judge Woods, the Clintons, and Tucker, assignment to a different judge . . . is required to insure the perception of impartiality."

The indictment involves a lucrative cable television investment by Mr. Tucker. He is charged with lying about how he intended to spend the proceeds of a federally backed loan and with hiding profits from the cable deal to avoid taxes. The investment has no relation to Madison Guaranty Savings & Loan, at the center of the Whitewater affair. However, Mr. Tucker received the loan from former judge David Hale, a key figure in the Whitewater inquiry.

THE WALL STREET JOURNAL

MONDAY, MARCH 18, 1996

Ruling Quashes Nevada County's Claim on U.S. Land

By CHARLES MCCOY

Staff Reporter of THE WALL STREET JOURNAL

A federal judge's ruling quashing a Nevada county's attempt to gain control over federal land shifts the main focus of the bitter fight over federal authority to regulate land back to Congress.

In a closely watched case brought by the Justice Department against Nye County, U.S. District Judge Lloyd George of Las Vegas ruled Thursday that the federal government does own the land that covers nearly half of the American West. The judge ruled illegal the numerous ordinances adopted by the county claiming that the federal government didn't rightfully own the land and repudiating federal land managers' right to regulate activities such as grazing, logging, mining and wildlife protection.

The ruling deals a heavy blow to the legal underpinning of what's come to be called the county supremacy movement, or Sagebrush Rebellion II. Dozens of counties have adopted similar ordinances. They have used as legal justification theories that many mainstream legal scholars call fanciful, including new interpretations of the Treaty of Guadalupe Hidalgo that ended the U.S.-Mexican war and statehood compacts.

Nonetheless, since the movement

picked up steam in the early 1990s, proponents have used the ordinances to justify not paying grazing fees, refusing to take measures to protect endangered species and other actions. Many threats of violence against federal employees have been made by county movement proponents. Last year, bombs went off at the office and home of one veteran forest service ranger in Nye County.

No one was injured, but the Justice Department, concerned by such attacks and the spreading rebellion against federal land management policies, sued Nye County last year, hoping to quash the legal prong of the movement. Judge George's ruling does that, although proponents could appeal. U.S. Attorney General Janet Reno said the ruling affirms that public lands "are owned by all Americans, to be managed by the United States — that's the rule of law . . . Nye and other counties are no exception to this rule."

But the disaffection, particularly in the West, over federal-land policies is unfazed, and several county movement leaders said over the weekend they will now redouble their efforts to get Congress to enact laws limiting regulators' power and even returning federal land to the states.

However, Republican leaders have been toning down their rhetoric on environmental issues, out of concern that the public perceives their position on environmental matters as too extreme. Meanwhile, President Clinton and his advisers are using the Republicans' environmental positions as campaign fodder, and the president has vowed to veto many of the Republicans' environmental initiatives.

Don't Water Down Ontario Hydro Privatization

A popular backlash is rising against the Western Hemisphere's lengthening string of market reforms and privatizations done the wrong way and for the wrong reasons. Now Ontario may have an historic chance to revive the open-market agenda, as it embarks on one of the world's largest privatizations ever: the breakup and sale of Ontario Hydro, the hemisphere's biggest electric utility.

Last November Ontario's supply-side Tory government astutely appointed Donald S. Macdonald to head an advisory committee on electricity competition. The committee is due to submit a final report on April 30. Mr. Macdonald, a Canadian

The Americas

By Robert Blohm

ex-minister of finance, of energy and of defense, is an icon of free trade and of the opposition Liberal Party.

Mr. Macdonald has become man of the kilowatt hour. This second Macdonald Commission will hopefully prove as momentous for an open, competitive continental electricity market as the first one was for continental free trade. By recommending Canada-U.S. free trade, Mr. Macdonald's 1985 Royal Commission on Canada's economic future set off the process culminating in Nafta. Mr. Macdonald's current mandate comes amid a burgeoning continental market revolution in electricity that favors competition, consumer choice and therefore lower prices. Since the government can't be counted on to improve on his recommendation, the commission's report is critical.

By privatizing Ontario's electricity system—and opening it sooner than in the U.S.—Ontario gets the jump on continental electricity trade. The province becomes a fully eligible commercial exporter and a

competitive player by lowering rates and thus keeping them lower than across the border. That will in turn only accelerate U.S. deregulation and lower U.S. electricity rates. Ontario spans the strategic middle of the Canadian border, from New York to Minnesota, and over the Great Lakes. It straddles half the U.S. states actively embarking on electricity deregulation.

Ontario's economy would lose a unique growth opportunity if Mr. Macdonald's commission yields to pressure to water down the privatization-cum-restructuring. It's coming mainly from Hydro labor and management who would privatize or break up only parts of the company and keep out needed foreign control capital. It's also coming from most of the multitude of municipality-owned distribution companies whose debt-free assets need to be reappropriated, consolidated and sold to pay off the rest of Hydro's debt. Other special interests include some private producers wanting to protect or procure a franchise, and politicians and investment bankers out to inflate the sale price, forcing the consumer to pay higher rates. We've seen this before in the bad deals now littering the hemisphere.

Not that Ontario has much choice but to seize the opportunity to do it right. With one of the most electricity-intensive economies of any high-population state or province, Ontario has seen electricity rates in real terms rise faster in the past decade than in most of the industrialized world's jurisdictions, while rates in the U.S. have dropped more than in most of them. The northerly jurisdiction, whose industrial might grew with the aid of artificially low electricity prices, has disproportionately more to lose, or gain, from how it sets up an electricity market.

Nor is doing the right thing as daunting for Mr. Macdonald as it might seem. Indeed, Ontario's state ownership of electricity has suddenly gone from a scourge to a blessing. Faced with power-industry

restructuring, Ontario is mercifully not constrained like U.S. jurisdictions. They are all stuck with a pre-existing private oligopoly with strandable shareholders clamoring to be kept whole, and/or with some persistent government ownership of electric utilities. Ontario can create an optimally competitive private electricity industry instantly and go directly to electricity heaven as the U.S. stews in purgatory by "phasing in" deregulation.

The challenge unique to Ontario will be securing public acceptance of significant foreign (i.e., U.S.) corporate ownership, particularly of Hydro's nuclear facilities, which are 60% of the company's capacity. But Mr. Free Trade is up to that task since free, cross-border capital movement goes hand-in-hand with truly unconstrained trade, and serves only to make Ontario more prosperous. Ontario easily attracts foreign equity capital needed to replace Canada's onerous foreign debt. The province should be a comfortably close proving ground for any U.S. electricity company eager to get its competitive feet wet.

The most groundbreaking issue Mr. Macdonald faces is whether to have a compulsory, single public exchange for trading electricity or a completely free mix of public and private markets. Were there too few companies under a free mix of markets, they initially could take advantage of myriad less savvy customers. But if Mr. Macdonald starts with enough competing companies, he can comfortably leave the trading issue for the starting players to decide among themselves, like any industry's common standards.

Mr. Macdonald need not worry about



Donald S. Macdonald

implementation should his recommendation be bold. Ontario is unlike California or New York, both at the deregulatory frontier, but whose Public Utilities/Service Commissions' modest recommendations face split or opposition legislatures. The parliamentary system blesses Ontario's premier with a clear legislative majority. Lower electricity rates dovetail nicely with the government's budgeted 30% tax rate cut to propel Ontario's economy. Eliminating Hydro's debt leaves a nice safety margin for the tax rate cut and no increase ever in the government's budgeted direct and guaranteed debt.

Mr. Macdonald may even wind up saving Canada in its winter of Quebec separatist discontent and prove to be the best Macdonald since Sir John A.—Canada's first prime minister and father of confederation. Private, competitive Ontario electricity would take capital and electricity market opportunities away from Hydro-Quebec, the key policy tool in Quebec's economic nationalism. Hydro-Quebec needs to be broken up and privatized to give the government desperately needed cash and to enable Quebec's still relatively cheap electricity commercial access to an open, free Ontario, New York or New England market. Quebec's is among the most electricity-intensive economies in the industrialized world; its electricity prices have risen almost as fast as Ontario's and are about to rise again. With its own big foreign debt, Quebec needs much more outside participation than Ontario in its electricity industry.

By properly privatizing Ontario's electricity system, Mr. Macdonald may well salvage the hemispheric market reform process that his first commission helped to launch a decade ago.

Mr. Blohm is an American-Canadian investment banker and a Columbia University doctoral candidate in economics.

Clinton's Payoffs to the Trial Lawyers

By THEODORE B. OLSON

Four years ago, the leaders of America's contingent fee bar made an investment in their future. They raised eye-popping sums of money for Bill Clinton's first presidential campaign, promising prospective contributors that "Bill Clinton is against tort reform of any kind." As a long-standing associate of Mr. Clinton's explained in written solicitation materials, "I can never remember an occasion when [Bill Clinton] failed to do the right thing where we trial lawyers were concerned." As a result of these blunt appeals, lawyers were the largest contributors to the 1992 Clinton campaign. That November, voters put the trial lawyers' candidate in the White House.

Now the lawyers' investment is about to pay off. This week a House-Senate conference committee finished work on a compromise legal reform bill that will apply to product liability only. Early next week, the Senate is expected to pass the measure; the House is certain to follow suit. Then the bill will wind up on Mr. Clinton's desk, where everyone expects him to veto it. If he does, it'll be only the latest payoff from the president to America's most potent political force.

Forbes magazine noted two years ago that trial lawyers had become America's "third political party," contributing more money to political elections than any other segment of American society. One study, released in 1995, showed that plaintiffs' trial lawyers gave more to congressional candidates between 1989 and 1994 than the five largest labor unions combined. The Washington Post reported that one Texas asbestos lawyer alone made nearly \$600,000 in political contributions in one four-year period. Newly elected Sen. Ron Wyden (D., Ore.) reported contributions from a Who's Who of asbestos and breast implant lawyers—a contribution list studied with familiar names like Boggs, O'Quinn, Hyatt and Beasley—from far-flung places like the District of Columbia, Texas, Ohio and Alabama.

The plaintiffs' bar is particularly effective because, with all its money, it focuses on a single issue: opposition to any effort to eliminate the abuses and excesses in America's civil justice systems that have made plaintiffs' lawyers among the nation's wealthiest entrepreneurs. Class action suits, punitive damages and wildly imaginative product liability claims have become the late 20th century's bonanza, and the trial lawyers know how to preserve their golden goose. In exchange for their massive contributions, they have basically only one favor to ask. And their requests are rarely ignored.

Their political power is needed now because citizens everywhere have become disgusted with freakish windfalls in bizarre cases involving slippery coffee cups, mispainted luxury cars and killer marshmallows. Surveys show that 80% to 90% of Americans want civil justice reforms, including caps on punitive damages

and limits on abusive suits. But the trial lawyers can ignore polls and public opinion as long as they involve themselves aggressively in legislative and presidential races. The past year or so has proved how wisely they have invested.

The first big payoff during the Clinton administration occurred in May 1995, when the Senate took up a broad-based, bipartisan civil justice reform bill that had passed the House by more than 100 votes. President Clinton, the trial lawyers' pal in the White House, incited a Senate filibuster with the kind of hysterical rhetoric normally reserved for times of war: He said the bill would protect "drunk drivers, murderers, rapists and abusers of women and children, despoilers of our environment . . . and perpetrators of terrorist acts and hate crimes." The president's misleading jury speech worked: Senate allies of the trial bar responded by rejecting the House bill and enacting a narrow measure that leaves most Americans vulnerable to pernicious lawsuits, devastating verdicts and extortionate claims.

Late last year, trial lawyers cashed in their second dividend. Congress passed a securities reform bill opposed by virtually no one except a small collection of lawyers who proudly proclaim (as one did in the Wall Street Journal) that suing stockbrokers is "a growth industry." The bill was supported by a broad majority in both houses of Congress, including Democratic National Committee Chairman Chris Dodd. Mr. Clinton had led Democratic leaders in Congress to believe that he would sign the bill. Until, that is, a late visitation by an aggregation of lawyers who were among his largest campaign contributors, including securities class action king William Lerach. The intervention produced an 11th-hour presidential veto.

Mr. Clinton's veto was immediately overridden by both houses of Congress and the securities reform bill is now law. It is a telling demonstration of the power of the trial bar, however, that its members were able to persuade Mr. Clinton to veto a bill supported by his hand-picked leader of his own party—and thus to expose himself to the only veto override in the first two years of his presidency.

The third payoff is just around the corner. The differences between the narrow civil justice reform bill passed last spring by the Senate and the broad reform for all Americans approved in the House have been reconciled in conference. A limited product liability bill has emerged that is opposed only by the trial bar and their trade group, the American Bar Association.

In other words, the only obstacle to the reform the public wants is a collection of lawyers with an immense vested interest in the capricious and expensive status quo. But the lawyers have the only ally they need, and they are fast at work making sure that their interests remain paramount in the president's mind. On Jan. 31, the Washington Post published a chart

showing that the largest contributors to the president's re-election campaign were lawyers and law firms, which had contributed a staggering \$2.5 million. In fact, lawyers had contributed more money to Bill Clinton than to Messrs. Dole, Gramm-Lugar, Alexander and Buchanan combined. And the lawyers' contributions were greater than aggregate contributions to the president from retired people, the real estate industry, health professionals, civil servants and the media and entertainment industries.

President Clinton has been criticized for vacillation and for forgetting his commitments. But one group has nothing to complain about on this score. For trial lawyers, Bill Clinton has been every bit the president they were promised. He'll demonstrate that again when he vetoes legal reform.

Mr. Olson is a Washington lawyer who represents companies advocating broad civil justice reform.

HOUSE G.O.P. QUILTS TORT REFORM PLAN

Senate's Version Would Limit Suits to Faulty Products

By NEIL A. LEWIS

WASHINGTON, March 6 — After months of resistance, House Republicans have dropped their plans for a sweeping overhaul of the nation's civil litigation system in favor of a narrower effort by Senate Republicans that would only limit lawsuits involving faulty products.

Senior members of Congress and staff officials said this week that negotiators from the House and Senate had broken a deadlock that threatened to kill the Republicans' promise to force significant reductions in the number of civil lawsuits. As a result, a compromise bill closely resembling the version approved by the Senate last year may reach the floor for a final vote within the next few weeks, several lawmakers said.

"We're very close to an agreement," said Representative Henry J. Hyde, an Illinois Republican and the Judiciary Committee's chairman.

While there are still some secondary details to be worked out, the new bill is expected to win easy approval in the House before going to the Senate, where it enjoys the support of a fragile coalition of Republicans and a handful of Democrats. It is unclear what President Clinton may do. Administration officials have said Mr. Clinton is amenable to a bill covering damages from faulty products, although he has criticized some features that are certain to be included in the legislation.

The bill, as it is now likely to be drafted, would limit punitive damages in lawsuits involving damages

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from dangerous products, a category that would cover such diverse items as toasters that explode, respirators that malfunction or cars that have dangerous design flaws. It would for the first time set a nationwide standard for such suits in both state and Federal courts.

Anyone who successfully sued under the law could be compensated for their actual damages, which is typically medical expenses, lost wages and any damaged property. But punitive damages, which are awarded by juries in cases of egregious misconduct, would be limited in most cases to \$250,000 or two or three times actual damages, whichever is greater. Small businesses, those with fewer than 25 employees, would have the cap set at \$250,000.

The House had voted in March to extend similar limits to a much wider range of lawsuits. That version covered not only dangerous products but also all civil suits, limiting punitive damages against doctors, companies that pollute and common criminals like rapists who are often sued by their victims.

The lengthy standoff provided a vivid demonstration of the different cultures in the two legislative chambers, even though both are now controlled by the Republicans.

The Senate, more moderate, balked at a sweeping approach to discouraging civil lawsuits. That was not so in the highly energized House, many of whose freshman Republican members were elected after having

signed the Contract With America, a 1994 campaign manifesto that explicitly promised swift and large-scale changes in how people may use the courts. The House bill was approved so overwhelmingly that its opponents, principally organizations of trial lawyers and consumer groups, were stunned. But when Bob Dole, the Senate majority leader, tried to duplicate that feat in his chamber, he was soundly defeated.

In the end, each chamber passed a competing version of the measure

Punitive damages on faulty products: \$250,000 in most cases.

and sent warnings to the other that change would not be tolerated.

Staff aides said a principal reason behind Speaker Newt Gingrich's new willingness to be flexible was irritation and chagrin over complaints and commentary that the Contract With America had become irrelevant. House Republicans had boasted that they had enacted all of the campaign promises in the contract, but asserted that there was little to show for their efforts because the Senate did not agree.

"Clearly, there was a need to get something from the contract mov-

ing," said a senior Republican House member who spoke on the condition of anonymity.

Mr. Gingrich and Representative Dick Armey, the House majority leader, were also heavily lobbied by manufacturers' groups that had feared that insistence by the House leaders on their sweeping version of the bill would mean a stalemate in which no legislation would be enacted before Congress adjourned for the election campaign.

Joan Claybrook, the president of Public Citizen, a consumer advocacy group that has opposed efforts to limit damages from lawsuits, complained about the secret way in which negotiations were conducted between House and Senate Republicans.

"This was all done behind closed doors, and it is a one-way bill that is written to take away significant rights of consumers to go into court and get redress," she said.

The cap on punitive damages, she said, is especially beneficial to large companies that can easily withstand awards in the range of \$250,000.

But the bill is expected to include a provision allowing a judge to increase an award for punitive damages in especially outrageous cases. Under the proposal, juries would not be told about the cap on punitive damages and thus might award a far larger amount. In those cases, the defendant would only be required to pay the limited amount unless a judge found that the company acted recklessly.

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THURSDAY, MARCH 7, 1996

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Target Was Israeli Government, Says Arab Linked to 3 Bombings

By SERGE SCHMEMANN

JERUSALEM, March 6 — A young Palestinian man accused of recruiting three of the latest suicide bombers said today that he was told the attacks were called to insure the defeat of the Israeli Government and thus undermine the political process toward peace.

The man, Mohammed Abu Warda, 20, was shown on the evening television news being interviewed in Arabic. He was arrested Sunday night by the Palestinian police, acting on information from Israeli security services, in a raid on a teacher's college in Ramallah, on the West Bank, and he was sentenced on Tuesday night by a Palestinian security court in Jericho to life imprisonment.

Speaking of the military wing of the Islamic resistance movement Hamas, Mr. Abu Warda said its leaders had stepped up their military actions in part because the Israeli elections, originally scheduled for next fall, had been moved forward to May.

"They thought that the military operations would work to the benefit of the Likud and against the left," he said. "They wanted to destroy the political process, and they thought that if the right succeeded, the political process would stop."

The four suicide bombings since Feb. 25, which have taken 61 lives, have sharply lowered the popular standing of the Labor Government of Prime Minister Shimon Peres, and have led many Israelis to question the effectiveness of the Israeli-Arab peace.

There was no way to judge from the broadcast whether Mr. Abu Warda had been coached or coerced in his statements by the Palestinian Authority, which has a stake in ensuring that Mr. Peres wins re-election.

Statements issued after the attacks said they were revenge for the assassination of the Hamas bomb-maker known as the Engineer, Yahya Ayyash, and made no mention of Israeli-Arab politics.

Neither Mr. Peres, who was also shown on the news program watching the interview, nor the television announcers questioned Mr. Abu Warda's claim that the targets of the bombing campaign were the peace

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effort and its Labor Party champions.

"It didn't surprise me," Mr. Peres said of the claim, which seemed likely to provide him with political benefit. "I never wanted to use this, but now the picture is complete."

There was no immediate reaction from the Likud and its leader, Benjamin Netanyahu, who has had a resurgence of popular support since the bombings.

Mr. Abu Warda's appearance followed a day in which both Israeli and Palestinian security forces reported major operations in the West Bank and Gaza to uproot support for Hamas, the Islamic movement that Israel blames for the terrorism.

The Israeli police, who have imposed a tight siege on all Palestinian villages and towns, welded shut the doors of Islamic colleges in Hebron and in Abu Dis, near Jerusalem, because they are thought to be centers of Islamic militance.

In Gaza the Palestinian police raided the Islamic University on Tuesday night, and later showed reporters weapons and hostile leaflets they said they found there.

Both the Israelis and Palestinians reported scores of arrests, but officials said the most wanted Hamas military leaders remained at large.

The hourly reports of harsh actions and the televised interview with Mr. Abu Warda were clearly intended to demonstrate that Israel and the Palestinian Authority were taking tough measures to curb Islamic militants.

In the interview, Mr. Abu Warda also appealed to other Palestinians not to follow his example.

"I made a mistake," he said. "I call on the sons of the Palestinian people that they should not repeat such actions, and should give the Palestinian Authority and the Israeli Government the opportunity to restore the situation the way it was, and provide security and calm for both peoples."

According to an Israeli Army statement, Mr. Abu Warda, a resident of the Al Fawwar refugee camp near Hebron, and Abed Rabbo Sheikh Id, 26, from Rafah, in the Gaza Strip, both of whom were arrested in Ramallah on Sunday, were recruited and guided by a man they knew as Abu Ahmad, who is still at large.

Their task was to prepare three suicide bombers, the lethal terror weapon that been used in Israel 12 times since April 1994, with a toll of 134 lives. The army said the bombers were Majdi Abu Warda, 19, a relative of Mohammed Abu Warda; Ibrahim Sarahne, 25, and Raed Shaghnuqa, 21; all three were students at the same teacher's college.

Shown in a dim red light, the slim, soft-spoken Mr. Abu Warda appeared nervous and frightened as he spoke about being instructed by the Hamas "military wing" in early February to find and prepare three young men for suicide missions.

"I acted according to the instructions of the military wing, and I prepared for them the people they wanted," he said. "We established their trust. First I spoke to them and indirectly felt their pulse, then I received their agreement in principle, then I worked with them directly, and in the end they agreed."

After watching the interview, Prime Minister Peres said, "We saw the head of the snake just now."

The Israeli police also reported that they had arrested an Arab with Israeli citizenship who had confessed that he had smuggled the fourth bomber out of the Gaza Strip by hiding him in a trunk under the back seat of his truck. He dropped the bomber at the Tel Aviv intersection shortly before the explosion there on Monday.

The 45-year-old suspect, whose name was not given, told police he had no idea what his passenger intended to do. According to the police, he said he had made the arrangements with a member of the Islamic Jihad in Gaza, and was paid \$1,100 for the job.

The Tel Aviv bomber has not yet been identified, but an anonymous call after the blast said the bomber was a member of the Islamic Jihad, a small, radical group dedicated to violent action against Israel.

In an interview on the television news after that with Mr. Abu Warda, Mr. Peres defended the actions he has ordered against Hamas. He said the fact that Mr. Abu Warda was recruited only four weeks earlier demonstrated the difficulties of gathering intelligence about terrorism.

"We are not taking only one measure," he said, looking calm and firm. "There are many measures being taken at the same time. We want to dry up their funding, we want international action to stop the funding, we want to see what seminaries they come from, to close these schools, to increase security."

At the same time, Mr. Peres rejected the notion that the entire political process with the Palestinians was a mistake. "Making peace sometimes requires going through a minefield of terrorism," he said. "We have to see the alternative — would it be intifada? murder? knives?"

As for Mr. Arafat, who has been under intense pressure from Israel to crack down on both the military and political wings of Hamas, Mr. Peres said, "He's doing more than before. But until he has the commanders of the military wing of Hamas, I won't be satisfied."

Mr. Arafat was to convene over the first sitting of the new Palestinian Legislative Council on Thursday, but there was no immediate information whether delegates from the West Bank would be allowed to travel to Gaza.

In some raids today, Israeli and Palestinian police acted together to demonstrate that the crackdown was a joint operation.

In Nablus, on the West Bank, several thousand supporters of Mr. Arafat's Fatah movement marched in a rally against terrorism, while Israeli troops raided refugee camps around Nablus and Hebron and rounded up people thought to be supporters of Hamas.

But even as the crackdown spread, Israeli security officials warned that Hamas was planning new attacks.

Diplomats in Washington said today that at least one Arab nation had suggested a regional conference on terrorism, and that the United States and Israel were receptive to the idea.

"The idea would be to get people together at a fairly senior level from as many countries in the region as possible, and the centerpiece would be combatting terrorism," one Administration official said.

At the State Department, Secretary of State Warren Christopher met today with ambassadors from across the Arab world, and from Israel, Russia and five European nations, as well as the representative of the Palestinian Authority.

Mr. Christopher "asked the Arab countries to join us, with Israel, with our European allies, in an international fight against the terrorist groups that have unleashed these unspeakable horrors on the people of Israel," said the State Department spokesman, Nicholas Burns.

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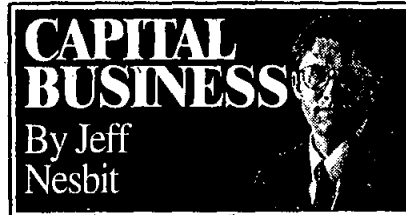
THURSDAY, MARCH 7, 1996

Lawsuit limits a liability only for lawyers

It is absolutely astounding to watch the consumer groups try to tell the American public — not to mention Congress, the White House and the national media — that they don't like the product liability reform bill about to go to the president's desk because it won't let consumers sue corporate America for big bucks.

You have to be kidding. That isn't what any of this is about. It isn't about defending a consumer's right to sue. It's about defending a lawyer's right to gather up hapless consumers into class-action suits. It's about money and power — money to the trial lawyers and power to the consumer groups that feed off the lawyers' river of money.

It's about busting up this interlocking, octopuslike network made up of consumer activists, trial lawyers and a few selected pawns in the national media who spin their yarns to the public and create the public



health issues that form the basis of lawsuits. It's about de-funding the vast pool of wealth accumulated by hundreds of trial lawyers who make huge sums of money suing corporate America over products.

That's what this fight over product liability is about. It isn't about defending consumers. It's about defending lawyers — and all the groups and institutions (including the current White House) that they prop up with the money they suck from corporate America through one aggressive product liability suit after another.

For years trial lawyers have finely

honed the art of building product liability cases against one company after another. Here's how it works:

First, a consumer group — like Public Citizen, which will not divulge its sources of funding and whether much of it comes from lawyers — convinces a network news show or a major print publication to bash a product.

Second, the consumer groups enlist allies in congressional offices and federal regulatory agencies. Documents start to flow. Subterranean arguments and charges are developed and passed around.

Third, a phalanx of groups, agencies and congressional allies starts to demand answers from the company on whether its product is safe. The answers are never enough to satisfy the carnivorous critics.

Fourth, the lawyers enter the arena. They start to prowl the land-

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NESBIT

From page B7

scape for consumers of that product. They use every information search tool available in the new era of communications technology to identify potential plaintiffs.

Finally, the lawyers all start to file lawsuits. The suits pile up, until a company either starts to settle out of court or gets thrown into a big, bundled lawsuit. Tens of millions of dollars go to the lawyers. A much, much smaller sum of money goes to the consumers allegedly hurt by the product at issue.

It really is that simple. It is a scam of monstrous proportions that has been allowed to spread, unchecked, across the American landscape. It is threatening to literally engulf our securities, biotechnology, medical devices, food, pharmaceutical and medical industries and professions.

It is morally wrong to let this happen. Granted, product liability reform will shield all industries alike — including those that may not deserve it — from bloodsuck-

ing lawsuits, but that is the price we must pay to save our core medical, science and technology industries from annihilation.

I cannot, in any possible way, understand how President Clinton will defend his veto of the product liability bill. With one stroke of his pen, he is telling every emerging or cutting-edge company in America that he wishes destruction upon them at the hands of the trial lawyers.

It is, truly, that black and white. There are no subtleties in this debate. The trial lawyers have won case after case, year after year. They have drained the lifeblood out of entire industries and professions. Someone must stop the carnage, now, before it is too late.

Unfortunately, it seems, our president is not that person. He does not have the courage or conviction to take action — even at a time of grave peril for the industries that have made this country the envy of the modern world.

I heard an interesting story recently from a doctor who has devoted his life to helping people walk again with the help of a simple medical device. Thousands of his patients live normal lives

thanks to his intervention.

Two years ago, lawyers from four states started using workers' comp records and anything else they could get their hands on in order to start phoning and writing all of his past patients.

They talked a few of them — actually, close to 50 of them — into suing this doctor because the lawyers promised them money at the end of the rainbow. Never mind whether the product that had vastly improved the quality of their lives was harmful. There was money to be made.

This doctor, having helped thousands of people learn how to walk again, is leaving his profession for a while. He will no longer help people walk. The lawyers have defeated him. He will go do something else for a while, and all of those people he might have helped will have to go elsewhere.

It isn't right. Something must be done about it. Congress is trying. But its constitutional partner — the president — has bought the lie from the consumer groups and trial lawyers. And taken their money to boot.

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Strike may end today

GM, union reach deal on contract; workers set to vote

By David R. Sands
THE WASHINGTON TIMES

The auto industry's biggest and most expensive walkout in a quarter-century could end today as workers vote on a tentative contract settlement.

Negotiators for General Motors Corp. and the United Auto Workers yesterday reached a preliminary deal to end the 17-day strike that has idled 177,000 workers and shuttered dozens of plants from Canada to Mexico.

UAW Local 696 President Joe Hasenjager predicted that the 2,700 GM workers at two Dayton plants would ratify the deal at a vote set for this morning.

The two Dayton GM-owned Delphi Chassis plants produce brakes for nine out of every 10 GM cars and trucks, and the March 5 walkout there quickly forced GM and its suppliers to lay off workers at other plants as well.

Neither GM nor the union would comment on the settlement or on the outcome of the key issue in dispute — GM's desire to shift or "outsource" future production to lower-cost nonunion contractors. But UAW officials sounded pleased with the deal that was struck after a marathon 48-hour bargaining session just after lunch yesterday.

"I got everything I wanted and then some," UAW negotiator Whitney Martin told reporters yesterday. "I wouldn't have signed if I didn't think it was wonderful."

But GM, which lags behind rivals Ford Motor Co. and Chrysler Corp. in the use of cheaper nonunion suppliers, also scored a few points, catching the union off guard by forcing a long and expensive strike to dramatize its seriousness about outsourcing.

And, with a major backlog of cars already in the pipeline when the strike began, the world's largest automaker came to terms just before its dealers started to feel the pinch from the production shutdown.

"Any settlement is great news," said Tony Manseau, sales manager for Arlington's Rosenthal Chevrolet/Geo dealership. "We had a 30-day inventory when the shutdown came, so we still had another 10 days before we'd be affected."

General Motors lost an estimated \$50 million a day in pretax profits at the height of the strike, but the company also saved much of that in reduced wage payments. The biggest blow to its bottom line: the halt this week in the production of its im-

mensely popular and hugely profitable sport-utility vehicles, the demand for which GM could not meet even before the strike.

But auto analysts say that GM could make up much of the lost sales later this year.

GM's stock, which held steady even as the shutdown persisted, briefly reached a 52-week high of \$53.75 yesterday as word of the settlement leaked out. The stock closed at 53.63, up 13 cents, with investors generally happy that the company was standing firm in the talks.

Assuming UAW workers ratify the accord, GM spokesman Thomas Klipstine said the Dayton plants could resume production this afternoon and most of the 26 auto plants and 18 parts factories could be fully operational by the end of next week.

President Clinton and Labor Secretary Robert Reich hailed the news of a deal. Private forecasters say the strike

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could shave up to a percentage point off the nation's first-quarter economic output, although the Commerce Department puts the cost at at most a fifth of a percentage point, with minimal impact on unemployment.

While GM's earnings may quickly recover, many of the suppliers dependent on its business may not be so lucky. Florida-based Breed Technologies Inc., which makes air bags and crash sensors for GM, and Ohio's Republic Engi-

neered Steel, which sells nearly 10 percent of its output to GM, both announced yesterday that quarterly earnings will fall because of the strike.

The spark that ignited the strike was a plan by GM to shift production of brakes for 1998 Camaros and Firebirds from Dayton to a nonunion supplier in South Carolina. Workers at the nonunion plant make under \$20 an hour.

Although the shift involved only about 125 jobs, the dispute quickly mushroomed into a battle of wills over the whole outsourcing question. Making compromise even harder was the fact that the UAW this summer will begin negoti-

ations with the Big Three over a new three-year industrywide contract.

The UAW is widely expected to select either Chrysler or Ford for its model contract, and analysts said General Motors may have used the Dayton standoff to show its determination to achieve more supplier flexibility.

But UAW officials yesterday were quick to say that the Dayton deal will not set a precedent for this year's contract talks.

"Despite all the hype in the media, this was a local strike dealing with local issues at these particular facilities," said UAW Vice President Richard Shoemaker.

Business roundup

U.S. attacks wheat fungus

Agriculture Secretary Dan Glickman yesterday implemented "extraordinary emergency" action to deal with a karnal bunt wheat fungus outbreak in the Southwest. Mr. Glickman said the department would be able to order quarantines.

The Washington Times

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