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P1 National Security Classified Information [(a)(1) of the PRA]
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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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SCHEDULE OF THE PRESIDENT

FOR

TUESDAY, JUNE 15, 1993

FINAL DRAFT

SCHEDULER:	JOSH KING	
	HOME:	P6/(b)(6)
	OFFICE:	202-456-7560
	WHCA PAGER:	4450

[001]

PRESS DESK:	ANNE EDWARDS	
	HOME:	P6/(b)(6)
	OFFICE:	202-456-7560
	WHCA PAGER:	4208

PRINCIPAL EVENTS:

* **Meeting with Prime Minister Balladur** - White House
* **Meet and Greet with College Democrats** - Steps of OEOB
* **Diplomatic Reception** - South Lawn

WEATHER:

Washington, DC:
Partly cloudy with afternoon rain showers or thunderstorms; minimum temperature 62 to 67; maximum temperature 80 to 85; wind south to southwest at 5 to 10 knots

as of 06/14/93 8:34pm

SCHEDULE OF THE PRESIDENT
FOR
TUESDAY, JUNE 15, 1993
FINAL DRAFT

tba — **JOG** with Rep. Earl Pomeroy

OPTION:	**40 students and chaperones from Lakewood Middle School, North Little Rock, AR, will be touring the White House at 8:00 am.**

9:00 am-
9:15 am — **BRIEFING**
OVAL OFFICE
Staff Contact: Tony Lake

9:15 am-
9:30 am — **BRIEFING**
OVAL OFFICE
Staff Contact: Tony Lake

9:30 am-
9:45 am — **MEETING**
OVAL OFFICE
Staff Contact: Marcia Hale

9:45 am-
10:00 am — **MEETING**
OVAL OFFICE
Staff Contact: Bob Rubin

10:00 am-
10:15 am — **MEETING**
OVAL OFFICE
Staff Contact: Carol Rasco

10:15 am-
11:30 am — **PHONE AND OFFICE TIME**
OVAL OFFICE

11:30 am-
11:35 am — **BRIEFING**
OVAL OFFICE
Staff Contact: Eli Segal

11:35 am-
11:50 am — **OFFICIAL PHOTO** of Co-Chairs of Americans for National Service
OVAL OFFICE
Staff Contact: Eli Segal
CLOSED PRESS

12:00 pm-
12:15 pm — **MEETING**
OVAL OFFICE
Staff Contact: Dee Dee Myers

as of 06/14/93 8:34pm

12:15 pm-
1:00 pm
LUNCH
OVAL OFFICE

1:00 pm-
2:30 pm
PHONE AND OFFICE TIME
OVAL OFFICE

2:30 pm-
3:15 pm
ANNOUNCEMENT of International Broadcast Reform
ROOSEVELT ROOM
Staff Contact: Tony Lake
CLOSED PRESS

3:30 pm-
4:00 pm
MEETING with Prime Minister Balladur of France
OVAL OFFICE
Staff Contact: Tony Lake
POOL SPRAY at beginning of meeting

4:00 pm-
4:25 pm
PHONE AND OFFICE TIME
OVAL OFFICE

4:25 pm-
4:30 pm
BRIEFING
OVAL OFFICE
Staff Contact: Howard Paster

4:30 pm-
5:00 pm
MEETING
OVAL OFFICE
Staff Contact: Howard Paster
CLOSED PRESS

5:00 pm-
5:10 pm
BRIEFING for College Democrats
OVAL OFFICE
Staff Contact: Joan Baggett

5:15 pm-
5:30 pm
MEET AND GREET with College Democrats
STEPS OF OEOB
Remarks: Carter Wilkie
Staff Contact: Joan Baggett
OPEN PRESS

-- **The President** enters from West Lobby and works ropeline.

-- **Jenny Ritter**, newly elected Vice President of College Democrats, introduces **the President.**

-- **The President** makes brief remarks to students from toast lectern.

-- **The President** works ropeline and departs through West Basement.

as of 06/14/93 8:34pm

5:45 pm-
6:00 pm

MEETING
OVAL OFFICE
Staff Contact: Mack McLarty

6:20 pm-
9:00 pm

DIPLOMATIC RECEPTION
SOUTH LAWN
Staff Contacts: Tony Lake and Ann Stock

6:20 pm-
6:30 pm

MEETING with Ambassador Pondi of Cameroon
RED ROOM
CLOSED PRESS

NOTE: This is a traditional courtesy meeting with the Dean of the Washington Diplomatic Corps.

6:30 pm-
8:00 pm

The President and the First Lady receive members of the Diplomatic Corps.
BLUE ROOM
CLOSED PRESS

8:10 pm

The President and the First Lady proceed to south side of tent and hold briefly.

8:14 pm

The President, the First Lady, the Vice President, Mrs. Gore, Sec. Christopher, and Mrs. Christopher are announced on stage.

8:15 pm

The Vice President introduces **The President**.

8:17 pm

The President makes brief remarks.
SOUTH LAWN TENT
POOL SPRAY during remarks

8:25 pm

The President and the First Lady mix and mingle.
SOUTH LAWN TENT
CLOSED PRESS

9:00 pm

The President and the First Lady bid farewell to guests and depart.
SOUTH LAWN TENT
CLOSED PRESS

BC AND HRC RON **WHITE HOUSE**

White House News Report



Kusnet, David
WHO
193 EOB

Tuesday, June 15, 1993
Morning Edition
Produced by the News Analysis Staff
Room 160, OEOB (Ext. 7151)

WHITE HOUSE NEWS REPORT
Tuesday, June 15, 1993

AP DAYBOOK.....i

8:30 a.m. The Labor Department releases **consumer prices** for May.

9:30 a.m. The House Republican Research Committee Task Force on Health Care Policy holds a hearing on **Republican plans to reform health care.** 352 RHOB.

9:30 a.m. A rally and news conference is held by Americans for **National Service** in support of the President's National Service Legislation. 902 HSOB.

10:00 a.m. The Labor Department releases **real earnings** figures for May. The Commerce Department releases the current account **trade deficit** for the first quarter.

10:00 a.m. The **Coalition to Preserve Health Benefits** holds a news conference to announce opposition to employer mandated participation in health alliances. National Press Club.

10:30 a.m. The **Campaign for Military Service** holds a news conference to announce distribution of 100,000 post cards collected at recent events and increased lobbying activity surrounding the effort to lift the ban on gays in the military. HC-6 Capitol.

11:15 a.m. The president of the **National Committee to Preserve Social Security and Medicare**, Martha McSteen, delivers signatures to the Senate from senior citizens opposed to Social Security tax increases and Medicare funding cuts. Office of Sen. Grassley (R-Iowa), 135 HSOB.

2:00 p.m. Senate Appropriations Interior Subcommittee hearing on FY '94 appropriations. Energy **Secretary O'Leary** will appear. S-128 Capitol.

3:30 p.m. **The President, the Vice President and Secretary Christopher** meet with French Prime Minister Balladur.

4:30 p.m. House Ways and Means Trade Subcommittee marks up legislation disapproving the extension of **MFN for China.** 1100 LHOB.

5:00 p.m. **The President** greets College Democrats. OEOB.

8:00 p.m. **The President and the Vice President** host a reception for the Diplomatic Corps. White House.

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Monday June 14, 1993

ABC World News Tonight

1	Clinton Nominates Judge Ginsburg For Supreme Court		
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2	Conservatives, Liberals Support Ginsburg Appointment		
	Tim O'Brien	Washington	2:20
3	Somalians Angry and Defiant Against UN, US		
	Ron Allen	Mogadishu	2:55
4	UN to Send More Troops to Bosnia to Protect Bosnians		
	Peter Jennings	New York	0:20
5	Serbs Continue to Shell UN Safe Havens, UN Peacekeepers Powerless		
	Charles Glass	Sarajevo	1:30
6	Third Person Finds a Hypodermic Needle in Pepsi Can		
	Peter Jennings	New York	0:25
7	Doctors Report Frequent Blood Checks Greatly Benefit Diabetics		
	Tim Johnson	New York	2:00
8	Two People Killed in Atlanta When Parking Lot Collapsed		
	Peter Jennings	New York	0:25
9	HIV-Positive Haitian Refugees Arrive in Miami		
	Mark Potter	Miami	1:35
10	Cuba Faced With Mysterious Disease; Nutrition May be The Key		
	James Walker	Havana, Cuba	3:00
11	Canada's Conservative Party Elects its First Woman Premier		
	Peter Jennings	New York	0:15
12	Turkey Elects Woman as Prime Minister		
	Peter Jennings	New York	0:15
13	House Votes on Limiting Government Funding for Some Projects		
	John Martin	Washington	2:30

CBS Evening News

14 Clinton Nominates Ginsburg to Supreme Court
Susan Spencer — Washington — 02:25
15 Ginsburg Seen as Moderate to Liberal, Supports Women's Rights
Rita Braver — Washington — 2:20
16 SC Agreed to Decide if Abortion Clinic Protestors can be Sued
Connie Chung — New York — 0:20
17 Clinton's Indecision Criticized; Responded Sharply to Press
Bill Plante — Washington — 1:40
18 U.S. Strikes Somali Warlord During Day
Bob Simon — Mogadishu, Somalia — 2:00
19 70 Killed in Bosnian Safe Haven; Serbs Hold Back UN Aid
Dan Rather — New York — 0:20
20 New Orleans and Los Angeles May Be Latest In Soda Can Tampering
Sandra Hughes — Los Angeles — 2:15
21 Pennsylvania Politicians Casey and Specter Hospitalized
Connie Chung — New York — 0:15
22 Canada Elects First Woman Prime Minister
Dan Rather — New York — 0:10
23 First Haitian AIDS-Infected Refugees Arrive in Miami
Connie Chung — New York — 0:20
24 Serial Killer Escaped from Mississippi Jail
Dan Rather — New York — 0:15
25 Rain Causes Sink Hole Under Atlanta Parking Garage; 1 Killed
Connie Chung — New York — 0:10
26 Vitamin A May Slow Progress of Progressively Blinding Disease
Connie Chung — New York — 0:20
27 Jurassic Park Made More Than $50 Million; Violence Scares Kids
Bill Lagattuta — Hollywood — 1:55
28 Oregon Town and Washington School Attempt to Pass Anti-Gay Laws
Bill Whitaker — Cornelius, Ore. — 4:15

NBC Nightly News
29 Clinton Picks Ginsburg, a Women's Advocate, For High Court
Andrea Mitchell — Washington — 2:55
30 Judge Ginsburg Has Support from Democrats and Republicans
Lisa Myers — Washington — 2:05
31 Penn. Senator Specter Having Brain Surgery to Remove Tumor
Tom Brokaw — New York — 0:15
32 Penn. Govenor Casey Having Heart and Liver Transplants
Tom Brokaw — New York — 0:20
33 Four American Warships Heading to Somalia; Somalis Angry
Keith Miller — Mogadishu — 2:25
34 UN Recommends Sending More Troops to Protect Safe Havens
Rick Davis — London — 1:40
35 Haitian Refugees Infected With HIV Virus Arrive in Miami
Tom Brokaw — New York — 0:20
36 Another Person Finds Hypodermic Needle in Sealed Pepsi Can
Tom Brokaw — New York — 0:25
37 FDA Cracks Down on Dietary Supplements With New Regulations
Robert Hager — Washington — 1:50
38 Rain Storm Causes Ground to Collapse Killing At Least One
Kenley Jones — Atlanta — 1:10
39 Kay Bailey Hutchison Sworn in As Texas's New Senator
Tom Brokaw — New York — 0:15
40 Canada Elects Its First Female Prime Minister
Tom Brokaw — New York — 0:15
41 Female in Line to be Turkey's First Woman Premier
Tom Brokaw — New York — 0:15
42 Apprenticeship Programs Help High School Graduates Gain Skills
John Cochran — Eugene, Ore. — 3:30
43 Jurassic Park Has Biggest Opening In Movie History
Tom Brokaw — New York — 0:15
44 Postal Service Enforcing No Smoking Rule in All Its Facilities
Tom Brokaw — New York — 0:15
45 Vt. and Calif. Have Toughest Anti-Smoking Laws; Smokers Irate
George Lewis — Davis, Calif. — 2:00

Summaries of stories are available within 30 days of broadcast
Call U.S. Newswire at 202-347-2770 for information

Date: 06/15/93 Time: 06:00

No Problems Seen For Ginsburg...More Peacekeepers For Bosnia

(Washington) -- Senators from both parties are predicting no problems confirming Ruth Bader Ginsburg as a justice on the Supreme Court. But liberal and conservative activists say they want to check Ginsburg's record from her years as a federal appeals court judge, and anti-abortion groups are critical of her.

(Undated) -- Russia's foreign minister says his country is ready to send more peacekeepers to Bosnia to help with the United Nations mission there -- if there's a ''more clear framework and mandate'' for them. U-N Secretary-General Boutros Boutros-Ghali (BOO'-trohs KHAH'-lee) says up to 75-hundred more peacekeepers are needed to protect six Muslim enclaves set aside as ''safe areas'' in Bosnia.

(Washington) -- Israel and its Arab neighbors begin another round of peace talks today in Washington -- and the U-S is pushing both sides to make substantive moves towards settling the land for peace issue. A senior State Department official says the idea is for the two sides to get close enough so the U-S can offer compromise proposals.

(Pittsburgh) -- Doctors say they're watching Pennsylvania Governor Robert Casey for internal bleeding or signs that his body is rejecting his new heart and liver. The doctors say they couldn't have hoped for anything better from yesterday's 13-hour operation, which was Casey's last hope to beat a hereditary liver problem.

(Washington) -- Hair loss? Need more energy? The government is coming up with rules that might make you think twice about taking dietary supplements to treat your problems. The rules to be published today require companies to list the nutritional value of their products -- and to back up any health claims.

APNP-06-15-93 0600EDT

IV

Date: 06/15/93 Time: 05:59

WORLD NEWS SUMMARY AT 5:58 A.M.

(JUNE 15) UPI - Senate Democrats and Republicans alike are predicting a quick-and- easy confirmation process for Ruth Bader Ginsburg. President Clinton named Ginsburg yesterday to succeed retiring Justice Byron White on the Supreme Court. The president called Ginsburg a ''poineer'' in the women's movement and a ''healer'' of social wounds. Pending her Senate confirmation, Ginsburg will become only the second female Supreme Court justice. Republican leader Bob Dole says Clinton ''made a good choice.''

White House aides insist Ginsburg's nomination was NOT made in haste. .. in light of apparent front-runner Stephen Breyer's admitted Zoe Baird problem. Aides say Breyer's failure to pay Social Security taxes on a domestic worker had nothing to do with Clinton's decision to name Ginsburg. Rather, they say it was Ginsburg's personal ''life story'' and her early struggles as a pioneer in the women''s movement that moved the president.

Pennsylvania Governor Bob Casey is recovering from a double organ transplant operation he underwent yesterday. Doctors described the 13- hour procedure as ''flawless.'' The governor received a new heart and a new liver from a 34-year-old homicide victim. Doctors say Casey's new heart function is ''outstanding'' and that the liver is performing well. Pennsylvania Senator Arlin Specter also is hospitalized this morning. He's recovering from an operation to remove a benign brain tumor.

Two people are still reported missing after an Atlanta hotel parking collapsed yesterday during heavy rains. Two other people were confirmed dead after the parking lot at a Marriott Courtyard Hotel collapsed... opening up a huge sinkhole... which swallowed at least three vehicles. Investigators say the cave-in was apparently caused by a combination of the heavy rains and a 70-year-old sewer pipe. City officials reportedly knew the aging pipe posed a threat to the parking lot.

The Middle East peace talks resume today in Washington. Israeli Prime Minister Yitzhak Rabin says progress with Palestinians depends on the success of talks aimed at resolving the tough issues of the occupied West Bank and Gaza Strip. The working groups are dealing with issues of water, territory and human rights in the Israeli-occupied territories. The talks will enter their 10th round today. They broke off last month with the two sides unable to compromise on talks about self-rule in the West Bank and Gaza Strip.

Canada's newly elected will take over the prime minister's duties June 25th. Kim Campbell was elected to replace departing Prime Minister Brian Mulroney. She says she expects her leading opponent, 34-year-old Environment Minister Jean Charest, will play a major role in her government. Campbell is the first woman to head a national government in North America.

A Virginia man who took his pro-choice crusade too far... committed suicide yesterday. Billy Daniel was suspected of puncturing the tires of 11 abortion opponents. Shortly after he was released from jail... he killed himself. Daniel was accused of finding cars with anti-abortion bumper stickers... puncturing their tires with an ice pick... and leaving behind a pro-choice note on the cars.

√

CLINTON NAMES RUTH GINSBURG, ADVOCATE FOR WOMEN, TO COURT

CENTRIST ROLE CITED

Selection of U.S. Appeals Court Judge Surprises Many in Capital

By RICHARD L. BERKE
Special to The New York Times

WASHINGTON, June 14 — President Clinton today chose Judge Ruth Bader Ginsburg, whose litigation on behalf of women's rights helped transform the legal landscape in the 1970's, to become the first Supreme Court Justice picked by a Democratic President in 26 years.

If confirmed, Judge Ginsburg, whose first job out of Columbia University Law School was as a legal secretary, would be the second woman to serve on the High Court, joining Justice Sandra Day O'Connor. She would also be the first Jew to serve on the Court since Justice Abe Fortas resigned in 1969.

In her 13 years on the United States Court of Appeals for the District of Columbia, the 60-year-old Brooklyn-born judge has occupied an unpredictable center on a panel that has grown into rigidly hostile ideological camps. She has ruled in favor of abortion rights, but has also criticized the 1973 Supreme Court decision that made abortion a Constitutional right, saying it went too far, too fast.

A Central Role

Mr. Clinton made it clear today that he hoped her independence from the right and left would make her a conciliator on the Court.

"I believe that in the years ahead she will be able to be a force for consensus-building on the Supreme Court, just as she has been on the Court of Appeals, so that our judges can become an instrument of our common unity in the expression of their fidelity to the Constitution," Mr. Clinton said. [Transcript, page A24.]

Tears rolled down the President's face at the closing of Judge Ginsburg's remarks, as she offerd a tribute to her late mother. "I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve and daughters are cherished as much as sons."

Surprise Selection

The selection of Judge Ginsburg stunned lawyers and jurists, and even many Administration officials who said as recently as Sunday that they expected Mr. Clinton to name Judge Stephen G. Breyer, who had been waiting in Washington for an announcement and, according to friends, had been told to draft an acceptance speech.

Senior aides to Mr. Clinton, including the White House counsel, Bernard Nussbaum, had recommended Judge

Continued on Page A22, Column 1

Continued From Page A1

Breyer, according to officials involved.

But White House officials said that in the final days of a search that lasted nearly three months, Mr. Clinton had a change of heart. They said Mr. Clinton was not entirely comfortable with Judge Breyer after they met on Friday, and felt that the two, in the words of one person, were not "on the same wavelength."

Injured and Exhausted

Friends of Judge Breyer said today that he may have come across poorly because he was exhausted from injuries he suffered in a recent bicycling accident, and from travels. After his interview, the friends said, the Judge asked to lie down in Mr. Nussbaum's office.

In any event, officials said, Mr. Clinton asked to see the results of early background checks on Judge Ginsburg as well as a selection of her legal opinions shortly after his lunch with Judge Breyer.

White House officials said the disclosure over the weekend that Judge Breyer had not paid Social Security taxes on the wages of his part-time housekeeper was not viewed as a disqualifying factor.

White House officials said Judge Ginsburg had paid all her taxes and never hired illegal immigrants. "She's clean," said George Stephanopoulos, a senior Clinton adviser.

The officials said that in contrast to Judge Breyer, Judge Ginsburg won Mr. Clinton over when they met at the White House residence on Sunday as his aides hastily completed the background check. The officials described the 90-minute meeting as the clincher for Judge Ginsburg.

Mr. Clinton said as much to reporters at a photo session later today after he refused to answer more than one question at the end of his announcement in the Rose Garden. "There were two or three others that I thought were exceptionally well qualified," he said, "but once I talked to her, I felt very strongly about her. This is not a negative thing on them."

The officials said the President assembled his senior staff about 5 P.M. on Sunday to tell them she was the choice.

Then, after a barbecue for White House reporters, the officials said, Mr. Clinton made nine telephone calls about his decision to senior Senators, including George J. Mitchell, the Senate Democratic leader, and Senior Joseph R. Biden Jr., the chairman of the Judiciary Committee, which will hold hearings on the nomination. Mr. Clinton tried but was unable to reach Bob Dole, the Senate Republican leader, though he did speak with Senator Orrin G. Hatch, the ranking Republican on the Judiciary Committee, officials said.

Late-Night Phone Call

Judge Ginsburg got the first inkling of her appointment at 11 P.M., when Mr. Nussbaum called her at home and told her not to go to sleep because the President wanted to talk to her.

At 11:33, immediately after he finished watching the Phoenix Suns defeat the Chicago Bulls in their triple-overtime basketball game, Mr. Clinton called Judge Ginsburg at her apartment at the Watergate complex from the kitchen in the White House residence. But the connection was flawed by static, so he told her he would call back, saying, "If I'm going to propose, we might as well have a good line."

The President then dialed Judge Ginsburg himself, and offered her the job, the officials said. At 11:55, he called Judge Breyer with the news, and shortly afterward, called Mr. Babbitt.

White House officials, concerned today that Mr. Clinton had appeared to waver in the face of criticism of Judge Breyer, sent seven senior officials to a briefing room after the President's announcement to give reporters their version of the events that led to the selection of Judge Ginsburg.

The officials gave the briefing on the condition that they not be identified.

Considered and Rejected

In earlier interviews, White House officials said Judge Ginsburg's name had come up early in the selection process, but officials said she was among those who Mr. Clinton passed over as uninspired. They also said there were concerns that women's groups would object to her criticism of Roe v. Wade, the landmark abortion decision. Groups on both sides of the abortion issue today raised questions about Judge Ginsburg's position and said they were awaiting her testimony before the Judiciary Committee.

White House officials said the choice of Judge Ginsburg for the seat of Justice Bryon R. White, who is retiring, reflected Mr. Clinton's precarious political position. They said he had narrowed his choice to Bruce Babbitt, the Interior Secretary, but last Tuesday changed his mind after an outcry from environmentalists and Western lawmakers who did not want to lose Mr. Babbitt in the Cabinet, and from Republicans who questioned his qualifications.

Then, the officials said, Mr. Clinton was on the verge of announcing his choice of Mr. Breyer, the chief judge of the United States Court of Appeals for the First Circuit, in Boston. Even after the lunch on Friday, senior White House officals said that Judge Breyer was likely to get the nod and that Mr. Babbitt was the back-up choice.

In his remarks today, Mr. Clinton cited Judge Breyer and Mr. Babbitt as "among the best" candidates, and said they "may well find themselves" on the Court. But he said he was "flooded with calls across America from Babbitt admirers who pleaded with me not to put him on the Court and take him away from the Interior Department."

The President also said he "carefully considered" Judge Breyer, "a man whose character, competence and legal scholarship impressed me very greatly."

Angry Response to Question

Mr. Clinton abruptly left the lectern after responding angrily to the first question posed by a reporter, who

A potential consensus builder for Justice White's seat.

asked his whether the selection process underscored a "zig-zag quality" in his decision-making.

"I have long since given up the thought that I could disabuse some of you turning any substantive decision into anything but political process," he said as he was applauded by many politicans in the audience. Referring to Judge Ginsburg's emotional remarks about her mother, Mr. Clinton shook his head and added: "How could you ask a question like that after the statement she just made is beyond me." He then refused to take more questions.

The search process was longer and more public than any in decades and was marked by shifts by the President in whom he wanted to pick and the experience of the Justice he favored.

Aides said that early in the process, Mr. Clinton hoped to follow a tradition of years ago in which many Supreme Court justices came from political backgrounds. As an example, the President cited to aides the 1954 Supreme Court, which rendered the landmark Brown v. Board of Education decision.

THE NEW YORK TIMES, TUESDAY, JUNE 15, 1993

Rejected as Clerk, Now Headed for Bench

Ruth Bader Ginsburg

A1

By NEIL A. LEWIS
Special to The New York Times

WASHINGTON, June 14 — In 1960, a dean at the Harvard Law School, Albert Sachs, proposed one of his star students to Justice Felix Frankfurter of the Supreme Court as a law clerk.

Woman in the News

Justice Frankfurter told Professor Sachs that while the candidate was impressive, he just wasn't ready to hire a woman and so couldn't offer a job to Ruth Bader Ginsburg.

Ms. Ginsburg, who is now a Federal appeals court judge and was chosen today by President Clinton for the Supreme Court, recently told that story to her own law clerks to explain how she became interested in the role of women in the eyes of the law.

Parallels to Marshall

In the years between that rebuff by Justice Frankfurter and her appointment to the Federal Court of Appeals for the District of Columbia in 1980, Ruth Ginsburg was a major force on the other side of the Supreme Court's high bench.

From 1973 to 1976 she argued six women's rights cases before the Court and won five of them, profoundly changing the law as it affects women.

"She is the Thurgood Marshall of gender equality law," said Janet Benshoof, the president of the Center for Reproductive Law and Policy, an abortion-rights advocacy group, repeating a common description of Judge Ginsburg. Like Justice Marshall, who shaped the legal strategy of the civil rights movement for the NAACP Legal and Educational Defense Fund before he joined the Court, Ruth Ginsburg organized the cases, found the plaintiffs and delivered the oral arguments.

As the director of the Women's Rights Project of the American Civil Liberties Union, Ms. Ginsburg adopted a strategy intended to convince the Justices that laws that discriminated between men and women — even those laws that were meant to help women — were based on unfair and harmful stereotypes and were in most cases unconstitutional. To do that, she often used men as plaintiffs, showing that both men and women suffered from such stereotypes.

"Her strategy was an especially ingenious one, relying on male, often married, plaintiffs," said David Cole,

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a professor at Georgetown University Law School who recently wrote a law review article discussing Ms. Ginsburg's approach to the Supreme Court.

He said many of the regulations or laws she was opposing ostensibly helped women, giving them some extra benefit in recognition of the prevailing notion that women were generally dependent on men.

"But she set out to prove that those kinds of laws in fact harmed women by contributing to a stereotyped view of their role," he said.

The first case she argued and won before the Court, in 1973, involved a female Air Force lieutenant, Sharron Frontiero, and her husband, Joseph, who challenged a statute that treated male and female service members differently. Under the law, a serviceman could claim his wife as a dependent and qualify for increased housing even if she did not depend on his income, while a woman in uniform had to show that her husband received more than half his support from her to qualify for the extra housing allowance.

A New Jurisprudence

In her brief and argument, Ms. Ginsburg presented the Court with an array of evidence that women were branded inferior through such treatment. The Justices voted 8 to 1 in her favor, embarking on the road to a new jurisprudence that made it harder for the law to treat women differently.

In 1976, in another case in which Ms. Ginsburg had filed a brief, the Justices set a standard that is still used today in sex discrimination cases. In that case, Craig v. Boren, the Court struck down an Oklahoma statute that said women above age 18 could buy 3.2 percent beer while men had to be at least 21.

In its ruling, the Court declined to impose what is known as "strict scrutiny" of such discriminatory laws that impose a high burden on a state to justify making distinctions. The Court instead created a category known as "intermediate scrutiny," which meant that states could not enact laws that discriminated on the basis of sex without showing a substantial government interest.

Behind all the categorizing, the ruling meant that it was far harder to enact laws based on sexual stereotypes.

"Ruth Ginsburg was as responsible as any one person for legal advances that women made under the Equal Protection Clause of the Constitution," said Marcia Greenberger, the co-president of the National Women's Law Center.

"As a result, doors of opportunity have been opened that have benefited not only the women themselves but their families."

Remembering Her Mother

Ruth Joan Bader was born March, 15, 1933, in the Flatbush section of Brooklyn, and graduated from James Madison High School. Her father, Nathan Bader, owned small clothing stores. Her mother, Celia Bader, died of stomach cancer when Ruth was 17; Judge Ginsburg paid tribute to her mother at the White House today.

At Cornell University, she met Martin D. Ginsburg, a fellow pre-law student, and they were married in June 1954, the same month she graduated from college. "They had a marvelous romance in her senior year," recalled Jane Gevirtz of Manhattan, a cousin.

Ms. Gevirtz said she recently discovered a letter that Ms. Ginsburg had written to her in 1953 in which she said she wanted to be a lawyer but had deep doubts on whether she had sufficient aptitude for the law. Ms. Gevirtz said her cousin wrote that although she was being told from all sides that it was more appropriate for a woman to be a teacher, she was determined to see if she could get into law school.

Ginsburg brought and won cases that gained women rights.

Her first child, Jane, was born the year after she married. Her aptitude for the law proven to the satisfaction of Harvard Law School, she found herself caring for an infant and attending Harvard for the next two years.

When her husband found a job in New York, she transferred to Columbia Law School. Ms. Ginsburg was elected to the law reviews of both Harvard and Columbia.

Years later she became the first tenured female law professor at Columbia University Law School, where her daughter, Jane, an authority on copyright law, is now on the faculty.

Mr. Ginsburg, an expert on tax law who has been Ross Perot's tax lawyer for years, was an economic adviser in Mr Perot's Presidential campaign.

While Judge Ginsburg is modest in demeanor, even shy, her husband is an ebullient sort, friends said.

Views on Roe

Despite her long record as a champion of women's rights, Judge Ginsburg has occasionally disappointed some of her former allies in the liberal advocacy groups. In her 13 years on the appeals court, she has been often gone out of her way to mediate between the court's warring liberal and conservative factions.

But what has most dismayed some of her natural allies are her comments through the years criticizing some aspects of Roe v. Wade, the 1973 Supreme Court ruling that established a constitutional right to abortion.

In a speech in March at New York University, Judge Ginsburg outlined her objections to the 1973 ruling, which she said was too sweeping and thus contributed to the bitter debate over the last 20 years.

In essence, Judge Ginsburg argued that it was unwise of the Court majority to impose a detailed scheme prescribing how states may regulate abortion in each of the three trimesters of a pregnancy. Instead, she suggested, the Court should simply have overturned the Texas statute at issue, a law that outlawed nearly all abortions.

"Suppose the Court had stopped there, declaring unconstitutional the most extreme brand of law in the nation and had not gone on, as the Court did in Roe, to fashion a regime blanketing the subject," Ms. Ginsburg said, arguing that a narrower ruling would have "served to reduce rather than to fuel controversy."

In that case, she went on, states would have more latitude to resolve the public dispute about abortion by creating their own abortion statutes, testing the Court's limits on how far they could go to restrict abortion.

Judge Ginsburg also said she believed the decision should have been grounded in a broad concept of equality for women. The Roe v. Wade decision was based instead on the idea that there is a constitutional right of privacy, which she did not discuss in the speech. Some abortion rights advocates said today that the speech gave them concerns about her position in disputes over waiting periods and other restrictions on abortion.

Kate Michelman, the president of the National Abortion Rights Action League, hinted at her group's displeasure with Judge Ginsburg's reservations about Roe. "Judge Ginsburg has been a strong advocate for women's equality," she said, "but her criticism of Roe v. Wade is cause for concern. We look forward to a thorough Senate Judiciary Committee hearing to determine whether Judge Ginsburg will protect a woman's fundamental right to privacy."

In her speech, Judge Ginsburg sought to contrast the uproar that followed Roe with the easier acceptance that followed the cases she argued before the Court — cases that established gradually the notion of a Constitutional obstacle to laws that discriminate on the basis of sex.

Supporters like Ms. Benshoof insist that Judge Ginsburg is a reliable supporter of abortion rights. In a 1989 opinion, in fact, Judge Ginsburg dissented from a ruling that allowed the Bush Administration to continue its policy of denying financing to international family planning groups that counsel abortion.

In addition to her comments about Roe, her March speech at N.Y.U. also outlined much of her philosophy about judging. She is especially critical of the trend among dissenting judges on appellate panels and on the Supreme Court to criticize their opponents sharply.

SUMMER IS FOR CHILDREN: GIVE TO THE FRESH AIR FUND

The 11th-Hour Scramble

After Hoping for a 'Home Run' in Choosing A Justice, Clinton May Be Just Home Free

By THOMAS L. FRIEDMAN
Special to The New York Times

WASHINGTON, June 14 — Last March, when President Clinton was presented with the opportunity to make his first Supreme Court selection, he told aides he wanted to take his time, hit a "home run" with his nominee, and choose someone who would make everyone stand up and say, "Wow."

News Analysis

But what was supposed to have been one of the most personally exciting decisions of Mr. Clinton's early Presidency in the end had the appearance of an 11th-hour scramble, with the bodies of other would-be nominees left strewn on the field and three months' careful deliberations boiled down to 36 hours of rapid-fire decisions.

When it was over, the sound emanating from the capital was not "Wow," but "Phew" — a sigh of relief that the White House's handling of another high-level appointment had not turned into a fiasco, after teetering on the edge for several days.

An Account Is Depleted

What happened between last March and today's ceremony in the Rose Garden, when Mr. Clinton introduced his nominee, Judge Ruth Bader Ginsburg, is the story of a President who through a series of stumbles has lost so much political capital that he felt impelled to choose a jurist, however respected, whom he had previously set aside, a jurist he had met only once at a lecture years ago before interviewing her for 90 minutes on Sunday morning, and one who in the end seemed the politically safe choice when Mr. Clinton could not afford anything else.

Judge Ginsburg, who sits on the United States Court of Appeals for the District of Columbia Circuit, may turn out to be the outstanding Justice that Mr. Clinton predicted. In her Rose Garden appearance, she gave a personal and poignant talk, touching not only on her legal philosophy but also on lessons learned from her mother. Her reflections had the President and many in the audience moved to tears.

Judge Ginsburg has been hailed by Democrats and Republicans alike. But

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today's decision was clearly part of a pattern in Mr. Clinton's decision making on Bosnia, on his economic package and for his Attorney General. In the end, he makes what are arguably the right choices. But they are reached by the messiest of paths, along which reputations are damaged, the White House looks slipshod and some of the gloss comes off the results.

The President is clearly sensitive to the mounting impression that this is how he makes too many decisions. When a reporter asked him today to explain his decision making and offered him a chance to "disabuse us of any notion" that he had turned to Judge Ginsburg only after it appeared that Interior Secretary Bruce Babbitt or Judge Stephen G. Breyer of Boston might prove too controversial, Mr. Clinton angrily cut short his news conference.

Adjusting to Reality

The President's original aspiration was to name a political figure, with real-world experience and a "big heart," not automatically another Federal judge. But in part because some of those who fit that description, like Gov. Mario M. Cuomo of New York, turned him down, and in part because of his political predicament, those criteria had to be subordinated.

"What dominated was his need for a nominee who was risk-free, one who would not only sail smoothly through the Senate but also might eclipse some of his most recent embarrassments, reconfirm his move to the political center and give new momentum to his Administration.

As Fred Greenstein, a Presidential scholar at Princeton University, put it: "Judge Ginsburg is a very solid choice, and had the President gone for her immediately last March, I am sure everyone would have would have applauded."

But once again, Mr. Greenstein added, Mr. Clinton seems to have backed into this choice — after dangling the names of Mr. Babbitt and Judge Breyer to test the public reaction, and "then withdrawing them in response to outside pressures and his own indecisiveness." A friend of Judge Breyer complained that the New Englander "got sandbagged at the 11th hour."

'In the Right Place'

On both Bosnia and his economic package, Mr. Clinton started out making grand statements with sweeping promises. These were followed by a very public changing of minds and floating of alternative approaches, all of which tended to make him look not particularly decisive or self-confident and angered some of his would-be allies along the way.

"But in the end, on Bosnia, on the economy and on the Court, he seems to have ended up in the right place," said Thomas Mann, a political analyst at the Brookings Institution.

While the process of Judge Ginsburg's selection may have been messy, Mr. Mann added, the choice itself is what counts: "Instead of looking for someone cute, or of marquee value, or who would be a big surprise, Clinton has gone back to first principles — picking someone who is absolutely first-rate intellectually, who has a truly distinguished record as a judge and legal scholar and whose thinking is firmly in the centrist philosophical terrain chartered by Clinton in his campaign. To me, it is reassuring."

Reassuring or not, this is a choice that says as much about Mr. Clinton's current political standing as it does about his legal philosophy.

In terms of political capital — that intangible resource of Presidential popularity, credibility and air of invincibility — Mr. Clinton approached his first Supreme Court choice as a pauper. Partly due to his stumbles in recent weeks, and partly due to the fact that he has taken on more tough challenges than any other President in years — from the economy to the issue of homosexuals in the military — Mr. Clinton is the least-popular newly elected President since political polling began. He simply could not afford another nomination controversy.

Interior Secretary Babbitt, who aides say was really Mr. Clinton's favorite choice, was dropped late last week after resistance from a coalition of environmentalists lobbying to keep him at the Interior Department, political advisers who did not want the President to risk losing Mr. Babbitt's following among Western states (where Mr. Clinton won one-third of his electoral votes) and Republicans who questioned his legal credentials.

Late last week, several officials said Judge Breyer, who sits on the United States Court of Appeals for the First Circuit, had supplanted Mr. Babbitt. But over the weekend, it was disclosed that the judge had failed to pay Social Security taxes for an elderly woman who did housecleaning for him. Most senators and women's groups said the mistake should not be disqualifying. But who could say how the public might have reacted?

Eighty-eight days ago, when Justice Byron R. White announced his retirement and Mr. Clinton had more capital in his political bank account, he might as easily have opted for Mr. Babbitt or Judge Breyer as for Judge Ginsburg. But by today he was convinced it had to be Ruth Bader Ginsburg in the Rose Garden. The President said she was the perfect choice.

Senators and Attorneys General and led by a former Governor, Earl Warren of California.

The top contender to fill this vacancy had been Gov. Mario Cuomo of New York, who surprised the White House when he withdrew himself from consideration. Then, officials said, the President turned to Richard W. Riley, the Education Secretary who is a former Governor of South Carolina. But Mr. Riley, who officials said was a serious contender, also withdrew.

List of 42 Candidates

Mr. Clinton abandoned his hope of finding someone with a political background once he decided that Mr Babbitt should stay at the Interior Department, officials said.

Partly because he was turned down by Mr. Cuomo and Mr. Riley, and partly because he seemed to unable to make up his mind, a perception developed outside the White House that Mr. Clinton was hopping from one candidate to another, aides said.

White House officials said Mr. Nussbaum had compiled a list of possible candidates that was winnowed down to 42 after Justice White announced he planned to retire in early summer. Within weeks of his announcement, they said they had put together 8-to-10-page legal and personal profiles of each of the candidates.

The list was narrowed further during during 15 to 20 meetings that Mr. Clinton held with his staff on the nomination, officials said. They said that Hillary Rodham Clinton did not play a major role in the selection process, and that she did not meet Judge Ginsburg before she was selected.

Some White House officials conceded there were flaws in the way the President went about finding a nominee: The announcement seemed to humiliate Judge Breyer, who had left a hospital bed in Boston to meet with Mr. Clinton on Friday amid widespread speculation that he would be selected. And the decision not to pick Mr. Babbitt made the President look as if he was of the most momentous decisions of his Presidency.

No Problems For

Some Administration officials said that while Mr. Clinton had known about Judge Breyer's tax matter, they also said they feared that it could create complications, and that Mr. Clinton viewed Judge Ginsburg as a nominee who would not generate disputes.

Lawmakers from both parties on Capitol Hill said today that they did not foresee any major problems in Judge Ginsburg winning confirmation from the Senate Judiciary Committee.

In a speech on the Senate floor, Mr. Dole praised Mr Clinton for making a "good choice" who "undoubtedly has the experience and the intellect to hit the ground running if confirmed."

Mr. Biden, whose commmittee hopes to hold hearings on Judge Ginsburg before the month-long August recess, commended Judge Ginsburg for "an impressive career in the law." And, echoing many of his colleagues, said "she was a pioneer in the area of women's rights and a staunch advocate of of equal rights through her extensive pro bono activities."

Governor Cuomo said Judge Ginsburg would make "a very good Supreme Court justice."

Judge Ginsburg's biggest champion on Capitol Hill was Senator Daniel Patrick Moynihan, a New York Democrat, who said he would be her chief patron as the process goes to the Senate.

Mr. Moynihan said that on a flight with the President to New York last month, Mr. Clinton asked him who his top choice would be. "I said, 'There's only one name: that's Ruth Bader Ginsburg.'"

Subsequently, he said, he sent glowing information to the President about the Judge's qualifications. Among the others who pressed Mr. Clinton on Judge Ginsburg's behalf were Gov. Ann W. Richards of Texas, who attended today's ceremony in the Rose Garden.

The High Court Profile

	Took office	Position at time of appointment	Age at taking oath	Current age
Appointed by John F. Kennedy				
Byron R. White	1962	Deputy Attorney General	44	76
Appointed by Richard M. Nixon				
Harry A. Blackmun	1970	Judge, U.S. Court of Appeals	61	84
William H. Rehnquist	1971	Assistant Attorney General	47	68
Appointed by Gerald R. Ford				
John Paul Stevens	1975	Judge, U.S. Court of Appeals	55	73
Appointed by Ronald Reagan				
Sandra Day O'Connor	1981	Judge, Arizona Court of Appeals	51	63
Antonin Scalia	1986	Judge, U.S. Court of Appeals	50	57
Anthony M. Kennedy	1988	Judge, U.S. Court of Appeals	51	56
Appointed by George Bush				
David H. Souter	1990	Justice, New Hampshire Supreme Court	51	53
Clarence Thomas	1991	Judge, U.S. Court of Appeals	43	44
Average ages			50	62*
Appointed by Bill Clinton				
Ruth Bader Ginsburg		Judge, U.S. Court of Appeals		60

Source: Supreme Court

*Not counting Justice White, who is retiring.

Human Rights Are Universal, U.S. Insists, Not Shaded by Culture

At Vienna Talks, U.S. Insists Rights Must Be Universal

By ELAINE SCIOLINO
Special to The New York Times

VIENNA, June 14 — Responding to a challenge by some authoritarian governments in the third world, the United States warned today that it would oppose any attempt to use religious and cultural traditions to weaken the concept of universal human rights.

The strong statement set the stage for a intense struggle between Western countries committed to the universality of human rights and countries that oppose what they describe as the imposition of Western values of political and civil rights.

Speaking on the opening day of the first World Conference on Human Rights in 25 years, Secretary of State Warren Christopher said the universality of human rights set a single standard of acceptable behavior around the world, a standard Washington would apply to all countries.

No Names, Please

Adhering to conference rules that ban criticism of specific countries, Mr. Christopher did not name the nations that he said seemed intent on challenging the universality of human rights. But he noted, "We cannot let cultural relativism become the last refuge of repression."

The argument of some countries — led by China, Syria and Iran, and including Singapore, Malaysia, Indonesia, Yemen, Vietnam and Cuba — is that human rights should be interpreted differently in regions with non-Western cultures. The United States and its allies view this as an attempt to win United Nations approval for a delay of democracy and political freedom.

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Foreign Minister Ali A. Alatas of Indonesia, the only representative of this group to speak today, rejected the charge that some countries were promoting a concept of human rights "based on some nebulous notion of 'cultural relativism,' as spuriously alleged by some quarters."

But, without mentioning Bosnia and Herzegovina by name, he seemed to accuse Western nations of applying a double standard when he noted that "a few hundred kilometers from here, an entire nation is being subjected to brutal aggression, mass murder, systematic rape and the inhuman practice of ethnic cleansing."

Statement of U.S. Policy

In what was viewed as the Clinton Administration's first major policy statement on human rights, Mr. Christopher acknowledged continued violations around the world, but he also applauded recent successes, like the reversal of a coup in Guatemala and elections in Cambodia.

He made only a brief mention of Bosnia, vowing that those guilty of "ethnic cleansing" there would be punished. But in sharp contrast to his scathing attack on the Serbs in February, today he referred only to "those who desecrate these rights."

A key purpose of Mr. Christopher's speech, and of the United States role at the two-week conference, is nonetheless to defend the universality of human rights. And he pointed out that countries that respect human rights are generally the most peaceful and stable, while the worst violators are the world's aggressors and those who encourage the spread of arms.

Specific Steps Urged

Mr. Christopher, who promoted human rights as Deputy Secretary of State in the Carter Administration, also called for the appointment of a United Nations High Commissioner on Human Rights and of a special United Nations envoy to investigate violence against women.

The Administration, which has defined human rights as a focus of foreign policy, will also press for Senate ratification of four treaties — to eliminate racial discrimination and discrimination against women, to protect the economic rights of the poor and to codify basic human rights and duties.

The Administration seems to be developing a flexible carrot-and-stick approach, using incentives to modify the behavior of countries it considers capable of improvement, like Turkey and China, while punishing those it considers renegades, like Iran. Former President Jimmy Carter, who was in the audience when Mr. Christopher spoke, was more willing to provoke crises with countries that had poor human rights records.

The Clinton Administration's approach has brought a mixed response from human rights organizations.

On the one hand, the Administration has been praised for its decision to ratify the four treaties, for its emphasis on women's rights and for its appointments of longtime proponents of human rights to key positions, particularly John Shattuck as Assistant Secretary of State for human rights issues.

But some human rights organizations have sharply criticized the Administration for failing to fulfill Mr. Clinton's campaign promises on human rights. The most dramatic such example was Washington's decision to forcibly return Haitian boat people seeking political asylum.

As the conference began, the United Nations Secretary General, Boutros Boutros-Ghali, noted that some countries use the human rights debate as an instrument of national policy.

"There is no denying that some states constantly try to hijack or confiscate human rights," he said.

Support From Head of U.N.

Mr. Boutros-Ghali backed the universality of human rights, even arguing that the international community had a right to intervene if governments "become tormentors" of their peoples.

"In these circumstances, the international community must take over from the states that fail to fulfill their obligations," he said.

After policy statements from some 160 governments, the conference is to prepare a final declaration on human rights, which is expected to become the main battleground between "universalists" and those wishing to define human rights in religious, cultural, economic and social terms.

While national delegates are not permitted to criticize countries by name, no such rules bind representatives here from 1,000 non-governmental organizations. Many of these groups deal with specific problems, from discrimination against aboriginals in Australia to child abuse in Brazil.

As delegates arrived for the conference, at the Austria Center, a group of Kurds protested noisily against what they called repression by the Turkish Government, and five Buddhist priests sat quietly with posters demanding "religious freedom for a Free Vietnam."

Twelve winners of the Nobel Peace Prize boycotted the opening to protest the United Nations decision to ban the Dalai Lama from addressing the nongovernmental organizations during their three-day forum here last week.

And on the edges of the conference, Mr. Christopher met with the foreign ministers of Israel, Syria and Egypt. Despite the Administration's concerns about human rights abuses in these three countries, the talks focused on the Middle East peace talks, which are to resume Tuesday in Washington.

End of a (New) Era

After a Bid for a Truce, Clinton and the Press Are Back at It

By GWEN IFILL
Special to The New York Times

WASHINGTON, June 14 — It took about 18 hours for President Clinton's tentatively declared second honeymoon with the White House press corps to collapse in a heap.

On Sunday night, Bill and Hillary Clinton invited hundreds of journalists to a picnic on the South Lawn of the White House that featured badminton, volleyball and an amateur stage revue mounted by the White House communications staff.

Today, the President testily cut off questions at a Rose Garden news conference called to announce the nomination of Judge Ruth Bader Ginsburg to the Supreme Court after scolding reporters when one of them asked about the politics of his decision.

Mr. Clinton dismissed the reporters who had gathered for the announcment with a curt "goodbye" after Brit Hume, an ABC News correspondent, asked him whether there had been a "certain zigzag quality in the decision-making process" in filling the Court vacancy.

Tense Exchange

In posing the question, Mr. Hume said that such conclusions were "perhaps unfair," and he suggested that Mr. Clinton would "perhaps disabuse us of any notion" that his decision-making was flawed.

"I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but a political process," Mr. Clinton shot back, steely-eyed. "How you could ask a question like that after the statement she just made is beyond me."

The President's response surprised many reporters, who were left with unanswered questions as Mr. Clinton left the lectern.

Members of Congress and the Cabinet attending the conference applauded Mr. Clinton's response. Amid the applause, Mrs. Clinton stepped forward, and some dignitaries seated in the front row rose from their seats, thereby halting the news conference. Aides said it would then have become awkward to field additional questions, and Mr. Clinton decided to end the news conference entirely.

Tears at Speech

Judge Ginsburg had concluded her acceptance speech with a reference to her late mother that had moved Mr. Clinton to tears. His aides said later that the President found the first question jarring after the emotional moment and had not planned to refuse all questions.

A Rose Garden news conference ends curtly.

"At that particular moment, he was feeling something quite personal, and was hoping to talk about that," said Dee Dee Myers, the press secretary. "And it was clear the questions were going to be about something else."

Angry reporters later peppered David R. Gergen, Mr. Clinton's new senior adviser, with questions about the curtailed news conference at a briefing during which senior officials gathered to discuss the Ginsburg selection.

When President George Bush announced his choice of Clarence Thomas in July 1991 at a news conference in Kennebunkport, Me., he took 23 questions related to the Supreme Court and then moved on to answer queries about the Soviet Union, the travels of his chief of staff, Iraq, Israel, military base closings, the economic summit and his mother's birthday.

Until today's brief contretemps in the Rose Garden, White House officials had been happily predicting that they had turned a page in their strained relations with the press corps. Ms. Myers said today that relations have improved. "We're doing everything we can," she said. "And we're judged only on the exception and not on the rule."

'Hope You Like Us'

At the press picnic on Sunday, the communications director, Mark D. Gearan, played the piano and the senior adviser, George Stephanopoulos, joined him on the piano bench to turn pages of sheet music, and Ms. Myers and other staff members sang new lyrics to the tune of the Jimmy Buffett hit "Margaritaville." They sang:

Don't know the reason
Relations were freezin'
I hope you like us, I know we like you
And there is his daughter
He went out and bought her
She'll answer for him when he don't have a clue.

George Condon, the president of the White House Correspondents Association, said that the picnic was universally considered to be a good start at mending fences between reporters and the White House.

"The flare-up in the Rose Garden shows that we still have a long way to go," Mr. Condon remarked today. "Nobody's going to change their questions and start writing softer stories just because there was a picnic."

In Her Own Words: Ruth Bader Ginsburg

ON WOMEN AND THE LAW

From a 1987 speech in Colorado Springs:

The Warren Court of the 1960's thus held the base line set by the Supreme Court in the 1870's, at the turn of the century, and in the 1940's. That base line tied tightly into the prevailing "separate spheres" mentality, or breadwinner-homemaker dichotomy: It was man's lot, because of his nature, to be breadwinner, head of the household, representative of the family outside the home; and it was woman's lot, because of her nature, not only to bear but also to raise children, and keep the home in order.

Against this background, the Supreme Court's position on gender-based classification in the 1970's stands out in bold relief. At odds with its "conservative" reputation, the Burger Court's performance was comparatively unrestrained, one might even say modestly revolutionary, in this area. . . .

I do not want to leave you with the impression that the judiciary has proceeded automatonlike — securely on course without missteps, detours, inconsistencies and the like. Occasional fog is inevitable in this domain. Registration for the military draft and the statutory rape, to take two 1980's examples, proved perplexing for the Justices. And no bold line waiting to be revealed divides justifiable and genuinely helpful "affirmative action" from action that reinforces the harmful notion that women need a boost or preference, because they cannot make it on their own. A court too sure of itself on these matters may, in its zeal, take a giant stride, only to find itself perilously positioned on an unstable doctrinal limb.

ON RELIGION AND THE MILITARY

From Judge Ginsburg's dissenting opinion in Goldman v. Secretary of Defense, a 1984 decision by the United States Court of Appeals for the District of Columbia that let stand a regulation that banned wearing yarmulkes while on duty:

The plaintiff in this case, S. Simcha Goldman, has long served his country as an Air Force officer with honor and devotion. A military commander has now declared intolerable the yarmulke Dr. Goldman has worn without incident throughout his several years of military service. At the least, the declaration suggests "callous indifference" to Dr. Goldman's religious faith, and it runs counter to "the best of our traditions" to "accommodate the public service to the spiritual needs [of our people]."

ON ROE V. WADE

From a lecture at the New York University School of Law on March 9, 1993:

The effective judge will strive to persuade and not to pontificate. She will speak in "a moderate and restrained voice," engaging in a dialogue with, not a diatribe against, co-equal departments of government, state authorities, and even her own colleagues. . . .

In writing for the court, one must be sensitive to the sensibilities and mindsets of one's colleagues, which may mean avoiding certain arguments and authorities, even certain words. Should institutional concerns affect the tone of separate opinions, when a judge finds it necessary to write one? . . .

Measured motions seem to me right, in the main, for constitutional as well as common law adjudication. Doctrinal limbs too swiftly shaped, experience teaches, may prove unstable.

The most prominent example in recent decades is Roe v. Wade. . . . The 7-2 judgment in Roe v. Wade declared "violative of the due process clause of the 14th Amendment" a Texas criminal abortion statute that "except[ed] from criminality only a life-saving procedure on behalf of the [pregnant woman]." Suppose the Court had stopped there, thus declaring unconstitutional the most extreme brand of law in the nation, and had not gone on, as the Court did in Roe, to fashion a regime blanketing the subject, a set of rules that displaced virtually every state law then in force?

Would there have been the 20-year controversy we have witnessed, reflected most recently in the Supreme Court's splintered decision in Planned Parenthood v. Casey? A less encompassing Roe, I believe and will summarize why, might have served to reduce rather than to fuel controversy.

Supreme Court Roundup

Justices to Decide if a Federal Law Protects Abortion Clinics From Protests

By LINDA GREENHOUSE
Special to The New York Times

WASHINGTON, June 14 — The Supreme Court today agreed to decide whether abortion clinics can invoke a Federal racketeering law to sue anti-abortion groups that organize demonstrations and blockades intended to shut down the clinics.

The Justices accepted an appeal filed by the National Organization for Women, which tried to use the law, the Racketeer Influenced and Corrupt Organizations Act, to sue several anti-abortion groups on behalf of abortion clinics in Delaware and Wisconsin. The organization sought to prove that the groups had formed a nationwide conspiracy to eliminate access to abortion by using extortion and intimidation to drive the clinics out of business.

Two lower Federal courts dismissed the lawsuit on the ground that the racketeering law, usually known as RICO, does not apply in the absence of "economic motivation." The United States Court of Appeals for the Seventh Circuit, in Chicago, called the demonstrators' actions "reprehensible" but said that "non-economic crimes committed in furtherance of non-economic motives are not within the ambit of RICO."

The Clinton Administration, asked by the Justices for its views on the case, told the Court that the lower courts had interpreted the law in too "narrow and grudging" a way. In a brief filed last month, the Administration urged the Supreme Court to grant the appeal and to rule that the racketeering law should apply in the abortion clinic context. The case will be argued next fall.

Second Case on Clinics

The case brings the issue of protests at abortion clinics back to the Court only months after the Justices rejected the use of another law, a Reconstruction-era civil rights law known as the Ku Klux Klan Act, which some lower courts had invoked to protect clinics against violent protests. A bill to overturn that ruling has been introduced in Congress.

The Bush Administration had entered the earlier case on behalf of Operation Rescue, one of the main clinic protest groups and a defendant in the new case, along with the Pro-Life Action League, the Pro-Life Direct Action League and leaders of the groups.

COURT UPHOLDS PENSION LAW

The Supreme Court upheld a Federal law that imposes financial obligations on employers when they withdraw from industrywide pension plans. Business Day, page D1.

Because the racketeering law is such a powerful legal weapon, providing for triple damages and other heavy penalties for running an "enterprise" through a "pattern of racketeering activity," abortion clinics across the country have tried to use it. The lower Federal courts are split over whether the law is limited to economically motivated conspiracies, like the infiltration of a legitimate business by organized crime.

Little Prior Action

In answering that question, the Supreme Court's decision in this case, NOW v. Scheidler, No. 92-780, could provide an important interpretation of RICO beyond the abortion clinic context. In past decisions interpreting the law, the Court has expressed unease over the expansive use of the law, which has been widely used in ordinary business disputes far removed from its origin as a weapon against organized crime. But the Court has generally taken the position that any limitations should come from Congress and not the courts.

In its brief, the Clinton Administration said that the economic motive requirement adopted by the Court of Appeals posed "serious definitional problems," because the analysis left it "entirely unclear" how to draw the line between an economically motivated conspiracy that would be covered by the law and a politically motivated one that would not be. Political protests can serve incidentally to attract members and contributions, the brief said.

There were also these developments at the Court today:

Set-Aside Programs

The Court ruled that white contractors could sue to challenge Federal programs that set aside a portion of public works contracts for minority-owned businesses.

The decision, written by Justice Clarence Thomas, reinstated a constitutional challenge brought by a group of white contractors to a minority set-aside ordinance in Jacksonville, Fla. The 7-to-2 decision overturned a ruling by the United States Court of Appeals for the 11th Circuit, in Atlanta, which had held that the white contractors lacked legal standing to sue because they could not demonstrate that they would have been able to bid successfully for the contracts from which the program excluded them.

The two dissenting Justices, Sandra Day O'Connor and Harry A. Blackmun, did not address the merits of the question over standing. Rather, they said the Court should have dismissed the case as moot because Jacksonville modified its ordinance last fall, shortly after the Court agreed to hear the contractors' appeal.

In their underlying lawsuit, the contractors, members of the Northeastern Florida Chapter of the Associated General Contractors of America, argued that by reserving a portion of public works contracts for minorities, the city was violating the equal protection principle announced by the Supreme Court in a similar case from Richmond. The Court today did not deal with that question, which will be addressed by the lower courts now that the lawsuit has been reinstated.

In his opinion, Northeastern Florida Contractors v. Jacksonville, No. 91-1721, Justice Thomas said the appeals court had misconceived the question of standing by requiring the contractors to show that they would actually have been awarded a contract if permitted to compete. The contractors' injury, he said, "is the inability to compete on an equal footing in the bidding process, not the loss of a contract."

Justice Thomas noted that in the case of Alan Bakke 15 years ago, the Court permitted a lawsuit by Mr. Bakke, a white applicant to a California state medical school, without requiring him to show that he would been admitted had 16 of the 100 places not been reserved for minorities. Mr. Bakke's injury was being denied the chance to compete for all the places, the Justice said.

The ruling today is likely to be important beyond the context of challenges to set-aside programs. At issue more generally is an individual's right to sue the Government over the administration of a benefit program without being able to show that he or she would have actually obtained the benefit. Several liberal groups including Public Citizen, the American Civil Liberties Union, and the Mexican-American Legal Defense and Educational Fund filed briefs in this case, warning that the lower court's limited view of standing would close the courthouse doors to many lawsuits of this type.

Double Jeopardy

The Court agreed to decide whether the constitutional protection against double jeopardy applies to a proceeding to determine whether a someone convicted of a crime should receive a longer sentence as a persistent offender.

The case, Caspari v. Bohlen, No. 92-1500, is an appeal by the State of Missouri of a ruling by the United States Court of Appeals for the Eighth Circuit, in St. Louis. The appeals court ruled that a man convicted of robbery, and sentenced as a repeat offender in a faulty sentencing hearing, could not be subjected to a new sentencing hearing without violating his right against double jeopardy.

The appeals court based its ruling on an earlier Supreme Court decision that invoked the double jeopardy clause to bar a second death sentence proceeding in a case in which a death sentence has once been set aside. One question in the new case is whether the Court will limit that principle to death penalty cases.

THE NEW YORK TIMES, TUESDAY, JUNE 15, 1993

An Employer Loses Ruling On Pensions

By LINDA GREENHOUSE

Special to The New York Times

WASHINGTON, June 14 — The Supreme Court unanimously upheld today the constitutionality of the Federal pension law that requires employers to make good on their financial obligations when they withdraw from an industrywide pension plan.

The case was an important test of the law Congress passed 13 years ago to remove employers' incentives to avoid financial liability by pulling out of weak pension plans.

The employer in this case, a California-based manufacturer of concrete pipes, told the Court that its withdrawal liability would consume 46 percent of its net worth. It argued that the assessment violated its constitutional right to due process of law and was an unconstitutional taking of its property without compensation.

Writing for the Court today, Justice David H. Souter said that the liability imposed by the law, the Multiemployer Pension Plan Amendments Act of 1980, met the test of due process as a "clearly rational" form of economic regulation. On the property issue, he wrote, "Our cases have long established that mere diminution in the value of property, however serious, is insufficient to demonstrate a taking."

The decision, Concrete Pipe and Products of California v. Construction Laborers Pension Trust, No. 91-904, upheld a 1991 decision by the United States Court of Appeals for the Ninth Circuit, in San Francisco.

The multiemployer pension law was passed as an amendment to the Employee Retirement Income Security Act of 1974, known as Erisa, the basic Federal law regulating employers' pension obligations. The amendment addressed specific problems facing industrywide pension plans, which are common in industries composed of small employers whose workers move from job to job within the same trade.

While in theory, these pension plans offer stability and risk-sharing for

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High Court Rules on Pension Law

Continued From First Business Page

employers and portability for employees, they have been beset by problems of underfinancing. When the law was passed to impose withdrawal liability on employers who leave such plans, the condition of these already weak plans was being weakened further by employer flight.

Under the 1980 law, employers who leave a plan must pay their proportionate share of the plan's unfinanced vested benefits. Calculating that obligation can be highly contentious, and the law created a system requiring deference to the judgments of the plan's trustees, usually a joint labor-management committee.

One of the employer's constitutional arguments in this case was that because trustees are obliged to consider the health of the plan as a whole, the system creates a built-in bias toward imposing the maximum liability on any single employer who withdraws. Justice Souter, however, said that this feature of the law did not make it unconstitutional.

In several earlier cases, the Court had upheld the constitutionality of the multiemployer law as a general matter without examining its operation in the detail provided by this case. One of Concrete Pipe's arguments was that the law was so burdensome as to be unconstitutional in its specific application even if constitutional as an abstract matter.

Banks and Insurance

The Court without comment refused today to hear an appeal from a ruling that the Comptroller of the Currency lacked authority to permit national banks to sell title insurance and other specialized forms of insurance.

The case involved a 77-year-old Federal banking law known as Section 92, which the Court dealt with in a separate case a week ago in ruling that the section remained valid despite having been inadvertently omitted from the compilation of Federal laws more than 45 years ago.

Section 92 permits banks in cities with fewer than 5,000 people to sell insurance. The case before the Court today began as a challenge by the title insurance industry to a 1989 decision by the Comptroller of the Currency permitting the Chase Manhattan Bank to sell title insurance.

Chase Manhattan is obviously in a city of more than 5,000 people; the Comptroller relied for his regulatory decision on another section of the banking law permitting national banks to exercise "all such incidental powers" as are necessary to carry on the business of banking.

Rejecting the Comptroller's regulation, the United States Court of Appeals for the Second Circuit, in Manhattan, had ruled that Section 92 has an implicit bar against broader activities by banks situated in large cities. The Federal Government, as well as Chase, appealed the ruling to the Supreme Court. The Second Circuit's decision "calls into question a variety of activities performed by national banks," the Government's brief said.

The appeals the Justices turned down today were Chase Manhattan Bank v. American Land Title, No. 92-482, and Ludwig v. American Land Title, No. 92-645.

Gore Promises U.S. Leadership On Sustainable Development Path

By WILLIAM K. STEVENS

Special to The New York Times

UNITED NATIONS, June 14 — The United States emerged from the Earth Summit last year in Rio de Janeiro, in the view of many delegates who attended, not as global leader on the environment but rather as global foot-dragger. Today, exactly a year after the meeting adjourned, Vice President Al Gore told a new United Nations commission charged with carrying on the gathering's work that those days are over.

At Rio, nearly 180 nations committed themselves to policies that would enable them to develop their economies while preserving the environment and the renewable natural resources on which future prosperity depends — "sustainable development," it was called. They also put together a broad blueprint, called Agenda 21, for arresting environmental degradation.

"If there is any doubt about the support of the United States for that commitment, let me lay it to rest right here and now," Mr. Gore told representatives to the first substantive meeting of the 53-nation Commission on Sustainable Development, created by the United Nations General Assembly to translate the Rio accords into action. "This administration not only supports that commitment," Mr. Gore said, "we intend to join with all those determined to demonstrate real leadership."

New Presidential Panel

In one of a series of new actions and positions taken by the Clinton Administration on the international environmental front, Mr. Gore told the delegates that the United States was creating a 25-member President's Council on Sustainable Development to create new approaches for combining economic development with environmental protection at home.

One of its functions will be to come up with a plan for the nation's role in fulfilling the Rio accords. President Clinton formally established the council this afternoon. Its members are to come from government, industry and environmental groups.

The 12-day meeting here is "an opportunity for us to publicly resume the leadership that the world expects of us," said Timothy E. Wirth, a former Senator who is counselor to the State Department and is scheduled to become Under Secretary for Global Affairs. Recent Administration actions make it clear, Mr. Wirth said, that "we have sharply changed U.S. policy."

In April, Mr. Clinton announced that the United States would go beyond the Bush policy on global warming by reducing emissions of heat-trapping gases like carbon dioxide to 1990 levels by the year 2000. The Bush Administration had rejected this timetable, advocated by the Europeans, and insisted that weaker provisions be included in a treaty negotiated before Rio but signed there.

Treaty to Rescue Species

Mr. Clinton announced that the United States would sign a treaty, signed by more than 150 other countries in Rio, and also negotiated in advance, to protect the world's dwindling stock of living species. In an action that perhaps more than anything else contributed to the Bush Administration's obstructionist image, the United States had been alone among large countries in refusing to sign the accord. The biodiversity treaty, as it is called, was signed here on June 4 by Madeleine Albright, the American representative to the United Nations.

In April, the United States also overturned another Bush policy by declaring itself open to a broadening of an agreement to protect tropical forests exploited in the international timber trade. Developing countries, where the tropical forests are situated, want the agreement expanded to include forests in temperate countries as well. The tropical countries have protested that the existing agreement discriminates against them by excluding temperate forests.

In early May, Mr. Wirth announced here that the United States, again reversing the Bush and Reagan positions, would put control of the exploding world population high on its agenda and would increase foreign aid for population programs. At the same meeting, Mr. Wirth acknowledged that the consumption patterns of industrial countries like the United States contributed disproportionately to the degradation of the global environment, a view fervently held by developing countries but minimized by the Bush Administration.

Mr. Gore today re-emphasized the industrialized countries' impact on the environment, declaring that "a child born in the United States will have, in his or her lifetime, 30 times more impact on the earth's environment than a child born in India." He asserted that "the affluent of the world have a responsibility to deal with their disproportionate impact."

In late May, the Clinton Administration held out another olive branch to the developing countries in Beijing at a meeting of delegates to the Global Environmental Facility. This is a relatively new organization created by the World Bank and the United Nations to channel money from rich countries to poor ones for environmental projects.

Developing countries have feared that they would have little say over the financing; that the industrialized countries would call the tune through the World Bank. At Beijing, the United States supported a move for more independence from the World Bank and more democratic governance of the global environmental fund, to the delight of both Southern countries and environmentalists.

The Clinton Administration is also seeking to redirect some of its foreign aid toward sustainable development projects and is lobbying the World Bank toward the same end.

The United States "is extending a friendly hand for the first time in a long time to the developing world," said Liz Barratt-Brown, a specialist in global environmental affairs at the Natural Resources Defense Council, an environmental advocacy organization. "Clearly," she said, "the U.S. is the key to resolving all these issues."

But while "the rhetoric is great in these international forums" Ms. Barratt-Brown said, the Administration must still back up its aspirations for renewed leadership with concrete actions to fulfill its own environmental responsibilities. What is important she said, "is what's going to happen on the ground" in the United States.

One of the first indications of this is to come in August, when the Administration presents its detailed plan for reducing greenhouse-gas emissions to 1990 levels.

U.S. as a Bridge

The new opening to what used to be called the third world is deliberate. "We can be the bridge" between the rest of the industrialized world and the developing countries, said a White House official, who spoke on the condition of anonymity. "I would hope we would see more of that" at the New York meeting.

As the Earth Summit adjourned last year, delegates recognized that its goal of sustainable development and improved environmental protection would not be achieved quickly. Still, the rich industrialized countries of the North and the poor developing countries of the South struck a bargain in which the North pledged financial and technological aid to the South in a mutual effort to achieve sustainable development. And there was a general feeling that with the cold war over, the environment had joined economics and military security at the top of the international agenda.

But in the last 12 months, the global recession and the emergence of regional conflicts like that in the Balkans have eclipsed the environment as an object of international attention. In this climate, some diplomats expressed modest expectations for what the Commission on Sustainable Development might accomplish in its first meeting.

The meeting is nevertheless expected to tell much about whether the fragile bargain struck at Rio between Northern countries anxious about the global environment and Southern countries jealous of their right to develop as they see fit will hold together, and whether the work of Rio will be carried forward in any tangible way.

Not least of the underlying issues is a fear among developing countries that the Commission on Sustainable Development might become a watchdog that could make financial aid conditional on a country's environmental policies. At the same time, some environmentalists and industrialized countries want greater assurance that money and technology given Southern countries to promote sustainable development is actually used for that purpose.

Lack of Enforcement Power

The commission has no power to enforce anything. It will reach decisions by consensus and rely on publicity and international pressure to make countries keep their promises under Agenda 21. The climate and biodiversity treaties are legally binding and have their own governing organizations.

Razali Ismail, the Malaysian representative to the United Nations, who is the commission's chairman, said that if the issues of finance and technology transfer could be addressed at the New York meeting without "negativism," it would be "a major accomplishment."

The critical issues of financing, technology transfer and reporting of progress by individual countries will be considered by the commission at annual meetings. The question of reporting is sensitive because of some countries' fears that environmental progress will outweigh financial considerations in dispensing aid. Specific issues dealt with in Agenda 21 — from water quality to desertification, forests and species protection, to the atmosphere and oceans to toxic chemicals — will be taken up once every three years.

Environmentalists have suggested that the new commission might go far toward establishing its credibility by dealing with a hugely important but noncontroversial issue: water quality and supply throughout the world. This is an especially critical matter in developing countries, where contaminated water is the norm and millions of people die every year as a result.

Haitians With H.I.V. Leav
Cuba Base for Lives in U..

By LARRY ROHTER
Special to The New York Times

BASE, Cuba, June 14 — They arrived at the airstrip here as the sun was rising, dressed in clothes sent them by relatives and quietly clutching their few possessions. For 27 Haitian political refugees, 20 months of confinement in what a Federal judge has described as a squalid "H.I.V. prison camp" ended today with a flight to the United States and freedom.

The departure of the group, 21 adults who are infected with the virus that causes AIDS and six children who have not been tested for the disease, was the first step toward closing the military detention center, as ordered last week by Judge Sterling Johnson Jr. of the Federal District Court in Brooklyn. Col. Raymond A. Barbeau, commander of the camp, said he expected the remaining 113 Haitian refugees to leave "in the next 10 days to two weeks."

The refugees have been held in a remote corner of this sprawling American military base on the southeast coast of Cuba because, under current Federal rules, people with H.I.V. can be denied entry to the United States even if they qualify for political asylum. But on June 8 Judge Johnson called the policy "outrageous, callous and reprehensible" and criticized Washington for inflicting on the Haitians "the kind of indefinite detention usually reserved for spies and murderers."

'Going to Be Leaving Hell'

As word spread through the camp this morning that the first contingent of H.I.V.-infected refugees was indeed on its way to Miami, the remaining residents allowed themselves to celebrate.

"I don't know if I am going to paradise," said Jean-Robert Germain, a 32-year-old electrician who plans to join a sister who lives in South Florida. "But at least I know that I am going to be ving hell."

Among the American military and civilian workers who have been carrying out the policy of the Bush and Clinton Administrations, there was also a sense of relief that a long ordeal was coming to an end.

"As an employee, I'm glad this is happening," said Rosa Urquiola, a Justice Department official who supervises immigration procedures for detainees here. "Everybody is finally going home."

Of the 27 Haitians who this morning boarded a C-130 cargo plane for the two and a half hour flight to Miami, 14 said they planned to settle in the New York City area. A dozen plan to remain in Florida, and one was going to Massachusetts.

Gateway for Thousands

The 40-acre compound they left behind is the last remnant of a detention system through which more than 35,000 Haitians have passed since a military coup overthrew their country's elected president, Jean-Bertrand Aristide, in September 1991. Just a year ago, 12,500 people, plucked by the Coast Guard off ships on their way to Miami, were living here, less than a third of whom eventually were allowed into the United States.

At Camp Bulkeley, as the compound for H.I.V.-infected refugees is known, the detainees have been living in barracks-like structures made either of plywood or cinder block and capped with tin roofs. Screen windows provide a bit of ventilation in the stifling tropical heat, but many residents, preferring privacy to comfort, have hung sheets around their simple military-e cots.

Outside, the walls of the makeshift buildings are daubed with graffiti, from song lyrics by Bob Marley to political protest slogans. "After 15 months of tribulation, we ask for liberation," proclaims one, while another simply reads, "Hasta La Vista, Camp Bulkeley."

Charles Pierre, a 28-year-old jeweler who said he had been an altar boy at the Port-au-Prince church where Pres- : Aristide preached, described the camp routine as one of stultifying boredom. been held at G itanamo, he said, the only activities available to detainees have eating, s ing, drinking, bathing and playing soccer.

Harsh Treatment Asserted

Colonel Barbeau said the camp was equipped with a chapel, beauty shop, weight room and playground. But residents complained of being confined by vast expanses of barbed wire, which they said were removed over the weekend in anticipation of a visit by journalists today, and being treated harshly.

"Being sick is not a crime," Bob Brutus, who left this morning to join relatives in Brooklyn, said. "We have done nothing to deserve this treatment. They've kept us in prison for nothing."

But some of the soldiers on duty here said that residents' complaints about harassment, beatings and arbitrary imprisonment were denied. "I'm a disciplinarian, and they don't like that because it reminds them too much of where they came from," said Sgt. Damas Rabel, a Haitian-born Marine who has been stationed at the camp since earlier this spring.

Many detainees interviewed today also said that they still doubted they were really infected with H.I.V. Some said they believed they were victims of a United States Government plot, and harbor hopes that independent medical testing once they arrive in the United States will give a different result.

"They tell me that I have the virus, but they offer no proof," said Nelson Armel before boarding the military plane to join relatives in Miami. "The first thing I am going to do is see a doctor and find out the truth."

> After 20 months behind fences, a final flight to freedom.

Joseph-Marie Rosit, another passenger on today's flight, added: "If we have the virus, why haven't they give us any medicine for it?"

Refugee resettlement experts have said denial is typical among people suffering an illness, and they said infected detainees would require extensive counseling once they arrive in the United States.

Looking to New Lives

In April, some detainees threatened a mass suicide, saying they could no longer bear the situation in which they were living. Fifi Volcy, 21, said she was one of those "very close to killing myself" after her son, Schneider Chine, 4, was allowed to leave the camp in February and was sent to live with one of her brothers in New York.

"He's just a kid, and I didn't want to see him living here like this," she said as she stood outside the barracks in which she lives. "But I didn't want them to separate us, and I thought they would let me go, too."

Ms. Volcy said she was now eagerly looking forward to studying English and being reunited with her son. At the airstrip, one of the passengers headed for the United States said his spirits have also lifted and that Judge Johnson's decision restored the faith in democracy that had led him to flee his native land and seek asylum in the United States.

"Sometimes I got frustrated, and I thought that I'm never going anywhere," said Jean Edouard, who plans to rejoin his wife and step-daughter, who live in Brooklyn. "I thought I would probably die in Guantánamo, so the judge's decision was a dream come true."

Doctors Planning Battle Against Health-Care Plan

By ROBERT PEAR
Special to The New York Times

CHICAGO, June 14 — Leaders of the American Medical Association laid the groundwork today for an aggressive legal and political campaign against two important elements of the health plan being developed by President Clinton: limits on national health-care spending and on doctors' charges.

The association's board warned that there would be significant constitutional problems if the Government tried to impose price controls or an overall limit on health spending, both of which have been advocated by the White House.

The doctors and their lawyers, from the firm of Sidley & Austin, asserted that "a physician's right to practice medicine is a property right" protected by the Fifth Amendment.

In a report to the medical association, which is holding its annual meeting here, the lawyers wrote:

"When price controls are imposed on all physicians, there can be no claim that they have been incurred voluntarily. The only way to avoid the controls would be to abandon the practice of medicine entirely. However, physicians make huge investments in specialized training and equipment — an investment which would have no value if not devoted to the practice of medicine. A decision to abandon the profession would completely wipe out this investment."

Facing Unanswered Questions

In addition, the medical association said that although Congress was free to limit Federal spending for health care and may discourage employers from spending money for employee health care, the Fifth Amendment "prohibits the Government from barring individuals from using their own funds or their own insurance coverage to obtain appropriate medical care, based solely on a governmental desire to limit aggregate expenditures on health care."

Under the developing Administration plan, all Americans would be guaranteed a basic package of health benefits. The Administration says the package will be so comprehensive that there will be no need to buy more, but it has not addressed what position the Government would take if people felt such a need.

In Washington today, White House officials said they were not surprised by the positions of the medical association. Robert O. Boorstin, a White House spokesman, said: "I am sure that Justice Department people have looked at these questions. I don't know their conclusion."

On price controls, Mr. Boorstin said, "I have a sneaking suspicion" that the views of consumers and economists will count for more than the views of the American Medical Association.

Support and Opposition

Addressing the medical association on Sunday, Hillary Rodham Clinton said, "We do have to control health costs." But she did not say how. Leaders of the association gave her a warm welcome and said nothing on Sunday about the many issues on which they disagree with the White House.

But today the medical association's board said it planned "an aggressive lobbying effort," in Washington and across the country, to resist price controls, limits on health-care spending and other Clinton proposals opposed by doctors. The doctors support some of Mr. Clinton's ideas, like a guaranteed package of health benefits for all Americans.

To be sure, the Government already limits doctors' fees under Medicare and Medicaid. But those limits are, in a sense, voluntary: doctors do not have to participate in either program. By contrast, the Clinton Administration is considering limits on fees charged by doctors to private patients, as well as Medicare and Medicaid patients.

"Any system of comprehensive medical price controls must guarantee a fair and reasonable return on physician investment," the lawyers for the medical association said. " Any controls on physician prices must be based on detailed evidence of the representative costs of physicians performing similar procedures in the same geographic area. In addition, all physicians must be afforded an expeditious and efficient mechanism for seeking adjustments in controlled prices based on their individual circumstances."

Multiple Hearings Foreseen

Officials of the medical association said that it would be much more difficult for the Government to set prices for doctors' services than for products like natural gas. The association's lawyers said that any system of price controls on doctors' services "must distinguish between different procedures, different physician training levels and different areas of the country."

The doctors' arguments are based on two parts of the Fifth Amendment. One clause says that no person may be deprived of life, liberty or property "without due process of law." The other clause says that private property may not be "taken for public use without just compensation."

Mr. Clinton has advocated a "global budget" for all health-care spending, public and private.

Citing 'Due Process'

But the medical association opposes such limits, and its lawyers said: "The due process clause protects the rights of individuals to use their own funds to purchase health care for themselves. A generalized interest in reducing total societal spending on medical care is not a sufficient reason to interfere with this important individual right."

Questions for Patients

Doctors across the country plan to distribute a list of questions to be used by patients in evaluating President Clinton's health-care plan. Among the questions, drafted by the medical association, are these:

"Will I still be able to see my own doctor? Will I have to pay extra?

"I have a group insurance policy through my employer. Will that change? Will my premiums, deductibles and copayments go up?

"Will I be able to choose my own type of health insurance? And can I buy extra insurance if I want it?

"Will the quality of care my family receives be maintained under a new system?

"I'm retired and on a fixed income. Will my Medicare coverage be affected?

"Will everybody in America have health insurance? And if so, how will we pay for this?"

HOUSE PANEL ADDS ABORTION BENEFITS

Federal Workers' Health Plans Would Cover Procedure

By CLIFFORD KRAUSS
Special to The New York Times

WASHINGTON, June 14 — Without a roll call or even debate, the House Appropriations Committee voted today to include abortion in Federal employees' health-care benefits.

Approval by the full House and the Senate is considered probable and would end a Government ban on such coverage that was imposed in 1983. The House panel's action reflected a major shift in abortion policy since President Clinton took office after 12 years of Republican Administrations.

Lawmakers said they did not know how many women would be newly covered for abortion services if the provision survived. But they noted that more than half of the two million Federal employees are women and that wives and daughters of Federal employees would be covered as well.

Representative Nita M. Lowey, a Democratic member of the committee from Westchester County, N.Y., praised the measure as a step toward making Federal employees equal with workers in the private sector. "Before, we treated these women unequally," she said, "because the majority of insurance policies include reproductive health care, including abortion."

The provision was part of a $22.7 billion appropriations bill, approved by the committee on a voice vote, that would finance next year's operations of the Executive Office of the President, the Treasury Department and several independent agencies.

The bill would provide $268 million for the executive office, a reduction of $53 million from the current fiscal year. More than a third of that saving would come from severely cutting back the Office of National Drug Control Policy.

The Republicans left the abortion section of the bill for another day.

Representative Jim Ross Lightfoot of Iowa, the ranking Republican on the Appropriations Subcommittee on the Treasury, Postal Service and General Government, said abortion opponents were planning a counteroffensive. He said Republicans would offer an amendment to an appropriations bill, coming before the committee next week, that would exclude Federal financing of abortion except in cases of rape, incest or peril to a pregnant woman's life. Mr. Lightfoot predicted that the vote would be "really close."

That bill, financing the Departments of Labor, Education, and Health and Human Services, already has a provision that would expand Medicaid benefits to include payments for abortions for poor women.

Representative Nancy Pelosi, Democrat of California, said the victory for abortion rights today was a modest one because the Republicans were "saving their guns for the bigger battle" next week.

U.S. Aircraft Again Attack Somali Faction's Arms Sites

By DONATELLA LORCH
Special to The New York Times

MOGADISHU, Somalia, June 14 — American aircraft struck at a Somali militia's storage sites in this city for a third consecutive day today. No militia casualties were reported, but three civilians were reported wounded when a rocket apparently went awry and struck a sidewalk tea stall several hundred yards from the intended target.

The attack fed the growing anger in the capital against the United States and the United Nations. At a rally in the middle of the city, several hundred people gathered to protest the air strikes, sitting on the ground and chanting "Down With Bill Clinton!"

A day after Pakistani peacekeeping troops opened fire on a crowd of protesters, killing at least 20 Somalis and wounding more than 50, United Nations troops remained in their compounds, their only visible presence in the city patrols of helicopter gunships swooping in low and buzzing buildings and crowds.

No Contact With Aidid

United Nations officials said there had been no contact with Gen. Mohammad Farah Aidid, whose faction is accused of ambushing and killing 23 Pakistani peacekeepers and wounding 59 others on June 5, prompting the retaliatory strikes.

Jonathan Howe, a retired United States Navy admiral who is the United Nations' special representative here, said that a letter to General Aidid had been returned on Sunday because he could not be found. But General Aidid has been seen visiting the areas that were attacked and holding a news conference.

General Aidid said today that he would be willing to talk with the United Nations if the attacks stopped, but Admiral Howe said that General Aidid had to disarm, stop inciting violence and help in the investigation and prosecution of those responsible for the killing of the Pakistani soldiers.

United Nations officials have stressed that earlier United Nations attacks were conducted at night and preceded by extensive reconnaissance to minimize civilian casualties. Today's strike, the first to take place in daylight hours, occurred in mid-morning in a busy area of Mogadishu.

Target of U.S. Attack

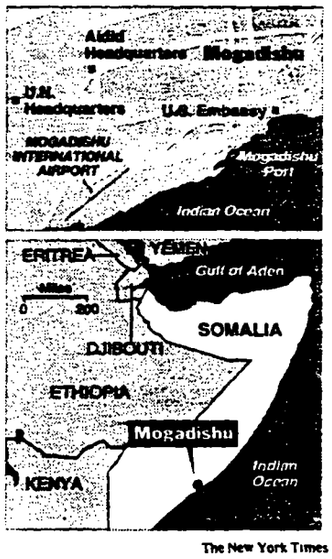
A United States Army spokesman, Lieut. Col. Kevin McGovern, said the raid was aimed at a rocket launcher in a walled compound. A United Nations spokesman, Maj. David Stockwell, said only one missile had been fired and that there were no casualties, but witnesses including reporters and cameramen who filmed the incident said one rocket hit the tea stall and another hit the rocket launcher. Part of the missile's tail — gnarled metal and wires — remained imbedded in the earth near the tea stall, the dust sprinkled with blood and green tea. The city's two main hospitals registered 12 casualties attributed to the missile attack.

This morning's attack came after a night of air strikes against two compounds associated with General Aidid. The strikes from AC-130H gunships began just after 2 A.M. and hit a garage opposite General Aidid's house which was used to store ammunition and weapons, Colonel McGovern said.

Attack on Garage

For the second time in two days, the gunships also hit another garage, also described as a weapons storage site, less than half a block away from General Aidid's compound. Colonel McGovern said the attacks destroyed engineering equipment such as tractors that had been moved there during the day and that could be used to build blockades.

The raids added to the edginess of Mogadishu, a city still reeling from the previous day's shootings by Pakistani soldiers. Recounting the Sunday incident, Major Stockwell said a preliminary investigation indicated that a crowd of 1,000 Somalis had marched toward a Pakistani compound. The troops reported seeing gunmen in the crowd and said that they fired only after they were fired upon from the crowd and from rooftops.



The New York Times

In Mogadishu, several hundred Somalis protested U.S. air strikes.

Somali Warlord, Still at Large, In a Test of Wills With U.N.

By MICHAEL R. GORDON
Special to The New York Times

WASHINGTON, June 14 — During three days of attacks, AC-130 gunships have blasted Gen. Mohammed Farah Aidid's weapons sites. Cobra helicopters have attacked the Somali warlord's radio station. And today an attack helicopter demolished one of his rocket launchers.

But the United Nations forces in Somalia have yet to arrest the man who Washington has said is at the heart of the problem there.

General Aidid has emerged unbowed and unrepentent, blaming the United States and the United Nations for the latest round of violence and inciting demonstrations against United Nations peacekeeping forces. Indeed, in recent days, he has received more air time in televised interviews than most of the senior United Nations officials who ordered the new attacks.

All of which means while the United Nations has dealt General Aidid a setback, it has yet to win decisively the test of wills with the man who the Pentagon and State Department says ordered the ambush that killed 23 Pakistani peacekeepers a week ago.

Not the Primary Aim

Madeleine K. Albright, the United States representative at the United Nations, said the purpose of the attacks by the United Nations forces "is primarily to disarm and restore order; it is not to capture a single individual."

But she added, "There is no question that the capture of those involved would contribute to the overall goal."

Some experts are more blunt.

"The most effective way to marginalize him is to arrest him," Walter H. Kansteiner, the director of African affairs for the National Security Council in the Bush Administration, said, referring to General Aidid.

The confrontation with General Aidid was set the day after the June 5 attack on the Pakistani peacekeepers when the United Nations Security Council adopted a resolution calling for firm action.

Mandate for Justice

The resolution underscored the need to disarm the warring Somali factions and to neutralize radio stations that broadcast inflammatory anti-United Nations material. The United States carried out that part of the resolution by staging air and ground attacks.

But the Council resolution also said the United Nations needed to bring to justice the Somalis who ordered the attack.

As far as the Clinton Administration is concerned, the responsibility for the attack is squarely on General Aidid's shoulders.

A senior Pentagon official told reporters on Saturday that General Aidid had planned the ambush.

"It was a confrontation that he frankly had been looking for," the official said. "He had selected the Pakistanis — among others, but particularly the Pakistanis — as a target."

In a radio address on Saturday, President Clinton described the ambush as "Aidid's attack." Ms. Albright said the evidence available to the Administration indicates that General Aidid "incited the whole business last week."

But United Nations officials in Mogadishu said today that no effort was made to detain General Aidid, pending an "investigation" into the June 5 attacks on the Pakistani peacekeepers.

The decision not to detain and arrest General Aidid immediately had serious consequences for the United Nations peacekeepers. General Aidid gave interview after interview, trying to mobilize international opinion against the United Nations military action.

Pakistanis Kill Demonstrators

United Nations and American officials believe that it was General Aidid who orchestrated the demonstration on Sunday that turned into a disaster when Pakistani troops opened fire, killing at least 20 demonstrators. According to United Nations accounts, women and children were used as shields as gunmen fired at Pakistani peacekeepers from several locations. In response, the Pakistanis opened fire, giving General Aidid a grisly propaganda point in his battle with the United Nations.

While some officials said an effort to detain General Aidid was awaiting completion of the investigation, some experts said the United Nations peacekeepers are holding off only until military strikes had eliminated much of his militia's firepower.

Some senior Administration officials, who asked not to be named, voiced confidence that the Somali warlord would be arrested and tried.

"Part one and part two were taking out the weapons and the radio station," said a diplomat familiar with the Somalia operation. "Part three is tracking down Aidid and apprehending him."

New Assembly Gives Prince Sihanouk Broad Powers

By PHILIP SHENON
Special to The New York Times

PHNOM PENH, Cambodia, June 14 — The newly elected National Assembly met today for the first time and immediately voted to provide Prince Norodom Sihanouk, Cambodia's ceremonial head of state and its former monarch, with all of the powers necessary "to save our nation" in the face of a secessionist threat and a continuing civil war.

While Prince Sihanouk did not immediately accept the wide-ranging powers offered to him by the 120-member assembly, the vote was proof of his indispensable role in international efforts to restore peace to this shattered country.

In a triumphant speech before the National Assembly, the 70-year-old Prince declared the inaugural meeting of the legislature a "very historic day in the national history of Cambodia," even as he warned of "our terrible problem, including a possible partition of Cambodia."

Secessionist Protest

Last week, one of Prince Sihanouk's sons, Prince Norodom Chakrapong, announced that he would refuse to accept the results of the elections sponsored by the United Nations last month and that, as a protest, he was leading a secessionist movement of seven eastern provinces.

Prince Sihanouk today condemned the renegades led by his 47-year-old son, who is a senior official in the Government of Prime Minister Hun Sen. Mr. Hun Sen's political party was defeated at the polls.

"We must not make this day the beginning of the end of Cambodia," Prince Sihanouk told the members of the National Assembly, who are responsible for drafting a new Constitution and then converting themselves into a Government body. "We have to find a way to avoid the partition of Cambodia."

Prince Sihanouk, who in a half century of public life has raised unpredictability to an art form, had no immediate comment on the National Assembly resolution that granted him "full and special powers inherent in his capabilities and duties as chief of state in order that he may save our nation."

Prince Sihanouk had left the pagoda-like National Assembly hall before the vote. The resolution was approved in a nearly unanimous show of hands. There were no dissenting votes, although a few legislators did not raise their hands. Many delegates read the resolution as offering the Prince absolute powers to run the country.

United Nations officials said the resolution was of dubious legality, since the National Assembly is responsible only for writing a Constitution, but they said they would not stand in the way of a return to power by Prince Sihanouk.

The Prince is recognized as a symbol of national reconciliation by all political factions, including the Maoist-inspired Khmer Rouge.

> The factions in Cambodia give a sign they are coming together.

The Khmer Rouge have pledged their support for Prince Sihanouk even as they have boycotted the United Nations peace process.

Backed by All Factions

Diplomats in Phnom Penh and United Nations peacekeepers said the Prince, after some coaxing, was likely to accept leadership of an interim Government, since the resolution approved today had the support of leaders from all factions in the assembly, including Mr. Hun Sen and Prince Norodom Ranariddh, also a son of Prince Sihanouk and the leader of the royalist opposition party that won the elections last month.

The resolution appeared to be evidence of a reconciliation between Prince Ranariddh and his father. Earlier this month a coalition Government led by Prince Sihanouk collapsed because of his son's refusal to share power equally with Mr. Hun Sen.

Prince Ranariddh, who introduced the resolution today in the National Assembly, declared the nearly unanimous vote as "very, very good news for all Cambodians."

A spokesman for the incumbent, Vietnamese-installed Government of Mr. Hun Sen said it had handed over all state powers to Prince Sihanouk as a result of the vote. "Sihanouk has full powers," said the spokesman, Khieu Kanharith. "In this explosive situation, it's better that he takes all the power. Sihanouk decides everything."

Mr. Kanharith said only Prince Sihanouk had the authority to end the threat of secession by Prince Chakrapong, who is estranged from his half-brother, Prince Ranariddh, 49.

Prince Chakrapong and a number of Cambodian Army generals announced Saturday that they were establishing an "autonomous zone" of seven eastern provinces. The move appeared to have no popular support in those provinces, although the Prince may have sufficient military force to back up the secession threat.

Mr. Kanharith insisted today that Prince Chakrapong was acting independently of the Government.

In proclaiming the secession, Prince Chakrapong insisted that he was creating the so-called autonomous zone in the name of his father, suggesting that only Prince Sihanouk could bring the secessionist threat to an end.

U.S. Warns Rulers on Vote

By STEVEN A. HOLMES
Special to The New York Times

WASHINGTON, June 14 — The Clinton Administration warned civilian and military leaders of the Cambodian Government today that they face international censure if they fail to abide by the results of the elections.

"There will be strong adverse international reaction to any effort to subvert the results of the election," said Joseph Snyder, a State Department spokesman. Mr. Snyder, however, declined to specify what kind of international response would follow if the Government of Hun Sen continues its refusal to accept the results of the election.

Supporters of Prince Sihanouk won a plurality of 45.5 percent of the vote. The Cambodian People's Party, which was installed after a 1978 invasion by the Vietnamese, got 38.2 percent.

Election Called Fair

Clinton Administration officials have expressed dismay over the characterization by Mr. Hun Sen and other leaders of the People's Party that the election was fraught with "massive irregularities." United Nations observers who supervised the election and international monitoring groups have certified that the balloting was fair.

A high official in Mr. Hun Sen's Government, one of Prince Sihanouk's sons, said on Saturday that seven provinces in the eastern portion of Cambodia were seceding from the country.

Yet even while the Clinton Administration was issuing the warning, Mr. Snyder was quick to note that Cambodia's constituent National Assembly convened for the first time today to form a new Government.

The People's Party took part in that meeting, leading to speculation that the threat to withdraw the provinces from the central Government was a bit of verbal maneuvering to increase its bargaining power.

Indeed, Mr. Hun Sen attended the session and then departed for the eastern part of the country to persuade leaders of the break-away provinces not to withdraw.

THE NEW YORK TIMES, TUESDAY, JUNE 15, 1993

In Serbia, Sanctions Fuel Rage

By WILLIAM E. SCHMIDT
Special to The New York Times

NOVI SAD, Yugoslavia, June 11 — Under the green plastic roof of the central market, Desa Kukobat fumbled to make change for a customer, slowly counting out a thick pile of 100,000- and 50,000-dinar notes, once a small fortune in Yugoslavia. The head of lettuce she had just sold cost 50,000 dinars; the man, apologizing, said the smallest bill he had was one million dinars, which is worth only about $1.30 at today's rate.

"The embargo is suffocating us," complained Mrs. Kukobat, 53, a sunburned woman selling cucumbers, lettuce and potatoes. "People can't afford to buy anything, we can't afford to produce very much and the money is worthless paper. Why don't you ease these sanctions? We are not America's enemies."

Like other people in this graceful Danube River city, 50 miles northwest of Belgrade, that is the capital of Serbia's fertile Vojvodina region, Mrs. Kukobat says she does not care so much about the war in neighboring Bosnia, nor about politicians' visions of a greater Serbia.

Harder Each Day

What matters, she says, is that life for her and for her family becomes harder with each day, a grim reality resulting from the United Nations' economic sanctions enforced a year ago on what remains of Yugoslavia. For this she holds the West — rather than her own leaders — accountable.

Mrs. Kukobat's opinion is just the sort the most nationalist and militant political leaders in Serbia like to hear.

"This is what we have argued," said Maja Gojkovic, the 30-year-old vice president of the Serbian Parliament and a lawyer from Novi Sad who is a founding member of the Serbian Radical Party. "Instead of achieving their goal of making Serbia surrender, the West has only provoked the people's spite."

The most jingoistic of the Serbian parties, the Radicals won a third of the votes cast in Novi Sad in last December's national elections and now make up the second-largest block of legislators in the Federal Assembly.

Strengthened Hard-Liners

Western diplomats in Belgrade believe that hyperinflation, currently running at an estimated 300 percent a month, and the continuing decline in production in the rump Yugoslavia have strengthened the hand of hard-liners who favor continued support for the Serbian nationalists in Bosnia.

Those problems may also have been a factor in recent moves by the President of Serbia, Slobodan Milosevic, to crack down on internal critics.

Goran Golic, a 31-year-old clerk in a bookshop on a cobblestone square in Novi Sad, said many people are turning to the nationalists for their answers.

"They have nothing else to lose, so why not?" said Mr. Golic, whose shop is filled with fading copies of fashion magazines, dating from the time before the embargo.

His colleague, Milorad Vlaisavljevic, 27, added: "The sanctions have closed the circle around the people, diminishing their energy and limiting their access to information. You must know this: The West is not punishing the politicians, it is punishing ordinary people, and strengthening the hand of those who are the most authoritarian."

Powerful Still Live Well

Bojana Krndija, a 23-year-old university student, said that by imposing sanctions to pressure Serbia into ending its support for the Bosnian Serbs, the West is missing the point.

"I don't know how my mother manages to live," she said. "But I am sure the people in political power here still have a good life."

"For Milosevic, the problem is not the war in Bosnia," said Vladeta Yankovic, an opposition member of Parliament. "His trouble is at home."

While the sanctions are the handy explanation for everything that has gone wrong, Western diplomats say they account for only a part of Yugoslavia's difficulties. A more important obstacle, they insist, is Mr. Milosevic's determination to preserve the old socialist command economy.

A Scene of Plenty

On the surface, life in Novi Sad, a regional market center of 179,000 people, appears untouched. Cafes and restaurants are crowded, the market stalls are filled with eggs and vegetables from the surrounding rural areas, and vendors on the central square sell everything from popcorn and ice cream on sticks to cigarettes.

But there are critical shortages of some goods, including soap powder and milk, and wages are not keeping pace with prices. The government monthly minimum wage for May was six million dinars, which at current prices will buy about six cheese sandwiches.

Last week, a Belgrade magazine calculated that if one were to borrow a million dinars today, it would cost 180 billion dinars to repay in a year's time, if inflation does not worsen.

Still, for many like Radoslav Vasic, a 27-year-old shoemaker and army veteran whose business has dropped off to virtually nothing, the sanctions and the economic decline are something good Serbs must endure.

"The sanctions will change nothing," he said. "No matter if you shoot at us, no matter what injustice you do to us, we know we are right."

The West is the Serbian leader's whipping boy.

The U.N. Says It Will Require 7,500 More Troops for Bosni

By RICHARD BERNSTEIN
Special to The New York Times

UNITED NATIONS, June 14 — Secretary General Boutros Boutros-Ghali told the Security Council today that at least 7,500 more peacekeeping troops, backed by the threat of air strikes against Serbian forces, would be needed to deter attacks against the six "safe areas" designated by the Council in Bosnia.

He said full security — "deterrence through strength" — would require 34,000 more troops. But a "light option" of 7,500 troops is all that member states were likely to contribute in the foreseeable future, he added.

The Secretary General issued his report in response to a Security Council request that he estimate the number of troops needed to protect the six areas.

Resistance by Europeans

The proposal to send additional forces was worked out earlier this month by the United States, Britain, France, Spain and Russia. But several other Security Council members have been deeply skeptical, saying the plan would legitimize Serbian conquests and provided no mechanism for the return of seized territory to its mostly Muslim former inhabitants.

Mr. Boutros-Ghali said 7,500 troops would be a "minimal troop reinfo ment" that, to be effective, would quire the threat of air strikes aga attacking troops. He also said the 7 troops could only be committed i parties cooperated with them, mea that the Bosnian Serbs would hav agree to their presence in the six claves — Sarajevo, Gorazde, Srebr ca, Zepa, Tuzla and Bihac — al which are under siege by Sert forces.

On June 4 the Security Council vo to authorize air strikes in Bosnia, the United States and Europe h disagreed on the circumstances un which strikes would be undertal The United States wants to use str only to protect United Nations forc the Europeans favor strikes to pro Muslims under attack from Sert forces.

Balkan Update

In **GORAZDE** yesterday, attacks by Serbian forces were repulsed by Bosnian Government troops defending about 60,000 people there. More than 65 people have been reported killed in enclave since Sunday.

In **SARAJEVO**, the commander of the United Nations military force in the Balkans arrived for talks with commanders on a truce in central Bosnia. As continued fighting between Bosnian Army and Serbian forces around the capital, shellfire by the army appeared to be part of an effort to open a corridor to the Bosnian stronghold at **ZENICA**.

At the **UNITED NATIONS**, the Secretary General told the Security Council that at least 7,500 new troops would be needed to deter Serbian attacks against the six "safe areas" in Bosnia.

In **SKOPJE**, the capital of **MACEDONIA**, the Defense Minister said an advance group of Americans are to arrive this week in preparation for 300 American soldiers who will join 700 Nordic troops as part of the United Nations monitoring force in two to three weeks.

Bosnians Reported to Repel Serb Attack

By CHUCK SUDETIC
Special to The New York Times

SARAJEVO, Bosnia and Herzegovina, June 14 — Bosnian Government troops repulsed new attacks by Serbian nationalist forces today on the "safe area" of Gorazde, the last Muslim enclave in eastern Bosnia that the Serbs have not overrun or neutralized, amateur radio operators reported.

After reports of Serbian artillery attacks on Sunday and infantry assaults that brought Serbian forces to within a few miles of the town of Gorazde, Bosnian officials demanded in Geneva today that the United Nations immediately deploy United Nations military forces in the Gorazde pocket, where some 60,000 people, including tens of thousands of refugees, are trapped.

Sarajevo radio said that more that 65 people have been killed and 100 wounded in the fighting in Gorazde since Sunday morning, including 52 killed in a Serbian rocket attack on a first-aid center.

Serbs Bar Observers

The reports cannot be independently confirmed because the Serbs have denied United Nations military observers and humanitarian-aid officials access to the area.

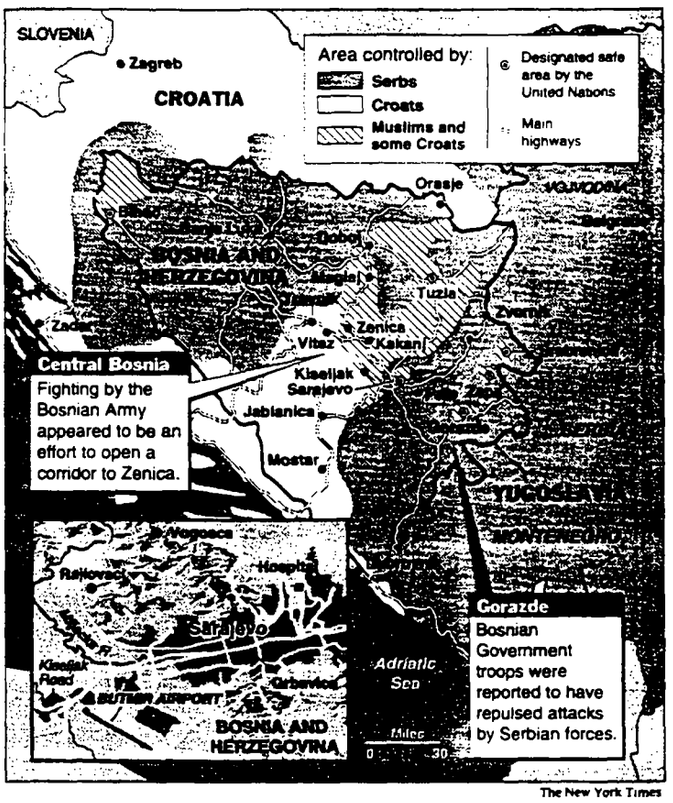
The commander of the United Nations military force in the Balkans, Gen. Lars-Eric Wahlgren, arrived at Sarajevo airport today for talks on Tuesday with Serbian, Croatian and Bosnian Government commanders aimed primarily at working out a truce in central Bosnia and taking practical steps toward the establishment of Sarajevo and Gorazde as United Nations "safe areas."

The Serbs have resisted, charging that the United Nations and the Muslim-dominated Bosnian Government reneged on agreements governing the establishment of "safe areas" around the eastern Bosnian towns of Srebrenica and Zepa.

Those accords called for the disarming of the areas' Muslim defenders, but United Nations officials have acknowledged that rather than give up their weapons, many Muslim troops simply headed for the hills outside the enclaves. Faced with daily clashes between Muslims and Serbs just outside the Srebrenica "safe area," Serbian commanders have retaliated by forbidding United Nations troops to repair a water station that would pump drinking water to the 25,000 residents and refugees trapped in the town.

Truce Proves Elusive

United Nations officials have tried in vain for months to work out a lasting cease-fire in Bosnia and Herzegovina, and nothing here suggests that Tuesday's scheduled talks between the three commanders will be any more fruitful than earlier meetings.



The New York Times

"We've got to try, and we've got to continue to try, and we've got to get the leaders to hold to it," said the spokesman for the United Nations military force in Bosnia, Comdr. Barry Frewer of Canada. "Maybe now is the time."

In Sarajevo today, Bosnian and Serbian artillery exchanged fire, with the Bosnian forces firing mortars into the Serbian-controlled neighborhood of Grbavica from a position near the besieged city's main hospital. Shellfire also ripped through areas along the front line between Bosnian and Croatian forces on the main road between Sarajevo and the Croatian-held town of Kiseljak, Commander Frewer said.

"This is the first time we've seen this kind of shelling concentrated in this area," he said.

The shelling on the Kiseljak road, along with fighting between Bosnian and Serbian forces in the Sarajevo suburbs of Rajlovac and Vogosca and between Bosnian and Croatian units near the town of Kakanj, appeared to be part of a series of maneuvers by the Bosnian Army to open a land corridor through Serbian and Croatian lines to the Bosnian stronghold at Zenica. The fighting "appears to be part of a continuing Bosnian Army move in that area," Commander Frewer said.

Fight Between Ex-Allies

Clashes between Croatian and Bosnian Army forces, once allies against the Serbs, have spiraled out of control in central Bosnia since the collapse last month of the United Nations-European Community peace plan for Bosnia. The absence of any effective action by the international community to turn back the nationalist Serbs' conquest of Bosnian territory appears to have given all sides a clear signal that the rest of the world has resigned itself to accept Bosnia's dismemberment and, thus, given tacit approval for a land grab. Even the Bosnian Government, which still formally supports maintaining the country as a multi-ethnic, secular state, has evicted Croats and Serbs from several towns and villages in central Bosnia, over the last several weeks.

Skirmishes continued today between Croatian and Bosnian Army forces near the towns of Vitez and Novi Travnik despite a new cease-fire accord announced Sunday night, Commander Frewer said, adding that rain showers were probably most responsible for a drop-off in military activity.

Can We Stop the Chinese Slave Trade?

By Marlowe Hood and Willard Myers 3d

The boatload of illegal Chinese aliens that ran aground off Queens, together with other ships found full of hopeful immigrants, has reignited debate over the abuse of our disabled asylum system. But measures in Congress that would restrict access to political asylum and make it easier to exclude illegal immigrants are flawed. They would not significantly stem the flow and would make it harder for the many legitimate cases to get a fair hearing.

The Immigration and Naturalization Service wants us to believe today's wave of illegal immigration from China is unprecedented in scope. It is not. About 100,000 Chinese entered the U.S. illegally in 1987 and in 1991. But the I.N.S., which once cited these figures, now disowns them. It is trying to obscure the extent of immigrant smuggling from China so as to camouflage its own past failure to prevent it and to shift blame to the asylum process.

Marlowe Hood is editing the memoirs of the Chinese dissident Fang Lizhi. Willard Myers 3d is an immigration lawyer in Philadelphia.

Only in the past year have Chinese immigrants begun to manipulate the asylum procedure in significant numbers, leaving the asylum process in disarray. Applications for refugee status by citizens of China have quadrupled since 1990, and a growing backlog means most cases wait nearly two years before review. Many, perhaps most, such claims are without merit.

But U.S. asylum laws are not the main magnet for immigrants from China or elsewhere. Chinese peasants who pay outrageous sums for passage are pushed by a lack of opportunity at home and pulled by unrealistic expectations about life in the U.S.

Even if the U.S. abandoned its asylum laws, the masterminds behind people-smuggling would find other routes. A decision to send 524 Chinese home after interception in mid-Pacific has not been a deterrent: 21 have made it to the U.S. on other vessels.

The Government has begun to address the law-enforcement side of the issue by developing a broad plan to break the back of crime rings that earn millions from people-smuggling. With stiffened penalties for smuggling aliens, prosecutors will be given an incentive to pursue difficult-to-prove cases that they lack when a smuggler can get five years at most.

The International Organized Crime Control Act, introduced last week by Senator William V. Roth Jr., Republican of Delaware, should be revised so that smuggling would be covered by the Federal Racketeering Influence and Corrupt Organizations statutes, which gives law enforcement agencies wide powers to investigate and prosecute sophisticated criminals.

Flaws and feuds mar enforcement.

The Government must press China to crack down on corrupt local officials who allow smugglers to operate freely in their own country, especially in Fujian Province, where most of the illegal aliens start.

But the asylum process also cries out for reform. What is now being exploited is the delay in the system more than the system itself. The backlog of asylum cases totals more than 300,000, often left pending for years, while applicants are allowed to work legally. Quicker processing would remove this incentive.

Disingenuous asylum-seekers often invoke a provision mandating "enhanced consideration" for people who have been persecuted or fear persecution under China's one-child-per-family policy. The I.N.S. must resolve its internal debate over how to evaluate asylum claims based on this policy. The conflict, which has paralyzed the judicial process, pits the State Department and I.N.S. law-enforcement, which have little patience with such claims, against the I.N.S.'s general counsel, Grover Joseph Rees 3d, who wants to make it easier for applicants to get refugee status on this basis.

The thousands of Chinese who have been given final deportation orders should be sent home. Only when would-be immigrants see that the U.S. is serious about enforcing its policies will they think twice about a dangerous voyage. At the same time, the U.S. should warn China that unreasonable punishment of those returned would be met with sanctions.□

Tune In to Democracy

By Joshua Muravchik

WASHINGTON

Over the next two days, House appropriations and Senate foreign relations subcommittees will begin deciding whether to create Radio Free Asia — to do for such tyrannies as China, North Korea, Vietnam, Laos and Burma what Radio Liberty and Radio Free Europe did for Communist Europe.

The Administration is expected to weigh in with a recommendation. If President Clinton, who chose to extend China's most-favored-nation status without any human rights conditions, wants to retain credibility as an advocate of global democracy, he'll want to make sure a robust plan for Radio Free Asia goes forward. In defending his decision, he said we have an interest in China's modernization. But this is true only if China's political development goes hand-in-hand with its economic development. A China that grows rich and powerful without becoming democratic will be more of a menace than a blessing.

Joshua Muravchik, a resident scholar at the American Enterprise Institute, advised the Clinton Presidential campaign on foreign policy.

Economic growth will not necessarily lead to democratization, as in South Korea and Taiwan, which have democratized under optimum conditions: affluence and U.S. influence. Japan modernized around the turn of the century, but the impetus toward liberalization could not overcome authoritarianism and militarism.

Before M.F.N. is extended again next year, we must obtain substantial concessions on political prisoners, forced labor, emigration and the jamming of American broadcasts.

Despite jamming, Voice of America reaches a large Chinese audience with world news and programs in limited-vocabulary English that help Chinese learn our language. Radio Free Asia would broadcast entirely in Chinese dialects (and in other native languages to other countries) and would focus on news about China (and in broadcasts to other countries, on their national news). Pioneered by Radio Free Europe and Radio Liberty, such broadcasting provides the information that would be available in the domestic press if it were free.

Of course it is hard to gather domestic news in an unfree country, and the target countries can make it harder by not accrediting Radio Free Asia correspondents. Radio Free Europe and Radio Liberty operated under the direst constraints, gathering news of Soviet bloc countries during the worst of the cold war. They compensated by employing hundreds of researchers who interviewed travelers, collected unofficial publications and scoured the official media.

After the Soviet empire fell, we confirmed how effective this was, as the new Eastern European leaders — Lech Walesa, Vaclav Havel, Boris Yeltsin and even Mikhail Gorbachev — offered glowing testimonials to Radio Free Europe/Radio Liberty.

Candidate Clinton declared strong support for a Radio Free Asia, and $30 million to launch the service has been included in his fiscal 1994 budget. But Congress will trim the budget, and Radio Free Asia is nobody's pork.

Finance Clinton's Radio Free Asia

The new "China lobby" — businessmen and diplomats who oppose anything that will roil Beijing — are trying to scuttle Radio Free Asia just as they torpedoed human rights conditions on trade. They have proposed adding a few hours of news about China to Voice of America's broadcasts. This would be a weak substitute for an independent Radio Free Asia. In Europe, Voice of America and Radio Free Europe/Radio Liberty operated side by side — each performing its distinct mission — with proved effectiveness. In Asia, we should do no less. □

Lao-tzu's Tips for Clinton

By Richard Littell

WASHINGTON

President Clinton could have saved Judge Stephen Breyer from a version of the Chinese water torture by following an ancient treatise on the art of governing, the "Tao Te Ching" or "Book of the Way." Written more than 2,000 years ago by Lao-tzu, a contemporary of Confucius, it can show Mr. Clinton the tao ("way") to repair his political fortunes.

"Hold on to the center." As a candidate, Mr. Clinton portrayed himself as a new Democrat, a moderate committed to centrist policies. "Just stay at the center of the circle," Lao-tzu wrote. "You will endure forever." Once inaugurated, Mr. Clinton veered from the center, leaving people to believe the real Bill Clinton is a donkey in sheep's clothing. Putting David Gergen in the White House and keeping Lani Guinier out of the Justice Department isn't enough to foil that suspicion.

"His constant practice is humility." Lao-tzu warned that "the Wise Person avoids extravagance... He doesn't glitter like a jewel but lets himself be shaped by the Tao as rugged and common as a stone." Mr. Clinton seemed to fit this model at first, stressing his humble beginnings. Then plain Bill started hobnobbing with Hollywood stars and their hair stylist, learning the hard way that "one who puts himself on display does not brightly shine."

"Deal with the most vital matters." During his campaign, Mr. Clinton said, "The American people are hungry for action," and he has duly proposed new programs. But as the polls record his sinking popularity, he has found that his appetite for action gives the public indigestion. As Lao-tzu observed: "Governing a large country is like frying a small fish. You spoil it with too much poking."

To avoid spoiling his Administration, Mr. Clinton should adopt the three Zen rules for action:

Rule 1: Do one thing at a time. Mr. Clinton must concentrate an the ultra-important issues. His economic package has first priority. After Congress enacts that program, the nation will be ready for health care and (in its time) welfare reform. Rule 2: Pay attention to what you are doing and, when your mind wanders, bring it back. Mr. Clinton acknowledges that his Administration has lost focus. Rule 3: Repeat Rule 2 10,000 times

"Don't presume to be leader of the world." Seeking greater intervention in Bosnia, Mr. Clinton supported one plan after another but abandoned them all. Finally, he signed on to a plan that he had previously denounced. Totally ineffective in Bosnia, he confirmed Lao-tzu's dictum: "Rushing into action, you fail."

"The farther you go, the less you Know." Candidate Clinton asked to be sent to Washington to end gridlock. Once there, he began traveling the countryside to mobilize support against a Congress that hesitated in backing his proposals. The "Tao Te Ching" asked, "Why should the Lord of the country flit around like a fool?" Stay in Washington, Mr. President, and — as you promised — make government work.

"The Master does't talk, he acts." President Clinton can redeem his Administration, but only if, as Lao-tzu said, "people can trust his words." The public is suspicious of smooth-sounding promises. It would be better, as the "Tao Te Ching" put it, to "Just show people the results."

Failure is an opportunity." Lao-tzu believed failure gives the wise leader an "opportunity to correct his own mistakes." He advised the leader to "consider those who point out his faults as his most benevolent teachers."

2,000-year-old spin doctor's bible.

How should Mr. Clinton handle criticism? Lao-tzu counseled, "When [a great man] makes a mistake, he realizes it." Having realized it, he admits it. Having admitted it, he corrects it.

Mr. Clinton has reacted to publicity about his follies by becoming angry with his critics in the press. Yesterday, asked whether he zig-zagged on the way to nominating Judge Ruth Bader Ginsburg to the Supreme Court, Mr. Clinton cut the question short and stormed away from the microphone. The time has come for the President to heed Lao-tzu. "Close your mouth ... blunt your sharpness ... and soften your glare." □

Richard Littell is a lawyer.

On My Mind

A. M. ROSENTHAL

Syria, Drugs and The U.S.

The Bekaa Valley was once Lebanon's breadbasket — rich with wheat, fruit, vineyards. Since Syria took military control of the country 90 percent of the valley has been given over to drug cultivation — particularly opium for heroin.

Syrian military units border cannabis and opium fields and laboratories for making the heroin. Individual Syrian officers make as much as $30,000 a year from the trade.

Higher officers, including President Assad's brother and the Minister of Defense, make vastly more. All told, the Syrian military gets a subsidy of $300 million to $1 billion from the heroin trade, much of its product destined for the United States. Terrorist groups headquartered in Syria also draw funds from drug cultivation in the valley.

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The information above comes from a report ordered and made public by the chairman of the House Subcommittee on Crime and Criminal Justice. It has long been known to U.S. intelligence agents, taken up diplomatically by Washington but not directly and publicly confronted.

But the time for merely engaging in diplomatic dialogue with the Syrians on the drug trade is over, the report said. It urged that the U.S. set a deadline for Syria to end its drug activities and that the Justice Department prosecute Syrian generals who conspire to put drugs on streets.

The report was drawn up in the summer and fall of 1992. It denounced the Bush Administration's failure to take action and warned that the Syrian drug trade could turn into another Iraqgate.

But the report, ordered by Representative Charles Schumer, was not made public until after Election Day in November. By that time the Congressman from New York was aware that he was issuing his recommendations and warnings not to President Bush but to Bill Clinton, the candidate of his own party.

Since then, the production of opium for heroin in the Bekaa Valley has moved — upward. The new policy urged by Representative Schumer — official recognition in Washington of the Syrian drug trade and a political and legal offensive against it — does not exist.

Like most Americans, particularly those who voted for him, I want to give the President the time he needs to solve major problems.

But patience does not mean hanging around for four years until he gets around to thinking and talking seriously about them. The public and press certainly owe the President time, but he owes the country at least discussion and interest on stomach issues like drug control.

That is what bothers me. I am writing this column for two reasons. The second is that it is one more example of the tendency of American governments to appease or mollify dictatorships. If all this opium was being grown and shipped to us from Canada or Belgium, the U.S. would have acted fast.

But we find excuses for appeasement of dictatorships. Not long ago it was because President Assad had a key to the release of U.S. hostages, captured and held in Syrian-controlled territory. Now the U.S. hopes he has the key to a settlement with Israel, though even Israeli negotiators admit he has never actually shown it to them.

But the more important reason for speaking up about Syria is that officials in Washington say dispiritedly that the drug war is not exactly on the radar screen — meaning nobody important in the White House is worked up about it.

And in Congress, Representative Charles Rangel's valuable spotlight committee on narcotics was axed — as was one-third of the State Department's $150 million allocation for helping countries fighting drug production.

After all, "casual" use is going down, right? Right — but casual users are usually white and middle-class. It is not going down on the ghetto drug streets where people are shot for sport, or among the addicted, when they manage to stay out of jail.

If drug use has gone down anywhere, it shows the importance of keeping up the fight, not surrendering, not condemning that part of the population where drugs hurt most.

It's been entirely clear for years that only Presidential leadership can give thrust to the war against drugs. If American police and anti-drug agents can risk their lives fighting growers, dealers and pushers, it is not asking too much of the President to state publicly that the Government of Syria is all three.

RUSSELL BAKER

Eponymy On the Potomac

A Dictionary of Washington Eponymical Etymology:

To Bork, verb. The act of scrutinizing to death a nominee for high public office. The word derives from Robert Bork, a Supreme Court nominee whose record was examined so minutely by the Senate Judiciary Committee that the rest of the Senate, assuming there must be something wrong with anyone who needed that much scrutiny, refused to confirm him. Usage examples: "Unless Clinton nominates people acceptable to Republicans, we will Bork them in the streets, we will Bork them in the hills, and we will Bork them on C-Span." (Winston Churchill, when asked what he would say if he were to return as Senator Bob Dole.) Slang: "Stick a fork in him, he's Borked."

A Zoë Baird problem, noun phrase. Discovery of past failure by a nominee for high office to make Social Security payments, withhold taxes and maintain federally required employment records for poorly paid domestic help, especially, though not necessarily, illegal aliens. Almost always fatal to the nominee's chance of Federal employment, due to the Senate's Draconian insistence on the highest ethical, moral and legal standards, no matter how petty or commonplace the violation. Usage example: "When the President asked me to parachute into the Balkans and restore peace to the entire region I said I'd very much like to, but couldn't, as I have a Zoë Baird problem." (James Bond, a.k.a. 007, upon being asked why he had dropped out of sight since the end of the cold war.)

To Nunn, verb. To permit the President to retain such Presidential duties as other senators find agreeable, in return for giving control of the military to the chairman of the Senate Armed Services Committee. The word derives from Senator Sam Nunn of Georgia, who in 1993, after taking over the Pentagon, permitted the President to continue as Commander in Chief of the Commerce, Interior and Labor Departments, among others. Usage example: "I fired General MacArthur because the Constitution made me, not MacArthur, the Commander in Chief. You couldn't Nunn a President in those days because Senator Nunn hadn't been invented yet." (The late Harry Truman in an interview subsequently suppressed by David McCullough out of fear that the grocery tabloids would hound him so mercilessly to contact Elvis Presley and President Kennedy that his literary work would be seriously compromised.)

To Boren, verb. To permit the President to retain such Presidential duties as other senators find agreeable, in return for giving each of the Senate's 100 members a veto over any tax proposal disliked by each senator's constituents, especially including his biggest campaign contributors. The word derives from Senator David Boren of Oklahoma, who single-votedly killed President Clinton's tax program in the Finance Committee, thus compelling the President to place tax policy at the disposal of the nation's most skilled lobbyists. Usage example: "Were we Borened? Yes, we were Borened. But we still have a lot to be thankful for. General Grant let us keep our horses for the spring planting." (What Robert E. Lee would have told Oprah Winfrey had he not been notoriously close-mouthed, famously reluctant to make a spectacle of himself in public and pathetically credulous when told that television had been invented 100 years ahead of time.)

A dictionary of eponymical etymology.

Gergenized, adjective. (Pronounced with both "g's" hard, as in "gurgle.") Describing a President whose alarm about the possibility of the Senate's also taking control of the Commerce, Interior and Labor Departments has tempted him to wear a used image prosthesis originally built for the opposition party. The word derives from David Gergen, journalist and so-called "spin doctor" to various Republican Presidents, who was hired by the Democratic White House in 1993 to aid the recovery of recently Nunned and Borened President Clinton. Usage example: "When some of the states started seceding, some of the people said I ought to get Gergenized so everybody would think I wasn't going to make a big fuss about preserving the Union. I figured those were the same some of the people you can fool all of the time, and I wasn't going to get Gergenized just to gratify the gullible." (A. Lincoln in a movie script already pitched but not yet green-lighted at Henry Miller's Cosmodemonic Studios where, word has it, studio biggies are reluctant to give a go-ahead on the film until Henry Fonda is unavailable to play Gergen. □

Can U.N. Survive Continued Failure in Bosnia?

To the Editor:

If the United Nations continues its ineffective policy in Bosnia, it could itself become the main casualty of the fighting. Failure to bring a cessation of aggression and an end to the worst bloodshed in Europe since World War II will lead to a major global loss of faith in the world organization.

The United Nations has not provided collective security to protect Bosnia and Herzegovina, a member state, against mostly Serbian-sponsored assaults, but it has backed an arms embargo that prevents the Bosnian Government from getting weapons adequate for self-defense. (This was done despite the embargo's violation of the right of self-defense guaranteed to member states by Article 51 of the United Nations Charter.)

United Nations military personnel in Bosnia stand by and do nothing while countless cease-fires sponsored by the world body are violated. The United Nations ignores attacks on its declared safe havens — especially the never-ending assault on Sarajevo civilians. However, the United Nations has provided food so that the mostly Muslim victims in Bosnia can be led to slaughter like fatted calves. The world organization's lack of effective action has encouraged continuation of slaughter by the Serb and now, sadly, Croat militias.

Countries facing similar aggression must now consider whether the United Nations is more of a hindrance than a help in their quest to defend themselves. Bosnia and Herzegovina is testing whether or not the United Nations can save humankind from the scourge of war and bring about peaceful solutions to disputes. Continuing failures devastate United Nations credibility and seriously erode support for its continued existence.

MILJAN PETER ILICH
Astoria, Queens, June 8, 1993

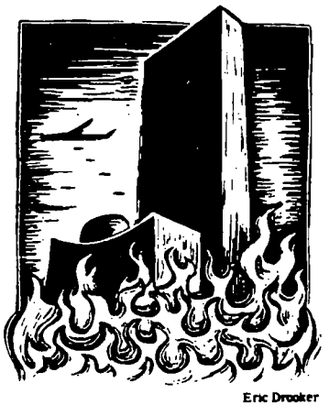
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The Recognition Game

To the Editor:

It has recently been claimed that the "early" recognition of Croatia and Slovenia, prompted by German pressure, was the main cause of the conflict in the former Yugoslavia, including the war in Bosnia and Herzegovina. This assertion overlooks the chronological sequence of events preceding the oubreak of the war, including its root causes.

It was only after the Serbian war of aggression against Croatia had practically come to an end, and the Croats



Eric Drooker

and the Serbs had approved the Cyrus Vance peace plan, that the European Community recognized the independence of Croatia on Jan. 15, 1992.

The Republic of Croatia had declared its independence June 25, 1991. However, it froze this decision for three months to try for an agreement for the constitutional restructuring of Yugoslavia acceptable to all the republics. In this time, Serbian aggression, which had begun against Croatia before its declaration of independence, intensified, and it continued after Croatia decided to implemented its decision for independence Oct. 8, 1991, when it became apparent that Serbia was not willing to take part in good-faith discussions.

Major hostilities ceased in Croatia on Jan. 3, 1992, after the signing of an agreement by the warring sides in Sarajevo to accept the United Nations-sponsored Vance peace plan. The conflict in the former Yugoslavia did not come about as a result of the "early" recognition of Croatia.

Although hostilities in Croatia ceased in January 1992, noncompliance of the Serbians with the Vance plan left them in de facto control of almost one-third of Croatia. It was necessary for Serbia to occupy Bosnia and Herzegovina to link up these regions with its own territory.

Most of the Serb-occupied parts of Croatia (the so-called "Krajina") borders on western Bosnia and is not adjacent to Serbia or Montenegro. Therefore, the recognition of Croatia and Slovenia was not the incitement for Serbian aggression against Bosnia and Herzegovina. That conflict was caused by the unwillingness of the world community to take more resolute action to uphold that state's sovereignty and territorial integrity.

Croatia is now an internationally recognized state, a member of the United Nations. Should this recognition and acceptance be undone? Or is talk of Croatia's "early" recognition merely an attempt to blame the victims of aggression for the acts of the aggressors?

LJUBINKO MATESIC
Special Adviser, Mission of Croatia
to the United Nations
New York, June 7, 1993

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Mr. Clinton Picks a Justice

When he finally settled on a choice for Supreme Court justice, President Clinton chose one of the best sitting judges — Ruth Bader Ginsburg, for 13 years a strong member of the U.S. Court of Appeals in Washington. She is an able jurist of moderate to liberal bent who does not frighten conservatives.

She is more besides: a pioneer lawyer for the modern movement of women toward equality under the law; a judge whose whole career, not only her gender, stands for the principle that people and ideas be accepted or rejected on their merits without prejudice or stereotypes.

In making this choice, Mr. Clinton has reaffirmed his determination to be a centrist Democrat and given an exciting boost to diversity on the high court. Judge Ginsburg would be the second woman ever picked and the first Jewish justice since 1969. But the tortured process by which the Presidentfirst rejected her, then floated and abandoned other candidates and finally selected her in a last-minute scramble only added to the impression of a disorganized White House.

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For all the White House gyrations, Mr. Clinton made good use of the historic opportunity provided by Justice Byron White's imminent retirement. It is the first chance in a generation to arrest the Court's reactionary course on issues of civil rights and liberties.

Several Republican Administrations have sought justices who would take the Court rightward and acquiesce to claims of executive power. Judge Ginsburg is expected to help slow that movement. Interacting on the lower court with judges appointed by Presidents Reagan and Bush, she has displayed the civility, judgment and collegial style that can help forge new coalitions toward the center.

She has more respect for Congress than several Reagan-Bush judges and justices. She would never have joined some of the Court's assaults on Federal laws against discrimination, attacks so sweeping that Congress had to pass an omnibus civil rights restoration act two years ago.

Judge Ginsburg has been attacked by some "pro-choice" advocates as a threat to Roe v. Wade, the landmark abortion rights case, but that judgment seems excessive. In a March lecture at New York University's law school, Judge Ginsburg gently and fairly scolded several judges for written opinions that needlessly disparage the motives and good sense of fellow jurists. In that same lecture she made clear that, without questioning the merits of the high court's principal abortion rulings, she might have chosen more careful and perhaps more effective strategies for developing the evolving law of women's liberty and equality.

Judge Ginsburg was too hard on Roe and probably misread history. She argued that Roe, by setting sweeping and rigid rules, "halted a political process that was moving" in a pro-choice direction. She overstated the argument that political progress made some of those rulings unnecessary two decades ago. But she made clear the pro-choice direction she wanted the law to move.

Mr. Clinton marred yesterday's announcement with an intemperate response to a reporter's question about his erratic selection process; he dismissed a legitimate query by summarily terminating a Rose Garden news conference. But neither this sorry episode nor flawed process can tarnish an excellent choice for the high court.

Bloody Sunday in Somalia

A week after 23 United Nations peacekeepers were killed by Somali gunmen, an obviously rattled group of Pakistani peacekeepers opened fire on Somali civilians. It was precisely the wrong target; women, children and civilian demonstrators are not the enemies in Mogadishu. The Pakistanis' grievous error handed a propaganda windfall to the Mogadishu warlord Mohammed Farah Aidid.

It would compound the tragedy if General Aidid, the culprit responsible for so much suffering in Somalia, is able to portray himself as a victim. President Clinton was justified in sending more warplanes to Somalia in support of the 20-nation peacemaking effort. But yesterday's accidental strike at a civilian target by a Cobra gunship shows the need for greater care in targeting.

General Aidid insists he had no part in the June 5 murder of the Pakistanis, whose 4,400-troop contingent is the largest single element of the 18,000-member peacekeeping force. Even so, he and his radio station hailed the killers as national heroes. Emboldened by U.N. disarray over Bosnia and by Jonas Savimbi's successful defiance of a U.N. cease-fire in Angola, General Aidid shrugged off a Security Council ultimatum and all but dared U.N. forces to strike at the radio station and at his weapons caches. When the air strikes occurred, he countered by using women and children as a shield in street demonstrations.

The Pakistanis overreacted, and a disciplinary inquiry is in order to determine who and what went wrong. But the general problem is plain for all to see: U.N. peacekeepers are overstretched and underfunded. Nor are they sufficiently trained to quell civil discord with minimum force.

The Security Council's immediate task is find some way to insure the success of a humanitarian mission that was begun by the U.S. and then placed under the command of the United Nations. The operation is unusual in that it's the first time the U.N. has intervened without an invitation from a governing authority. And while under existing rules of engagement U.N. peacekeepers can return fire only when attacked, in this case U.N. forces struck first, and hard, at General Aidid.

Having gone that far, Mr. Clinton dare not flinch. In Bosnia, those fearing a quagmire have carried the day. But if the world's might cannot prevail against a Somali warlord, then what hope is there for collective security?

Federal Trade Omission

"Get heart smart," implores a current magazine advertisement for a popular brand of margarine. The illustration is a heart-shaped pat of margarine melting over string beans, reinforcing the implied claim that this is a sound choice to prevent heart disease.

This appeal to health-conscious consumers may be smart marketing strategy for the manufacturer. But it's dumb national health policy to permit a misleading health claim in advertising that the Food and Drug Administration no longer permits on food package labels. With six grams of fat per tablespoon, even this "extra light" spread is a fatty food that can actually help promote heart disease.

The problem is the Federal Trade Commission. The F.D.A., through regulations carrying out the Congressional food labeling law, now limits health claims on food packages to those supported by "significant" scientific agreement. And the Agriculture Department is coordinating its regulations. But the five Bush Administration appointees who still comprise the F.T.C. have only talked about "harmonizing" the rules for advertising health claims with those promulgated by the F.D.A.

Even now there seems no consensus on the F.T.C. to restrict the hyperbolic use of terms like "less calories" or "lean" to conform with the F.D.A.'s new definitions, or to adopt a uniform policy governing health and nutrition claims in advertising. The F.T.C. takes a case-by-case approach rather than approving industry-wide rules that would provide guidance for advertisers and greater deterrence against deceptive food claims.

Congress stepped in several years ago to get the F.D.A. to require honest food labels. Now it needs to prod a recalcitrant F.T.C.

Pioneer on Women's Rights Seen by Clinton as 'Healer'

By Ruth Marcus
Washington Post Staff Writer

President Clinton yesterday nominated to the Supreme Court Ruth Bader Ginsburg, a pioneer in the development of legal rights for women and a centrist voice on the federal appeals court here.

The Rose Garden announcement concluded an unusually public search for a justice that has dragged on for the nearly three months since Justice Byron R. White announced that he would retire this summer.

Clinton, making the first Supreme Court nomination by a Democratic president in 26 years, praised Ginsburg as a "healer" who could help bring consensus to a court that has become ideologically fractured in recent years.

"Throughout her life, she has repeatedly stood for the individual, the person less well-off, the outsider in society, and has given those people greater hope by telling them they have a place in our legal system," Clinton said.

Ginsburg drew praise from Democratic and Republican senators, who said they foresaw no confirmation problems. But some, like the various interest groups scrambling to brush up on the unexpected choice, said they were unfamiliar with her record.

Senate Minority Leader Robert J. Dole (R-Kan.) called Ginsburg "a good choice" who would likely be "well-received" in the Senate.

But it was not clear, with the lateness of the nomination, that there would be time to hold hearings and a confirmation vote before the August recess. White had timed his announcement so that, unlike the experience of recent nominees, his replacement would not have to cram for the start of the term in October.

At the sun-drenched Rose Gar-

PRESIDENT, From A1

den announcement, Ginsburg, 60, recalled the days when, as a young law school graduate with superb credentials, she was rebuffed by New York law firms. She said she hoped her nomination to be the second woman on the high court, joining Justice Sandra Day O'Connor, would contribute "to the end of the days when women, at least half the talent pool in our society, appear in high places only as one-at-a-time performers."

She concluded with an emotional tribute to her late mother, saying, "I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve and daughters are cherished as much as sons," she said.

Ginsburg was appointed to the appeals court by President Jimmy Carter in 1980, and said she looked forward to "stimulating weeks this summer" as the Senate considered her nomination to be the nation's 107th justice. She offered no specifics about her legal views.

If confirmed, she would be the first Jewish justice since the late Justice Abe Fortas resigned in 1969. She is also the first nominee by a Democratic president since Lyndon B. Johnson selected the late Justice Thurgood Marshall in 1967.

Reporters had been told Clinton would take questions at the conclusion of the ceremony. But the session was abruptly cut off after the first question when ABC correspondent Brit Hume asked about the extraordinary last week of the search.

White House officials had first said Clinton was leaning toward Interior Secretary Bruce Babbitt, then that he was inclined to name Judge Stephen G. Breyer of the 1st U.S. Circuit Court of Appeals in Boston.

Clinton held a much publicized lunch with Breyer Friday—White House aides even provided details of the menu—and Breyer was told to stay in town. The president secretly interviewed Ginsburg for 90 minutes in the White House residence Sunday morning and aides finished intensive background checks on her that afternoon. He told aides yesterday afternon that he had settled on Ginsburg and called her at 11:33 p.m. Sunday to offer her the job.

Asked by Hume about the "impression, perhaps unfair," of a "certain zigzag quality in the decision-making process," Clinton, who had wiped a tear from his eye as Ginsburg finished her acceptance speech, responded in angry tones.

"I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but political process," Clinton retorted. "How you could ask a question like that after the statement she just made is beyond me."

The audience, which included Ginsburg's family, senators and Senate staff, Washington lawyers and friends, applauded loudly. Hillary Rodham Clinton, whom Ginsburg said she had not met before yesterday, walked toward the stage and Clinton cut off the questioning.

Ginsburg had been on the first list Clinton considered the day after White's March 19 announcement. But she came under serious consideration only in recent days as Clinton worried about removing Babbitt from the Interior post and told aides he wanted a backup in case Breyer did not work out.

White House officials insisted that Breyer's failure to pay Social Security taxes for a part-time cleaning woman, although a concern, did not play a role in Clinton's final selection of Ginsburg.

Sources said Clinton was simply not convinced after his lunch with Breyer and—to the surprise of some aides—connected much better with Ginsburg. "In the end," one senior official said, the choice "was as much a matter of intuition as anything else."

Ginsburg, a graduate of Cornell University, attended both Harvard and Columbia law schools, and served on the law reviews of both. She taught law at Rutgers University and Columbia, and headed the American Civil Liberties Union's Women's Rights Project.

In that role, Ginsburg was a key architect in developing a strategy during the 1970s to establish legal rights for women, similar to the campaign in previous decades to win equality for blacks.

Ginsburg argued a series of landmark sex discrimination cases before the Supreme Court, winning five out of six as she pressed the justices to use the equal protection clause to strike down laws that discriminated against women.

After joining the D.C. Circuit, however, Ginsburg disappointed some supporters who had expected her to adopt a more liberal stance. Instead, as presidents Ron-

Supreme Court

ald Reagan and George Bush added a majority to the court, Ginsburg found herself in the center of the court.

A 1988 computer study by Legal Times found that she sided more often with Republican appointees than Democrats. In divided cases, she lined up most often with two Reagan appointees, Judge Kenneth W. Starr, who later became Bush's solicitor general, and Judge Laurence Silberman.

In a White House handout summarizing her 13 years on the appeals court, officials presented her as tough on crime, committed to free speech and freedom of religion, and supportive of civil rights but sensitive to enforce the laws "in a way that heals rather than divides us as a nation."

She has voted to uphold the constitutionality of the independent counsel law, to overturn the Reagan administration's denial of visas for political reasons and to support the right of Jewish military officers to wear yarmulkes while on duty.

Some union lawyers have expressed concern about two labor rulings in which Ginsburg voted against unions.

On the most contentious issue in recent confirmations, Ginsburg supports a woman's right to choose an abortion. But she has been critical of *Roe v. Wade*, the 1973 ruling establishing constitutional protection for abortion rights and laying out strict rules for state imposition of abortion regulations.

In a speech in March, Ginsburg argued that the court erred with the "breathtaking" sweep of the *Roe* decision, saying that a less far-reaching decision that allowed states to continue to move forward with revision of abortion laws on their own "might have served to reduce rather than to fuel controversy."

White House officials said yesterday that, despite those criticisms, they see Ginsburg as an abortion rights supporter and said her nomination fulfills Clinton's statement that he wants someone on the court who believes in the broad constitutional right to privacy. They also said they believe Ginsburg's writings are supportive of a constitutional requirement for abortion funding for poor women.

Reaction from abortion rights advocates and anti-abortion activists was mixed yesterday as both sides hurried to learn more about the prospective justice.

Kate Michelman, president of the National Abortion Rights Action League, called Ginsburg's criticism of *Roe* "cause for concern" and said the Senate Judiciary Committee should determine "whether Judge Ginsburg will protect a woman's fundamental right to privacy, including the right to choose, under a strict scrutiny standard."

That standard, adopted in *Roe*, has been abandoned by the court for the looser test of whether abortion restrictions constitute an "undue burden," a test that has allowed states to adopt measures such as waiting periods.

Another leading abortion rights advocate and former Ginsburg student, Janet Benshoof of the Center for Reproductive Law and Policy, praised the appointment and said Ginsburg's "particular expertise in constitutional issues will benefit the development of the law in the area of reproductive privacy."

On the other side of the abortion debate, the National Right to Life Committee said that Ginsburg's constitutional approach "apparently would invalidate even the types of limits on abortion permitted by *Roe*, such as parental consent laws and limits on late-term abortions."

On the issue of whether a constitutional right to privacy protects homosexual conduct, an issue the court may soon be asked to revisit, Ginsburg's record raised concerns among gay rights advocates.

In a celebrated 1984 case, she voted to dismiss a sailor's challenge to his dismissal for homosexual conduct, saying she was bound by an earlier Supreme Court ruling. That vote, said Tim McFeeley of the Human Rights Campaign Fund, "raises questions regarding her views."

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THE WASHINGTON POST
TUESDAY, JUNE 15, 1993

REACTION ACROSS THE IDEOLOGICAL SPECTRUM

THE SENATE

"Until she began her work in the '70s, the Supreme Court had never found that invidious discrimination against a person because of gender was unconstitutional."

— SEN. DANIEL PATRICK MOYNIHAN
(D-N.Y.) predicting the Senate would confirm Ginsburg by a 100-0 vote



Moynihan

"I just think this is a clean, clean appointment . . . what you've got is a centrist here who, quote, leans in the liberal side of what the court is today."

— SEN. DENNIS DeCONCINI
(D-ARIZ.)



DeConcini

"I believe she's a Democrat nominee that even conservatives can like and respect."

— SEN. CHARLES E. GRASSLEY
(R-IOWA)



Grassley

"She has demonstrated during the course of her judicial experience that she's prepared to take independent positions which might, in fact, alienate the very groups that might have supported her in the past."

— SEN. WILLIAM S. COHEN
(D-MAINE)



Cohen

"I'm glad to see the second woman. I hope to see the third, and the fourth, and on and on."

— SEN. PATRICK J. LEAHY
(D-VT.)



Leahy

WOMEN'S GROUPS

"Here's a woman who couldn't get a job with a law firm when she graduated from law school, a person who can joke about her kids putting up with their father's cooking and a person who has been involved with some of the landmark cases regarding the rights of women in our time."

— HARRIETT WOODS,
President, National Women's Political Caucus

ABORTION-RIGHTS GROUPS

"She is the Thurgood Marshall of gender equality law . . . . Were she to join the court, she would eventually be considered one of the court's great justices."

— JANET BENSHOOF
President, Center for Reproductive Law & Policy and student in Judge Ginsburg's 1970 "Women and the Law" course at Harvard Law School

ANTIABORTION GROUPS

"A majority of Americans don't want a pro-abortion litmus test used for the Supreme Court—but that's what Bill Clinton used."

— WANDA FRANZ
President, National Right to Life Committee

GAY RIGHTS GROUPS

"Her opinions seemed to be that the right to privacy did not extend to homosexual conduct in and out of the military."

— GREGORY J. KING
Human Rights Campaign Fund

CONSERVATIVES

"We hope President Clinton knows more about Judge Ginsburg than he knew about Lani Guinier, but we are taking no chances and will thoroughly investigate every facet of Judge Ginsburg's record and qualifications."

— THOMAS L. JIPPING
Legal affairs analyst, Coalitions for America

CIVIL LIBERTARIANS

"Questions have been raised . . . about Ginsburg's stands on access to the courts, on privacy rights, as well as her capacity to forge effective coalitions among justices on the moderate-liberal wing of the court."

— ARTHUR J. KROPP
President, Action Fund, People for the American Way

SOURCES: Public statements, Washington Post interviews, Associated Press

THE WASHINGTON POST

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Judge Ginsburg Named to Supreme Court

Nomi ıee Shows Pragma 'c, Non-Ideological Approach

By Joan Biskupic
Washington Post Staff Writer

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If Judge Ruth Bader Ginsburg becomes a Supreme Court justice, the court will belong to the center.

Ginsburg, 60, has straddled the liberal-conservative divide of the D.C. Court of Appeals for the last 13 years. And while she would come to the court with more "liberal" leanings than retiring Justice Bryon R. White, her record is a far cry from the traditional activism of retired Justice William J. Brennan Jr. and the late Justice Thurgood Marshall.

NEWS ANALYSIS

Ginsburg has a pragmatic, non-ideological approach that likely would put her most in league with Justices David H. Souter and Sandra Day O'Connor. Those centrist-conservatives, joined on occasion by Anthony M. Kennedy and John Paul Stevens, have controlled the outcome of some of the most fractious cases in recent terms.

On difficult social concerns, such as abortion, the justices at the ideological extremes—Justices Antonin Scalia (who would overturn the landmark 1973 *Roe v. Wade* decision legalizing abortion) and Justice Harry A. Blackmun (who wrote *Roe*)—have not prevailed. The remaining members, Chief Justice William H. Rehnquist and Justice Clarence Thomas, are solidly conservative.

Overall, any change from the current state of the law is likely to be incremental. The judicial philosophy of O'Connor, Souter, Kennedy and now Ginsburg appears to be "no change is a good change."

Where Ginsburg differs notably from White is in her support for abortion rights and her strong defense of womens' rights. Also, while White often has sided with government on free-speech issues, Ginsburg has been more open to First Amendment interests.

President Clinton stressed in his nomination speech yesterday the need for a justice who could build consensus, but Ginsburg does not

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have such a reputation for leadership.

She is known for being analytically ruthless in scrutinizing the arguments before the court—but also is known for working alone. Her personality has been described as "plain vanilla" and even "remote."

Her nearly 20 years in academia have left her with a cool, professorial demeanor. She lacks the dynamism of a Brennan or a Scalia, both of whom are her friends. The court opinions of Ginsburg, who once was regarded as an innovative lawyer in her approach to sex-discrimination litigation, are more sound than ground-breaking.

In the judicial context, a "liberal" approach connotes a willingness to more broadly read constitutional guarantees beyond the clear mandates of elected lawmakers. A judicial "conservative," conversely, believes the courts should not involve themselves in social problems that are traditionally the province of legislators. Conservatives also tend to take the side of government's need to protect the public at large in the face of complaints from individuals.

Neither tag captures Ginsburg.

On the D.C. Court of Appeals, to which she was appointed by President Jimmy Carter in 1980, she has become a swing vote. A 1988 computer study by Legal Times newspaper found that she had sided more with Republican-appointed colleagues than Democratic counterparts. In cases that were not unanimous, she voted most often with then-Judge Kenneth W. Starr, who became George Bush's solicitor general, and Laurence H. Silberman, a Reagan appointee still on the court.

While Ginsburg supports abortion rights, she has criticized the legal analysis of *Roe v. Wade*. Her point, which was first made public in a 1984 speech at the University of North Carolina and generated new controversy after a recent talk at New York University law school, is that the broad framework for a right to privacy to end a pregnancy is not constitutionally sound.

She criticized the ruling for preempting state legislatures, which in the early 1970s were moving more toward the legalization of abortion. She credits *Roe's* overreach with spawning the vocal "right-to-life movement" and bitter legislative attempts to counteract a liberal abortion policy.

Ginsburg contends that *Roe's* legal authority was weakened by author Blackmun's concentration on the privacy and autonomy elements involved in a woman's decision, in consultation with her physician, to end a pregnancy. She said the court should have grounded its ruling more on a sex-equality basis.

"I do not suggest that the court should never step ahead of the political branches in pursuit of a constitutional precept," she said in her speech in New York. She noted the importance of the 1954 school desegregation ruling, *Brown v. Board of Education*, but stressed that in that situation, prospects for state legislation to desegregate schools were "bleak."

Such criticism of *Roe's* daring framework is not uncommon among legal scholars, although most liberal-leaning professors have avoided any public criticism of the controversial opinion, fearing an undermining of abortion rights.

Ginsburg has not ruled directly on abortion rights. In a 1989 abortion-related case that raised First Amendment concerns, she dissented from a majority opinion dismissing a challenge by population-control organizations to the Agency for International Development's restriction on use of family-planning foreign aid funds for abortion counseling.

"Abortion counseling . . . is sheltered speech, just as antiabortion counseling is," Ginsburg wrote. "But . . . [the] right to inform and to counsel on lawful access to abortion is surely diminished, and the employment of the organization's own resources is surely restrained . . ." when the government restricts funds for groups that counsel women on abortion.

Homosexual rights likely will be the next privacy area the court confronts. In a 1986 opinion written by White, the court upheld a Georgia law making sodomy between consenting adults a crime and rejecting any constitutional protection for homosexuals.

Since then, numerous lower courts have grappled with homosexual rights. Ginsburg has not had to decide whether the Constitution protects homosexuals as a class, although in 1984 she voted to dismiss a case involving a sailor discharged from the military for engaging in homosexual conduct.

She rejected the sailor's contention that a constitutional right to privacy had been breached, relying on the Supreme Court's order in a related case.

In 1986, Ginsburg joined a procedural ruling that said the CIA director generally had the authority to fire a homosexual undercover employee, although courts could review that decision. The ruling tacitly approved of a CIA policy barring the employment of homosexuals.

When Clinton announced Ginsburg's nomination, he noted that she had been the lead lawyer for numerous sex-discrimination cases in the late 1960s and the 1970s. Her theories on sex equality were adopted by the Supreme Court in cases ending sex-segregated marital benefits, schooling, job opportunities and jury selection.

But Ginsburg's opinions on the appeals court lack, for the most part, an overarching ideology. It is difficult to predict how broadly she would read the Bill of Rights when squarely confronted with tougher questions of social equality.

In 1981, in a dispute stemming from alleged race discrimination, she was faced more with judicial procedure than the substance of the complaint, a class-action lawsuit brought by black parents challenging Internal Revenue Service tax breaks for private schools.

A lower court had said that the parents did not have legal "standing" to sue, but Ginsburg's majority opinion reinstated the case. She said that the parents had a right to challenge the tax benefits to discriminatory schools in their communities.

"We do not agree with the district court in its analysis [of whether a court has authority in the dispute] for the Constitution does not permit the state to aid discrimination even when there is no precise causal relationship between state financial aid to a private school and the continued well-being of that school," Ginsburg wrote. "A state may not grant the type of tangible financial aid here involved if that aid has a significant tendency to facilitate, reinforce and support private discrimination."

27 Haitians Freed From 'HIV Prison'

Many From Camp Deny Having AIDS

By William Booth
Washington Post Staff Writer

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GUANTANAMO BAY, Cuba, June 14—The first 27 of 140 Haitians, many of them causing concern because they deny government findings that they have the AIDS virus, were freed from their hot, dusty encampment at the U.S. naval base here today and flown to Miami.

Their release was ordered last week by a federal judge in New York who called their camp "an HIV prison" and ruled that it must be closed. The ruling came after almost 20 months of legal skirmishing between Haitian advocates and the Bush and Clinton administrations.

Although their applications for political asylum were deemed credible, the government has argued that the Haitians should not be allowed to enter the country because they have the AIDS virus. U.S. law prohibits entry by those with the virus.

Many of the 27 who left today and dozens still languishing at the base said they do not believe they are infected with HIV.



REUTER

Haitian refugees at U.S. naval base in Cuba wait to board plane for Miami.

"I don't have the HIV," said Jean-Louis Dallard, 29, as he walked with a reporter around Camp Bulkeley, where the remaining Haitians are being held until they are flown to Miami over the next 10

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days. "I don't believe them. Why should I?"

Dallard said he thought U.S. military doctors would lie to him "because I am black and because I am Haitian."

The widespread refusal to accept their diagnosis worries physicians here, who expressed concern that the Haitians could infect people in the United States, most likely other immigrants, unless the Haitians accept their illness and understand how it spreads.

"They don't seem to understand the connection between HIV and disease," said Navy Lt. Cmdr. Peter Weiss, an infectious-disease specialist here. "They believe in charms, spells, hexes."

Social workers, however, said that when the Haitians join their own communities in Miami, Boston and New York, they usually are retested and accept the diagnosis.

"A lot of counseling goes on," said Roseann Micallef of Church World Service, which is helping to settle the Haitians in America. "They have doctors they trust, in an atmosphere that's not totally distrustful, and then they do pay attention. It all changes."

But here at Guantanamo, where barracks are hung with white sheets and tattered plastic and the walls are scrawled with graffiti about liberty and justice, Weiss said almost all of the 140 have refused treatment such as AZT and other anti-viral drugs because they distrust the U.S. military.

Many of the Haitians, Weiss said, did not seem interested in counseling here by health workers about safe-sex practices. "Very, very few" accepted condoms available free at the pharmacy, said Cmdr. JoAnn Devins, the officer in charge of the camp clinic.

Weiss said he continues to see recurring cases of syphilis at the camp and physicians here know, because women have become pregnant, that the Haitians are continuing to have sex without condoms.

"I would say they seem more likely than the average American infected with HIV to engage in unprotected sex," Weiss said.

Rolande Dorancy, director of the Haitian Refugee Center in Miami, countered the image of Haitian immigrants as ignorant believers in hexes and spells. "They are very educated people," she said. "Many had a university education. They shouldn't stay in Guantanamo like dogs."

Their release closes one of the most dramatic mass exoduses to U.S. shores.

Since Haitian President Jean-Bertrand Aristide was overthrown in a bloody military coup in 1991, tens of thousands of Haitians have fled their island home, many packed shoulder to shoulder on leaky boats. About 35,000 were processed at the U.S. naval base on the southwest tip of Cuba. Most were returned to Haiti, but about 10,000 were granted preliminary U.S. political asylum.

However, several hundred Haitians with credible asylum claims were held for months at Guantanamo, where they have staged hunger strikes and burned mattresses in protest of U.S. policy toward them. Operating the encampment here cost $58 million from November 1991 through last April.

Last week, 42 members of Congress signed a letter to President Clinton protesting admission of the infected Haitians. "This is a dangerous precedent and sends the wrong signal that the United States is a dumping ground for aliens with AIDS," Rep. John L. Mica (R-Fla.) said in a statement.

Wesner Derosier, 22, said he was held for more than 18 months and is suspicious about his HIV diagnosis. But, he said, "I am a human being, and if I die, I will still love God."

Derosier's wife, also believed to be infected with HIV, was released this spring, and he hopes to join her in Boston. As he walked toward the C-130 cargo plane that would take him from Little America in Cuba to Little Haiti in Miami, he said his heroes were Nelson Mandela, the Rev. Martin Luther King Jr. and Aristide.



AGENCE FRANCE PRESSE

Haitian Sony Eskite, left, shares laugh with Petty Officer Carl Vincent at Camp Bulkeley, where 113 refugees found to have the AIDS virus still await release.

"The camp was very bad," Derosier said. "You cannot sleep. You have only a cot and two white sheets. It is very hot, and no one does much, just dreams of their families and children."

The Haitians here are being released to Church World Services and the U.S. Catholic Conference, which have contracts with the federal government. The groups estimate that about half of the 140 will stay in Florida while others go to Boston and New York. Those without families are to live with sponsors.

The Haitians automatically receive government assistance for eight months for food, housing and medical care. They also receive a work permit and English lessons. During this time, the refugees are considered free on parole as they press asylum claims.

At the U.S. Catholic Conference office in Miami, the new arrivals were mobbed today by the news media.

A mother and her emaciated son ran toward their relatives' car and hid their faces behind books. Apparently frustrated by the crowd around the car, the driver tried to speed away but struck a television camera operator.

Armelle Nelson, 38, a member of the privileged class who formerly owned a grocery store, brought her children, Emillenne and Kerlin. She said she is staying with her sister while completing the asylum process.

"We had a difficult time, but we know we had a lot of people behind us," Nelson said. "I'm very happy, but I know I have a lot of brothers and sister left in Guantanamo."

Special correspondent Christina Sherry in Miami contributed to this report.

U.N. Presses Attacks in Somalia as New Role Questioned

Mogadishu Civilians Reportedly Injured In U.S. Daytime Raid

By Keith B. Richburg
Washington Post Foreign Service

MOGADISHU, Somalia, June 14—U.S. planes and helicopters pounded the southern side of the capital today, and more civilians were injured in a growing effort by the United Nations peace-keeping force to demolish the military capability of Somalia's most powerful warlord.

In a daylight attack, a U.S. Cobra helicopter fired at least one missile into one of Mogadishu's most congested neighborhoods. Witnesses said an errant U.S. shell or missile slammed into a tea shop, injuring several Somali bystanders.

The assault came hours after American AC-130 gunships, for the third straight night, launched an aerial bombardment on presumed arms depots and weapons sites of Mohamed Farah Aideed. At one target, an open yard filled with heavy cranes and earth-moving equipment, reporters saw the charred remains of a Somali man.

The new attacks on Aideed's strongholds strengthened indications that the United Nations, led here by the United States, is now intent on delivering a decisive military blow against Aideed and his once-formidable war machine in the capital.

In aiming to remove the warlord as a military force, the United Nations is thus moving far beyond the ambivalent disarmament policy of the earlier, U.S.-led intervention, which sought to negotiate with Somalia's warlords and allowed them to keep their weapons.

U.S. officials today appeared to expand their definition of potential targets for this offensive, saying that even cranes and bulldozers would be subject to the bombardment. American intelligence reports suggested this equipment was being used by militiamen to build up defensive sand barricades around Aideed's house, they said.

"If we detect that the equipment is being used for militia purposes, it can be engaged," said Lt. Col. Kevin McGovern, a senior official involved in the military campaign.

Aideed is being targeted because of his suspected role in masterminding ambushes June 5 that killed 23 Pakistanis serving with the U.N. peace-keeping force here.

Retired U.S. admiral Jonathan T. Howe,

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AGENCE FRANCE-PRESSE

Mohamed Farah Aideed leads a crowd in a chant while touring a Mogadishu neighborhood hit by warplanes. The U.S.-led effort was undertaken to punish Aideed for an ambush of U.N. troops and to keep him out of the race for power in Somalia, State Department officials said. Story, Page A17.

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U.S. Aircraft Launch Daytime Strike on Mogadishu

the U.N. envoy in Somalia, confirmed that the operation goes beyond punishing Aideed for his alleged involvement in the ambushes and seeks to demolish all of the warlord's heavy weapons and ammunition depots.

"The goal of this operation is to disarm the city of Mogadishu," Howe said. The ambush of the Pakistanis nine days ago "provides the opportunity now to really get moving on disarmament," he said.

"The goal of this operation is to disarm the city of Mogadishu. . . . We're taking no sides in terms of clans or parties or militias."

— Jonathan T. Howe, U.N. envoy to Somalia

Asked whether the weapons and ammunition depots of other warlords would be bombed once Aideed's militia is effectively crippled, Howe said he hoped the others would disarm voluntarily. "We're taking no sides in terms of clans or parties or militias," he said.

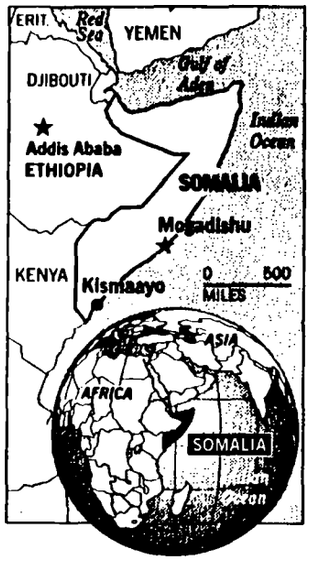
There are, however, emerging questions of accountability and control if, as many here fear, the bombardment appears to drag on, civilian casualties mount or the operation goes awry.

Today, Howe said he had ordered the U.N. military commander in Somalia, Lt. Gen. Cevik Bir of Turkey, to conduct an independent investigation into the shooting of at least 14 Somali civilians Sunday by Pakistani troops. Earlier today, U.S. Army Maj. David Stockwell, the U.N. military spokesman, said that according to an initial report, the Pakistanis spotted gunmen among the crowd of about 1,000 mostly women and children, and that the Somalis fired first. That account is disputed by virtually all witnesses to the incident.

SOMALIA DESCENDS INTO MORE VIOLENCE

KEY EVENTS IN SOMALIA THIS YEAR:

Jan. 15: Somalia's feuding factions sign pact to disarm militias and end fighting that led to deaths by starvation of 300,000 people.
Feb. 27: U.S. military says it is pressing ahead with plans to withdraw 3,000 troops despite four days of riots and gun battles in Mogadishu.
March 17: United Nations suspends national reconciliation talks in Ethiopian capital, Addis Ababa, after warlord Mohamed Said Hersi Morgan expels rival militia from Kismaayo.
March 19: U.S. quick reaction force arrives in Kismaayo to restore order and investigate clan fighting that derailed reconciliation talks.
March 28: Warlords agree to establish first semblance of government in more than two years since they wrecked their homeland fighting to overthrow and succeed U.S.-backed dictator Mohamed Siad Barre.
April 26: U.S. Marines end five-month mission when they hand over Mogadishu to a U.N. military force.
April 30: Commander of Pakistan's U.N. troops in Somalia assures people his men will hit back hard if bandits and militiamen take advantage of departure of U.S. Marines.
June 5: Twenty-three Pakistani peace keepers killed in ambush. United Nations blames warlord Mohamed Farah Aideed, but he denies responsibility.
June 6: United Nations begins evacuating non-essential civilian staff from Mogadishu.



June 9: French and U.S. reinforcements arrive.
June 10: Washington says it is sending high-power attack planes.
June 12: U.S. aircraft attack selected targets in Mogadishu to avenge the slaying of 23 Pakistani peace keepers, destroying arms stores and a radio station belonging to Aideed.
June 13: Pakistani U.N. peace keepers open fire on demonstrators in Mogadishu, killing at least 14. Earlier, U.S. aircraft attack an ammunition dump close to the Mogadishu residence of Aideed.

SOURCE: Reuter
THE WASHINGTON POST

U.S. Army Military Police today took up positions alongside Pakistani troops at the traffic circle where the incident took place, and U.S. officials said the American troops were better equipped to deal with crowd control than the Pakistanis. The Americans carried tear gas for dispersing large crowds, apparently hoping to avoid a repeat of Sunday's shootings, one official said.

At the same time, questions were raised about the credibility of U.S. military officials in reporting "collateral damage" in the city following today's daytime missile attack.

Military officials told reporters today that a U.S. Cobra helicopter fired one of its TOW missiles at a truck-mounted multiple rocket launcher, which pilots spotted in a residential neighborhood. Stockwell said initial reports showed that the single missile scored a direct hit and that there were no civilian casualties. "We did the right thing," Stockwell said.

Howe, in a briefing, also said the Russian-made rocket launcher was "a very threatening target," and he added, "I don't see how there could have been any kind of collateral damage from it."

But witnesses at the scene told journalists a different story. They said they heard two distinct explosions, probably about a minute apart. The first damaged the tea shop, they said, and a wounded woman was seen being carried away with blood streaming from her head. At the site of the demolished tea shop, a huge chunk of metal resembling the remains of a missile was seen partially buried in the ground.

The number of casualties was difficult to determine. The French medical aid group Doctors Without Borders said it confirmed three wounded from the incident. But two nearby hospitals reported receiving 12 people injured by shrapnel in the daylight attack, including several women. The attack on the rocket launcher occurred in one of the most congested areas of Mogadishu, close to the compound of the International Committee of the Red Cross and in a neighborhood considered a stronghold of Aideed's militia army.

The rocket launcher, a type capable of firing 36 rockets in a single salvo, was old and rusted. Area residents—including foreign relief agencies located directly across the street—said the launcher had not been moved in many months. They said they regarded it more as a neighborhood toy or an antiquated curiosity than a weapon of war.

McGovern and Maj. Mike Harwood, another U.S. officer, described for reporters the U.S. air raids of the last two nights. They said the attacks were directed against two sprawling storage yards that contained earth-moving equipment used to build barricades, crates filled with ammunition, and pickup trucks and other vehicles that could "quickly" be fitted with guns and mounts to become the "technicals," improvised fighting vehicles once common on Mogadishu's streets.

In this morning's attack on an Aideed garage—and a second strike on a compound belonging to the warlord's chief bankroller, Osman Ato—officials said there was some shrapnel damage to surrounding buildings but that civilian casualties had been avoided. Officials said, for example, that they avoided hitting several 55 gallon drums stacked in Ato's compound for fear of igniting a massive fire or explosion.

At least three shells from the AC-130 gunships accidentally smashed into a small building on Aideed's residential compound and they did not know what was inside the building, they acknowledged. Asked if people could have been inside at the time, the officials said they did not know.

McGovern also said aerial reconnaissance showed that shortly after the air raids, and well before dawn, Aideed militiamen used bulldozers to clear the damaged sites of weapons and ammunition, so journalists arriving at dawn would see no evidence that the sites had been arms depots.

"As soon as the fires were cool enough, the . . . militia moved in," McGovern said. Their aim, he said, was to remove the evidence "to allow the media to see an area that had already been swept."

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New Demands on U.N. Peace Force Show Its Limitations

Expanding Demands Expose Limitations of Peace-Keeping Forces

By Julia Preston
Washington Post Foreign Service

NEWS ANALYSIS

UNITED NATIONS, June 14—Simultaneous crises in Somalia, Bosnia and Cambodia have exposed severe shortcomings in the U.N. peace-keeping operations the United States and its allies have hoped to use for settling conflicts around the world.

As U.N. troops struggled to maintain order this weekend in Mogadishu and Phnom Penh and watched helplessly as Serb forces pressed an offensive in Bosnia, diplomats and U.N. officials said the peace-keeping forces lack the military command structures, training or equipment to undertake many of the tasks they have been handed by the world body.

[U.N. Secretary General Boutros Boutros-Ghali has decided 7,500 more international troops, backed by air power, should be sent to Bosnia immediately to protect civilians in six safe-haven areas. Story on Page A15.]

U.N. peace keepers complain that there is no clear and universally accepted definition of their role. And rather than being backed by the unequivocal resolve of the United States and other major global players, U.N. forces increasingly find themselves thrust into intractable civil wars where none of the world's powers are willing to venture by themselves.

"The United Nations is overloaded," said John Bolton, a senior fellow at the Manhattan Institute who was the Bush administration's

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top State Department official for liaison with the United Nations. "The demands on the organization have outpaced its capabilities. It has been the victim of its friends who have asked it to do too much."

U.N. officials say their operations have never come under such intense strains. In Cambodia, the most expensive and ambitious peace-keeping mission ever mounted appears threatened with collapse after the goverment refused to accept its loss to a royalist opposition party in U.N.-organized elections. In Bosnia, U.N. peace keepers remained helpless to prevent a shelling siege by Bosnian Serb forces against the Muslim enclave of Goradze, which has been declared a U.N. safe haven.

In Somalia, more than a dozen demonstrating civilians were shot and killed Sunday by Pakistani peace-keeping soldiers, eight days after 23 of the Pakistanis had been killed in a raid on their compound that reportedly was ordered by a Somali warlord.

All three operations were launched in countries where the United States and other leading powers had no compelling interest in helping the U.N. operation get off to a good start, or in patiently seeing it through to the end. In both Cambodia and Somalia, the United Nations plunged into war-shattered nations with only short-term mandates of no longer than two years, and staggering assignments to restore order and democracy.

"The Security Council nations have ordered up a whole slew of new operations when they don't have deep national interests in the outcomes," said Ed Luck, president of the United Nations Association. "You get a great credibility gap because they often don't have the political will to back up the resolutions."

In Somalia, Boutros-Ghali bluntly insisted to Bush administration officials that U.S. troops would have to disarm feuding Somali warlords so that the peace and safety the troops brought to the food distribution would last after the initial U.S. intervention force turned over command to U.N. peace-keepers and went home.

But the Bush administration sought a quick operation it could complete before leaving office. U.S. troops began to disarm the Somali gangs late in their stay, and the job was far from done when they left. Boutros-Ghali's spokesman, Joe Sills, pointed out today that if Mogadishu had been disarmed, the most recent shooting would not have happened.

Now, the belated, U.N.-managed policy of disarmament by force carries grave political risks, experts say. Unless all the warring parties are similarly stripped of their weaponry, the United Nations runs the risk of upsetting the balance of power and being seen as just another belligerent joining sides in Somalia's factional conflicts.

In addition, a policy of forced disarmament—particularly in a crowded urban area like Mogadishu—carries the high risk of civilian casualties, and could undermine the world body's credibility as a neutral institution dedicated to global peace.

Many relief agencies in Somalia said today that they want to distance themselves from the United Nations, since they fear the initial goal of the military intervention—to allow humanitarian operations to proceed unimpeded—has been dramatically overtaken by the military objective of engaging Somalia's warlords in combat.

"This is a clear demonstration that the humanitarian side and the military side cannot work together," an aide of the International Committee of the Red Cross said in Mogadishu. "The objectives are different."

In Bosnia, the plan to create and protect six U.N. safe havens was the product of a complex compromise between the United States and its Security Council allies, including Russia. The negotiations produced what one council diplomat called a "a very, very low common denominator," since no council power was willing to commit combat troops or wanted to see its peace keepers killed.

The council mandated the safe haven operation, which allows U.N. troops to use force to protect themselves once they are in the safe areas, but did not provide for U.N. troops to use force to get into them. Serb commanders around Gorazde simply said no to U.N. officers, and there was little the United Nations could do.

"There is a growing tendency to rely on the United Nations, but there is no such thing as U.N. power in reality," said Ernest Lefever, a senior fellow at the Ethics and Public Policy Center in Washington. "There is only the power of the member states."

At the same time, the basic ideas of peace keeping are being rapidly revised and expanded, in ways that lead to doubts and clashes on the ground. Traditionally, U.N. peace keepers went in, after a cease-fire agreement had been reached among all the warring parties, to observe a dividing line or monitor compliance with written accords. But Boutros-Ghali has led the United Nations, with the enthusiastic consent of its most powerful members, into a new area he calls "peace-enforcement," where U.N. troops are sent into hostilities to try to move the parties toward peace or to bring humanitarian relief.

At the same time, U.N. peace keepers operate with a critical lack of the kind of basic command-and-control and planning facilities U.S. troops, for example, take for granted. In a speech Friday to the Council on Foreign Relations in New York, U.S. Ambassador Madeleine K. Albright described the "programmed amateurism" of U.N. peace keeping. She cited a "near-total absence of contingency planning," a "lack of centralized command and control," and "lift arrangements cobbled together on a wing and a prayer."

She said the troops and civilian staff are "hastily recruited, ill-equipped and often unprepared." The United Nations has no global troop training program of its own, but must rely on individual nations to train their own troops and then gives them manuals and briefings when they come under U.N. command.

Pennsylvania Gov. Casey Has Double Organ Transplant

By Boyce Rensberger
Washington Post Staff Writer

Pennsylvania Gov. Robert P. Casey yesterday underwent a high-risk, experimental heart and liver transplant that was to have concluded late last night at the University of Pittsburgh Medical Center.

The surgery began less than a day after doctors determined that the Democratic governor needed both transplants and just hours after his name was entered on a waiting list for donor organs. According to the United Network for Organ Sharing (UNOS), the official national clearinghouse that maintains the list of patients needing transplants, the median wait for a new liver is 67 days and for a new heart 198 days. Casey, 61, had said he would seek no special priority on the list.

"The governor's life was in imminent danger," said John Armitage, director of adult cardiac transplantation at the center, who performed the heart transplant. Armitage spoke at an early afternoon news conference after completing his part of the double operation, which he said began at 7:25 a.m. and went well. As Armitage spoke, transplant surgeon John J. Fung was performing the more complicated liver transplant. A hospital statement later said the liver had been put into place by 6:25 p.m. but that the entire procedure was not expected to be finished until at least 10 p.m.

Only six heart-liver transplants have been done in the United States, and most patients have not survived more than a few months.

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Casey Has Heart-Liver Transplant

CASEY, From A1

The first such patient, however, lived 6½ years. She was Stormie Jones of White Settlement, Tex., who became a national celebrity in 1984 when she received the new organs at age 7. She died in 1990 when her immune system finally rejected the replacement heart. A 62-year-old man transplanted in Britain last year is said to be doing well.

Casey's surgery began shortly after Casey signed over his gubernatorial powers to Lt. Gov. Mark Singel (D).

Because the operation followed so quickly after Sunday's announcement that Casey needed the double transplant, questions were raised over whether the governor might have been given preferential treatment over others waiting for donor organs. Similar questions have been raised in the past when Pittsburgh's Transplant Institute, headed by the sometimes flamboyant transplantation pioneer Thomas Starzl, admitted wealthy and powerful patients, including members of the Saudi royal family.

Esther Benenson,a spokeswoman for UNOS, which operates under a contract with the Department of Health and Human Services to ensure fairness in making donor organs available, said it is illegal for hospitals to give favored treatment to "the rich and famous." She said the governor's brief wait "does appear unusual" and that officials are investigating the circumstances. "So far, however, we see no violations of UNOS policy," she said.

UNOS policy, however, does not explicitly cover people who need two or more new organs, said Brian Brosnick, executive director of the organ procurement organization that supplies the Pittsburgh region, the Center for Organ Recovery and Education.

"This is a gray area in our practice," Brosnick said. In the absence of a national policy, "we've taken the position that somebody who needs multiple organs takes precedence over somebody who needs one organ."

It was for this reason, he said, that Casey—the only person in the area who needed a heart and a liver—was first in line when that combination suddenly became available. The donor of both organs was a 34-year-old man whom hospital officials did not identify. He was deemed a suitable donor because he had the same blood type and body size as the governor.

Nationwide, according to UNOS, 3,057 liver-only transplants were performed last year and another 2,657 people are waiting for suitable donors. The number of heart transplants last year was 2,173 and the waiting list currently numbers 2,813.

"We're coming to a point where the public does need to get involved in these policies," Brosnick said. "Maybe this case is going to trigger the discussion."

Casey suffers from a hereditary disease called familial amyloidosis, in which the liver makes an abnormal form of protein called amyloid and sends it out in the bloodstream to other parts of the body, where it accumulates in fibrillary tangles. Nerves, intestines and the heart muscle are often affected. In Casey's case, his heart muscle has become thickened and less able to pump efficiently. In 1987, Casey had quadruple bypass surgery.

In recent months Casey had lost weight, doctors said, apparently as a result of amyloid deposits building up in his gut. A transplanted liver with no genetic defect would make no abnormal amyloid.

The governor was admitted to the center's Presbyterian Hospital on Saturday to be evaluated for a liver transplant when doctors found his heart to be so severely damaged that they decided to replace both organs.

The Pittsburgh doctors said Casey's prognosis should be good because, unlike most others needing liver transplants, the governor's liver performed its normal functions well and his body is not debilitated by a deficient liver.

Casey is a longtime Pennsylvania political figure who emerged from the state's hard-coal region of Scranton to build a reputation as a fighter.

The father of eight, he has pushed for programs for consumers and children but is perhaps best known outside Pennsylvania because of his efforts to restrict the availability of abortion services. He signed Pennsylvania's 1989 Abortion Control Act, among the most restrictive in the nation.

Casey's stance came to national prominence last year when he sought to address the Democratic National Convention in New York on his abortion views but was denied the floor.

Casey was elected governor in 1986, edging out Republican William W. Scranton III, son of a former governor and the state's lieutenant governor. He was reelected by a wide margin in 1990.

Special correspondent John Baer in Harrisburg, Pa., contributed to this report.

Senate Democrats Press for Budget Compromise

Mitchell Upbeat as Deadline Approaches; Transport Fuels Tax, Deep Medicare Cuts Seen Likely

By Eric Pianin
and David S. Hilzenrath
Washington Post Staff Writers

Senate Democratic leaders, facing a Friday deadline, are pressing for a compromise on the budget package that would include a transportation fuels tax and deeper cuts in Medicare spending, according to Capitol Hill sources.

The leaders also are focusing on cost-saving proposals by Sen. Bill Bradley (D-N.J.) to eliminate a number of tax loopholes favored by the Clinton administration and contained in the House-passed version. They also are looking at a plan to scale back or eliminate proposed increases in the earned income tax credit and funding for food stamps and childhood immunizations.

Senate Majority Leader George J. Mitchell (D-Maine), appearing upbeat and confident, told reporters that the Senate Finance Committee probably would begin a markup of the package by midweek. The committee plans to resume negotiations today. "We're going to get a budget out of committee this week and we'll pass it on the floor next week," Mitchell said.

Just how Mitchell and Finance Committee Chairman Daniel Patrick Moynihan (D-N.Y.) intend to overcome the objections of several Finance Committee Democrats remained unclear.

Sen. Max Baucus (D-Mont.) has said repeatedly he would oppose a transportation fuels tax and would insist on either a broader energy tax, along the lines of the one abandoned by the administration last week, or no energy tax at all. A Baucus aide insisted yesterday that the transportation fuels tax proposed by Sen. John Breaux (D-La.) is "a nonstarter."

Baucus was lobbying other Finance Committee members yesterday to a support a package with no energy tax.

Sen. David L. Boren (D-Okla.), who helped kill Clinton's energy tax proposal, has endorsed the idea of a transportation fuels tax, but continues to lay down other demands for altering the mix of tax increases and spending cuts in the president's plan.

"I don't think there's a deal now and I don't think there will be one before tomorrow at 10" when committee Democrats reconvene, said Dan Webber, a Boren spokesman.

Sen. John D. "Jay" Rockefeller IV (D-W.Va.), reflecting the views of at least a dozen other Senate moderates and liberals, has vowed to oppose the package if it cuts too deeply into Medicare and Medicaid spending.

The Senate is seeking agreement on an overall plan for reducing deficit spending by nearly $500 billion over the next five years through a combination of tax increases on the wealthy, some type of energy tax, spending cuts and reductions in entitlement programs such as Medicare and Medicaid.

The House-passed version contains more than $50 billion in Medicare and Medicaid spending cuts over five years, but additional cuts would be necessary to make up for the revenue lost by dropping Clinton's energy tax proposal.

Breaux's proposal would replace Clinton's $72 billion tax on heat content—known as the "Btu tax"—with a 7.3 cents per gallon tax on gasoline and other fuels in transportation that would raise $40 billion over five years. The $32 billion difference would have to be made up with deeper cuts in entitlement spending than provided for in the House version.

Breaux's proposal drew sharp complaints last week from the trucking and airline industries, which would bear the brunt of the fuels tax, and from Transportation Secretary Federico Peña, who argued that the tax was unfair. Nonetheless, Democratic leaders who conferred yesterday indicated that Breaux's proposal was an integral part of the emerging agreement, according to sources.

"It seems as though Senator Breaux's transportation tax will remain pretty much a key part of the revenue-raising side," said Bette Phelan, Breaux's press secretary. "Most of the talk at this point is on the spending side of the equation."

Some participants in the deliberations said the outcome in the Finance Committee could be largely academic, because many major questions will not be resolved until representatives of the House and Senate meet to iron out differences between their versions of the budget package.

As pressure built in the Senate, lawmakers and administration officials focused on the high political and economic stakes. "If the Clinton program with congressional changes that are consistent with the president's general principles doesn't pass [Congress], the markets could react unfavorably, perhaps even highly unfavorably," said White House economic policy adviser Robert E. Rubin.

Moynihan has proposed offsetting the energy tax revenue losses by cutting an additional $35 billion from the Medicare program over the next five years, but Mitchell said over the weekend that the reductions would be less than $35 billion.

Bradley appears to be making headway with his argument that the Senate could save at least $17 billion more by eliminating two tax breaks approved by the House: changes in a minimum tax that corporations must pay and an increase in the size of deductions small businesses could claim for equipment purchases.

Senate Democratic leaders and Finance Committee members also are considering additional savings by reducing a proposed increase in the earned income tax credit, which was originally proposed as a way to soften the impact of Clinton's Btu tax on the working poor. They also are considering reducing planned increases in spending for childhood immunization programs and food stamps.

Some have argued that those and other administration spending initiatives should be dropped in any case because they would likely violate the so-called Byrd amendment and would be subject to challenge on the floor. That amendment, named for Senate Appropriations Committee Chairman Robert C. Byrd (D-W.Va.), prohibits provisions in the budget reconciliation package that would add to the deficit in any "out years" beyond the next fiscal year.

THE WASHINGTON POST
TUESDAY, JUNE 15, 1993

One Question Too Many For Clinton

Query by ABC's Hume Provokes Outburst

By Howard Kurtz
Washington Post Staff Writer

In his strongest outburst at a reporter since taking office, President Clinton abruptly terminated a news conference yesterday after denouncing a question from ABC's Brit Hume.

Clinton had just finished listening to Judge Ruth Bader Ginsburg accept his nomination to the Supreme Court when he looked to the press corps and called on Hume.

The reporter said that Clinton's withdrawal of the Lani Guinier nomination and his consideration of Federal Appeals Court Judge Stephen G. Breyer for the Supreme Court "may have created an impression, perhaps unfair, of a certain zigzag quality in the decision-making process here. I wonder, sir, if you could kind of walk us through it and perhaps disabuse us of any notion we might have along those lines. Thank you."

Clinton stared angrily at Hume and said in a voice filled with contempt: "I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but a political process. How you could ask a question like that after the statement she just made is beyond me."

An administration official said the president was unable to take further questions because several senators and Hillary Rodham Clinton rose in applause and moved toward the stage. White House press secretary Dee Dee Myers said Clinton cut off the questioning because "he was there to discuss her qualifications and why he chose her."

"It seemed to me to be a fair question," Hume said in an interview. "He obviously had been moved to tears by her statement. He must have felt the question was a violation of the mood of the moment and was therefore, to him, offensive."

Hume said it was "understandable" for Clinton to complain "that we dwell on process and politics to a great extent. Sometimes we're right about that and sometimes, undoubtedly, we're not." But he noted that the White House later arranged "a briefing by no fewer than eight administration officials to explain to us the whole political process" by which Ginsburg was chosen.

"Maybe it was me who particularly got under his skin," Hume said.

To the television audience, the president may well have appeared to be standing up to an arrogant press corps more concerned with backstage maneuvering than the substance of an important nomination. Still, the recent spate of reports about Clinton seeming to vacillate about his Supreme Court choice has been fueled by White House leaks.

"It was an almost laughably obvious question," said ABC media analyst Jeff Greenfield. "If Brit hadn't asked the question, would [CBS's] Susan Spencer have? Would [NBC's] Andrea Mitchell have? Sure."

The exchange came one day after Clinton hosted a barbecue to improve relations with White House reporters. Robert Lichter, director of the Center for Media and Public Affairs, said Clinton's anger may have boiled over because he been receiving far harsher television coverage than President George Bush four years ago.

"Maybe it was me who particularly got under his skin."

—ABC reporter Brit Hume

THE ONE-QUESTION NEWS CONFERENCE

After remarks by Supreme Court nominee Ruth Bader Ginsburg, President Clinton took a question from Brit Hume of ABC News. The news conference opened and closed with this exchange:



Q: *"Mr. President, the result of the Guinier nomination, sir, and your apparent focus on Judge Breyer, and your turn, late it seems, to Judge Ginsburg may have created an impression, perhaps unfair, of a certain zigzag quality in the decision-making process here. I wonder, sir, if you could kind of walk us through it and perhaps disabuse us of any notion we might have along those lines. Thank you."*



A: *"I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but a political process. How you could ask a question like that after the statement she just made is beyond me. "Goodbye. Thank you."*

SOURCES: Cable News Network, news reports

THE WASHINGTON POST

By Guy Gugliotta
and Eleanor Randolph
Washington Post Staff Writers

She is one of the most prominent attorneys in the country, a feminist who took her snubs from the largely male legal establishment in the old days, but shrugged them off and kept coming.

By the time her activism became respectable, she was already an institution—mentor, role model and heroine—for the first generation of feminist lawyers.

Yesterday, President Clinton nominated Ruth Bader Ginsburg, 60, a native of Brooklyn, N.Y., and a federal appeals court judge here for the past 13 years, to serve as associate justice of the Supreme Court, to replace retiring Justice Byron R. White.

"It's a great day," said Janet Benshoof, president of the Center For Reproductive Law and Policy, and a student of Ginsburg's at Harvard University in the early 1970s. "She has been my mentor for 20 years. When I heard the news, I burst into tears."

Her remarks on the White House lawn, former colleagues and friends said, were typical of Ginsburg in many ways: She was slow-talking, soft-spoken and chose her words with care.

Yet, she had the whimsy to tweak Sen. Daniel Patrick Moynihan (D-N.Y.) at the same time she thanked him for being the first to congratulate her on her nomination yesterday and on her federal court nomination 13 years ago: "I appreciate it . . . more so because I don't actually know the senator."

And she acknowledged that her two children, Jane and James, had realized very early that her husband, tax lawyer and Georgetown Prof. Martin David Ginsburg, "cooks ever so much better than mommy—and so phased me out of the kitchen at a relatively early age."

For many of her former clerks and colleagues, the human touch is what separates Judge Ginsburg from the pack: "She's a wonderful person and a wonderful human being," said Washington attorney and former clerk Al Cacozza. "She cares not only about her work, but about the real world and the effect her rulings will have. I'm not surprised she was chosen. I've been urging everyone I know for months."

Ruth Bader Ginsburg (no relation to U.S. Appeals Court Judge Douglas H. Ginsburg) was born in the Flatbush section of Brooklyn on March 15, 1933, the daughter of Nathan and Cecilia Bader. She attended James Madison High School, where she was a baton twirler and features editor of the school newspaper.

At Cornell University, she majored in government, joined a sorority and became a member of a campus student government body called the Women's Self-Governance Association. Known in college as "Kiki," she met Ginsburg and married him after graduating Phi Beta Kappa in 1954.

Both she and her husband attended Harvard Law School, where, in a class of 400, she was of one of nine women enrolled. When her husband graduated and took a job as a tax lawyer in New York, she followed him there and entered Columbia Law School, where she graduated in 1959, tied for first in her class. According to an article from the Columbia University magazine, she was known to some as "Ruthless Ruthie" for her dedication to her studies.

In later years, Ginsburg would often describe how hard life could be for a woman lawyer in the late 1950s: "I signed up for all the law firm interviews I could get," she wrote in a 1981 essay. "No one offered me a job."

Ginsburg wrote that many law firms were just beginning to hire Jews, and "to be a woman, a Jew and mother to boot, that combination was a bit much. Probably motherhood was the major impediment.

"To be a woman, a Jew and mother to boot, that combination was a bit much."

—Ginsburg, on failing to get law firm interviews in 1959

The fear was I would not be able to devote my full mind and time to a law job."

She ended up clerking for a federal district court judge, but in the 1960s gained prominence as a teacher, first at Rutgers University, where she hid her second pregnancy to avoid problems with the faculty, and then at Columbia Law School, where she became the school's first woman law professor in 1972.

It was in the late 1960s and the 1970s that Ginsburg made her name as a women's rights advocate, arguing six cases before the Supreme Court as a counsel for the American Civil Liberties Union.

"She was always a role model for me as someone [who], while being a legal academic, could have an impact on the world," said Columbia Law Prof. Gerard Lynch, a former colleague of Ginsburg's. "She was always very different from a kind of professor who approaches academic life solely for an audience of specialists."

It was also in the late 1960s and 1970s that she made her mark on a generation of woman lawyers: "She had very high standards for us, because she knew what we were capable of and because she knew we would have to do to meet the challenge," said Rosalind Lazarus, vice president for the Washington-area Lawyers for the Arts and another Ginsburg student at Harvard.

Harvard cut Ginsburg loose after a part-time tryout teaching a course called "Women in the Law." When she departed, the Boston Globe newspaper quoted Law School Dean Albert Sacks as saying that while "we would like to have more women on the faculty," it was "very difficult to find people who are qualified." Sacks told the Globe that Harvard passed on hiring Ginsburg because "we thought we needed more time and more information." While they were waiting, Ginsburg went to Columbia.

Named by President Jimmy Carter in 1980 to the U.S. Appeals Court in Washington, Ginsburg brought with her a reputation as "the Thurgood Marshall" of feminist issues.

The Ginsburgs have assets of between $3.2 million and $6.7 million, according to her latest financial disclosure report. The three largest chunks, from $500,000 to $1 million each, are the couple's joint interest in a money market fund, her husband's retirement accounts and his personal professional corporation. The two reported between $158,000 and $450,000 in income last year in addition to their salaries.

Martin Ginsburg is known as one of the foremost tax lawyers in the country. He is also a longtime friend of Texas billionaire Ross Perot, who donated $1 million to Georgetown in his honor in 1986.

He is also known—by Ginsburg progeny and Ginsburg clerks—as an accomplished gastonome who does most of the cooking in the Ginsburg household.

He also often drives his wife to work, especially since the judge a few years ago was behind the wheel when she inadvertently crashed into a mechanical steel barrier at the courthouse gate.

For her clerks, however, such moments are part of the Ginsburg myth. Painfully correct in many social situations, she also can be totally disarming in the most unusual circumstances.

University of Illinois Prof. Stephen Ross, one of her first clerks, remembers a job interview in 1981 when the judge met him at a Roy Rogers restaurant "among a bunch of hung-over truck drivers."

What she doesn't like, say former clerks and associates, is sloppy thinking, poor preparation, long-windedness and grandstanding. She is a stickler for details, maybe even a nit-picker. She is attentive to footnotes and death on bad writing.

And she is not shy about voicing her displeasure or naming names. Ross recalled a speech she gave on "overly harsh ad hominem dissents," a practice "she decries" as pointless and needlessly adversarial. Her leading offender, Ross said, was her friend, Supreme Court Justice Antonin Scalia.

Ross and others pointed out that Scalia, a onetime colleague on the federal bench, is a friend, as is conservative Robert H. Bork, another fellow judge, and liberal former Supreme Court justice William Brennan.

She may not agree ideologically with some of her friends, but she respects their views and their scholarship, past clerks say, just as clerks respect Ginsburg for her preparation and her intelligence.

Clerks remain attached to her, and keep in touch. Most are young enough to have been her sons and daughters, and the relationship has nurturing overtones.

"Whenever I stop by to say hello," said Ross, "she scolds me for not coming to dinner."

Staff writers Michael York, Andrew Brownstein, Rachel E. Stassen-Berger, Charles R. Babcock and researchers Lucy Shackelford, Barbara J. Saffir and Bridget Roeber contributed to this report.

RUTH BADER GINSBURG

Bader Ginsburg is a U.S. appellate judge, D.C. Circuit. She was appointed in 1980 by President Jimmy Carter.

Born: March 15, 1933, Brooklyn, N.Y.

Personal: Married to lawyer/educator Martin David Ginsburg; two children, Jane Carol and James Steven.

Education: Cornell University, 1950-54, BA; Harvard University Law School, 1956-58; Columbia Law School, 1958-59, LLB and JD.

Bar: New York state, District of Columbia and U.S. Supreme Court.

Government positions: Law clerk to Judge Edmund L. Palmieri, U.S. District Court, Southern District of New York, 1959-1961.

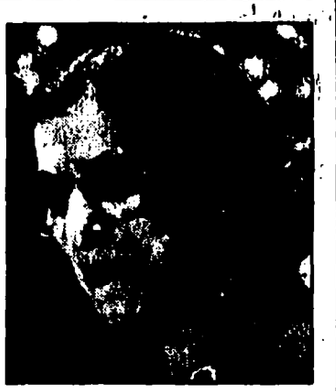
Academic positions: Rutgers University School of Law: assistant professor, 1963-66; associate professor, 1966-69; professor, 1969-72; Columbia School of Law: professor, 1972-80.

Other employment: Columbia Law School Project on International Procedure: research associate, 1961-1962; associate director, 1962-63; Stanford University Center for Advanced Study in Behavioral Sciences, fellow, 1977-1978.

Pro bono activities: Advisory board, Samuel Rubin Program for the Advancement of Liberty and Equality through Law, Columbia Law School; general counsel, American Civil Liberties Union, 1973-80; Academic Advisory Board, Center for the Study of Human Rights, Columbia University, 1977-80.

Honors and awards: Honorary degrees from Lund (Sweden) University, 1969; American University Law School, 1981; Vermont Law School, 1984; Georgetown University, 1985; DePaul University, 1985; Brooklyn Law School, 1987; Hebrew Union College, 1988; Rutgers University, 1990; Amherst College, 1990; Time magazine, one of 10 outstanding law professors, 1977; Society of American Law Teachers, Annual Outstanding Teacher of Law Award, 1979.

SOURCES: Almanac of the Federal Judiciary, Who's Who In America



THE WASHINGTON POST

THE WASHINGTON POST
TUESDAY, JUNE 15, 1993

High Court Playoffs Rival Hoops for Tension, Personal Drama

By Ann Devroy and Ruth Marcus
Washington Post Staff Writers

When President Clinton phoned Judge Ruth Bader Ginsburg just after 11:30 p.m. Sunday night to offer her a seat on the U.S. Supreme Court, he joked that the selection process "bore some resemblance" to the cliff-hanger, triple-overtime NBA championship series game that had just concluded.

For 87 days, it looked a little like that—the score tight, the crowd boisterous and the players coming on and off the court with dizzying speed: Cuomo, Riley, Babbitt, Breyer, Ginsburg.

White House officials maintained in briefings yesterday that Ginsburg was on their list of top possibilities since Justice Byron R. White announced his resignation on March 19. But they also described an unusual process driven by a president who kept changing his mind or having it changed for him, who threw names into the mix as the days went by, whose criteria seemed to change as the candidate changed and who finally made a decision based on personal karma.

The process began the day after White resigned, giving Clinton the unusual gift of at least two months to choose a nominee who could be confirmed by August and ready for duty the first Monday in October, when the court's annual sessions begin.

Presidents Ronald Reagan and George Bush made a total of eight Supreme Court nomininations in less than half the time it took Clinton to make one. There was little time for public discussion of their merits, or Social Security tax-paying status, before their nominations.

The duration of the Clinton process sets a modern record. The public nature of its scenes—one nominee's lunch menu described to the press, a variety of tentative and real offers described and explained—had a "Perils of Pauline" quality.

Officials said that on that March day when it began, they handed Clinton an unusually large list, 50 names.

Proudly displaying their handiwork, the officials said they enlisted some 75 outside, volunteer lawyers to prepare lengthy, analytic biographies on some 42 of the candidates, relying on hundreds of scholarly articles and searches of newspapers. They said Clinton's original instruction was to go not for a judicial type but a "public person," someone "with vast public experience." The vision was of the 1954 Warren Court, where a former governor joined forces with former senators and attorneys general in the landmark *Brown vs. Board of Education* ruling that ended public school segregation.

The first such possibility was New York Gov. Mario M. Cuomo, the name Clinton had uttered during the campaign when asked what kind of justice he might appoint. He became the example of another Clinton requirement, someone with a "big heart," with demonstrated concern for human beings and not just judicial precedents.

In early April, the president asked Cuomo if he would agree to a more intensive vetting that could lead to his nomination. The response: no thanks. Richard W. Riley, Clinton's education secretary and the former governor of South Carolina, also told the White House he was not interested. By last Tuesday, the third "public person," Interior Secretary Bruce Babbitt, was off the list not by his choice but by the White House's.

Babbitt, said one senior official, "had become problematical:" he was such a popular Interior secretary that Western members of Congress and environmentalists were besieging the administration to keep him in place.

Administration officials cited Democratic politics in the Babbitt decision: Clinton needs the West to be reelected and Babbitt is popular in the West. "As the president moved away from Babbitt" at midweek, they said, he moved toward federal appeals court Judge Stephen G. Breyer of Boston, and told his staff at midweek to take another look at Ginsburg and some other candidates as a backup.

Breyer, with the public backing of liberal senators and conservatives, looked to be the problem-free answer at the end of the week. Awarded the "centrist" label that Clinton craved, Breyer seemed to have as many Republican backers as Democratic ones. Senate Minority Leader Robert J. Dole (R-Kan) sang his praises. For a president who had suffered missteps and foulups, a major goal was just to "get this right," according to a senior official.

Officials said yesterday that Breyer's failure to pay Social Security taxes for household help was not "disqualifying." Its public emergence over the weekend, they said, was not a "real" factor in Clinton's decision to pass over the judge, who had been summoned from his hospital bed (he had been hit by a car while riding his bike) to a Friday lunch with Clinton at the White House.

But it left Breyer, officials said, without one of his major selling points—a problem-free confirmation. That he had neither the "big heart" qualification nor the "public person" qualification was, officials said, not a problem. "Judge Breyer did not lose the nomination," a senior official said yesterday, "Judge Ginsburg won it."

While the White House assessed the potential trouble on Saturday, White House Counsel Bernard Nussbaum arranged a meeting with Ginsburg. The night before, Friday evening after a dinner party, Clinton had told his top aides that it probably would not be Babbitt and they should crank up the process full-scale on Ginsburg.

Some aides said before the Ginsburg-Clinton meeting that she was not the kind of person he would likely warm to. She can seem remote and bookish, associates say, and they envisioned, terror-stricken, the spectre of Clinton feeling comfortable with neither Breyer nor Ginsburg and having to turn to someone else.

White House officials described the emotional connection between Clinton and Ginsburg as the key final ingredient that got her the job. Clinton's 90-minute Sunday meeting with her, they said, was "quite moving" to the president. When Clinton put her "life story with her career," they said, he was enchanted. He found her, they said, "a workhorse, not a showhorse," "prone to self-effacement but offering real strength of character." The meeting, said another official, was "the turning point and what tipped the balance."

No recent president has cited such an emotional standard and aides to former presidents Reagan and Bush, asked about it, were nonplused. One aide to each former president said their bosses had interviewed their candidates, but it had been essentially pro-forma. "What's the difference how they get along," asked one senior Reagan aide. "The law precludes them ever speaking again on judicial subjects. Their first substantive conversation about the court will be their last."

The next-to-final act on the Ginsburg front occurred Sunday, after her session with Clinton, when an administration team arrived at her Watergate apartment. The team included White House Counsel Nussbaum, his deputy, Vincent Foster, associate counsel Ronald Klain, deputy communications director Ricki Seidman and James Hamilton, the Washington lawyer who directed the team of outside legal vetters, arrived to prepare her for Monday's events and go over her background one more time.

When a reporter phoned the apartment seeking Ginsburg Sunday afternoon, Nussbaum answered her phone.

Ginsburg was warned to stay awake late, and did. Hours later, after the NBA's Game 3 between the Chicago Bulls and the Phoenix Suns, Clinton picked up his phone in the White House kitchen to call Ginsburg and offer her the job. When the Ginsburg call was over, the other two frontrunners, Breyer and Babbitt, got their presidential calls of regret.

Black Caucus GOP Loner Opts to Stay

Exclusions Prompted Franks's Plan to Quit

By Kenneth J. Cooper
Washington Post Staff Writer

On Friday, he was quitting. Over the weekend, he was listening. Yesterday he was staying.

Rep. Gary A. Franks (R-Conn.) concluded, under the television lights, a very public spell of playing Hamlet. The question: Would the only black Republican in Congress remain a member of the Congressional Black Caucus?

"As long as I am a member of Congress and black, I will continue to belong to the CBC," Franks declared at a news conference yesterday, originally called to announce his resignation from the 39-member group.

The conservative lawmaker in his second-term, said he decided to continue his membership because constituents urged him to stay. He had planned to quit, he said, because the Black Caucus has "routinely" ejected him from meetings where intra-party—Democratic Party, that is—issues were discussed.

"We're working on a streak now, I believe it's four or five consecutive meetings in which I've been asked to leave," Franks said. "I think I've been asked to leave more often than I've been asked to stay."

When Congress is in session, the caucus meets weekly at a private Wednesday luncheon in the Rayburn House Office Building. Membership dues are $10,000 per two-year session. A spokeswoman for Rep. Kweisi Mfume (D-Md.), caucus chairman, said he had no comment on Franks's decision or his grievances.

The mini-drama starring a political minority within a racial minority began Friday when Franks' office announced a Monday news conference and its subject. "The congressman will announce his resignation from the Congressional Black Caucus and will articulate his reasons for doing so," the news release said. Franks was identified as "the highest elected black Republican official in the United States."

The three-paragraph statement prompted news stories about his expected departure. In his district, two network affiliates, the Waterbury Republican-American and Danbury News-Times ran with the story. It made Saturday's front-page, with photo, in the Danbury paper. In Washington, Roll Call, a Capitol Hill newspaper, yesterday gave the story similar play: "GOP's Franks to Quit Black Caucus," the headline read.

It was not to be. The publicity drew telephone calls and comments from constitutents of all races. Franks's district is about 90 percent white.

"They explained to me that I'm doing more for the country by being in the Black Caucus, than not being in the Black Caucus, and thus I heeded their advice," Franks told reporters.

The black Republican cited his role as "the lone member" of the Black Caucus to endorse Supreme Court Justice Clarence Thomas and as liaison to House Republicans during negotiations on a civil rights bill that passed in 1991.



REP. GARY A. FRANKS
... "routinely" ejected from meetings

But Franks's leverage has dwindled with no Republican in the White House. He strongly suggested that he was ousted from a pivotal meeting last week for arguing that caucus members should meet with President Clinton the next day. They did not.

There has been only one other GOP member of the Black Caucus, and he was not a full-voting member of Congress. The late Melvin H. Evans joined as a delegate who represented the U.S. Virgin Islands in 1979 to 1981.

Former senator Edward W. Brooke (R-Mass.), who served from 1967 to 1979, developed an informal relationship with the caucus, but never became a dues-paying member.

Union Reformer Joins Teamsters As Carey Aide

By Frank Swoboda
Washington Post Staff Writer

Eddie Burke has resigned from an independent review board set up by the Justice Department to rid the Teamsters union of corruption, and will become a top aide to Teamsters President Ron Carey, sources said yesterday.

Burke, who is credited with engineering Carey's election, will become a special assistant to him as soon as a replacement on the review board is approved by the government. Labor attorney Grant Crandall of Charleston, W.Va., has been picked to replace Burke.

Several union sources speculated yesterday that Burke was returning to the union to help Carey deal with a rebellious local leadership. Although the Carey slate swept the top national union jobs in the government-monitored election 18 months ago, few of the local unions and none of the powerful joint councils are controlled by Carey supporters.

The situation has left the union in political turmoil as it heads into negotiations with the United Parcel Service and major trucking companies.

Burke, who was a leader in the United Mine Workers' successful reform movement, is considered a skilled political strategist who should be able to help Carey deal with problems in the field.

Striker Replacement Bill Faces Key Test in House

By Frank Swoboda
Washington Post Staff Writer

Organized labor faces a key test of strength today in the House, which is scheduled to take up controversial legislation to ban employers from hiring permanent replacements for striking employees.

The AFL-CIO and its member unions are lined up against the U.S. Chamber of Commerce, the National Association of Manufacturers and the National Federation of Independent Businesses in the contest, which the business groups said will set the tone for congressional action on a range of workplace issues.

House Democrats are scheduled to caucus this morning to discuss the striker replacement bill.

There was a move afoot by some Democrats to postpone a vote because they didn't want to take the political heat it would generate so close to their vote on the president's budget plan.

For the unions, the bill has come to symbolize the end of the Reagan era, a turbulent time of contract concessions and membership loss when the strike became all but obsolete as workers were threatened with per-

See STRIKER, D6, Col. 1

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THE WASHINGTON POST

Striker Replacement Bill Faces Key Test in House Today

STRIKER, From D1

manent replacement if they walked off their jobs.

Although the use of striker replacements has been legal under the National Labor Relations Act since the mid-1930s, the threat of dismissal did not become commonplace until the 1980s.

The number of major strikes dropped from 187 in 1980 to 35 last year.

Other issues being pushed by organized labor range from basic reform of the nation's labor laws and an overhaul of occupational health and safety laws to increases in the federal minimum wage.

The House Rules Committee set the stage yesterday for what some labor supporters believe will be the first of several compromises labor will have to accept if the bill is to pass.

The committee voted to allow two amendments on the House floor. The first, a substitute by Rep. Tom Ridge (R-Pa.), would ban the use of permanent replacement workers for the first 10 weeks of a strike. After 10 weeks, employers would be free to replace the strikers. The amendment is similar to a proposal by Rep. William Goodling (R-Pa.) that was defeated in the last Congress.

The House Republican leadership, as well as labor, opposes the Ridge amendment. The leadership opposes any change in existing law, while labor wants to avoid any compromise at this stage.

The second amendment approved by the Rules Committee appears to have a good chance of being approved, according to Democratic sources close to labor. That proposal, offered by Rep. Chet Edwards (D-Tex.), a conservative supporter of the bill, would limit the replacement ban to cases where the union has been certified by the National Labor Relations Board (NLRB). This would allow workers to be replaced during a strike over union representation.

Labor also opposes the Edwards amendment. "Anything we do in the House becomes the floor [for negotiations] in the Senate," a source said.

The bill faces hazards in the Senate, where labor has lined up a majority to support it but is still three to four votes shy of the 60 votes needed to shut off an expected Republican filibuster.

Labor is counting on at least five Republican senators to vote for the bill, but will need help from the White House to get Democrats' help in ending a filibuster. The Clinton administration has been outspoken in its support of the replacement ban, but it is unclear how hard the White House will work to ensure passage. Two key Senate opponents of the bill have been Arkansas Democrats Dale Bumpers and David Pryor.

Democratic strategists working with labor predicted yesterday that the unions may be forced to accept some form of compromise along the lines of the Ridge proposal if they want to overcome a filibuster.

A Senate vote is not ex[illegible] before July.

Puttering With Budget Deficit Trims

By Guy Gugliotta
Washington Post Staff Writer

Is nothing sacred? Since Sir Francis Drake started fighting scurvy by forcing his sailors to drink lemonade, the world's military leaders have tried to maintain good morale (and good gums) through sports and other healthy habits.

Thus it should come as no surprise that the departments of Defense and Veterans Affairs were less than enthusiastic about a proposal advanced earlier this year by Sen. Dennis DeConcini (D-Ariz.) to open military golf courses to the public and use the profits to bring down the federal budget deficit.

"The American public is fed up with business as usual," DeConcini said in a Jan. 27 floor speech, and the times are "ripe for reform." By opening the golf courses, charging reasonable fees and instituting cost-effective civilian management, he said, the government will be able to walk away with $100 million each year.

Best of all, DeConcini said, conversion could be accomplished without taking away the subsidized fees and other privileges enjoyed by active-duty servicemen and women, vets and weekend reservists killing a few hours before cocktails at the officers club. Success, he said, is simply a matter of charging competitive rates for outsiders and letting civilians run things.

Unfortunately for DeConcini, the Senate does not appear to be as excited about reform as it seemed to be back in January, and his bill has been consigned to committee without cosponsors—waiting, one assumes, for riper times.

The bill has not been embraced by military authorities, either, who note that their golf courses are nonprofit ventures whose revenue finances softball leagues, movies, picnics, parties and other sports and healthy habits. They are not garden-variety, pork-barrel rip-offs.

Still, DeConcini exhibited resourcefulness in amassing data where none appeared to exist. The Defense Department, which parts with information only grudgingly, did not spring to attention when DeConcini asked about golf courses.

So he went to the research and marketing division of Golf Digest, which runs something called The Data Base of Golf in America.

The Data Base of Golf in America knows everything about golf. How many military golf courses are there in the United States? 234. How many rounds of golf does a public course support each year? About 35,000.

And that's conservative. According to The Data Base, Maryland's Andrews Air Force Base, which has 36 holes, generates 90,000 rounds per year; Fort Belvoir does the same with 27 holes; and Fort Rucker, Ala., gets 65,000 rounds out of one 18-hole course.

"The military actually has a publication called 'Guide to Golf Courses,' which lists 191 facilities," said Hugh White, who manages The Data Base as Golf Digest's vice president of research and marketing. The Data Base found the other 43, White said, because its sources were better.

DeConcini's request "didn't take us any time, so we did it for nothing," White said. Also, he acknowledged, helping DeConcini is good business for The Data Base.

White explained that The Data Base is linked to a variety of publications, including one delivered to the nation's golf pros, who, at renewal time, are occasionally asked questions about their facilities. It was this harmless ploy that gave The Data Base a rigorous count of the country's military golf courses.

The Data Base gave this number to Golf Digest's investment banking partner, HJM Corp., whose job it is to tell cities whether it makes economic sense to build a public course: "Golf," White said, "is truly a northern game," very popular in the northern Midwest, the Northeast and the Middle Atlantic states, and running out of gas as it moves West and South.

What about all those courses in Florida? "Mostly transplanted northerners playing."

Opening military courses to civilian use, the investment bankers said, would be a terrific idea. Figuring a conservative $15 green fees per round, $10 for cart rental, $75,000 in management fees per year, $350,000 for annual maintenance and assorted other costs, HJM estimated a net annual income per 18-hole military golf course of $500,000.

Multiplying by 220 courses (another conservative estimate) gives $110 million in clear profit each year. Let the bases keep $10 million to run their own military welfare and rec programs, and give the other $100 million to the Treasury.

"You can easily see that well-managed public-sector golf courses can be extremely profitable if the demand is there to fill them," White told DeConcini's office in a letter last year. "If you need any more information, don't hesitate to call."

Indeed. The Data Base knows, for instance, that 24 million people played a round of golf in 1992, 11.8 million played at least eight rounds and 5.8 million, America's "core golfer universe," played 25 rounds or more.

It also knows where they played and what they drank. Johnnie Walker, White said, is thinking of spending big bucks to link its advertising with golf. No sweat, White said. "We can identify people who play golf and drink scotch."

Who needs spy satellites?

Army's New Doctrine Manual Sees High-Tech, Distant Battles

By Barton Gellman
Washington Post Staff Writer

Just over a year ago, Gen. Frederick M. Franks Jr. stood before 30 generals at Virginia's Fort Monroe and held up, of all things, a lump of lead. He had found the French "minie ball," a cone-shaped relic of 1850s technology, on a Civil War battlefield.

Franks, who heads the Army's Training and Doctrine Command, explained that the French bullet was twice as accurate as the musket ball it replaced. Both sides, confederate and union, employed it. But neither side grasped its implications: that the old way of fighting—lining up broadside to the enemy and firing in volleys—would lead to unacceptable carnage.

"Sometimes it's all around you and you don't see it," Franks told the generals.

Yesterday, the Army unveiled the culmination of a two-year effort, headed by Franks, to ensure that it does see and adjust to the so-called new world order and the new environment of warfare that goes with it. For the first time in seven years, it issued a rewrite of its keystone fighting doctrine, Field Manual 100-5, "Operations."

The Army, perhaps more than its sister services, takes doctrine seriously. FM 100-5 establishes a common culture for Army commanders, a way of thinking about what is important in warfare and what is not.

Army Chief of Staff Gen. Gordon R. Sullivan, who has expressed the hope that the new doctrine will be among his most important legacies, often quotes from a World War II history called "Seeds of Disaster," which blames the French defeat primarily on outdated beliefs about firepower and defensive fortifications.

Although technology is a major theme of the new manual, the most important changes come in the assumptions about where, with whom and against whom the Army will fight. For the first time in its history, the manual also devotes a chapter to operations other than fighting—from peace keeping and counter-narcotics missions to disaster relief.

The last, Cold War version of FM 100-5, which announced the doctrine of "Air Land Battle," was intended to prepare for a defensive war in Central Europe against a Warsaw Pact led by the Soviet Union. In that 1986 manual, the Army presumed it knew exactly where the battles would be fought and exactly which enemy units it would fight. It also presumed that most of the U.S. troops and equipment were already in position.

The new edition is oriented toward offensive operations and reflects the worldwide pullback of U.S. forces to bases in the United States. It assumes the Army will most often have to travel to get to the fight, with troops bringing all they need to an unknown environment. Commanders everywhere in the Army, according to the new book, must conduct their training and preparation as though they "expect to be alerted and deployed," and they must consider how they will force their way into a distant theater of operations that has no friendly airports, rail hubs or ports.

"Our strategic 'center of gravity' will be getting there," Brig. Gen. Robert Scales explained in an interview conducted during preparation of the new manual.

Another major new chapter is called "Operations Other Than War," in which commanders are advised that "victory comes more subtly" than in high-intensity conventional combat. In words that seem especially timely given the ongoing U.N. mission in Somalia, the manual warns that harsh "military responses to civil disturbance may solve the immediate crisis but subvert the legitimacy of local authorities and cause further unrest."

The manual emphasizes that the Army's "primary focus is to fight and win the nation's wars." But in a significant concession to the increasing demands for nontraditional services—from humanitarian assistance to peace keeping—the manual says the Army must be versatile, more like a decathlete than a boxer.

It was not all that long ago, in 1954, that FM 100-5 said the Army is an independent service requiring no other military service to accomplish its mission. Yesterday's update, the first published since the Goldwater-Nichols Act of 1986, states repeatedly that "the Army will not operate alone."

"The first sentence of the first paragraph of the first chapter says America's Army is a member of the joint team," Sullivan said yesterday.

Technology and its consequences are another major theme. A revolution in weapons accuracy, widely noted in the "smart bombs" of the Persian Gulf War, has also come to such "dumb," or unguided, weapons as tank and artillery shells.

It took a tank in World War II an average of 17 shots to hit and destroy another tank, from a maximum lethal distance of 700 yards. In the Yom Kippur War of 1973, Israeli tanks needed only two shots, and could reach 1,800 yards. In the Persian Gulf, U.S. M-1A1 tanks routinely recorded one-shot kills from as far as 3,300 yards.

Add to that a major increase in raw firepower. Franks said that when he commanded the VII Corps on the first day of the ground war against Iraq, the tonnage of ordnance he fired in half an hour would have taken eight hours to shoot in World War II.

In reponse to these advances, Army doctrine places new emphasis on massing the effects of Army weapons from many disparate sources on the battlefield. "You can concentrate the effects without having to concentrate your own forces and make them vulnerable," Franks said.

Col. James McDonough, who led a Fort Leavenworth, Kan., doctrine study team and did much of the early drafting, said there are also important changes in the use of battlefield intelligence. Sensor and computing technology, he said, mean that "information is the lifeblood of modern war just as fuel was the lifeblood of war of movement and just as munitions and gunpowder were the lifeblood of the Boer War or World War I."

Warning Issued on Campaign Finance Bill

Sen. Mitchell Threatens to Shelve Measure Unless GOP Allows Vote

By Helen Dewar
Washington Post Staff Writer

Senate Majority Leader George J. Mitchell (D-Maine) served notice yesterday he will shelve President Clinton's campaign finance bill if Republicans do not allow a vote on the legislation by the end of this week.

"If we can't get cloture on campaign finance reform because Republicans succeed in their filibuster, the bill will be dead, and, of course, they'll be responsible for killing it," Mitchell said yesterday.

While his comments were a warning shot to Republican foes of the bill, Mitchell extended an olive branch to five GOP senators who have been seeking a compromise on the bill, which has been on the Senate floor since May 21.

In talks with at least two of the five, Mitchell said he did not have them in mind last week when he said the bill was held up by a "determined willful band of obstructionists," according to Sen. James M. Jeffords (R-Vt.).

"He apologized to me and others," Jeffords said. "He made it clear he wasn't referring to us and made a poor choice of descriptive words" to characterize those who were planning to vote against cloture in an initial try to break the filibuster late last Thursday, Jeffords added.

In that attempt, Democratic leaders were seven votes short of the 60 needed to impose cloture, which ends debate. Two Democrats joined all Republicans in voting against it. While Democrats could pick up at least one vote from those absent last week, they lost a vote when Sen. Kay Bailey Hutchison (R-Tex.) was sworn in to succeed Bob Krueger.

Mitchell has scheduled more cloture votes for today and Wednesday, and he did not close the door yesterday to further votes before week's end.

Sen. David L. Boren (D-Okla.), chief sponsor of the legislation, met yesterday with Jeffords to explore options for a compromise, and more meetings were scheduled today. "We put together some options that may be salable," Jeffords said, declining to discuss any specifics.

The most difficult point of disagreement has been the Democrats' proposal for partial public funding to encourage candidates to abide by campaign spending ceilings. The five Republicans have proposed to tax campaign receipts of noncomplying candidates as an alternative inducement. Boren has suggested a mix of the approaches.

The bill's fate in the Senate is critical because the House has been reluctant to act without an assurance of Senate passage. House Speaker Thomas S. Foley (D-Wash.) said he intends to bring up the bill in the House after July 4 "if it passes the Senate, as I expect."

SHORT TAKES

Postmaster Pressed on Black Job Losses

■ Area NAACP officials urged Postmaster General Marvin T. Runyon yesterday to impose a hiring and promotion freeze at Postal Service headquarters in an effort to help blacks recoup positions they lost in the agency's recent reorganization.

Citing an internal Postal Service study, the officials also asked Runyon to investigate his cadre of newly named vice presidents "to correct the charges of buddyism, cronism, racial and sexual discrimination in hirings and promotions" in their departments.

The NAACP officials left Runyon's office after a 90-minute session, saying they had received no commitment that the chief postal executive would meet their demands but that they were happy with his pledge to boost minority contracting.

Janice Washington, the NAACP's regional director, said she was stunned that Runyon said he had no knowledge of an internal study completed in March. Conducted by the office of diversity development, the study documented what Leroy Warren, an NAACP national board member from Silver Spring, described as "an old-style klan purge" of blacks from headquarters.

The study said that as the headquarters work force dropped from 2,459 to 1,465, the percentage of whites rose from 69.8 percent to 75.8 percent.

It showed that the number of black women holding headquarters jobs dipped from 397 to 173—a decline of 56.4 percent—and the number of black men fell from 226 to 93, a drop of 58.8 percent. Those numbers translate into an overall decline in the number of black personnel at headquarters from 25 percent of the work force before restructuring to 18 percent afterwards.

Both postal officials and the NAACP agree on those figures, but there is disagreement over what they mean. In a letter to Rep. William "Bill" Clay (D-Mo.), chairman of the House Post Office and Civil Service Committee, who first raised the issue, Runyon has contended that the losses reflect the higher percentage of blacks in "clerical support" positions, many of which were eliminated in the reorganization. Overall, the agency's restructuring has left the percentage of blacks and minorities "about the same," he told Clay.

And Now, Clinton's Sustainable Council

■ The Clinton administration yesterday announced formation of the President's Council on Sustainable Development, which brings together business leaders, environmentalists and government officials to explore ways to promote both economic growth and environmental protection.

At a White House ceremony yesterday, President Clinton charged the council to "set policies to grow the economy and preserve the environment for our children and our children's children."

"I am asking them to find new ways to combine economic growth and environmental protection," said Clinton, "to promote our best interests in the world community, to bring our people together to meet the needs of the present without jeopardizing the future."

Earlier in the day, in an address to the U.N. Commission on Sustainable Development marking the one-year anniversary of the Earth Summit in Rio de Janeiro, Vice President Gore warned of continuing threats to the world environment. Gore urged a concerted attack on overpopulation and emphasized the need for developed nations to reduce their "disproportionate impact" on the world environment.

—Bill McAllister and Tom Kenworthy

AMA May File Suit if Clinton Seeks Price Curbs

By Dana Priest
Washington Post Staff Writer

CHICAGO, June 14—A legal analysis by the American Medical Association contends that some price controls on private medical spending are unconstitutional, and officials raised the possibility today of suing the Clinton administration if its health care plan contains such curbs.

"If our case is strong enough, yes, we would take legal action," said Thomas Reardon, a member of the AMA board of trustees.

Administration officials have said they are considering short-term price controls, possibly voluntary ones, to combat medical cost inflation. White House health advisers repeatedly have said the plan would include a national health-spending limit on a state-by-state basis.

The AMA's legal analysis concluded that "the government does not have unlimited discretion" in setting prices and that the courts' interpretation of the Fifth Amendment requires that prices be at a level that would permit any enterprise, including a physician's practice, "to operate successfully, to maintain its financial integrity, to attract capital and to compensate its investors for the risk assumed."

"Under this standard, the prices set must at minimum allow the recovery of all reasonably and prudently incurred costs, plus a return on investment commensurate with the risk of the enterprise," it said.

The standard, which according to the analysis was established by federal court cases, does not apply to government health care expenditures such as Medicare and Medicaid. Physicians technically are free not to accept such patients.

On limiting national spending, the analysis concluded that the Constitution "prohibits the government from barring individuals from using their own funds or their own insurance coverage to obtain appropriate medical care based solely on a governmental desire to limit aggregate expenditures on health care."

The analysis was summarized in a report to the AMA House of Delegates, meeting here for its annual conference.

While physicians' attention has focused on the administration's much anticipated health care overhaul plan, doctors warned today that changes in the health industry threaten to leave them powerless over how they practice medicine.

"Physicians are getting discouraged and disillusioned," David Stoltzman, a California physician said at the meeting today. "They feel they have no control over their destiny. We need a mechanism to deal" with managed-care companies. In such companies, a third party oversees and often must approve in advance how doctors treat individual patients.

The House of Delegates is to consider a proposal Tuesday to form an organization that eventually would bargain with managed-care companies on physicians' work conditions and salaries and that would be empowered to negotiate national spending limits with the government.

Such an organization would require changes in antitrust law and is controversial within the AMA because it resembles a union. Many physicians view that as connoting an unprofessional image and have said they believe that Congress and the public would see that as a medical threat to strike.

AMA policy opposes giving physicians the right to strike and favors resolving disputes through binding arbitration.

The AMA recently launched a $1 million educational campaign designed to help physicians develop their own managed-care companies or exercise more control in those for which they work.

While many details of the administration's health care plan remain under debate at the White House, it is clear that the plan would push many more consumers into managed-care organizations, generally recognized as more cost-effective.

Under the proposed plan, local health plans—most of them managed-care companies—would compete for consumers' business. Many more physicians likely would work for managed-care companies than do now.

Also today, the AMA board has decided to endorse a recommendation to change the group's bylaws to prohibit AMA discrimination against homosexual physicians.

TODAY IN CONGRESS

SENATE

Meets at 10 a.m.
Committees:
Appropriations—10 a.m. Foreign operations subc. FY94 approps. for programs under its jurisdiction. 138 Dirksen Office Bldg.
Appropriations—2 p.m. Interior subc. Energy Dept. Energy Secretary Hazel O'Leary. S-128 Capitol.
Armed Services—9:30 a.m. Closed. Nuclear deterrence, arms control & defense intelligence subc. Intelligence support for military operations. S-407 Cap.
Armed Services—10:30 a.m. Regional defense & contingency forces subc. Marine Corps programs. 232A Russell Office Bldg.
Commerce, Science & Transportation—10 a.m. Mark up reconciliation recommendations. 253 ROB.
Energy & Natural Resources—9:30 a.m. Mark up reconciliation recommendations. 366 DOB.
Labor & Human Resources—9:30 a.m. Labor subc. Increasing use of "contingent" labor, such as part-time, temporary & contract workers. 430 DOB.
Select Indian Affairs—9:30 a.m. Fish & Wildlife Enhancement Act. 485 ROB.

HOUSE

Meets at 11 a.m.
Committees:
Appropriations—10 a.m. Interior & related agencies subc. Mark up FY94 approps. for programs under its jurisdiction. B-308 Rayburn House Office Bldg.
Appropriations—1 p.m. District of Columbia subc. Mark up FY94 approps. for programs under its jurisdiction. H-301 Cap.
Armed Services—10 a.m. Military acquisition subc. Defense Dept. acquisition policy reform. 2118 RHOB.
Banking, Finance & Urban Affairs—10 a.m. Economic growth & credit formation subc. FY94 budget requests for Economic Development Admin. & Appalachian Regional Commission. 2222 RHOB.
Education & Labor—9:30 a.m. Human resources subc. To require states that receive funds under Title II of Juvenile Justice & Delinquency Prevention Act to ensure competency of private security services. 2261 RHOB.
Foreign Affairs—2 p.m. International security, international organizations & human rights subc. Resurgence of racism & anti-Semitism abroad. 2200 RHOB.
Merchant Marine & Fisheries—10 a.m. Oceanography, Gulf of Mexico & Outer Continental Shelf subc. To protect Bristol Bay fisheries. 1334 Longworth House Office Bldg.
Merchant Marine & Fisheries—2 p.m. Coast Guard & navigation subc. or fisheries management subc. Commercial fishing vessel safety. 1334 LHOB.
Natural Resources—10 a.m. National parks, forests & public lands subc. Pending legislation to designate certain lands in California desert as wilderness & establish Death Valley & Joshua Tree national parks & Mojave National Monument; & California land withdrawal. Interior Sec. Bruce Babbitt. 1324 Longworth.
Public Works & Transportation—10 a.m. Surface transportation subc. Legislation regarding negotiated rates in trucking industry. 2167 RHOB.
Science, Space & Technology—10 a.m. Science subc. Reauth. National Science Foundation. 2318 RHOB.
Small Business—10 a.m. Procurement, tourism & rural development subc. Unfair competition from public sector in travel & tourism industry. 2359 RHOB.
Ways & Means—9:30 a.m. Trade subc. Cold War trade statutes affecting U.S. trade & commercial relations with Russia & other states of former Soviet Union. 1100 LHOB.
Ways & Means—1 p.m. Oversight subc. Federal tax laws applicable to activities of tax-exempt charitable organizations. B-318 RHOB.
Ways & Means—4:30 p.m. Trade subc. Mark up disapproving extension of most-favored-nation trade status for China. 1100 LHOB.
Joint Library—1 p.m. Library of Congress security proposals & policies. H-328 Cap.

FDA Sets Labeling Rules For Dietary Supplements

Nutritional Data, Support for Health Claims Required

By John Schwartz
Washington Post Staff Writer

The Food and Drug Administration yesterday announced new rules governing labeling and health claims for vitamins, minerals, herbs and other dietary supplements.

The rules would prohibit supplement labels from making any health claims not supported by "significant agreement" within the scientific community. They also would require manufacturers of dietary supplements to rewrite their labels to include detailed nutritional information, including the FDA-recommended daily intake of the substance.

The FDA will accept public comment on the rules for 60 days; barring changes by the agency, the regulations will become law on Dec. 15.

The regulations have been harshly criticized by supplement manufacturers, who contend that the rules will unduly restrict information available to consumers.

"FDA's goal is simple," FDA Commissioner David A. Kessler said in a statement. "We want people to have access to products that are safe, and claims made about the health and nutritional benefits should be useful."

In an interview, Kessler said he considered the new regulations part of the agency's central mission. "Fifty years ago our food and drug laws were designed to separate products made by snake oil salesmen from drugs that really worked," he said. "For every product and diet supplement today that may be helpful to reduce disease, there are hundreds of products marketed to cure diseases like AIDS and cancer that are unsubstantiated."

The FDA statement said that at least one supplement claim already had been proven sufficiently—manufacturers will be allowed to print claims that folic acid might prevent neural tube birth defects, as when babies are born with open spinal columns. The agency said it also is looking at evidence that antioxidants such as vitamin E might have a role in preventing cancer and other diseases.

At the same time, the agency pointed to risks in supplements that still merit further study, especially the popular use of amino acids. A bad batch of the amino acid L-tryptophan was linked to 1,500 illnesses and 38 deaths last year. The agency asked manufacturers of amino acids to submit information substantiating the safety of their products.

Manufacturers claim that FDA attempts to regulate the supplements industry are in fact an attempt to ban—and, by extension, to restrict the consumers' right to buy—vitamins and supplements. Gerald Kessler, president of the industry group Nutritional Health Alliance, linked vitamin-taking to "our spiritual heritage," because medicinal herbs are mentioned in the Bible, and to the right to make informed choices. "You're treading on the essence of democracy and the essence of a spiritual legacy," he said.

J.B. Cordaro, president of the Council for Responsible Nutrition, a manufacturers trade association, said his group supports federal regulation concerning quality standards and truthful labeling, but he added that the FDA is too restrictive about the health claims it allows manufacturers to make.

The new requirements are designed to bring supplements under the 1990 Nutritional Labeling and Education Act, which sets standards for labels on virtually all processed foods. Congress temporarily excluded dietary supplements from the law last year.

But manufacturers say the FDA is treating their products more like drugs, which must go through rigorous and costly approval processes, than like food.

An industry-favored bill, proposed in March by Sen. Orrin G. Hatch (R-Utah), would allow broader product claims. Utah is home to a $700 million supplements industry.

Kessler said the agency is not out to ban vitamins. "There is a lot of misinformation out there," he said. "For the vast majority of vitamins and minerals we have no problem."

But many supplements that are derived from foods still might hurt consumers if ingested in high concentrations, said Mike Taylor, FDA deputy commissioner for policy. "Just because a substance exists in nature does not make it safe."

Some consumer advocates applauded the FDA's move. Bruce Silverglade, director of legal affairs for the nonprofit Center for Science in the Public Interest, said, "As consumers increasingly turn toward supplements to protect their health, it's all the more important that the FDA rid the shelves of health food stores of products that make shaky and downright dishonest health claims."

Raid on Warlord Is Meant to Cut Him From Somali Race for Power, U.S. Says

By Daniel Williams
Washington Post Staff Writer

The violent, United States-led attempt to weaken a leading warlord in Somalia held responsible for a deadly ambush of United Nations troops is meant not only to punish him but also to eliminate him from the contest for power in the civil war-ruined country, State Department officials said yesterday.

The decision to sideline Mohamed Farah Aideed followed weeks of indications that he was unwilling to go along with a U.S. effort to reconcile warring Somali factions. His resistance culminated in a June 5 ambush of U.N. troops from Pakistan, in which 23 peace keepers died.

"He put himself beyond the pale," a State Department official said. "We don't see him participating in future Somali politics."

The action against Aideed extends the role of U.S. and U.N. forces beyond the neutral task of safeguarding food supplies, inserting them in Somalia's complex political struggle.

Aideed had been the most powerful of a number of warlords who, since December, had been invited by U.S. emissaries to a series of political talks among combatants and noncombatants. But Aideed grew anxious about his prospects for taking power under the U.S.-brokered scheme, the State Department official said.

He considered himself the rightful claimant to national leadership and began to resist the effort to forge a consensus among avowed enemies. The plan, U.S. officials acknowledge, was designed to marginalize the warlords and bring peaceable leaders forward.

"Aideed realized what was going on. He expected to be anointed president of Somalia and discovered that was not in the cards," the State Department official said.

The official's account helps explain the June 5 violence, which included running battles across Mogadishu, the gutted seaside capital. For several weeks, Aideed had harangued his followers with anti-foreign radio broadcasts and finally ordered them to attack on reports that the United Nations was going to shut down the station.

The assault followed a period of about two months in which Aideed had grown distant from the U.S. mediation efforts. The U.S. envoy there, Robert Gosende, refused to meet him at his headquarters, insisting instead on neutral ground.

Aideed declined, preferring to be treated like a head of state at his headquarters, the State Department official said. "We didn't want to give anyone the impression that he was our choice," the official added.

Other warlords, notably Aideed's chief rival Ali Mahdi Mohamed, cooperated in the talks, which pursued such topics as setting up a police force and maintaining the flow of humanitarian goods. Aideed has long suspected that the United Nations favors Ali Mahdi to lead a reconstituted government.

The talks were initiated by U.S. special envoy Robert Oakley, who often hosted Aideed and other leaders at a U.S. compound in the heart of Aideed's main neighborhood base. Subsequent discussions in Ethiopia among 14 Somali factions appeared to open the way for more negotiations in Mogadishu, which were to have included representatives of business, women's groups, labor and traditional elders. But the Mogadishu talks never took shape.



REUTER

Somali youth is treated at Mogadishu hospital after being hit by U.S. gunfire.

To reinforce U.S. combat power in Somalia, four additional Army attack helicopters and two Army scout helicopters arrived there yesterday, Pentagon officials said. The aircraft—four Cobra AH-1F attack helicopters from Fort Drum, N.Y., and two OH-58D scout helicopters from Fort Stewart, Ga.—were sent in the expectation of further U.S. assaults on military targets controlled by Aideed, officials said.

Until the recent battles, 20,000 U.S. and U.N. troops in the country had maintained a position of neutrality. Raids on arms depots of one faction, for instance, were balanced by raids on the caches belonging to others.

Now the international troops risk becoming embroiled in the war, if Aideed's followers and allies respond violently. But if they abandon Aideed, his power play may be over.

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U.N. Chief Seeks Troops For Bosnia

Major Buildup Urged To Protect Havens

By Thomas W. Lippman and Julia Preston
Washington Post Staff Writers

U.N. Secretary General Boutros Boutros-Ghali has concluded that 7,500 more international troops, backed by air power, should be dispatched to Bosnia-Herzegovina as soon as possible to protect civilians in six areas designated by the United Nations as safe havens.

In a report detailing plans for implementing the U.N. Security Council's decision earlier this month to protect six refugee-packed Muslim communities, the U.N. leader outlined an ambitious blueprint for a large-scale military deployment.

The report said that 34,000 more troops, on top of the roughly 8,000 already there, will eventually be needed to carry out the "safe area" plan and will need air transport support and protective cover from combat planes.

As Serb gunners continued yesterday to pound the east Bosnian town of Gorazde, one of the six designated "safe" enclaves, where at least 52 people were reported killed Sunday in an artillery attack on a first-aid clinic, the United States condemned the shelling as an "outrage" but offered no new diplomatic initiatives or any alternative to the safe haven plan.

When Boutros-Ghali's report is officially submitted to the Security Council later this week, "that'll be the next step in getting the safe areas in place and operating to protect people," State Department spokesman Joseph Snyder said.

The United States believes "that the safe areas concept is something that can have real importance as a temporary step to save lives," Snyder said.

Kofi Annan, a top U.N. official for peace-keeping operations, said in an interview yesterday that it would take a minimum of three months to deploy the additional 7,500 troops to the safe havens in Bosnia.

Some critics of the safe haven plan said yesterday that the Serb assault on Gorazde is evidence that the plan cannot work, which senior U.S. intelligence analysts already have concluded, and that Serb forces feel free to thumb their noses at the United Nations.

These critics—mid-level administration officials and congressional analysts—said the decision to send a small contingent of U.S. forces to the neighboring former Yugoslav republic of Macedonia was a signal to the Serbs that the United States and its allies are pursuing essentially a policy of containment, in which

See POLICY, A17, Col. 1

U.N. Chief Seeks Troops For Bosnia

POLICY, From A15

the Bosnia strife will be tolerated as long as it does not spread to the southern republics.

But some administration officials said it was possible to read the attack on Gorazde another way. They noted that Gorazde is the only one of the six U.N.-designated safe areas where there are no U.N. peace keepers, so the Serb attack, the officials said, indicates the importance of establishing a U.N. presence and proceeding with the safe haven plan.

"We have not yet begun the implementation phase of the safe areas resolution," Snyder said. "People are dying, certainly, in several of them, and people are being injured, and obviously those places can't be considered safe . . . but that's precisely the problem we're working on."

He described the weekend shelling as "horrifying" and said, "We, of course, strongly condemn such attacks on civilian targets."

According to reports from the Bosnian capital of Sarajevo, however, the shelling of the first-aid clinic was only the latest episode in an artillery siege that has been underway for more than a week in Gorazde, where some 60,000 Muslims have taken refuge from fighting elsewhere in Bosnia.

The secretary general's report said, "It is assumed that [U.N.] ground troops will not be sufficient to resist a concentrated assault on any of the safe areas" and will need air cover. That, in turn, will require the deployment of forward air controllers on the ground.

Boutros-Ghali said that he has asked NATO to supply the combat air cover and that NATO has "confirmed its willingness to offer protective air power in case of attack" against U.N. troops. The United States has said it also would be willing to supply air protection for troops guarding the safe havens, although not for the havens themselves.

Boutros-Ghali said he is "hopeful" of getting the troops, whose mission he described as "deterrence through strength." But he added that while some additional countries might be willing to contribute troops, they lack the equipment to transport them, so he has asked NATO to prepare plans for supplying transport aircraft "free or at competitive commercial rates."

He said he was also seeking "contributions" of armored personnel carriers, communications equipment and weapons.

The deployment of another 7,500 troops, he said, should include five mechanized infantry battalions, an armored reconnaissance battalion, a field engineer unit, an air unit of 200 troops with helicopters, and medical, communications and support troops.

Boutros-Ghali said estimates of the cost of this proposed operation—which would be by far the biggest U.N. force ever deployed—"will be circulated shortly."

Lippman reported from Washington, Preston from the United Nations.

U.S. Demands World Back Human Rights

Silencing of Dalai Lama Causes Protest

By David B. Ottaway
Washington Post Foreign Service

VIENNA, June 14—U.S. Secretary of State Warren Christopher, addressing the opening session of a global human rights conference, called today for the establishment of a U.N. High Commissioner on Human Rights and indirectly attacked Third World nations that have sought to limit the power of the United Nations to pursue human rights issues around the world.

Christopher also said the Clinton administration will shortly ask the Senate to ratify four human rights treaties signed during the Carter administration. The treaties have languished without ratification because the Republican administrations of the 1980s did not regard them as compelling issues and because there might be opposition to at least one.

The opening session of the conference, which is being attended by 161 nations and nearly 2,000 nongovernmental groups, was marred by a controversy over the conference leadership's refusal—at China's request—to permit a speech by the Dalai Lama, Tibet's exiled spiritual leader and a Nobel Peace Prize winner.

The action prompted 13 other Nobel Peace Prize laureates invited here by the host country, Austria, to boycott the opening of the 12-day World Conference on Human Rights.

The issue of "cultural relativism" is shaping up as one of the most controversial ones that Western nations face here as they strive to defend the universality of human rights in the face of some Third World countries' demand for varying standards.

Christopher indirectly attacked the nations that seek to limit the power of the United Nations and other bodies to interfere in a country's internal affairs in the name of human rights.

In April, in preparation for this conference, 34 Arab and Asian governments issued the so-called Bangkok Declaration, arguing that the notion of human rights is a relative one linked to the cultural, religious and historical diversity of nations. They demanded respect for national sovereignty and opposed the use of human rights "as an instrument of political pressures."

Christopher took issue with the Bangkok Declaration, saying: "We respect the religious, social and cultural characteristics that make each country unique, but we cannot let cultural relativism become the last refuge of repression."

Christopher presented the administration's "action plan," which includes a new emphasis on protection of women's rights and strengthening of U.N. organizations that deal with human rights violations around the world. The audience applauded when he said the United States would seek appointment of a U.N. Special Rapporteur on Violence Against Women.

Doubts that this human rights conference, the largest since a 1968 gathering in Tehran, can do anything to reduce human rights violations around the world permeates most of the non-governmental groups (NGOs) present here.

The conference has decided to bar discussion of specific cases and countries allegedly involved in violations. Nevertheless, Christopher mentioned "the fresh horrors" in Bosnia, saying that while Bosnia, the site of massive "ethnic cleansing" of Muslims by Serbs, is only a few hundred miles from Vienna, it is "worlds away" from the ideals being discussed here.

Prospects for creation of a U.N. High Commissioner on Human Rights are not good, according to former president Jimmy Carter, who is attending as a guest.

U.N. Secretary General Boutros Boutros-Ghali gave no indication in a speech opening the conference that he supportedany new mechanism to enforce governmental respect for human rights.

He cited "a proliferation of bodies" already monitoring abuses and noted that the United Nations is promoting an international criminal court and a special war crimes tribunal for former Yugoslavia.

But he gave a boost to the concept that human rights are universal and to the right of the international community to intervene in countries to defend them.

"The international community," he said, "must take over from the states that fail to fulfill their obligations. Where sovereignty becomes the ultimate argument put forward by authoritarian regimes in order to conceal their abuse of men, women and children, such sovereignty . . . is already condemned by history."

Boutros-Ghali raised the hackles of the NGOs by warning governments not to allow "private agencies or non-governmental associations" to assume responsibility "sometimes in a disorganized, dangerous and ill-considered manner" for the protection of human rights.

Christopher said the Clinton administration plans to move promptly for Senate action on the four unratified treaties: the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimintation against Women, the American Convention on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

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THE WASHINGTON POST

Go azde, Bon barded and Bleeding, Cries Out Again for Help to Survive

By James Rupert
Washington Post Foreign Service

SARAJEVO, Bosnia, June 14—Muslim leaders in the isolated east Bosnian city of Gorazde pleaded with the outside world for urgent help today after what they described as another day of heavy artillery and infantry attacks by besieging Serb nationalist forces.

In broadcasts over Sarajevo radio, which is controlled by Bosnia's Muslim-led government, a Gorazde city official and a Sarajevo radio correspondent there gave a dramatic account of the Serb attacks, which began nearly three weeks ago and are said to have left the city in ruins.

"We have had 69 killed and tens wounded" over the last 24 hours, mostly from shelling, said correspondent Enes Musavic in a broadcast this evening. "The fighting is almost hand to hand." Speaking via shortwave radio from the Muslim enclave, he said: "The improvised hospital has no medicines and no oxygen for even the simplest operations. There are a lot of heavily wounded who are waiting for [U.N.] helicopters to be evacuated to a medical center."

A similar transmission from Gorazde on Sunday reported that 52 people had been killed when a Serb artillery bombardment destroyed a makeshift medical center. Previous amateur radio reports from other besieged Muslim-held towns have sometimes proved exaggerated, but it is known that Gorazde's 70,000 residents and refugees have received no large-scale deliveries of food or medicine in months.

The Serb militia forces surrounding Gorazde have prevented independent assessments of the situation there by barring all outsiders from the region, despite repeatedly pledges by Bosnian Serb leaders that U.N. observers would be admitted.



BY DAVE COOK—THE WASHINGTON POST

Gorazde, which has been under Serb siege almost from the beginning of Bosnia's 14-month-old factional war, has been designated one of six "safe havens" for Muslim civilians by the U.N. Security Council, but that has not slowed what appears to be a determined Serb drive to seize or neutralize the city—the last Muslim outpost in Serb-controlled eastern Bosnia. Scores of villages ringing Gorazde have reportedly been overrun and set afire by Serb forces, while thousands of terrified local residents are said to have fled into the countryside.

Two other east Bosnian cities assigned U.N. safe-haven status—Zepa and Srebrenica—were demilitarized earlier this year under accords between the warring factions, just as both seemed on the verge of falling to superior Serb firepower. U.N. and NATO officials are considering various means to safeguard the six enclaves—including Sarajevo, the largely Muslim Bosnian capital—from future Serb attacks, and a U.N. report made public in New York today estimated that the operation would require deployment of at least 34,000 more U.N. troops in Bosnia.

In his shortwave report from Gorazde, correspondent Musavic said the Serb attacks are almost continuous and seem to stop only when NATO warplanes enforcing a U.N.-mandated "no-fly zone" over Bosnia circle the enclave. "When the sound of their engines disappears, hell comes again," he said.

In another theater of Bosnia's three-sided war, U.N. officials said desultory fighting between Muslim and Bosnian Croat militia forces continued around the central cities of Vitez, Kakanj and Travnik, and along the main road linking Sarajevo with the key city of Kiseljak, 20 miles to the west. Muslims and Croats—long allies in the war against the more powerful Serbs—have engaged in a number of fierce clashes in recent months as both sides attempt to secure firm control of territory they believe would be assigned them under one postwar settlement proposal.

Bosnia's Muslim President, Alija Izetbegovic—along with Muslim, Croat and loyalist Serb members of Bosnia's collective ruling council—met with other factional leaders and international mediators in Geneva today to try to halt the Muslim-Croat fighting, but no progress was reported.

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TUESDAY, JUNE 15, 1993

France Calls for End to Trade Impasse

By William Drozdiak
Washington Post Foreign Service

PARIS, June 14—French Prime Minister Edouard Balladur said today the time has come for the United States and Europe to resolve their trade conflicts through cooperative action that can preserve their high living standards against challenges from the rest of the world.

On the eve of crucial talks with President Clinton in Washington, Balladur said his 10-week-old conservative government wanted to break the impasse in world trade negotiations. He outlined a new approach that would emphasize the common interests of Western industrial democracies in prying open protected markets in Asia and Latin America.

Balladur's trip to Washington comes at a time of gathering gloom in Europe over the risks of social and economic turmoil unless some new signal of confidence, such as a breakthrough in the long-stalled world trade negotiations, is achieved quickly.

With recession engulfing much of the West, Balladur said greater responsibility in securing a global trade accord must be placed on fast-growing developing nations that have benefited from cheap wages, closed domestic markets and easy access to high technology.

"GATT should no longer be seen as a confrontation between the United States and Europe," Balladur said, referring to the talks on the General Agreement on Tariffs and Trade. "The question now is how to organize to protect ourselves from countries whose different values enable them to undercut us."

Balladur's remarks, in a meeting with journalists, reflected a new effort to break France's isolation on the prickly issue of agriculture subsidies. He stressed the importance of rapid changes in the global economy that threaten to exacerbate joblessness and social tensions in Western societies.

Until now, France has borne much of the criticism for the deadlock in the trade talks because of its refusal to impose additional sacrifices on its highly subsidized farmers.

France is also worried that the United States is employing a divide-and-conquer strategy toward the European allies that could shatter the European Community's united front as members scramble to cut bilateral deals to avoid trade sanctions.

Last week's announcement that the United States and Germany had reached a bilateral agreement on telecommunications contracts worth billions of dollars stirred consternation throughout the EC. France and other European governments warned that such actions could sow distrust.

In Washington, U.S. Trade Representative Mickey Kantor said today that the quarrel was between the Germans and the EC because Germany had proposed the agreement. But some EC officials said Kantor's decision to accept Germany's offer and then publicize it had damaged cooperation between Europe and the United States at a crucial moment.

Balladur said he would tell Clinton that "the political and economic identity of Europe must be preserved" if a successful GATT accord is to be reached.

Balladur acknowledged that the EC's executive commission maintains negotiating authority for the 12 member states and that his trip should not be seen as an attempt to abrogate that mandate. "I am not going to demand anything or negotiate anything, only promote what I see as Europe's interests," Balladur said.

Last week, Balladur's government ended a long-standing controversy between the EC and the United States by approving an agreement to limit production of soybeans and rapeseeds.

Even though France was granted extra compensation by its partners, French farmers were furious over what they perceived as a sell-out by their government.

Balladur has reaffirmed France's rejection of a second agricultural agreement between the United States and the EC that would curtail European farm export subsidies. The agreement is considered a cornerstone of the GATT negotiations.

Staff writer Peter Baker in Washington contributed to this report.

The Magazine Reader

Clinton Fades From The Crosshairs



By William F. Powers
Washington Post Staff Writer

Conservative magazines ought to be having a ball.

The people are disenchanted with their ideologically hazy president, and the First Lady is out giving speeches about the politics of meaning. Sounds like a conservative field day, no?

Sure enough, the July issue of **the American Spectator**—the clear leader in all things anti-Hillary—has some fun with the First Lady's "pontificating New Age flapdoodle."

But the White House appears to be receding from center stage in the current issues of this and several other righty journals. After more than a year of intensive Clinton-gazing, these magazines seem to have grown tired of critiquing the current regime, and have returned their attention to more challenging game: moral relativism, artistic decline and the liberal media.

The Clinton administration doesn't even rate a mention on the American Spectator's cover, which touts a piece on the play "Angels in America," the current dramatic sensation subtitled "A Gay Fantasia on National Themes." "From the love that dare not speak its name to the love that can't shut up," Yale Kramer begins the piece, and he goes on to argue at great length that the play is shallow, didactic and soon to be forgotten.

On the morality front, George Gilder offers his argument that supply-side capitalism is not only the most productive of economic systems, but the most altruistic. Capitalism's success, Gilder writes, depends on business people who, in order to thrive, must meet the needs of others. It takes a rather large leap to view some of our leading entrepreneurs as selfless servants of the people, but the piece is provocative.

The National Review dedicates its June 21 cover and a large section inside to "The Decline of American Journalism." Several of the pieces rediscover the not terribly new fact that most newspaper writers and editors are seriously liberal. But there are some good insights here, for instance this observation by journalism academic Ted J. Smith III: "This does not imply . . . that journalists have been found guilty of consciously slanting the news to make it conform with their ideological perspectives. While this may occur on occasion, what is more common—and more insidious—is the sort of bias that reflects the unconscious assumptions of the writer. This emerges in such things as the kinds of adjectives he employs, the kind of 'experts' he quotes, the kind of organizations he considers authoritative, and the kind of issues he thinks important."

Also worth a look are Peter Shaw's piece on the beauty (seriously) of the famous 1983 New York Post headline "Headless Body in Topless Bar," and an article on Columbia University's Graduate School of Journalism as "the breeding ground" of liberal media types. In the latter, 1990 Columbia graduate Stephanie Gutmann contends that students are rewarded for writing on such favored topics as the homeless, AIDS and social programs that lose their funding, while there is little interest in stories about, say, small businesses overwhelmed by government regulation and taxes.

In addition, this media issue includes a piece arguing that The Washington Post Style section, while "delicious" and entertaining, is obviously in bed with the Clintons. Judge for yourself.

This month's issue of **Commentary**, the cerebral monthly of the American Jewish Committee, has one brief article on the administration—a Camille Paglia-style argument that the Democrats, and the Clintons specifically, are an androgynous lot: "Sharing the office, they shift gender roles. He insinuates. She orders. He seduces. She demands. He wants people to love him. She wants to be feared."

For more serious and worthwhile thoughts, turn to James Q. Wilson's essay on "What Is Moral and How Do We Know It?" Taking on the relativists, Wilson argues that we all have an innate moral sense that grows out of our membership in families and other social groups. There is nothing overtly topical about this piece, but it cuts subtly against Democratic liberalism and its distaste for broad statements about morality. This philosophical treatise, adapted from Wilson's new book, turns lyrical at the end, likening the moral sense to "a small candle flame, casting vague and multiple shadows, flickering and sputtering in the strong winds of power and passion, greed and ideology."

With some exceptions, the politics of the above stalwarts of American conservatism are as predictable as those of their leftist counterparts: consistent villains, co ent heroes, and articles written for a readership already convinced. Which is why heterodox journals like the New Republic feel more exciting. You come at them unsure of quite what you'll find, but you know it will be *crunchier* than the fare of the ideologues.

While not as unpredictable as the New Republic, **the American Enterprise** comes up with surprises. A conservative-leaning bimonthly put out by the Washington-based American Enterprise Institute, it suffers from the classic weakness of think tank mags: Articles that are often less invitingly written than they might have been. But TAE is growing into a good-looking publication, with an engaging mix of policy, ness, economics and other subjects.

One piece in the forthcoming July-August issue argues that the Federal Employees Health Benefits Program—of all things—might actually serve as a model for the health care reformers. Erstwhile Supreme Court nominee Robert Bork discusses q tions senators should ask the new nominee. Bork spends most of the article explaining his belief that senators should not require a nominee to predict how he or she will vote on specific issues (fat chance, though it's nice to imagine), and then offers a handful of sample questions. Example: "If a for a constitutional right to abortion came before the Court, how would you about it and what materials would you t relevant?" More Bork-devised questions would have been fascinating.

At the back of every TAE issue are results of diverse public opinion polls and demographic studies of the last several years. The May-June issue informs us, for example, that as of late last year about a quarter of Americans considered remote-control television a necessity rather than a luxury they could live without. Could any political essay tell you more than that about the state of the American mind?

THE WASHINGTON POST
TUESDAY, JUNE 15, 1993

Stomp on Pomp: Demise of the State Dinner

Clinton Scuttles Lavish Affairs in Favor of 'Working' Visits

By Donnie Radcliffe
Washington Post Staff Writer

Remember state dinners, those splashy occasions a president of the United States uses to signal his visitors and the rest of the world that he doesn't just initiate and direct American foreign policy, he symbolizes it? Well, don't expect an invitation any time soon.

That's right, for the foreseeable future no glittery socializing by the Leader of the Free World for the Masters of the Universe. No tiara-studded soirees for Europe's roving royalty. No East Room tours de force by a Rudolf Serkin or a Jessye Norman while a visiting First Couple and America's premier host and hostess listen spellbound from the front row.

What's more, no 21-gun salutes, no Talking Heads at South Lawn welcomes, no "Ruffles and Flourishes," no Strolling Strings, no red carpets and no champagne toasts presidents once raised to reassure kings, queens, presidents and prime ministers that they were America's oldest, dearest, closest or best diplomatic friends.



BY HARRY NALTCHAYAN—THE WASHINGTON POST

President Reagan raises his glass in a toast to governors dining at the White House in the heyday of formal executive entertaining.

The last time President and Mrs. Clinton presided over a black-tie White House dinner that the media was permitted to cover was Jan. 31. Even then, the focus wasn't foreign. The guests of honor were the new president's old buddies, the nation's governors.

The Clinton style of international diplomacy started to emerge a few days later when Canadian Prime Minister Brian Mulroney came to town. A newcomer to global politics more preoccupied with domestic concerns, Clinton played down Mulroney's visit, as he would all subsequent ones by foreign leaders. Diplomacy being a delicate balance of protocol, precedence and parity, the president's foreign policy advisers came up with "working" visits as the most diplomatic way to keep everybody happy and public attention focused on matters closer to home. Tonight, the Clintons will host a diplomatic reception on the South Lawn, but are avoiding the formality of black tie.

See DINNERS, B6, Col. 1

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R.S. V.P.

DINNERS. From B1

"Early in the administration, it was our judgment that the first rounds of meetings with foreign leaders would be best with working luncheons," said Samuel R. Berger, Clinton's deputy national security adviser. "We wanted to put the emphasis on getting acquainted, establishing their personal relationships and framing the issues between the two countries."

The issue of how long working visits will replace state visits has not been raised, according to Berger.

The unpretentious Jimmy Carter, likewise eschewing pomp and circumstance, favored working luncheons and dinners because he said they saved "time and money." Nonetheless, during his first three months in office, he accorded state or official visit status to Canada's Pierre Trudeau, Britain's James Callaghan and Egypt's Anwar Sadat. And by this time in their administrations, George Bush, the consummate diplomat, had invited five world leaders to break bread at his table beneath the Lincoln portrait; and Ronald Reagan had hosted two, although his social launch as the nation's chief diplomat suffered a setback in March 1981 when he lay hospitalized by a would-be assassin's bullet.

Even so, with its accent on Hollywood, opulence and big money, the Reagan style had already come through loud and clear. Reagan and his wife, Nancy, would set the tone for much of the '80s through their A-lists of social acceptability, their *haute couture, haute cuisine* and *bon vivant* Secretary of State George Shultz, who could attract the titans of American industry to his own luncheon table by day—and by night shuttle a Ginger Rogers across a White House dance floor.

By comparison, Bill Clinton's visits with the presidents of France and Egypt and the prime ministers of Israel, Germany, Japan, Great Britain and the European Community were efficient and cordial but devoid of glamour. Nobody yet knows, for instance, if Secretary of State Warren Christopher can dance. Bilateral Oval Office sessions broke into working luncheons (dinner in the case of Britain's John Major, because of a scheduling conflict) in a family dining room off the imposing State Dining Room. Afterward, the two leaders regrouped for a press conference. Total time together: four quality hours, according to Berger.

There's been little pomp for these leaders. Awaiting them on their way into the White House West Wing is a military honor guard and on their way out, a presidential gift. Frills are at a minimum. Blair House is generally not part of the package. Leaders planning to stay overnight arrange their own bed-and-breakfasts. French President Francois Mitterrand showed characteristic Gallic panache by climbing back into his Concorde and jetting home this same day.

Former Swedish ambassador Wilhelm Wachtmeister, dean of the diplomatic corps for three years, says "ceremony" can come later. What's important is that a new president meets with foreign leaders and that can be done better in a conference room or the Oval Office than at a banquet table."

Other longtime observers of the diplomatic scene aren't convinced. "If foreign policy is his weak suit," chides Rep. Dana Rohrabacher (R-Calif.), who once wrote welcoming toasts for President Reagan, "then it looks like Clinton is cardless when it comes to diplomacy."

Says Indiana Republican Richard Lugar, a frequent state dinner guest in the Reagan heyday when he was chairman of the Senate Foreign Relations Committee: "These state occasions aren't only important because they strengthen relations between countries, but because they bring together people from around our country who have an interest in foreign policy or in the country in focus."

Bush's socially agile chief of protocol, Joseph Verner Reed, now a top aide to U.N. Secretary-General Boutros Boutros-Ghali, expresses some dismay that a president wouldn't take advantage of ceremonial entertaining to "develop a personal chemistry" with a visiting foreign leader. "The social aspects of a state or official dinner are extraordinarily important. George and Barbara Bush understood better than any other two people who occupied the White House—except, perhaps, Franklin and Eleanor Roosevelt—that there are important benefits to be achieved through official hospitality."

Betty Beale, doyenne of Washington's society page columnists through eight presidents and 45 years and author of "Power at Play: A Memoir of Parties, Politics and the Presidents in My Bedroom," puts it more bluntly: "The Clintons don't seem to understand life in the big time. You're not supposed to treat a chief of state like a neighbor who drops in. You give him A-1 treatment by showcasing the best there is in this country—your best china and silver, your best food and art and people of accomplishment and distinction."

In the eyes of other Clinton beholders one president's working lunch doesn't necessarily hold the same allure as another president's working dinner.

President Bush was roundly applauded for the "working" dinners he gave, though it's debatable how much *work* he and Jordan's King Hussein, Egypt's Hosni Mubarak, Israel's Yitzhak Shamir and Pakistan's Benazir Bhutto accomplished. Bush also invited their spouses, plus a hundred or so powerful guests. His idea of "working" was working a crowd of those Fortune 500 Masters of the Universe.

Clinton types say Bush could get away with putting style over substance. He already knew most of his foreign guests from his glory years of circumnavigating the globe as Reagan's special envoy to inaugurations and funerals—an assignment Al Gore reportedly is less eager to undertake.

Reagan's debut came nine days into his first term, when he gave an intimate luncheon for Jamaica's prime minister. One month, one Hollywood-style birthday party (Reagan's 70th) and one white-tie diplomatic reception later, Reagan welcomed E Prime Minister Margaret Thatcher to town. They hit it off so well that when he left office, he had her back for his goodbye-to-all-that state finale.

Gerald Ford hadn't yet moved to the White House when an aide telephoned his wife, Betty, asking what she was going to do about the state dinner for King Hussein. "What state dinner?" replied an incredulous First Lady, who quickly SOS'd a friend for help in putting it together.

Richard Nixon, always thinking ahead except that time, had his priorities—and foreign affairs was one. His first White House party was a white-tie diplomatic reception. Ambassadors with medals and sashes were ecstatic and loved Richard Nixon ever after.

By his own admission, the populist Carter got into trouble when he tried to depompify the presidency. "I overreacted at first," Carter writes in "Keeping Faith," his 1982 autobiography. "We began to receive many complaints that I had gone too far in cutting back the pomp and ceremony, so after a few months I authorized the band to play 'Hail to the Chief' on special occasions. I found it to be impressive and enjoyed it."

Carter later realized that domestic issues occupied most of his time and rewarded him with the least public approval, but that foreign affairs were where a president could prevail and most likely win support. It wasn't all clear sailing when he invited 23 Latin American leaders for the signing of 1977's Panama Canal Treaty, but for foreign power under one roof it still holds the White House record.

If the Clintons haven't been mixing and mingling officially, what about unofficially? How socially active are these Arkansans, who some here believe hold Hollywood stars in greater esteem than those shining in their own political firmament? Until word got out recently that they are inviting big names in business, media, sports, academia, the arts and government to elegant dinners for 40 in cozier settings like the Green and Yellow Oval rooms, some in Washington were ready to banish them to the lower rungs of the social ladder where Jimmy and Rosalynn Carter once roosted.

Carter, who also came to Washington as an outsider (and left the same way), never cared for what he called "the seemingly informal but highly structured social life of the nation's capital," much of which seemed "frivolous." Only later did he admit his error.

"We missed an opportunity to become better friends with some good and important people, who never felt that they were wanted or needed in helping to form the policies of our nation," he wrote. Even after a year here and a series of small dinner parties for "leaders among the news media," Carter said they "failed to compensate for our relative isolation on a more continuing basis from the 'movers and shakers' among the Washington elite."

George Bush never had that problem. He and wife Barbara were the ultimate Washington insiders, whose first 100 days in the White House turned into a marathon of small upstairs dinners (their first, significantly, for the U.N. secretary-general), movie parties and buffet suppers. Most w up with presidentially conducted tours of their private quarters, including bathrooms. Mrs. Bush was, of course, accustomed to her madly social husband, whom she called "Pearl Mesta Bush." The White House chef wasn't. He and his staff threatened to quit if the president didn't stop inviting in all those people whose names he'd write down on guest lists he drew up when he should have been ing his lunch.

The Clintons are as protective of their private guest lists as the Reagans and Bushes were. "I don't think it's to the Clintons or to the people they have over," said Lisa Caputo, the First Lady's press secretary, of two recent dinners for departing U.S. Ambassador to France Pamela Harriman and newly sworn-in Chief of Protocol Molly F r. Caputo says the Clintons are publicly social too, and that between Jan. 20 and May 31, they entertained 37,000 invited guests at some 120 breakfasts, Friday night movie parties, receptions, buffets, teas, lunches and dinners.

Ann Stock, the White House social secretary whose office is the hub for all functions, social or otherwise, said the Clintons "socialize around a speech, or a bill-signing or an unveiling of a World War II stamp. They are receiving people into the house and spending time meeting and talking to them."

In the Clintons' vocabulary that's being social, according to Stock, adding that "you have to go back and define what they feel is 'social' versus what somebody else feels is 'social.' "

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Healy's Legacy at NIH

Reversing the Brain Drain, Launching the Women's Initiative

By Robin Herman
Washington Post Staff Writer

She was the first female director of the National Institutes of Health, and that in itself made Bernadine Healy an outsider from the beginning. When she reluctantly leaves her job on June 30—ushered out by the Clinton administration—she may be remembered more for her face-offs with members of Congress and the scientific establishment than for any revolutionary changes she set in motion during just two years as director.

Results from two significant moves will be evident only much later: her establishment of the Women's Health Initiative, a massive 14-year clinical study of diseases in women as they age, and her recent appointment of renowned gene researcher Francis Collins to set up a new genetics laboratory on the NIH campus and run the Human Genome Project, a national effort to decode the collection of human genes. Genetics researchers nurtured at NIH had been fleeing the campus for universities and private companies that offered more lab space and money. Healy hopes that Collins, who was lured away from the University of Michigan, can reverse that brain drain and put NIH back on the cutting edge of molecular genetics research.

"She's begun the renewal process of the NIH," said David A. Blake, a senior associate dean at the Johns Hopkins Medical School who handles research grants and a former colleague of Healy's when she was at Hopkins. "The NIH has fallen on hard times. To some extent, it created its own downfall by having extensively funded medical schools to conduct the same high-quality research the government conducts through the NIH . . . Back in the '60s, no single institution had the kind of talent and resources that the NIH did."

In fact, this year the NIH is suffering an overall decline in funding for the first time in recent years. In the fiscal year '94 budget of $10.7 billion, the only new money are funds earmarked by Congress for AIDS and breast cancer research. Setting that money aside, every other institute will take a spending cut.

Healy said it pains her to leave NIH in bad financial shape. Yet in a time when federal funds are tight everywhere, she says, the public must be convinced of the need for more dollars going to NIH.

To do that, she ordered a strategic plan for the NIH. The newly printed, glossy brown booklet called "Investment for Humanity" includes a statement of mission and listing of goals and priorities, an effort at direction that initially was stiffly resisted by the scientific community. The strategic plan argues strongly for the importance of basic research and of sciences that cut across all the disease processes, such as structural biology, the understanding of biological molecules.

The booklet reads like a corporate report to potential investors, the investors in this case being taxpayers and their representatives. But the plan carries no legislative force. Implementing its aims is up to Healy's as yet unnamed successor.

If no one is appointed by June 30, Healy's deputy, Jay Moskowitz, would become acting director.

For a woman who seems to like to test herself in uncharted territory, the next challenge for Healy already beckons back home in Ohio. A group of Republican supporters in Cleveland—including Art Modell, owner of the Cleveland Browns football team—is urging her to run for the Senate seat of Democrat Howard Metzenbaum in 1994.

Although "I don't fit the mold of the shrewd politician," she said she is seriously considering the option.

For now, Healy, a cardiologist, will return to an office in the Cleveland Clinic where she was once head of research. Healy said she plans "to do some writing and speaking on science, policy and women's health for a few months and decide what to do next. I need time."

Healy's confidence under public scrutiny was tested early in her tenure at the NIH. There was an immediate confrontation with Rep. John Dingell (D-Mich.), the chairman of the House Energy and Commerce oversight and investigations subcommittee, over scientific integrity investigations—an issue she eventually had to bow out of because of an ongoing inquiry concerning the Cleveland Clinic. Dingell sharply attacked Healy, who had headed the initial misconduct investigation into whether a researcher had falsified statements on a grant application.

Then there were incidents such as the brusque resignation of Nobel laureate James Watson as head of the Human Genome Project, and Healy's inconsistencies on the issue of allowing research with fetal tissue secured during abortion. She had supported such study before coming to NIH but stood with the Bush administration in opposing congressional action to overturn a federal ban on that work.

Indeed, Healy tended not to turn her back on any issue that promised controversy: She approved the patenting of human gene fragments discovered by NIH researchers, opposed an AIDS vaccine trial mandated by Congress, and canceled a genes and crime conference.

Perhaps inevitably, Healy may be most remembered for her role in the area of women's health. Critics like Rep. Patricia Schroeder (D-Colo.) were enraged that she followed the Bush administration's opposition to congressionally mandated guidelines for women's health research. Last year, Congress tried unsuccessfully to require that clinical trials and studies determine whether the results pertained to women and racial minorities as well as a larger "mixed" population. Healy said that such a requirement would be costly and cumbersome and would not be necessary for all types of medical problems. Instead, she argued, effects on minorities and women should be looked at only when differences are likely.

Yet her supporters praised her efforts for women. Rep. Olympia Snowe (R-Maine), co-chair with Schroeder of the Congressional Caucus for Women's Issues, called Healy's impact "profound." The caucus had "done the groundwork," she said, in exposing the weaknesses and discriminatory practices in NIH-funded research—the dearth of research and funding for critical issues of women's health and the prohibitions against including women in clinical trials. "She felt very strongly about them personally and gave the kind of leadership at NIH that these issues required."

Healy acted on the information, quickly turning around NIH clinical trial guidelines so that women could not be routinely excluded. And she proposed and put into place the Women's Health Initiative, a $625-million study involving 150,000 women that will examine the causes of disability and death in postmenopausal women, the largest single clinical study ever undertaken in the United States.

Healy said she was surprised by the groundswell of support for women's health research.

Advancing women's health issues at NIH "was so easy because of the synergism between the press picking it up and talking about it and the public responding in an enthusiastic way," she said. "NIH's mail almost doubled because women wrote to us about these issues. This was a case where the moment was right. I was lucky to be there at the right point in time. That was fun to do."

COLMAN McCARTHY

Was the Promised Land Only a Mirage?

Those of us who want the Clinton presidency to work, and who see in many of the White House staff, Cabinet secretaries and assistant secretaries a collection of people who have active social consciences, are beginning to wonder: Are we being suckered?

A year ago, when the played-out Democratic primaries were concluding and the country could begin recovering from its campaign fatigue syndrome, Clinton the improbable had become Clinton the possible. He had a chance to win and it seemed as if George Bush had a better chance to lose.

In the fifth month of his presidency, Clinton has been enough of a waffler and a betrayer that he is now all things to all critics. The Lani Guinier mauling gave a visibility to the pattern already present: a backing off of well-publicized commitments that justice be done to Haitians, gays in the military and environmentalists opposed to grazing and timberland subsidies. He promised to demand human rights standards in trade relations with China, and didn't. He pledged to enforce anti-pollution laws on a waste incinerator in East Liverpool, Ohio, and hasn't. His plan to raise the $4.25 minimum wage is stalled.

Voters who thought they were backing a leader taking them to a promised land see themselves shouldered onto a broken-promise land. They should have known better, is the response of sophisticates and cynics: All presidential candidates overpromise and underdeliver. Why would Clinton be different?

If we are dupes, it is because we do it to ourselves. The candidate becomes our high priest, and we carry to the partisan altar our prayers for secular uplift. When a Bill Clinton is anointed president, we continue the political idolatry and give to him powers that he has no experience in using and little time to figure out how. Did we expect him to read the Lani Guinier law review articles to be sure he agreed with every syllable? One of them—in the March 1991 Michigan Law Review—ran on for 77 pages, more than 48,000 words.

Those who saw the president's rejection of Guinier as a sign that he stood for nothing missed the larger message: He thinks he can stand for everything. Where did he get that grandiose idea? From us. We elected him to solve every problem, welcome every winning sports team to the Rose Garden, shake every hand in every reception line and inform Lani Guinier one minute that she is unfit to work for the Justice Department and the next to tell dinner guests at the White House, "I love her. I think she's wonderful."

In "The Illusion of Choice," Andrew Bard Schmookler writes of the disillusionment that necessarily sets in when high aspirations meet up with the inevitable forfeitures: "There is a Yiddish saying, 'The girl who can't dance says the band can't play.' Many of us who have been wounded by the particular structures of power that surround us become 'realists' who, because we have been disabled from dancing, believe the music of life is devoid of the rhythmic invitations and enchanting melodies that 'utopians' imagine they hear."

What is happening now to Clinton is the human side of politics, a mix of grace notes and sour notes.

At the June 6 Mass at Arlington National Cemetery on the 25th anniversary of Robert F. Kennedy's death, Clinton spoke inspirationally. "The legacy of Robert Kennedy is a stern rebuke to the cynicism, to the trivialization that grips so much of our public life today." Kennedy's ideals live on in the commitments to public and community service by his wife and children, his sisters, brother and in-laws. They are present also in the work of Clinton and those around him who refuse to be demoralized by hasty, negative definitions of this new presidency.

What is happening now to Clinton is the human side of politics, a mix of grace notes and sour notes. That power—presidential power, especially—has limits ought to be obvious. Some other limits need to be imposed, also, beginning with self-restraint by a public too quick to scorn a president who is only a few yards around the first lap.

MARY McGRORY

Overrunning Human Rights

t figured that the Dalai Lama, walking symbol of man's inhumanity to man, would be shut out of the international human rights conference in Vienna and provide the perfect metaphor for the state of human rights in the world.

Europe washed its hands of human rights considerations in Bosnia. The Serbs continue to shell cemeteries, hospitals and funerals. Bosnia is the Kitty Genovese of nations. She's the woman who was stabbed to death in New York while 38 people looked on and decided not to get involved.

But letting in the Dalai Lama, a benevolent giant, would have upset China, and we can't do that. China invaded Tibet in 1950 and has continued to torture and rape its people. It is the same caution that underlies the recent renewal of China's most favored nation trading status by President Clinton, who during the campaign criticized George Bush for doing the same.

China has sent thousands of ethnic Chinese to overrun Tibetan population and culture. But Clinton, who promised to make human rights a pillar of his foreign policy, is extending China's MFN status for a year. Rep. Nancy Pelosi (D-Calif.) and others who fought Bush on unconditional MFN call it a victory for human rights because if the Chinese don't shape up in a year, they're out of luck.

Amnesty International calls China's human rights record "abysmal," and a brave few like Rep. Edward J. Markey (D-Mass.) argue that a "straight, unconditional denial of MFN for China is the only response," especially in light of its atrocious record on weapons proliferation.

But trade and jobs talk louder than the screams of the tortured. U.S.-China trade hit $33 billion last year, and good-hearted Clinton, who promised during the campaign to be "a stronger voice for human rights," was easily persuaded to believe that the dragon only needed to hear a U.S. president and Congress speak with one voice to be intimidated into being decent.

China is the largest, most egregious violator, and to judge from its conduct in Vienna, the most shameless. There are, regrettably, other instances of riding roughshod over the most basic rights, like living unmolested in one's own country. East Timor and the Western Sahara are both small countries of little significance to us, but they are also victims of thuggish neighbors.

East Timor, an island of 75,000, was conquered by Indonesia after Portugal set if free. East Timor is mainly Catholic, Indonesia is Muslim. During the occupation that began in 1975, the Indonesians set about a form of ethnic cleansing, with the help of agents and informers. Our State Department accused the government of "numerous human rights abuses."

Resistance continued, however, and in 1991, government troops fired on a crowd at the funeral of a Timorese leader, killing scores of nonviolent protesters. More recently, the government tried the foremost rebel, Jose Alexander Gusmao, called Xanana. International observers were excluded from the last day, when Xanana was sentenced to life in prison.

Not a word of all this darkened Clinton's upbeat message to the Indonesians, which he delivered in a speech to the Export-Import Bank:

"When I go to the G-7 meeting in Japan, I'm going to meet with the president of Indonesia to send a signal to the nonaligned nations, to the emerging nations of the world, that the U.S. wants to be their partner."

The Western Sahara is another former colonial country trying to resist aggression. In a ploy popular in those parts since Julius Caesar planted his legionaries in conquered lands, Morocco's King Hassan has sent in thousands of citizens to vote in an upcoming U.N.-sponsored election. The French, former owners of Morocco, are behind him.

In 1975, an international court ruled that Western Sahara should have the right of self-determination. In a farewell census, the Spanish counted 75,000 Saharawis. The Moroccans, like the Chinese in Tibet, flooded the country with colonists. King Hassan, despite a lamentable human rights record, is a Washington favorite—expected to be useful in bringing about Middle East peace somehow. His forces occupy two-thirds of Western Sahara.

Last week, the president of the country, Mohammed Abdelaziz, a slight, burning-eyed man, came to town to beg for support. Nobody in the administration would receive him. He was as lonely as the Dalai Lama in Vienna.

Few doubt Clinton's kind heart or good intentions. But he has to learn to stand up to international bullies who are just like the domestic variety who are giving him such a bad time in his early days in power.

THE FEDERAL DIARY

Lump Sums on Way Out

By Mike Causey
Washington Post Staff Writer

Tax-deferred lump-sum pension payments, available since January to feds forced to retire because of base closings, layoffs or abolished positions, are on the way out. The perk will be eliminated for most retirees under budget plans in the works.

The House-passed budget would eliminate the benefit as of Dec. 31. The Senate Governmental Affairs Committee plan would drop the benefit as of Sept. 30, 1995. Both would continue the benefit for terminally ill workers who take *nondisability* retirements.

For a brief period several years ago, lump-sum payments were available to almost all retirees, but they weren't a very good deal. In addition to reducing lifetime pension benefits (which are indexed to inflation), most of the lump sum payments were subject to federal and state taxes. Even so, about 300,000 retirees took the payments—and got hit with the big tax bite—before Congress suspended them about two years ago except for the terminally ill.

Under legislation that took effect this year, more people could qualify. In addition to those with life-threatening illnesses, the benefit was extended to people who took discontinued service retirement because their jobs were abolished.

The legislation also permitted them to defer taxes on the taxable part of the lump sum payment by rolling it over into an individual retirement account or another pension plan. That makes the payments a good deal, especially at a time when agency staffs are being reduced. But it apparently won't be around much longer.

Departures

Department of Veterans Affairs' **James L. Powell** will retire this month after 42 years of military and federal service. He is the custodial work inspector in the office of admnistration, and colleagues say he is one of the VA's nicest people.

Washington native **Polly Van Duzer** is retiring next month after 45 years in government. She's a procurement specialist with the Federal Energy Regulatory Commission and spent most of her career with related or predecessor agencies like the Atomic Energy Commission, Energy Research and Development Administration and Energy Department.

Robert F. Warren will retire after 35 years with Uncle Sam. His chief claims to fame are 1) he is director of administrative operations for National Aeronautics and Space Administration headquarters, and 2) we were in the Army together.

Engineer Opening

National Highway Traffic Safety Administration is looking for a GS 7 through 11 engineer ($29,530 to $62,293). Call **Williams** at 202 366-2603.

Physicians Pay

The Office of Personnel Management has testified before the House Compensation subcommittee in favor of extending the program that lets agencies give government physicians allowances of up to $20,000 a year in addition to their regular salary. The program is designed to entice doctors into agreeing to serve for up to four years.

Reinventing Personnel

Doug Farbrother of the vice president's National Performance Review will talk about how the commission works at tomorrow's 10 a.m. meeting of the International Personnel Management Association at the Labor Department auditorium. There is a $2 charge for nonmembers. Reservations aren't required.

Richard Cohen

The Wide Net Of 'Sexual Harassment'

Sometime over the Memorial Day weekend, Michael Bullock killed himself. He was 49, overweight, in poor health and profoundly depressed. His job as a teacher at Fairfax County's Edison High School was apparently on the line. He had been accused of sexual harassment.

What had Bullock allegedly done? Had he fondled a girl? Had he suggested to a female student that there was, indeed, a way she could raise her grades? No—neither of those things. Over the course of time, he allegedly had made several cutting remarks to at least seven girls, one of them at least four times, and all relating to their physical appearance. He deserved to have his place in the classroom questioned.

No one can ever be sure what compelled Bullock to take an overdose of drugs. But it would be reasonable to assume that he was horrified over the label put on his behavior—sexual harassment—and all it can represent. After all, the term is often affixed to behavior that encompasses both repetition and coercion, an extortion of sorts in which power is abused for the purposes of sex.

But no coercion is present in the Bullock tragedy. And yet a term was used—a charge levied—that implies a heinous crime. It is as if any infraction of what used to be manners or decorum has the same penalty—and it's all a capital offense. In this, the term "sexual harassment" has become like rape, a term cast like a net over everything from outright violence to the hesitant capitulation to a seduction. In the lexicon of some radical feminists such as Andrea Dworkin, even willing sexual intercourse in marriage is a form of rape.

The Fairfax school system can hardly be labeled radical feminist, and in Bullock it clearly had a troubled teacher in the classroom. Yet when the requisite documents were drawn up, there was that all-encompassing term: "sexual harassment"—in this case, the establishment of "a hostile environment." But even if that was the case—and bear in mind Bullock remained a popular teacher—let's ask whether what he allegedly said to girls about their physical attributes is qualitatively different from insults teachers have handed out over the years that were nonsexual in nature.

Is being called flat-chested so much worse than being called stupid? Is insulting some boy about his physical immaturity different from saying something about a girl's small chest? Is the teacher who says to a physically immature boy, "I'll call on you when your voice changes" less at fault than one who says something insulting about a girl's chest? I don't think so. And yet the latter could be accused of what sounds like sex crime while the former is merely charged with being a jerk.

"A society both besotted with sex and anxious about its children has established a witch hunt atmosphere."

I am defending neither remark—they both hurt. But the latter category has been elevated into something it is not—a sex crime of sorts. The same sort of thing has happened where the subject is race or ethnicity. Thus five University of Pennsylvania women were able to bring charges of racism against a male student because he complained about their rowdiness by calling them "water buffaloes"—a term they interpreted as a racist smear. Their own conduct, incidentally, was never challenged.

A recent survey conducted by Louis Harris found an appalling amount of sexual harassment in the nation's junior and senior high schools. About 75 percent of the girls and a surprising (to me) 56 percent of the boys reported being on the receiving end of some sort of objectionable sexual approach—usually a comment. Yet, most of what the kids complained about seemed to be something less than sexual harassment—and more like immature behavior deserving of another term.

But for ideological reasons, there is no other term. A society both besotted with sex and anxious about its children has established a witch hunt atmosphere. In a sense, it's not the students who are being harassed, it's the teachers. Indeed, some of them have adopted the sort of never-be-alone-with-a-student rules that are used by male physicians for the examination of women. They report that the celebratory hugs of yesteryear—the avuncular physical contact between, say, a proud teacher and a star student—have been banished.

These, though, are the wrong lessons for kids. In using the term "sexual harassment," school boards across the country are teaching them not to distinguish between the merely offensive and the genuinely foul and, in the process, diluting the horrid nature of true sexual harassment. A rule as old as childhood has been amended: "Sticks and stones will break my bones, but names will never harm me." Maybe not. But nowadays it can break the back of the person who used the name.

E. J. Dionne Jr.

Saving Cities: Is 'Kojak Liberalism' the Answer?

After the turn of the century, socialist mayors were elected in a host of American cities, not so much because voters wanted to turn the places into red citadels but because local socialists were regarded as more honest and efficient than either the Republicans or the Democrats. The socialists got the trash collected and kept the sewers in good repair. They thus entered history as "sewer socialists."

Richard Riordan, the newly elected mayor of Los Angeles, would seem to have nothing in common with the sewer socialists. A registered Republican who talked about crime and business confidence, he promised that he was "tough enough to turn L.A. around." Riordan won a significant minority of the Latino and Asian votes, but his vote was overwhelmingly white, middle class and relatively conservative.

Yet just as the municipal socialists heralded a broader movement toward urban progressivism 90 years ago, so does Riordan symbolize a back-to-basics mood in the cities now. Democrats and liberals who want to maintain their power in urban areas will lose more elections if they fail to respond. What the cities need are "Kojak Liberals," a movement that would draw its inspiration from the television cop (played by Telly Savalas) who was tough as nails but had a heart of gold.

Would-be Kojak Liberals could learn a lot from a recent lecture at the Smithsonian by Nathan Glazer, a Harvard sociologist who has been studying New York City for decades. Glazer's point was straightforward: Over the past 30 years, he said, New York City has spent a smaller share of its budget on the things local government knows how to do—putting cops on the street, picking up the garbage, keeping libraries open and the parks clean—and more on things it doesn't know so much about, a range of social service programs.

Glazer was careful to note that the trends aren't all straight lines—spending increases were interrupted by recession and fiscal crisis in the 1970s, and spending on law enforcement has been rising recently. But the 30-year trends are unmistakable.

Glazer based his analysis on figures provided in an important recent book called "Power Failure: New York City Politics and Policy Since 1960." Its principal authors, Charles Brecher and Raymond Horton, suggest that the New York City experience has national implications, since the increase in local spending on social service programs in the 1960s was pushed along by the federal government. Washington provided extra money for such programs, but required city governments to kick in yet more from local taxpayers.

It's important to be honest about the implications of Glazer's argument. Social service spending has mostly benefited the urban poor and—perhaps at least as importantly—the providers (social workers, health administrators and the like) who served them. In the cities, the poor are disproportionately African American and Latino. The social service jobs were an important source of African American upward mobility; they opened up just as racial barriers fell.

More traditional "basic services," on the other hand, help all classes, since rich and poor alike benefit from more cops on the beat and safer public parks. And despite recent gains, minorities have tended to have a smaller share of the basic services jobs. As a result, the basic-services-vs.-social-services argument can get very acrimonious, breaking down along lines of race, class, and source of employment (i.e., whether you work for local government or not).

Kojak Liberals insist that it's time to get past such arguments. In principle they're sympathetic to a whole range of programs for the needy. But they argue that for now, the biggest problems confronted by the inner city poor are created by rising violence and lawlessness.

This view accepts that poverty causes crime. But it also holds that crime causes poverty. High crime rates make life miserable for the law-abiding majority among the poor. Crime is also a barrier to economic development and job-creation. Thus, Kojak Liberals are unabashed in saying that when it comes to priorities, law-enforcement and crime prevention get top billing.

Kojak Liberalism is not confined to older guys who are white ethnics and bald. But it may help to be a cop: Drug Czar Lee Brown and L.A. Police Chief Willie Williams, both African Americans, are certainly part of the breed.

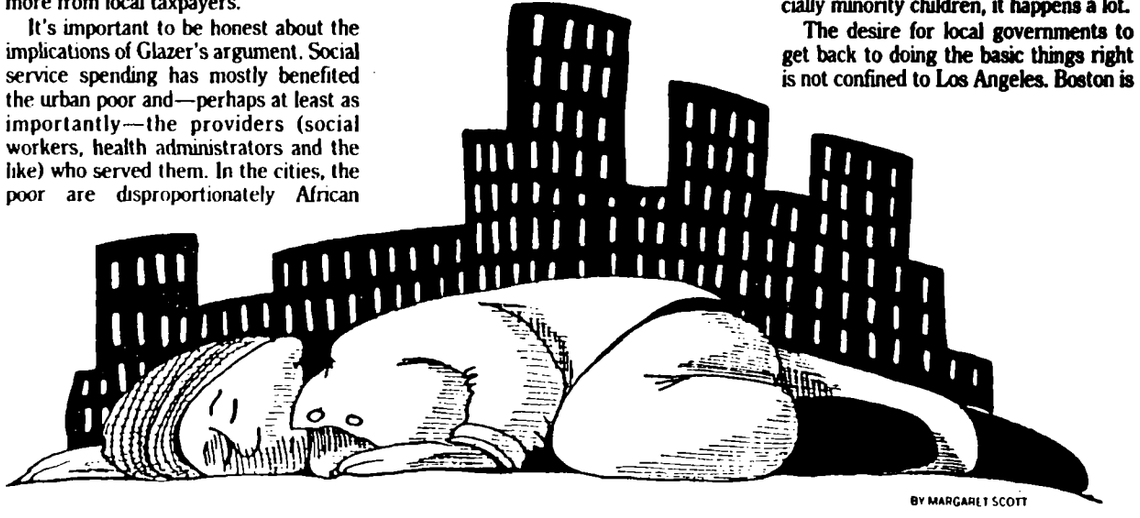
They understand that liberals have been uneasy with the crime issue ever since Republicans used "law-and-order" as code for race in the 1960s. But they insist that crime is now a basic civil rights issue. Children of the well-off rarely worry about having their playtime interrupted by gun fights between rival gangs. For the poorest children, especially minority children, it happens a lot.

The desire for local governments to get back to doing the basic things right is not confined to Los Angeles. Boston is about to have a special mayoral election, assuming Mayor Ray Flynn stays on track for his new job as ambassador to the Vatican. Writing in Sunday's Boston Globe, reporter Peter Canellos said the candidates are hearing the same "plea" and "threat" from more and more voters: "Free us from the fear of crime and give us better schools, or we will join the exodus to the suburbs as soon as we can muster the resources."

The issue here is not just "white flight" anymore but the flight of a middle class that includes African Americans, Latinos and Asians. Mayor David Dinkins, a longtime friend of social service spending who faces a tough reelection battle in New York City this year, knows this as well as anyone: He was careful in recent budget negotiations to protect spending on law enforcement.

The federal government, which helped boost social service spending in the 1960s, now needs to help on the basic services. In the short run, any help will do, including President Clinton's proposal to use federal money to put 100,000 more cops on the streets.

But in the long run, Washington needs to think about a reapportionment of responsibilities. If the federal government could ever liberate the states and cities from the huge costs associated with health care, it would free up a lot of money to make the streets safer, the parks cleaner, the cities more livable. However it gets done, the priority of restoring order in the cities ought to engage anyone who actually cares about those trapped in poverty. If they were still around, my guess is that the Sewer Socialists would be Kojak Liberals, too.



BY MARGARET SCOTT

THE WASHINGTON POST
TUESDAY, JUNE 15, 1993

Henry Kissinger ✓

Why We Can't Withdraw From Asia

President Clinton's statesmanlike decision to extend Most Favored Nation treatment to China while deferring the specific conditions for it for a year buys time for both sides to deal with this paradox: Stability in East Asia demands a closer political relationship between Japan and the United States and that, in turn, requires a constructive Sino-American relationship. Without both of these elements, America's Asian policy will falter. Unfortunately, at this moment America refuses ministerial contacts with China and is heading for confrontation with Japan.

On every continent, the end of the Cold War has led to a resurgence of nationalism. Asia is prone to a particularly virulent form of it because it has no institutions like NATO, the European Security Conference or the European Community, which have mitigated national conflicts in Western Europe.

American disengagement, in whatever guise, would lead to disaster. The various Asian powers have such divergent purposes and traditions that America is needed to mitigate their competition and to develop cooperative purposes. Such an American role is desired by all of the Asian nations.

For 400 years before it was forcibly opened by Commodore Matthew Perry, Japan had insulated itself from the outside world. It gratified its military tradition by civil wars and grounded its internal structure on pride in its singularity. This explains why Japanese foreign policy is conducted like a family enterprise operating in a world of potential adversaries perceived as forever remote. Such a society finds calculations of costs and benefits more persuasive than abstract invocations of world order.

These calculations are bound to be different in the post-Cold War era. During the Cold War, Japan, abandoning its historic self-reliance, nestled under the protection of the United States. A determined economic competitor, it nevertheless subordinated its foreign and security policies to those of the United States. With security threats identified as coming from the Soviet Union, America's interests were perceived to be symmetrical with Japan's.

That attitude is unlikely to continue. Korea and China are gaining in military strength, and the most unimpaired portion of Soviet military power is located in Siberia. Under post-Cold War conditions, Japanese long-range planners will not believe that they can always rely on America to perceive Asian rivalries from their perspective. Washington will deny this vociferously, and I personally believe the protestations. But reassurances lose their persuasiveness when every incoming administration begins by proclaiming a reassessment of existing policies and confrontation becomes the rule rather than the exception. It can be no accident that the Japanese defense budget has been creeping upward, making it already the third largest in the world (and, given Soviet internal problems, perhaps the second-most effective).

A few weeks ago, Japanese Prime Minister Miyazawa was asked whether Japan could accept a North Korean nuclear capability. He answered in a very un-Japanese way with the single lapidary: "No." Did this mean that Japan would seek to develop its own nuclear capability? The mere fact that this question can be asked suggests the possibility of a Japan cut loose from American security and foreign policy moorings. Were this to happen, we would remember the current, largely economic, tensions with nostalgia.

The degree of Japanese autonomy and the kind of policy it supports depend crucially on the nature of Japanese-American relations. This imposes two requirements on the United States: to continue American engagement in Asia—symbolized by an American military presence—and to strengthen and redefine the Japanese-American alliance. When Japan and America formulate their policies in concert, Japan's incentive to build up its military power will be reduced, and its impact on the rest of Asia will be far less disturbing. Without an American military presence, declarations of America's interest in Asia will not be believed, and Japan will be increasingly tempted into nationalist security and foreign policies.

Economic rivalries between Japan and the United States should not overshadow political necessities. Japan must find a way to moderate predatory economic nationalism. America should end the current stridently confrontational style that will spur American isolationism and Japanese nationalism.

Above all, a new dimension must be given to political dialogue and to the coordination of foreign policies, especially in Asia. A useful symbol would be continued American support for admitting Japan as a permanent member of the U.N. Security Council. Greater patience with cultural differences on both sides would surely help. America relies on decision-making by authority; Japan on decision-making by consensus. When an American leader expresses agreement, he foreshadows action; when a Japanese leader says "yes," he is conveying a mood. President Clinton's visit to Tokyo for the G-7 meeting in July provides a good opportunity to signal a more long-term approach.

America must understand, too, that its attitudes toward Korea will decisively affect American relations with Japan. The Japanese sensitivity to developments on the Korean peninsula imposes certain requirements on the United States:

Troop withdrawals of any magnitude from South Korea are likely to be interpreted as the beginning of American disengagement from Asia. They must in no case be linked with the attempt to induce North Korea to remain non-nuclear. American military disengagement in Korea would almost certainly accelerate Japanese rearmament, and with it that of other Asian countries.

We must have no illusion: Failure to resolve the North Korean nuclear threat in a clear-cut way will sooner or later lead to the nuclear armament of Japan—regardless of assurances each side offers the other. The North Korean nu threat must therefore be ended within a measurable period of time. Too many concessions to Pyongyang will only encourage other nations to blackmail us by entering the nuclear field.

Equally important for Asian stability is the U.S. relationship with China. Before the 19th Century, China never encountered a country capable of contesting its preeminence in Asia. The notion of the sovereign equality of states therefore never established itself; diplomacy was used to play off distant barbarians against those nearby. As a result, China's experiences with the outside world since the 19th Century are perceived as an endless series of humiliations. This has generated extraordinary sensitivity to what are perceived as Western attempts to prescribe Chinese institutions and practices.

Above all, the vitality of the Japanese alliance depends crucially on the nature of Sino-American relations. Japan has had a long historical relationship with China and feels a considerable affinity to its culture even while torn by profound ambivalence about the recent past. Tension between China and the United States tempts Japan into acting as mediator, which in practice implies a degree of dissociation from the United States. Moreover, Japanese mediation could easily generate temptations to achieve hegemony in Northeast Asia. Good relations with China are therefore absolutely essential to long-term good relations with Japan.

China is important as well for America's overall policy in Asia. I know no Asian country that would be—or could afford to be—unambiguously supportive of America in any political confrontation with China that is perceived as having been initiated by the United States. All would dissociate from us in a greater or lesser degree, however they might hate doing so. For nearly every country also looks to America to create a framework in which neither China nor Japan dominates.

China wants America to remain engaged in Asia for the same reason. It recognizes that America is needed to balance Japan and a possibly re-emerging Russia, and that America is in the best position to do so by maintaining close relations with each of these neighbors of China. But a policy of ties with countries simultaneously perceived as potential threats to Chinese security requires careful and regular synchronization of Sino-American policies.

Nothing is more grating to the Chinese than U.S. refusal to engage in regular Cabinet-level discussions—a position America never took toward the Soviet Union even at the height of the Cold War. A top priority must be to restore a high-level dialogue, not as a concession to Beijing but because the long-term interests of the United States demand it. There are in fact few clashing Sino-American interests other than human rights.

This is not the place to debate the exact priority of human rights in American policy; America, to be true to herself, will always have to stand for freedom and human dignity. The challenge is to relate these goals to the whole range of American purposes.

President Clinton's decision to postpone implementing conditions on human rights in China shows a way out. One of the most creative aspects of his executive order was to remove the issue of missile proliferation and trade from the agenda of conditionality. It means that America will continue to pursue these issues by normal diplomatic means rather than by attaching conditions to MFN. The year's breathing space should be used by both sides to achieve the same approach with respect to the issue of human rights.

China must understand that even those of us who have reservations regarding conditionality on MFN believe that the president should not abandon his basic convictions. In turn, the administration must enable China to respond to American concerns without appearing to yield to outside pressures. As part of this delicate procedure, the administration must make clear that its conditions are not open-ended and that once set of conditions is met another will not replace it.

Once America has redesigned its relations with China Japan, it will be able to go beyond a set of bilateral relationships and enable the nations of Asia to communicate with each other in some larger framework. In the long run, an Asian Security Conference including Russia and the United States could be an important first step in that direction.

One consequence of the end of the Cold War should be to give the Pacific equal priority with the Atlantic. Yet it has never had the sort of integrating concept that the Marshall Plan and other initiatives provided for Europe. That is the ultimate challenge before the United States and the nations of Asia.

The writer, former secretary of state, is president of Kissinger Associates, an international consulting firm with business interests in countries abroad.

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TUESDAY, JUNE 15, 1993 THE WASHINGTON POST

Judge Ginsburg's Nomination ...

FOR A WHILE during the past few months as he searched for a successor to Justice Byron White on the Supreme Court, President Clinton appeared to be leaning toward nominating a candidate who was well-known outside judicial circles and personally popular with the general public. He wanted the nomination, he said, to be greeted with cries of "Wow! A home run." That may not have been the reaction of ordinary citizens yesterday when he chose U.S. Court of Appeals Judge Ruth Bader Ginsburg for the post. But among those who have known her over the past 34 years as advocate, professor, legal scholar and judge, and among those who look to reputation rather than celebrity, the news was received with enthusiasm and confidence that the honor was deserved.

Like other women of her generation, Judge Ginsburg did not have an easy path to the top of her profession. Justice Sandra Day O'Connor has revealed that when she graduated from Stanford Law School in 1952 and applied for a job with a large and well-known Los Angeles firm, she was asked to take a typing test. Judge Ginsburg said yesterday that she didn't receive a single job offer from a law firm seven years later, in spite of having been an editor of both the Harvard and Columbia law reviews. This early experience surely shaped her career as a litigator. While teaching at both Rutgers and Columbia law schools, she spent seven years as the lead attorney for the American Civil Liberties Union, where she founded that organizations Women's Rights Law Project. Her appellate briefs and arguments on behalf of women in sex discrimination cases led many to compare her work with that done by Justice Thurgood Marshall on behalf of African Americans.

Perhaps the factor that weighed most heavily in her favor at the White House, however, was her record on the Court of Appeals here. The president described her as a consensus-builder, "progressive in outlook, wise in judgment, balanced and fair in her opinions." She herself has expressed a preference for "measured motions" by the judiciary, warning that "doctrinal limbs too swiftly shaped ... may prove unstable." She reaffirmed yesterday her determination to view each case on the facts and the law presented, no matter what her own personal views and the urging of "the home crowd" might suggest. To do anything less, to go to the high court with a political agenda or a mind closed to the unorthodox or the challenging, would be a betrayal of judicial responsibility.

It now appears that Judge Ginsburg's nomination will be approved by the Senate without major controversy. Ease of confirmation however, was clearly not the primary reason for her nomination. Judge Ginsburg's career, her personal characteristics, legal accomplishments and judicial performance have led her to this place. She is a good choice.

... And Getting There

IT SEEMS more like three years than three months since the White House search for a replacement for retiring Supreme Court Justice Byron White got started. The outcome, in our judgment was excellent, the running commentary from the White House along the way, a disaster. The latter needlessly embarrassed a slew of candidates, vulgarized the process of selection and, not incidentally, made the president look indecisive and confused.

The problem—and it has affected more issues than just that of selecting a justice—is burble/babble. Speaking as members of the press and therefore habitual nags of any White House that refuses to answer legitimate questions or reveal information that should be made public, we are not suggesting that the Clinton White House go to ground and stop talking to the press. And we are certainly not lonesome for the days of world-class White House press manipulators or martinet disciplinarians at the top who controlled the flow of information as if they were border guards in a small, tyrannical country. But you can be against all those things and still think that the daily, often practically hourly, gloss on what the president had been thinking was not so much information as stream-of-consciousness serial writing on the part of his aides: He has changed his mind ... no, it looks as if A is sinking ... oh, I wouldn't count out A ... well, he is now more interested in B ... say, it would be wrong to think that B has it absolutely: that is no longer true ... well, he has decided he would rather have a ... etc., etc., etc.

Three months of this. Every zig and every zag. It has been a little this way on health care reform too, not to mention Bosnia. Too much is announced that is half-baked, that will not last out the news cycle. Decisions that have not yet been made appear to have been made and then to have been reversed and then reversed yet again. Provisional decisions, things that are still being weighed, get into the news as promises or commitments. People—as in the case of the various prospective nominees for the Supreme Court—get described as winners (before they are) and then inevitably are seen as losers (when they are not chosen).

There is an indiscipline in the White House. Nothing, it sometimes seems, has yet been thought of by anybody there that has not immediately been said: thoughtless jokes, wild speculations that take on the aspect of official positions because of their White House provenance. Things often end up, as in the case of Ruth Bader Ginsburg's nomination, in a good place, but only after their impact has been devalued. Wagner's music, someone said, "is much better than it sounds." So is some of Bill Clinton's program; so are some of his choices. You cannot blame staff for staff failures. You blame the boss. The president has roughed up some candidates for the court in the process of finally choosing one; he has let it appear on many issues where his changing mood and inclination are reported on the half-hour as if he is capitulating to pressures when he may not even yet have taken the stand he is supposed to be renouncing. He can fix this problem which is hurting him and his program and a lot of other people along the way. No one else can.

THE WASHINGTON POST

TUESDAY, JUNE 15, 1993

Killed by U.N. Peace-Keepers

SOMALIA'S latest woes began when a warlord with high responsibility for its past agony thought to revive his fortunes by ambushing, with soldiers hidden among women and children, a United Nations unit; some 23 Pakistani soldiers died. To maintain credibility and protect its thousands of other peace-keepers in and out of Somalia, the Security Council authorized a military response. On this basis American aircraft and ground soldiers aimed weekend attacks at Mohamed Farah Aideed's radio station and arms depots. Still trying to come on as a nationalist hero, however, the same thug mounted an anti-U.N. demonstration in Mogadishu. Pakistani soldiers, apparently suspecting another human-shield operation, killed 20 or more women and children. An image of U.N. peace-keepers mowing down innocent civilians sped around the world.

Certainly—if investigation warrants—the offending unit must be disciplined and U.N. rules of engagement revised. A force sent in to rescue a country from criminal warlords can hardly itself claim immunity from standards of military competence and decent conduct. This must be done, however, with respect for the realities of the scene. Soldiers on peace-keeping missions are being asked to go into harm's way for a principle of international order. Neither their international authorizers nor their national commanders can expect them to put aside considerations of self-defense. The "fog of war" that smothers military operations does not magically lift when soldiers are engaged in peace-keeping.

The sequence has raised fresh doubts about the first, American-dominated part of the intervention which dramatically ended Somalia's hunger and disintegration, and also about the more recent phase in which 20 other countries have joined in to nudge the country back toward a normal life. It seems it was precisely the promise of this effort—schools were reopening, crops going in, political talks stirring—that led Gen. Aideed to try to dislodge the U.N. lest its authentic developing success block his power grab.

There are risks in Somalia—risks to the peace-keepers, risks of getting mired down—and the time could come when the mission of restoring Somalia would have to be reviewed. But that time is not yet. It would be wrong for the U.N. to cut and run at a single harsh testing of its resolve.

Ethics Vote in the Senate

A FIRST cloture vote in the Senate on the campaign finance reform bill last week fell short of the 60 required to limit debate. No Republican voted aye. A second such vote will be held today.

Not all Republicans are comfortable—nor should they be—with using a filibuster to prevent a vote that they would likely lose on major clean-government legislation. But neither do they want to give up the parliamentary leverage they have. They deny that they're filibustering, even as they refuse to consent to a time for a vote. The majority leader rightly responds that the Senate has about reached the point where they will have to choose between obstructing the bill or trying in the usual way to amend it while risking passage. He threatens now to pull the measure by the end of the week if the Republicans won't let a majority decide. The resisters will then be the ones to have kept in place the current system by which a seat in the U.S. Senate is no longer just won but bought.

The debate has come down to a question of providing partial public finance to candidates who agree to abide by voluntary spending limits. That's the same system that was adopted to clean up presidential campaign finance in the post-Watergate era; it has worked pretty well. The average senator now has to raise nearly $2,000 a day every day of a six-year term to have enough on hand to run for reelection. The bill would moderate that excess and reduce the disparities that now give incumbents a huge advantage over challengers.

Five Republicans—Sens. John McCain, William Cohen, Dave Durenberger, Larry Pressler and James Jeffords—voted for a similar reform bill last time. Then, it didn't count because everyone understood President Bush would veto the bill, but three of the five—Sens. McCain, Durenberger and Jeffords—even voted to override the veto. Now five Republicans—the same group minus Mr. Pressler but including John Chafee—have written a letter professing a willingness to compromise on a bill. Others have indicated they don't like the filibuster tactic.

A compromise is surely possible. The issue doesn't exist on which a willing Senate can't find a middle ground. The swing Republicans could save their party blame that it would otherwise deserve and put the monkey on the Democrats' back. The Democrats who have been the great preachers of campaign finance reform have also, in the House particularly, been the current system's greatest beneficiaries. That system is wrong. The Republicans should be the last to keep the Democrats, whom it supports, from turning it around.

By Lois Romano

Room With a View

D.C.'s first "Rush Room"—a haven for die-hard fans to listen to mouthy conservative radio host **Rush Limbaugh**—opened at Blackie's House of Beef yesterday—complete with a Bill Clinton look-alike and commentary sheets that will be faxed directly to Limbaugh in New York.

We're talking blind love here. "He changed my life. I can see better now. I [was having] liberal nightmares," effused one well-dressed man who preferred anonymity.

Rush Rooms can be found in nine major cities, and by the looks of the thick crowd yesterday, Washington's will be hot. A couple of hundred listeners ate "ditto burgers" (bacon cheeseburgers) and tuned in to the three-hour, fuzzy broadcast of Limbaugh's syndicated show, heard on WMAL here.

Indie Cather and her daughter, Gardner Grant, came from Alexandria to lunch with Rush. And another woman was overheard gushing, "You know what I like about Rush? He is polite. Even when angry callers call, he is never impolite, like Larry King."

Limbaugh, who is expected to show for a Rush lunch next month, was so enthusiastic about the opening that he mentioned it twice on the air, noting, "I love the fact that Washington's first 'Rush Room' serves beef."



Limbaugh: Heard in the House of Beef.

For sure, no vegetarians, animal rights supporters or garden-variety liberals have showed up on the reservation list—but not for lack of trying on Blackie's part. Diners also have the option of eating in the Davis room, where equally mouthy (and righty-turned-moderate) WRC commentator **Mark Davis's** simultaneously aired program can be heard. If they don't mind eating alone, that is. That broadcast was booming across an empty room yesterday, save for one waiter seated in a far corner.

Like Your Margarita Dreyer?

■ White House press aide **David Dreyer** made quite a splash at **President Clinton's** barbecue for the media Sunday. In a spiffy white suit and his trademark earring—and with the communications staff as his chorus—Dreyer belted out this parody of **Jimmy Buffett's** "Margaritaville."

Nibblin' on sound bites
Watching the press fight
All those pencils chasin' the leak
Schmoozin' reporters
From his large quarters
Come through the hallway, you'll find what you seek

The president's trip flopped
He got his hair close-cropped
But selling his plan, he's still gonna fly
To get you a charter
We may have to barter
The very best plane that this candy will buy

Spinning away again in the press briefing room
Lookin' for the last question today
Some people say that President Clinton's to blame
But I know. . . . It's somebody else's fault.

Everybody roared and was friends. For a minute.



Buffett, left, and Dreyer: A muse and amusing.

Kareem's High Road

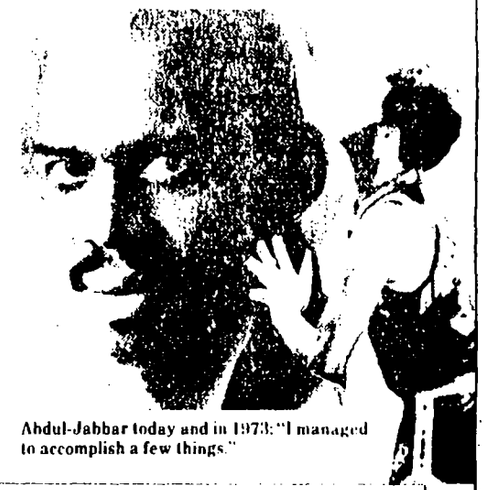
■ Basketball legend **Kareem Abdul-Jabbar** may not be taking it to the hoop anymore, but he still has a tall order to fill—as a role model for thousands of Los Angeles kids. Which is why he doesn't sound too pleased when asked about the attitude of **Michael Jordan**, the Chicago Bulls superstar who's come under fire for his attraction to gambling.

"I don't think Michael can have it both ways. . . . There [illegible] are a lot of guys who miss their car payments gambling," said Abdul-Jabbar in a phone interview. "The fact is that he's so tremendously successful that he can indulge himself in what some call a vice. I *personally* don't think it's a good example, but I don't set the moral tone."

Abdul-Jabbar, who retired from the Los Angeles Lakers in '89 at the age of 42, devotes much of his time these days to children—his own three sons and two daughters and the many who participate in self-help and educational programs sponsored by his organization, Kareem's Kids. He'll be in town this weekend for the first annual **National Sports Awards**, where he'll be honored along with **Muhammad Ali, Wilma Rudolph, Arnold Palmer** and **Ted Williams**. The event, which will benefit YouthServe USA, will be broadcast by NBC next Tuesday.

Abdul-Jabbar is unassuming about his own success. "I make no claims to perfection, I stumbled like everyone else," he said. "But I managed to get my degree and accomplish a few things."

And what of the game he dominated for two decades? "I never miss it. The day after I retired, I was relieved," he told The Post's Mary Alma Welch. "I was able to experience every moment of the game—every up, every down. I have no sense of leaving anything undone."

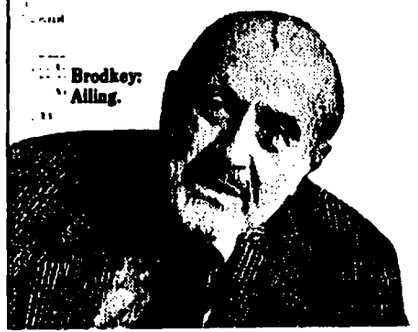


Abdul-Jabbar today and in 1973: "I managed to accomplish a few things."

Harold Brodkey's Open Letter

Fiction writer Harold Brodkey, 62, has AIDS. Brodkey, who is married but has never made secret his bisexuality, reveals in this week's New Yorker that his "adventures in homosexuality took place largely" in the '60s—but says he could have been exposed in the '70s.

"At the time I was told, I was so ill, so racked with fever and having such difficulty breathing that I barely cared," he writes in a dramatic, elegantly written first-person account. Brodkey is a well-known writer who actually hasn't written all that much in his four-decade career. His last book and first novel was "The Runaway Soul."



Brodkey: Ailing.

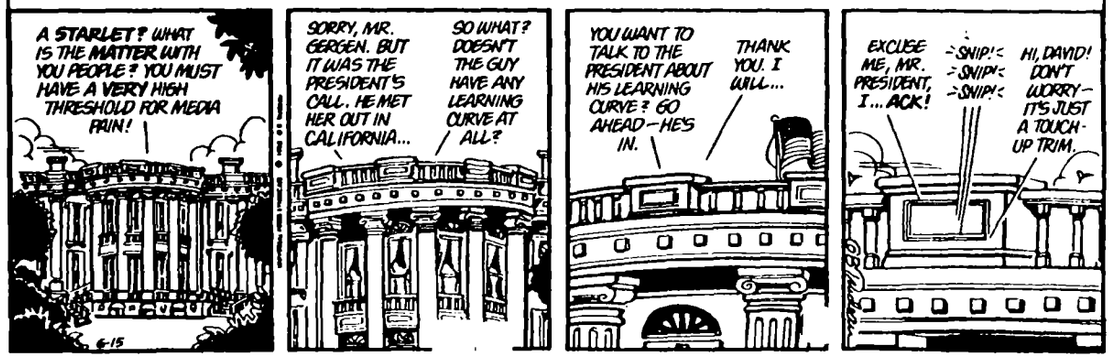
He says his saddest moment came when he was visited by his 4-year-old grandson, because he had only the strength to entertain him for less than an hour. "I am not able to be present for him and never will be anymore."

Brodkey writes about coming to terms with death. "I am not crushed by this final sentence of death—at least not yet—and I don't think it's denial. . . . People speak of wanting to live to see their grandchildren marry, but what is it they will they see? . . . Life is a kind of horror. It is O.K. but it is wearing."

In closing he says simply, "Pray for me."

DOONESBURY

By G.B. Trudeau



Labor Letter A1

A Special News Report on People And Their Jobs in Offices, Fields and Factories

EARLY RETIREMENT: Recent signs suggest the trend is reversing already.

The labor force participation rate for men aged 55 to 64 fell to about 67% in 1985 from about 83% in 1970. But it has held steady since then, says consulting firm Wyatt Co. Similarly, the portion of people filing their first Social Security claims at ages 62 to 64 rose to 78% from 47% in that period, but it has since dropped to 76%.

William M. Mercer Inc. reports that 43% of large and midsize companies expect the average retirement age, currently 61.7 years, to rise by the year 2000, while 18% say it will decline. Mercer says 47% of companies predict that in 2000 the average salaried employee won't be able to afford to retire at 65, compared with 63% who say such an employee could afford it today.

Some 75% of companies surveyed by Mercer say future employee savings will have to cover more than the 24% of retirement income they currently provide.

MOUNTING VIOLENCE prompts some moves to improve workplace security.

Homicide accounted for 12% of workplace-injury deaths from 1980 to 1988, says the National Institute of Occupational Safety and Health, outpaced only by motor vehicle and machine-related injuries. For women, homicide was the No. 1 cause of death on the job. Southland Corp., parent of 7-Eleven stores, urges employees "not to assume that the workplace is any safer than the rest of the world."

Improvements to facilities, including improved lighting, can help, says Garry Mathiason, a partner at law firm Littler, Mendelson in San Francisco. Work Trauma Services, a consulting firm there, specializes in assessing potentially violent employees. Such workers often signal their intentions, notes the firm's Chris Hatcher.

THE AEROSPACE BUST creates a boom of sorts for California researchers.

At least 10 major analyses have explored various facets of the subject over the last three years; last week, two separate UCLA departments weighed in. One focused on the immense displacement since 1988, with annual wage losses exceeding $5 billion for the 130,000 jobs lost in the state. Another posited an electric-vehicle industry as a way to get 24,000 people back to work.

Other studies this year came from California's Commission on State Finance, the Economic Roundtable, and the Santa Monica think tank Rand Corp. Collectively, more than 30 people worked on the studies, which generally reached similar conclusions. They propose retraining laid-off workers and call for government help to convert defense work to civilian projects.

"You tend to find out that the things everyone keeps noting are probably true," says Michael Dardia, co-author of the Rand study.

DIVERSE WORK TEAMS lagged at first but later matched or outperformed homogeneous ones in a University of North Texas experiment. Management students were split into 17 all-white teams and 19 racially and ethnically diverse ones. "Diversity . . . makes good business sense," concludes University of Oklahoma Prof. Larry Michaelsen, but "it takes a while to realize the gains."

MISLEADING PRECEDENTS? Although the National Labor Relations Board struck down worker-management teams at DuPont Co. and Electromation Inc., most companies and unions favor such programs, says University of Illinois Prof. Michael LeRoy. But in a forthcoming George Washington Law Review article, he cites a trouble sign: About 30% of manufacturing and public-sector union members say employers use the [illegible] dishonestly.

What's News—

* * * A1

Business and Finance

DEMOCRATS on the Senate Finance Committee are talking about reducing some of Clinton's proposed tax breaks for business to shrink a planned fuels tax further. The 11 lawmakers have been unable to agree on a proposal that would raise the transportation-fuels tax by 7.3 cents a gallon and cut federal health programs deeper, which was offered as an alternative to Mr. Clinton's unpopular broad-based energy tax.

(Article on Page A3)

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The White House retreated from its plan to free doctors of malpractice liability and put such responsibility on group health plans, after the administration was beset by competing medical and trial lawyer lobbies.

(Article on Page A20)

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Advanced Micro Devices is developing a family of chips with an original design that still runs software written for Intel chips, in a bid to end its legal battles with Intel.

(Article on Page B1)

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The North American trade pact got a boost when Los Angeles and Mexico agreed to a cleanup of an abandoned lead-recycling plant in Mexico. Nafta proponents are using the cleanup plan to show environmental cooperation between the U.S. and Mexico will improve under the free trade accord.

(Article on Page A2)

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Legislation to ban permanent replacement of striking workers faces bleak prospects, even as the House prepares to approve the bill today.

(Article on Page A2)

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VW's purchasing chief Lopez said the German car maker wants to build an experimental, super-efficient plant in northern Spain, but he said its concept is different from one he developed at General Motors. GM has threatened to sue if the designs are similar.

(Article on Page A3)

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Ford Motor will report losses in Europe this year and possibly next year as well if the economy there doesn't improve, a top official said. He predicted that industrywide vehicle sales in Europe for 1993 will drop 17%.

(Article on Page A3)

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UPS's contract negotiations with the Teamsters union are heating up as UPS tries to bring its operations under a labor jurisdiction that makes it harder for the union to strike.

(Article on Page A4)

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Johnson Products' stock surged $5.625, or 30%, after the black-owned hair-care products company agreed to a $67 million buyout by Ivax, a chemical and pharmaceutical company.

(Article on Page B2)

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Reebok said it expects to post considerably lower second-quarter earnings than analysts estimated.

(Article on Page B4)

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World-Wide

CLINTON NOMINATED federal appeals Judge Ginsburg to the Supreme Court.

The president selected Ruth Bader Ginsburg as his first Supreme Court nominee, ending weeks of vacillation. Ginsburg, 60, a moderate who has served on the appeals court for the District of Columbia since 1980, is the first Supreme Court nominee named by a Democratic president in a generation. She would take the seat of retiring Justice Byron White and become the second woman on the high court, joining Sandra Day O'Connor. (Article in Column 6)

Clinton, in addition to citing Ginsburg's achievements as a judge, noted her "pioneering work" in the legal battle for women's rights in the U.S.

* * *

The U.N. recommended sending 7,500 additional troops, backed by air power, to Bosnia immediately to guard civilians in U.N. "safe areas." But U.N. chief Boutros-Ghali said 34,000 soldiers would be needed if the six areas were to be protected properly. Meanwhile, Serb gunners pounded Gorazde and stepped up shelling of Sarajevo.

* * *

The Pentagon dispatched several more attack helicopters to Somalia and a senior U.S. defense official said air strikes would continue as necessary against the forces of clan leader Aidid. A State Department spokesman said the U.S. regretted civilian deaths in Somalia during clashes with U.N. forces and wanted to see order restored.

* * *

The Supreme Court agreed to consider whether women's-rights groups may use the federal racketeering law to fight antiabortion forces. The justices will review a lower-court ruling that said women's groups couldn't sue antiabortion activists in a case alleging there is a nationwide conspiracy to intimidate abortion clinics into closing.

* * *

A U.S. military plane flew the first group of HIV-infected Haitians to Miami from a camp in Guantanamo Bay, Cuba, that was ordered closed last week by a U.S. judge. The 21 adults and six children — detained as they tried to flee Haiti — will be followed by about 110 other Haitian refugees from the camp over the next 1½ weeks.

* * *

The White House intends to unveil within a few weeks a detailed plan to reduce emissions of gases — such as carbon dioxide — believed dangerous to the atmosphere, Vice President Gore announced.

* * *

Pennsylvania Gov. Casey underwent surgery at a Pittsburgh hospital for a heart-liver transplant that doctors say he needs to correct a rare genetic disease. Meanwhile, the state's Sen. Specter was described as recovering well after an operation in Philadelphia to remove a benign two-inch brain tumor.

* * *

The FDA plans to bar health claims on labels for dietary supplements unless the claims are sufficiently backed by scientific research. The agency will propose allowing supplement labels to include a claim that folic acid helps reduce birth defects. (Article on Page B8)

* * *

Kim Campbell prepared to name a new cabinet in Canada and take over as prime minister from Brian Mulroney. Campbell, chosen as leader of the ruling Conservatives on Sunday, is to take office June 25.

* * *

Page 1 of 2

Kodak letter

PART-TIME WORKERS could be big beneficiaries of the new family-leave law. Consultant Towers Perrin says that 49% of companies will have to start providing leave for employees who work 1,250 hours a year, or about 25 hours a week. Some 36% will have to offer all workers more time off, and 31% will have to start providing health insurance to workers who take leave.

WORKER EXPLOITATION: Is its modern name "internship?"

Use of unpaid student interns grows, as youths seek a way into the tight labor market and employers cope with staff cuts. The practice is common in broadcasting. "There's plenty of people who will do it for nothing, so why should [employers] pay?" says Michelle Durfee, an unpaid intern at CNN last year who now is station manager at WCJ-TV in Mt. Carmel, Ill.

By law, unpaid interns can't displace regular workers or do work whose value to the employer exceeds supervision costs, but the standard often is interpreted loosely. In Dallas, the Federal Trade Commission pays one summer law clerk, while seven others work "pro bono." Concedes regional director Tom Carter, "There's no difference in the work, but we can't afford to pay them."

Many companies – especially technically oriented ones – still pay interns. "We believe in being competitive and attracting the upper tier," says Patrick Donahue, spokesman for Bristol Myers-Squibb.

THE CHECKOFF: Some 12% of Americans last year passed up job opportunities because of considerations involving health benefits, according to the Employee Benefit Research Institute. . . . Prison overcrowding pushes the ratio of inmates to corrections officers to 5.2-to-1 from 4.7-to-1 three years ago, reports the government employees union AFSCME.

—CHRISTOPHER CONTE

Eleven Wall Street firms made about $249 million in underwriting and financial advisory fees for running the thrift cleanup agency's program to turn S&L loans into securities.

(Article on Page C1)

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The Supreme Court made it easier for businesses to challenge government programs that set aside a certain amount of contracts for minorities.

(Article on Page B5)

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Markets—

Stocks: Volume 210,407,320 shares. Dow Jones industrials 3514.69, up 9.68; transportation 1521.35, off 19.11; utilities 239.36, off 1.00.

Bonds: Lehman Brothers Treasury index 5176.87, up 0.42.

Commodities: Oil $18.89 a barrel, off nine cents. Dow Jones futures index 120.63, up 0.60; spot index 119.62, off 0.27.

Dollar: 105.10 yen, off 1.10; 1.6280 marks, up 0.0005.

Cambodia's new assembly reaffirmed Prince Sihanouk as head of state, and he quickly confronted a secession movement led by an estranged son. Sihanouk urged lawmakers to restrain rebellious leaders of the outgoing government who declared seven provinces autonomous. His son, Prince Chakrapong, heads the renegades.

* * *

Israeli's Rabin said he hoped to reach an agreement on an outline for Palestinian autonomy by the end of the new round of Mideast peace talks starting today. The prime minister also said any interim self-rule arrangement would most likely be implemented in Gaza first as a test case.

* * *

The Clinton administration will urge the Senate to approve four human-rights treaties signed by President Carter but allowed to languish unratified by his successors, Secretary of State Christopher told delegates at the World Conference on Human Rights.

* * *

A wealthy Muslim businessman surged ahead in the tally from Nigeria's presidential election Saturday. Moshood Abiola's Social Democratic Party claimed he had defeated fellow millionaire Bashir Tofa. Separately, Malawi's pro-democracy forces were leading in a referendum that could end President Banda's 29 years of rule.

Page 2 of 2

The Final Choice A1

Clinton Picks Ginsburg For the Supreme Court After Tortuous Search

Again His Wavering Raises Questions About Ability To Make Hard Decisions

A Centrist Appellate Judge

By PAUL M. BARRETT
And JEFFREY H. BIRNBAUM
Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON – For would-be Supreme Court justices as for attorney general candidates, the lesson seems to be: When Bill Clinton is doing the picking, it's better to be last than first.

After weeks of vacillation and highly public contemplation of other candidates, Mr. Clinton yesterday nominated Ruth Bader Ginsburg to fill the vacancy created by the retirement of Justice Byron White. In doing so, he tapped a politically moderate, well-respected appellate judge who played a historic role in opening opportunities for American women – but he did so at the expense of his image as a strong and decisive leader.

Mr. Clinton offered words of high praise for each of the two men he had been on the verge of nominating at various times over the past two weeks, Interior Secretary Bruce Babbitt and U.S. Court of Appeals Judge Stephen Breyer of Boston. Either one would be highly qualified to serve on the court, he said, and they "may well find themselves in that position someday in the future."



Ruth Bader Ginsburg

But the way the two men were so visibly raised up – and then set down at the first sign of potential political trouble – reinforces concerns about the president's stick-to-itiveness that have been fueled by such episodes as his abandonment of his controversial tax on the heat content of fuels and his withdrawal of Lani Guinier's nomination to head the Justice Department's civil-rights office.

"It contributes to a pattern of indecisiveness," says Irwin "Tubby" Harrison, a Democratic pollster, though he adds that, for now at least, the problem for Mr. Clinton is bigger inside the Washington Beltway than in the country at large.

The president's eventual choice, Judge Ginsburg, is a far cry from the sort of justice he has said he wanted: a nationally known political figure who could build a new, more progressive consensus on the fragmented, right-leaning high court.

The Cuomo Factor

Last year, during preparation for a debate against George Bush and Ross Perot, Clinton political adviser Paul Begala threw a practice question at the candidate: Wouldn't Mr. Clinton's publicly stated desire to appoint someone such as New York Gov. Mario Cuomo to the Supreme Court be just a crass political maneuver to cloister a potential rival?

Not so, Mr. Clinton responded. He spoke passionately about how the Supreme Court that decided the landmark 1954 school desegregation case not only was led by former California governor and vice presidential nominee Earl Warren, but also included no fewer than three former U.S. senators, as well as a bevy of former New Deal political figures.

But Mr. Clinton's search for a new-model Earl Warren went awry when Gov. Cuomo withdrew his name in April, triggering the painful search process that culminated yesterday.

If there is a silver lining for the president, it may be that, as with his eventual selection of Janet Reno as attorney general after dropping choices one and two, he has a political winner in Judge Ginsburg. The 60-year-old jurist is at once a heroine to many feminist groups and a respected centrist on an appeals court sharply split between her more-liberal fellow Carter appointees and conservatives named by Ronald Reagan and George Bush.

An Independent Jurist

But while Judge Ginsburg has the respect of both camps on the Washington appellate court, nothing suggests she has the ability to forge a new Clinton majority on the high court. She isn't known for asserting much leadership; rather than coax colleagues to join her, she tends to deliberate independently and then stick with her views, whether or not they lead to consensus.

She also has a sometimes pedantic concern about details and procedure; even people who admire her commonly describe her as schoolmarmish. And her opinions reveal no broad constitutional philosophy.

Before she came to the appeals court, Judge Ginsburg was a leading litigator for women's rights in the 1970s. Ironically, though, President Clinton's first reaction when her name was first suggested to him was one of concern that women's groups would object.

It was May 12, and Mr. Clinton was aboard Air Force One on his way to New York for a speech and political fund-raiser. Also aboard was New York Democratic Sen. Daniel Patrick Moynihan, a strong supporter of Judge Ginsburg. The senator told Mr. Clinton of a letter endorsing her from Michael Sovern, the outgoing presi-

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The Final Choice: Clinton Picks Ruth Ginsburg for Supreme Court

Continued From First Page

dent of Columbia University and former dean of the law school where she once taught. "Mike Sovern just doesn't write letters like this," the senator said.

But the president told associates that there might be trouble from women's groups if he selected Judge Ginsburg. The reason: While she favors abortion rights, she has criticized the sweeping nature of the court's reasoning in the 1973 landmark Roe vs. Wade decision that first recognized a special constitutional right to abortion. On further investigation, however, the White House found that some abortion-rights advocates agreed with her argument, and Judge Ginsburg, whose name had been on the original list of 50 candidates compiled by associate White House counsel Ronald Klain back when Justice White announced his retirement, moved up a notch.

Hitting All the Bases

Mr. Klain's original list had touched Democratic Party political bases by mentioning an ethnically diverse group of candidates, including federal Judges Amalya Kearse, a black woman; Jose Cabranes, a Hispanic; and Judge Breyer, who like Judge Ginsburg is Jewish. White House officials acknowledge that one factor all along was the president's interest in appointing a Jew; the so-called Jewish seat on the court hasn't been filled since Abe Fortas resigned in 1969.

But within the White House, there was a strong assumption that Mr. Clinton, given his comments during the campaign, would ask Gov. Cuomo. The idea of a politician-as-justice was further pushed by Clinton legal adviser Walter Dellinger, a Duke University law professor who for several years has been peddling the idea that the Republican-dominated court lacks figures of political stature.

On March 29, 10 days after Justice White made his announcement, the president phoned Gov. Cuomo to tell him he was under "very serious consideration" and to ask whether the White House staff could launch an in-depth background check.

But three days later, when the president called again from Air Force One on his way to an environmental summit in Oregon, Gov. Cuomo said he had thought it over and didn't want to be considered. He said he wanted to stay in politics. His explanation baffled the president and White House aides, who never figured out if there was more to Gov. Cuomo's decision. Some White House aides later tried, falsely, to spread the word that Mr. Cuomo wouldn't really have been chosen anyway, but his withdrawal clearly left the White House scrambling.



Bill Clinton

It didn't have a runner-up candidate. But rather than work methodically to narrow his list, Mr. Clinton reissued his grandiose standard for a nominee: "Will people say, 'Wow, that's an inspired choice for the Supreme Court?' " Within the White House, one of the words he liked to use most was "bigness."

A Frustrating Search

The process was free-form, with the president personally involved at every step. Discussions occurred unpredictably, sometimes when he happened to run into White House counsel Bernard Nussbaum or Mr. Klain in the halls. When he periodically had a late-night yen to talk over the possibilities, he would pick up the phone and call his aides. But the initial exhilaration about the opportunity to name a justice gradually gave way to frustration as staff members realized that the president's sights were set above the field of candidates.

The administration's larger political problems also began to affect the process. The Guinier nomination fiasco and attacks from conservative Democrats in Congress prompted the White House to launch a move to the political middle—and a search for someone who could be easily confirmed.

Previous presidents generally tried to keep their screening process low key. For instance, before President Bush nominated David Souter and Clarence Thomas to the court, contenders were discreetly interviewed and decisions were quickly made. But the Clinton process dragged on and on—and became increasingly public to boot.

Mr. Clinton asked his Education secretary, Richard Riley, a former governor of South Carolina, if he wanted the job. But Mr. Riley demurred. "He didn't like the monastic life of a judge," says his father, Edward P. Riley.

Mr. Clinton next turned to Mr. Babbitt, who emphatically did want the job. He was intensively interviewed in his office a week ago Sunday evening, and White House aides began to spread the word that he was the leading candidate.

But by midweek, the president was being buffeted by political pressures. Environmentalists and Western-state law makers complained that they wanted Mr. Babbitt to stay at Interior, where he is having some success in balancing business and ecological interests. At the same time, some conservatives also vowed to attack the nominee in an effort to make the confirmation process messier than the White House wanted.

While Mr. Babbitt remained a contender, the spotlight started to shift to Judge Breyer, a widely respected judicial centrist. At the same time, Judge Ginsburg was slated as a backup to Judge Breyer should his name also create problems.

Judge Breyer seemed to offer the prospect of a trouble-free confirmation. A former staffer for Sen. Edward Kennedy and a conservative on some business-regulation issues, he is popular with Senate Republicans as well as Democrats. Coming off a hospital bed to have lunch with the president last Friday, Judge Breyer impressed Mr. Clinton as intelligent and capable, but the president decided to meet Judge Ginsburg as well.

The White House had known for five weeks that Judge Breyer had failed to pay Social Security taxes for a part-time housekeeper. When word of that leaked out Saturday, a few senators began to express qualms. The White House insisted that the problem wasn't disqualifying and that Mr. Breyer remained a contender. But even then, attention was shifting to Judge Ginsburg.

Late Saturday morning, the White House tracked her down and told her she would meet with the president. White House aides arrived at the Ginsburgs' Watergate duplex apartment Sunday morning. She worked downstairs in the living room, going over her career with the staffers, while her husband, Martin, a prominent tax lawyer, worked with administration accountants upstairs going over financial records.

The records were impeccably ordered, including all Social Security payments. This was important. "The impression I got was that the White House wanted to see their records instantly. If they could not produce their records instantly, the possibility of being named would be greatly diminished," says Stephen Hess, a Brookings Institution political analyst and a relative by marriage of Judge Ginsburg.

At about noon, Judge Ginsburg went to the White House for a private lunch with Mr. Clinton; afterward, she returned to her apartment to finish the vetting with Mr. Nussbaum and crew. Mr. Clinton went to the golf course with a lobbyist, James Free, Washington lawyer Vernon Jordan and Missouri Democratic Rep. Alan Wheat.

Mr. Clinton, though an hour late, revealed little to his golf mates about the reason for the delay. "We talked about golf," Rep. Wheat says. "It was a short break from what appeared to be a busy day." After nine holes, Mr. Clinton said he had to get back to the White House. Mr. Jordan, a confidant from the campaign and transition, accompanied him and remained at the White House.

Judge Ginsburg, in the meantime, finished up with the vetters and was told she might know by about 5 p.m. By that time, the White House insists, the president had all but decided it would be Judge Ginsburg, but went to a press dinner and didn't begin to make calls to congressional leaders to tell them of his decision until much later. At 11 p.m., Mr. Nussbaum called and told the Ginsburgs not to go to sleep; finally, around 11:30, the president called with the definitive word.

Shortly after midnight, Judge Ginsburg's advocate, Sen. Moynihan, called Mr. Hess and woke him up with the news. "It's done," the senator said. "It's epic."

The long process came to an end with Mr. Clinton's formal Rose Garden announcement of Judge Ginsburg's nomination — but not without a final, sour note. After the president and Judge Ginsburg each made remarks, a reporter asked about "a certain zig-zag quality in the decision-making process," and the president exploded in anger.

"I have long since given up the thought that I could disabuse some of you turning any substantive decision into anything but political process," Mr. Clinton said. "How you could ask a question like that after the statement she just made is beyond me."

Ruth Bader Ginsburg Has Spent Her Career Overcoming the Odds

By JILL ABRAMSON
Staff Reporter of THE WALL STREET JOURNAL

As a young law-school graduate in the late 1950s, Ruth Bader Ginsburg had impeccable credentials, including finishing first in her law-school class. Yet she couldn't find a job at a New York law firm.

It was an inauspicious beginning to a legal career that reached an apogee yesterday when President Clinton nominated the 60-year-old appeals court judge to be the second woman in history to serve on the Supreme Court.

In a sun-drenched Rose Garden ceremony, President Clinton paid homage to Judge Ginsburg's "pioneering work" in the fight for women's rights. In a moving speech, Judge Ginsburg said she was "indebted . . . to a revived women's movement in the early 1970s that opened doors for people like me." She also thanked her mother, who died when Judge Ginsburg was a teenager and who didn't live to see a time when a woman could even aspire to be appointed to the Supreme Court.

"She is the Thurgood Marshall of gender-equality law," says Janet Benshoof, president of the Center for Reproductive Law and Policy in New York. "She was the godmother of legal feminism," adds John Coffee, a Columbia law professor and former colleague.

Judge Ginsburg began her unpredictable rise to the Supreme Court in 1956 at Harvard Law School, where she was one of nine women in a class of more than 500. It was then the custom of the law school's dean to hold a reception for women students, who were first admitted to the prestigious school in 1950.

"After dinner," Judge Ginsburg recalled in an interview in the mid-1980s, "the dean asked each of us to explain what we were doing at the law school occupying a seat that could have been filled by a man. When my turn came, I wished I could have pushed a button and vanished through a trapdoor."

Judge Ginsburg persevered and became one of the first women to work on the Harvard Law Review. She tied for first in her class at Columbia Law School, where she had transferred her third year of law school to be with her husband, Martin Ginsburg, a tax lawyer who went on to give advice to Ross Perot regarding the sale of his EDS Corp. to General Motors Corp. (In 1986, Mr. Perot gave a $1 million gift to Georgetown Law School in honor of Mr. Ginsburg.)

Her grades and accomplishments notwithstanding, law firms turned her away. "They all thought women would leave to marry and have babies," she says.

Ms. Ginsburg went to work as a clerk for New York federal Judge Edmund Palmieri. From there she began a teaching career at Rutgers Law School. Pregnant with her second child, she feared her teaching contract might be canceled. "I got through the spring semester without detection, with the help of a wardrobe one size larger than mine, borrowed from my mother-in-law," she recalls. Her son arrived in the fall, shortly before she resumed classes. Rutgers gave her tenure in 1969.

At Rutgers, Judge Ginsburg began litigating sex-discrimination cases. In one, she successfully challenged school-board regulations in New Jersey requiring pregnant teachers to quit teaching without the right to return to their jobs.

Harvard Law School soon took notice. In 1971, when the law school was hunting for its first female tenured faculty member, it invited Judge Ginsburg to teach a "Women in the Law" course for one semester. But Harvard dawdled in offering her the job. As in her nomination to the Supreme Court, delay turned to her advantage. In swooped Columbia Law School, which quickly hired Judge Ginsburg as its first tenured female faculty member.

Judge Ginsburg continued championing sex-bias cases, and in 1973 also became general counsel of the American Civil Liberties Union. There, she was founder of its Women's Rights Project.

"She moved the Supreme Court 180 degrees," says Susan Deller Ross, a Georgetown University law professor who worked for the Women's Rights Project during the 1970s. "She made the equal protection clause a meaningful vehicle for the analysis of sex discriminatory laws."

In the early 1970s, Ms. Ginsburg won two important victories. In Frontiero vs. Richardson, the Supreme Court held that dependents of women in the military should have the same access to on-base housing as men's dependents. In Reed vs. Reed, the court overturned a state law that automatically preferred the father over the mother as executor of a son's estate.

Ms. Ginsburg represented men in sex-bias cases, too. In Craig vs. Boren, she successfully challenged an Oklahoma law that allowed women, but not men, to buy certain alcoholic beverages at age 18.

As an appellate judge, a position to which she was appointed in 1980 by President Carter, she has honed a reputation as a moderate.

Judge Ginsburg has raised eyebrows among some liberals because of her criticism of the sweeping nature of the Roe vs. Wade decision, in which the high court recognized a special constitutional right to abortion based on privacy. "The Roe decision may have prolonged divisiveness and deferred stable settlement of the abortion controversy," she wrote last year in Constitution magazine.

Rather than basing Roe on an inferred constitutional right to privacy, the court would have been better advised to ground its decision in the explicit right to equal protection under the law, she argues. That idea has been picked up and pressed by abortion-rights lawyers, and in last year's Pennsylvania abortion case, they succeeded in getting the Supreme Court to introduce the notion of equal protection as a basis for the abortion right.

Leaders of women's rights groups expressed cautious approval of her nomination. "Judge Ginsburg has been a strong advocate for women's equality, but her criticism of Roe vs. Wade is cause for concern," says Kate Michelman, president of the National Abortion Rights Action League. Marcia Greenberger of the National Women's Law Center says that Judge Ginsburg appears to support abortion rights. But like Ms. Michelman, Ms. Greenberger says that Senate hearings should be used to flesh out her position.

Judge Ginsburg gets more consistent praise from prominent conservatives. She is a close friend of Justice Antonin Scalia, one of the high court's most assertive conservative voices and a former colleague of hers on the D.C. circuit. Robert Bork, another former appeals court colleague, calls her a "thoughtful, bright, careful judge."

Among her opinions, she upheld the broad authority of the Federal Communications Commission to regulate the broadcast of sexually explicit programs, but struck down the FCC's attempt to limit such broadcasts to after midnight.

On business and regulatory matters, Judge Ginsburg's views range from moderate to conservative. She joined Bork antitrust rulings in the 1980s, for example, that liberals cited during his failed 1987 Supreme Court nomination as evidence he held extreme views.

—Paul M. Barrett and Richard B. Schmitt contributed to this article.

Tax on Fuels May Be Sliced To Sway Baucus

Senate Panel May Balance Revision by Dropping Business Tax Breaks

By JACKIE CALMES
And DAVID WESSEL
Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON – Democrats on the Senate Finance Committee, struggling to reach consensus on a deficit-reduction bill, now are talking about reducing some of President Clinton's proposed tax breaks for business to shrink a proposed fuels tax further.

So far, the 11 lawmakers have been unable to agree on a proposal that would raise the transportation-fuels tax by 7.3 cents a gallon and cut federal health programs deeper. Both were offered as an alternative to Mr. Clinton's unpopular broad-based energy tax.

In an effort to accommodate Democratic Montana Sen. Max Baucus, who continues to oppose the fuels-tax increase as unfair to drivers in his huge rural state, some Democrats are considering a plan to increase the gasoline tax by less than a nickel a gallon.

To make up the lost revenue, these Democrats are looking at modifying elements of the House-passed tax bill that would reduce taxes on corporations subject to what is known as the alternative minimum tax, enlarge the write-off offered small businesses who buy equipment and sweeten tax deductions offered to certain real-estate professionals. As passed by the House, the three provisions would cost the Treasury $20 billion over five years.

The Democrats still haven't made any final decisions. Putting pressure on Senate Finance Committee Democrats to resolve their differences, the panel's chairman, Daniel Patrick Moynihan of New York, has scheduled a public meeting tomorrow to begin voting on a deficit-reduction plan. But the schedule could slip if the 11 Democrats fail to reach a consensus today, when they meet for a fourth day behind closed doors. Democrats would like to present a united front when they go into public session with the panel's nine Republicans, who are expected to vote as a bloc to oppose any Democratic plan.

Senate Majority Leader George Mitchell of Maine, who also is a member of the finance panel, said yesterday, "We're making good progress." He said he hopes the full Senate can start debate "early next week" on a package of spending cuts and tax increases to cut the deficit nearly $500 billion over five years.

Once the Finance Committee begins meeting in public, one staff member suggested, its starting point would include a tax increase of up to seven cents a gallon

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Senate Panel May Cut Fuels Tax, Drop Some Business Tax Breaks

Continued From Page A3

on gasoline and other transportation fuels, to raise about $40 billion over five years; about $20 billion in cuts in the Medicare and Medicaid health programs for the poor and elderly; and a cut of roughly $9 billion in Mr. Clinton's proposed expansion of a tax credit for the working poor. The mix would replace the $70 billion from the Clinton energy tax, a proposal effectively killed by oil-state senators.

Turn to Business

But Sen. Baucus is continuing to resist a seven-cent fuels-tax increase, and Democrats must have all 11 of their votes on the committee to pass a plan given Republicans' opposition. Sen. Baucus has proposed as an alternative dropping that levy and instead hitting businesses for more revenue. His substitute would raise the corporate income tax rate to 36% from 34% – a single percentage point higher than the level the House passed and Mr. Clinton eventually endorsed.

He also would drop a provision expanding a write-off for small businesses' equipment purchases, cut in half the tax relief proposed for corporations that pay the alternative minimum tax and extend several tax breaks for businesses – including tax credits for businesses' research and for low-income housing – temporarily, rather than permanently.

His version also would trim Medicare and Medicaid by $16 billion over five years on top of Mr. Clinton's proposal to cut more than $50 billion. Sen. Moynihan has proposed cutting about $22 billion more than the president would. Sen. Baucus offered the lower figure in a bid to pick up support from Democrats who oppose the deeper cuts.

Exceptions to Gas Tax

Sen. Bill Bradley (D., N.J.) also is pressing to drop some of the tax breaks in the Clinton plan, including one to restore a deduction for "passive losses" on rental property. But he wants to use the revenue saved to avoid additional cuts in the health programs primarily, while Sen. Baucus is intent on using the money to substitute for the fuels tax.

Even though the gasoline tax is clearly visible to taxpayers and often is criticized on Capitol Hill because it especially hits less densely populated states, it has emerged as politically preferable to Mr. Clinton's broad-based energy tax for a simple reason: The same interest groups that successfully battled the energy tax wouldn't have to pay the increase.

Like existing gasoline and diesel taxes, the increase under consideration in the Finance Committee wouldn't apply to farmers, state and local governments, nonprofit organizations, fisheries, timber companies, international airlines and shipping companies or users of diesel fuel as heating oil. The original Clinton energy tax would have hit all of these, and the House-passed version would have applied to many of them.

Simpler to Administer

Although dubbed a "transportation-fuels tax" by Louisiana Sen. John Breaux and its other backers, the levy is little more than an increase in the gasoline and diesel tax in disguise. Of the $40 billion that Sen. Breaux's 7.3-cents-a-gallon proposal would bring to the government over the next five years, congressional analysts estimate that roughly $35 billion – or more than 85% – would come from gasoline and highway diesel fuel. Airlines, railroads and shippers would pay the rest.

Increasing such an existing tax is much simpler administratively than imposing a new tax like Mr. Clinton's complex energy tax. But gasoline tax increases have never been popular. In 1990, President Bush and the Democratic leadership of Congress agreed to increase the tax by 12 cents a gallon in the much-maligned budget summit. But the House rejected the original agreement. When the pact was renegotiated, the gasoline tax was increased by a nickel a gallon. The federal gasoline tax currently is 14.1 cents a gallon; the tax diesel fuel is 20.1 cents a gallon.

Ban on Replacing Strikers Seen Facing Bleak Future as House Prepares to Vote

By KEVIN G. SALWEN
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON – Prospects are growing bleaker for legislation that would ban permanent replacement of striking workers, even as a skittish House prepares to approve the bill today.

The measure is a centerpiece of organized labor's campaign for renewal in the 1990s, an effort to gain back the strength that has waned as union membership has slipped to 11.5% of the nongovernment work force from nearly 17% a decade ago. Unions argue that workers can't even consider going out on strike when management holds out the threat of firing them. That diminished threat in turn skews the collective-bargaining process in favor of companies, unions say, as management needn't bargain in good faith.

Contract Talks at UPS
Contract negotiations are heating up between United Parcel Service and the Teamsters. Article on page A4.

Administration Backs the Bill

Striker-replacement bills have been kicking around for years. But things were supposed to be different this year. Unlike the situation during the promanagement Reagan and Bush years, the administration is backing the bill, and many members of the Democratic Congress were hoping to put the measure on President Clinton's desk by summer.

Labor Secretary Robert Reich argues that the bill will stop management from using replacement workers "as an acceptable way of doing business," a pattern he says began after federally employed air-traffic controllers were fired and replaced in 1981. For workers, "the availability of [a strike] is a crucial counterweight to the economic powers that business owners and managers bring to the bargaining table," he says.

But in the House, splintering has emerged among Democratic backers of the bill, many of whom at a caucus this morning will urge the leadership to slow down. That's in part the result of fallout from the administration's stimulus and budget packages. House Democrats supported these packages but then felt burned when the Senate didn't pass them.

"It's legitimate to hold off for a while until we have a better idea what the Senate will do," said Rep. Timothy Penny (D., Minn.), a co-sponsor of the legislation. "It would be nice if the Senate would go first for once."

House Leaders Expect to Win

House leaders – who call the bill the Cesar Chavez Workplace Fairness Act in memory of the late farmworkers union leader – are likely to reject that strategy. They expect to win, but with slightly fewer than the 247 backers the bill garnered last session.

The problems in the Senate are more severe, proponents and opponents agree. Last year, backers of the bill couldn't muster more than 57 supporters, three short of the 60 votes needed to break a Republican filibuster and bring the matter to the Senate floor.

A similar scenario appears set to play out this summer, and the election this month of Republican Kay Bailey Hutchison of Texas to a formerly Democratic seat makes matters even more difficult. "It will be a challenge to go over the roadblocks the Republicans are putting in front of bills," says Sen. Howard Metzenbaum (D., Ohio), chairman of the Labor Subcommittee and a chief sponsor of the bill.

So, backers of the bill are tinkering with possible compromises that could make the legislation more palatable. "I'm frank enough to say that sometimes you have to change a comma or semicolon, and anybody who just slams the door is not realistic about the process," Mr. Metzenbaum added. "You can't just say 'No way, Jose.' "

Changes: 'All Are Unacceptable'

But neither side is buying any compromise so far. "All are unacceptable," said AFL-CIO spokesman David Saltz of the possible changes to the bill. Last year, the union group backed a compromise offer by Sen. Bob Packwood (R., Ore.), that would have protected workers from being fired if they agree to arbitration while they walk out. That didn't bring the sides closer last year, and it isn't clear that it would be any more successful this session.

Business groups are equally intransigent. "I wish to put to rest any question about business's position," said Jerry Jasinowski, president of the National Association of Manufacturers. "The opposition is singular, it is broad-based and it runs deep."

In the House today, the amendment with the best chance of passage is to be offered by Texas Democrat Chet Edwards, who backed the bill last year. Rep. Edwards's provision would limit protection against replacements only to unionized workers, excluding those sites where the union hasn't yet been certified. The measure could provide political cover to those members who are worried about the opposition. Business groups argue, however, that such an amendment would give a new right to unions that nonunionized shops don't have.

For many in Congress, the striker-replacement question is so divisive between their business and worker constituents that they aren't eager to vote on it. But Mr. Metzenbaum, who wants a Senate vote in July, is among those who don't want to slow things down. "Every day," he argues, "the organized work force of this country is being more and more decimated by employers who are either using or threatening to use striker replacements."

THE WALL STREET JOURNAL TUESDAY, JUNE 15, 1993

Initial Clinton Medical Malpractice Reform Plan Pulled After Resistance by Entrenched Interests

By David Rogers
Staff Reporter of The Wall Street Journal

WASHINGTON — The White House, beset by competing medical and trial lawyer lobbies, has had to retreat on its first attempt at malpractice reform.

The action illustrates the entrenched nature of the health industry and how difficult it is to balance support among the disparate interests needed to pass President Clinton's ambitious health-care plan.

Doctors' Bargaining Stance

The issue of collective bargaining for doctors has become a contentious issue at the American Medical Association's annual meeting. Article on page B6.

Hillary Rodham Clinton's task force had hoped to win votes from doctors by shifting liability from the individual physician to the larger health-care delivery organizations expected to spring up under the Clinton program. But the so-called "enterprise liability" scheme, to be combined with caps on damages, triggered strong opposition from physician-owned liability insurance companies, which saw their own market threatened by the change.

These companies, formed amid the malpractice insurance crisis of the mid-70s, were often sponsored initially by state medical societies affiliated with the American Medical Association. Many have since spun off into independent enterprises, but their relationship to the AMA hierarchy made them a force in shaping opposition to enterprise liability within the medical lobby, looking for a target to prove its political muscle to its members.

Thus, days before Mrs. Clinton went before the AMA Sunday, the White House signaled that "enterprise liability" was no longer a viable option beyond some potential demonstration projects. Mrs. Clinton's speech promised a "serious proposal" on malpractice reform would still be made, yet the prospect now of simple caps on legal claims will bring down the fire of trial lawyers, who have strong ties to Congress and were influential in her husband's presidential campaign.

"It would be in my opinion a betrayal of the victims of malpractice by the Clintons," said Robert Habush, a past president of the Association of Trial Lawyers of America. "It's not negotiable."

Estimates of the potential savings from malpractice reform range widely depending on what costs are assigned to so-called "defensive medicine" procedures ordered by doctors to protect themselves from future lawsuits. A single expert witness, testifying before the House Ways and Means Committee, recently used five-year figures estimating savings as wide as $7.5 billion to $76.2 billion.

Beyond those figures, the malpractice issue is an emotional one for many physicians and has long been used by the AMA as a fund-raising device among its members. By shifting responsibility to the larger health-care delivery "enterprise," Mrs. Clinton's advisers sought to address some of those concerns. Politically, the proposals's sponsors hoped it would offer a new means to look at the issue and break the stalemate that has frustrated past attempts at reform.

"One of its merits was it offered a chance to break the logjam," said Dr. Robert Berenson, an adviser to the task force. "When doctors and lawyers argue over tort reform, I'm afraid the result will be the status quo. And that isn't good for the physician or the patient."

Though the American College of Physicians expressed openness to the approach, the AMA took a harder line, arguing that doctors would be risking what control they have over the settlement of lawsuits and the conduct of their practices. The same issue of "clinical autonomy" runs through the larger health-care debate, including such issues as cost controls. And the AMA appears bent on staking out a strong position in its political competition now with the College of Physicians over who represents medicine in Washington.

The Physician Insurers Association of America, a trade group for physician-owned insurance companies, is a weak second cousin to the AMA but served to prod the larger organization. Four of the eight members of the AMA's advisory panel on malpractice are executives within physician-owned liability insurance companies. "Our concerns are not for the survival of companies . . . but for the doctors to try to get control of their destiny," said Larry Smarr, the association's executive director. But the Medical Liability Monitor, an industry newsletter, took a very different tone in an edition last month. "Proposals in Clinton's health plan will change, perhaps destroy existing medical liability markets," read the headline over an article warning, "For some companies, especially doctor-owned companies . . . the issue could be survival."

The potential influence of the insurance companies within the AMA can be seen in such states as Pennsylvania. The state medical society and Pennsylvania Medical Society Liability Insurance Co. share the same address in Harrisburg, and the more than 7,000 doctors receiving coverage are required to be members of the society.

Also, Pennsylvania is a so-called unified state, where membership in the society feeds directly into the AMA itself. In the same spirit, the state society's political action committee in Harrisburg helps to collect funds for the AMA's own political arm in Chicago.

In the two-year cycle running through last November's election, for example, the Pennsylvania society's PAC reported receipts of $724,268, half of which were forwarded to the AMA's own PAC, according to filings with the Federal Election Commission. The records show virtually all the funds came in the form of unitemized contributions under $200. And in states like Illinois, where a similar relationship exists, PAC collections are made under a checkoff procedure as part of the same process by which members pay dues.

State and national AMA officials play down the significance of these close ties, and in fact, as the physician-owned companies have matured, many no longer require membership in the respective state society. But the availability of liability coverage is a benefit of society membership in major states, and this market in turn helps to strengthen the AMA as a lobbying organization.

Nafta May Get Lift From Pact On Toxic Site

Los Angeles, Mexico Agree On Cleanup, Easing Environmental Fears

By Bob Davis
Staff Reporter of The Wall Street Journal

The North American Free Trade Agreement, under siege in Congress, is about to get a big lift from a Los Angeles prosecutor who once feared the trade pact would create an environmental "nightmare."

The prosecutor, David Eng, and Mexican environmental officials today plan to announce a novel plan to clean up an abandoned lead-recycling plant outside Tijuana, Mexico. Anti-Nafta activists have made the highly polluted site a symbol of Mexico's environmental failures and have taken House Majority Leader Richard Gephardt (D., Mo.) and other officials there as part of their campaign.

Mr. Eng, an environmental prosecutor in the Los Angeles County District Attorney's office, has used a state law classifying lead slag as a hazardous waste to negotiate toxic-waste cleanups south of the border. In the deal, RSR Corp., a privately owned Dallas lead recycler, said it will pay $2.5 million and plead no contest to charges of improperly transporting lead waste from its Los Angeles smelter to Mexico.

Reform of Mexican Economy

Mexican President Carlos Salinas de Gortari has unleashed a flurry of legislative initiatives and presidential decrees aimed at giving permanence to his country's free-market policies, with or without the common market that Nafta would establish. **Article on page A15.**

$2 Million Cleanup

Of the $2.5 million fine, $2 million will be used to clean up the site, called Alco Pacifico de Mexico, said Los Angeles authorities and the companies involved. Los Angeles District Attorney Gil Garcetti also plans to donate $300,000 of the fine to a foundation that provides medical care for border-area residents. And the Mexican government will use the Alco Pacifico site's recoverable lead, valued at between $100,000 and $200,000, to help pay back wages of workers at the plant, which closed in 1991 after a strike.

The Los Angeles authorities could have prosecuted the case alone, but without the cooperation of the Mexican government the settlement wouldn't have helped clean up the site or provided benefits to people in the area.

Albert Lospinoso, RSR president, said fighting the charges would cost at least as much as paying the fine. "We felt we could best meet our goal by helping the people of Mexico clean up a problem," he said.

Meanwhile, Morris Kirk, president of Alco Pacific Inc., a California-based company that owned the Mexican facility and is now defunct, is expected to be charged shortly with felony counts of unlawfully transporting hazardous waste. He'll plead not guilty, said Mr. Kirk's lawyer, Jerome Busch. "If he had sufficient money he could avoid criminal prosecution" and pay a fine, Mr. Busch said. Mr. Kirk lives in Orange County, Calif.

Separately, President Clinton announced the formation of a 25-member council on sustainable development to recommend actions to mesh environmental and economic goals in accord with agreements reached at last year's environmental summit in Rio de Janeiro. The council will be co-chaired by David Buzzelli, vice president and corporate director of environment at Dow Chemical Co., and Jonathan Lash, president of the World Resources Institute. Its members include representatives of business, the environmental and civil rights movements, and the federal government, including Interior Secretary Bruce Babbitt and Energy Secretary Hazel O'Leary.

The announcement came shortly after Vice President Al Gore delivered a fiery speech to the United Nations on the subject of international environmental protection. Employing rhetoric of the type in his controversial book, "Earth in the Balance" – but not heard from Mr. Gore since he joined the Clinton ticket last summer – the vice president called for slowing world population growth, controlling the impact of "thousands of powerful technologies" that are "exploiting the Earth" and blocking the deterioration of fresh-water supplies.

Boost for Nafta

The announcement of the Alco Pacifico cleanup should greatly boost pro-Nafta forces who argue that environmental cooperation between the U.S. and Mexico will improve as the two nations are joined economically. Santiago Onate Laborde, Mexico's attorney general for the environment, is expected to make that pitch at the Los Angeles announcement today. Mr. Eng, who once feared that the trade agreement would lead to an explosion in environmental crimes, now says he thinks the trade pact "bodes well for binational enforcement" of environmental laws.

Even anti-Nafta activists, who have organized at least a dozen trips to Alco Pacifico to rally support against the pact grudgingly praised the cleanup deal. "You have to applaud the cooperation between the U.S. and Mexican government," says Thea Lee, an adviser to groups opposing the trade pact. But Ms. Lee, a trade analyst at the Economic Policy Institute, a labor-backed think tank in Washington added that Mexico "should welcome stronger rules on environmental issues" than those called for in the Nafta text.

Alco Pacifico has become a grim reminder of Mexico's difficulties in enforcing environmental standards. The 14-acre lead-recycling facility is in the arid hills outside Tijuana, next to dairies that feed the city. The plant has been shut for two years. The rusting furnaces are surrounded by hills of lead ash and slag, open to the wind.

Dead Cows

Daniel Muno Garay, who owns one of the nearby dairies, said that over the decade, 14 cows suddenly keeled over and died. Alco Pacifico managers paid for the losses. "When the animals first started dying, the dairy owner named his price for the animals," Mr. Muno said in interview last year. "The second time, they would just go over (to Alco Pacifico) for the money."

Occasionally, Mexican regulators visited Alco Pacifico, Mr. Muno said. Plant managers would promise to install new equipment, he said, but the factory would start running at night to avoid the regulators' attention.

Study Group Says an Independent FAA Might Prove to Be More Effective Agency

By GREGORY N. RACZ
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON – A national airline commission study group suggested that the Federal Aviation Administration would be more effective if it operated independently, much like the Federal Reserve Board.

The FAA, which runs the air traffic control system and certifies airplanes and parts, currently relies on Congress and the Transportation Department for funding.

Some critics, however, believe such budget restrictions hamper the FAA and only encourage the Transportation Department to micromanage the agency. Until 1987, the FAA needed department approval for all contracts over $500,000.

"We were struck by the recurrence of problems which have to do with the way the [FAA] is structured," said Daniel Kasper, a member of the commission, which was appointed by President Clinton and Congress to make recommendations on how to bolster the airline industry, which lost $10 billion over the past three years.

Unnecessary Regulations

In initial reports, commission members said the FAA burdens the airline industry with unnecessary regulations because the agency doesn't bear the costs of the regulations, the airlines do. The commission also found that air traffic delays cost airlines $3 billion annually. But by privatizing some or all of the FAA's functions, the group suggests, the FAA would have the authority and financial incentive to procure high-tech air traffic control systems and regulate the airlines more efficiently.

A separate commission group that is looking solely at domestic airlines echoed the need for restructuring. It said tax relief for the industry should be a "high priority."

The FAA study group pointed to the Federal Reserve Board as a possible model for a revamped FAA because it performs regulatory functions yet maintains private funding. Like the Fed, according to the study group, a quasi-independent FAA would have greater access to capital markets, which would reduce costs borne directly by the airlines and wean the FAA from its reliance on congressional appropriations.

Some Warnings Raised

Some industry experts, however, argue that making the FAA independent is a mistake because it would free the agency from accountability. Former Transportation Secretary Samuel Skinner said that "independent organizations do not compete well for resources" and that the FAA's problem is resources.

The idea of spinning off the agency isn't new. In 1988, Sen. Wendell Ford supported legislation that would make the agency independent. But the idea died before making it to the floor of the Senate. An aide to the Kentucky Democrat said the chances now for successful legislation are "slim and none."

Indeed, Rep. James Oberstar (D., Minn.), House aviation subcommittee chairman, last week told the commission that the main solutions to the airline industry's financial difficulties "must be economic and managerial rather than legislative."

Meanwhile, the FAA, which has said it will consider the commission's proposals, isn't pushing for independence. The agency contends that it had been making steady improvements in recent years.

Regardless, commission members, who will formally announce their recommendations in mid-August, are optimistic that Congress will consider its proposals. In the words of one panel member: "The commission is their baby."

Baptists Pray for Prodigal President

By JACK CHAMBERS

Today the three-day annual meeting of the Southern Baptist Convention will begin in Houston. Noticeably absent from the program are President Clinton and Vice President Gore, both of whom are Southern Baptists. Not only were they not invited to speak at the meeting, but several resolutions are expected to be proposed criticizing Mr. Clinton for abandoning his fellow Baptists on moral and social issues.

The SBC is the largest Protestant denomination in the U.S., with 38,000 churches and 16 million members. Its official annual operating budget is $140 million, not including the budgets of auxiliary organizations, which come to more than $1 billion annually.

Although the SBC is a nonprofit religious organization, with no officially organized political machine, the denomination represents a significant voting bloc. Thus, recent U.S. presidents have been sensitive to the prevailing views of the denomination's leadership and have met with it frequently. Billy Graham's relationship with presidents has symbolically represented a Southern Baptist presence in the White House for the past several decades.

Several U.S. presidents have been asked to speak at the SBC's annual meeting. Last year's convention in Indianapolis and the previous year's meeting in Atlanta featured speeches by Dan Quayle and George Bush, respectively. But this year, an invitation to Mr. Clinton or Mr. Gore was never considered. "In fact," says Fred Powell, an SBC official, "were Clinton or Gore to speak, many messengers would probably boycott the session." Twenty-three thousand of these "messengers," elected by their home churches, are expected at this year's convention.

Why have Messrs. Clinton and Gore been excluded from participating? Mr. Powell, senior associate pastor at the 6,000-member First Baptist Church of Moore, Okla., who chaired the committee that invited speakers to the convention, says it is because "they are so far removed from the great majority of Southern Baptists philosophically."

The SBC will be voting on several resolutions. James Merritt, chairman of the SBC Resolutions Committee, says that, of all the proposed resolutions that have come across his desk, more of them deal with Mr. Clinton's agenda on moral and social issues than with any other item. Many of these proposed resolutions note that Mr. Clinton's positions are inconsistent with Baptist beliefs. Mr. Merritt, who is pastor at the 7,000-member First Baptist Church of Snellville, Ga., says that the resolutions specifically criticize Mr. Clinton for supporting homosexuals in the military and for backing the Freedom of Choice Act, which would prevent states from imposing any kind of restriction on abortion.

Mr. Merritt says it is likely that a resolution on Mr. Clinton's policies will be recommended by his committee. "Since President Clinton professes to be a Baptist brother," he remarks, "we have a biblical mandate and a Christian responsibility to confront him on his policies." He says the purpose of a resolution would be to let Mr. Clinton know "he is not walking in line with Southern Baptist beliefs" and to "call him back to scripturally based morality."

Morris Chapman, president and chief executive officer of the SBC Executive Committee, says: "Many believe the Clinton administration has taken stands which are contrary to the Word of God." He says that the Bible instructs Christians to pray for our leaders, and that Baptists gladly do so, but are in no way restricted from publicly differing with them.

Mr. Clinton did meet with several evangelical leaders shortly after his election, including past SBC president Adrian Rogers. However, according to Mr. Chapman, this meeting seemed to be "more a courtesy than an opportunity for substantive discussion."

The annual SBC Pastors' Conference took place Sunday and Monday in Houston, ahead of the full convention. The theme for this year's conference was "Heal Our Land." Jay Strack, a prominent Southern Baptist evangelist and first vice president of the SBC, says that many of Mr. Clinton's policies have only contributed to the reasons our land needs to be healed. Mr. Strack says: "We are like the father of the Prodigal Son, waiting and praying with the porch light on, ready to run to meet Clinton halfway down the road."

Mr. Strack says that Mr. Clinton's religious life is typical of the "compartmentalized" religion of many Americans, whose faith is one element in their lives but not all-encompassing. He notes that, on Inauguration Day, Mr. Clinton started out at a prayer meeting and ended up that evening at gay and lesbian parties.

Ed Young, pastor of the 19,000-member Second Baptist Church of Houston and president of the SBC, has not publicly criticized Mr. Clinton. However, he expresses concern that many current national policies are symptomatic of our nation entering a "post-Christian era."

Unfortunately, instead of showing any resolve to address the concerns of fellow Baptists, Mr. Clinton has apparently become the new darling of theological liberals. According to the May 22 World magazine, a conservative newsweekly, leaders of what it calls the "religious left" (many of them associated with the National Council of Churches) recently met with Mr. Clinton, who told them: "I've been so criticized by the religious right community, it's good to have religious people who understand what I'm trying to do."

Mr. Gore has also alienated many in the evangelical community, not only by his positions on the issues mentioned earlier but by his extreme environmentalist views. Many of his statements and writings seem to promote New Age earth-worshiping philosophies that are contrary to orthodox Christianity.

I will attend the convention this week as an elected messenger from my home church. Many of us Southern Baptists are embarrassed and disappointed by the agenda of Mr. Clinton and Mr. Gore. But we are praying that they will wake up and see that they have abandoned not only their religious denomination but mainstream America as well. As Mr. Strack says, "President Clinton and Vice President Gore cannot afford to continue to alienate God-fearing, family-oriented people."

Mr. Chambers is a syndicated columnist and a radio and TV talk show host in Austin, Texas.

Jobs Needn't Be Lost to Low-Pay Vacuum

Business World

By Tim W. Ferguson

John J. (Jack) Murphy, the chairman and CEO of Dresser Industries, has one word to pass along to fellow Dallas businessman Ross Perot: Spain.

That is Mr. Murphy's rejoinder to "way-off-base" Mr. Perot on the subject of Nafta, the North American Free Trade Agreement. Nafta has become a favorite bone of our pet political terrier, who argues that American industry will be sucked south of the border by low labor costs.

If that were so, responds Mr. Murphy, whose company is a $5 billion seller of oil-drilling equipment and services, then the inclusion of Spain (and Portugal) in an increasingly open European Community should have opened up a rush of continental manufacturers to that lower-wage turf. Just the opposite, he says.

Companies have spurned Spain, he goes on, because lower trade barriers permit them to concentrate production in the most efficient sites. Spanish plants are small, with a history of state subsidies. Dresser itself is consolidating facilities into France, primarily. (About two-thirds of its business is done abroad.)

At the same time, the market for products in Spain grew rapidly – just as Nafta boosters project for Mexico – and can now be served by imports. (Consumption has slackened recently along with demand in the rest of Europe, but Spain is still more a buyer than a maker. Unemployment is 22% – and wage costs, though still relatively low, rose appreciably in the late 1980s.)

The key to understanding investment patterns, Mr. Murphy explains, is to put labor expenses in proper perspective. At Dresser, he says, they amount to about 15% of total production costs. Sure, this percentage will be much higher in some businesses, but in those that most intensely use capital (in other words, those that tend to have the better-paying jobs) the wage-and-benefits component is going to matter less.

Mr. Murphy belongs to the Business Council, the roster of America's corporate-executive elite, but is an especially vocal exponent of trade liberalization. That puts him in line with "90% to 95%" of his corner-office colleagues on Nafta, but can be a matter of more contention on broader questions of world commerce.

For instance, he disparages the importance of "whether an airplane is made in Europe," an allusion to the noisy quarrel over subsidies to Airbus Industrie that preoccupies so many business and political leaders, who fear for U.S. jobs. Mr. Murphy remarks that jet building isn't turning out to be such a smart play these days.



John J. Murphy

He aligns himself with traditional economic belief in comparative advantage, in contrast to the most pronounced view from the Clinton administration, that nations create their own competitive edges through activist policies. It's still difficult to know where the Clintonites stand on attaching domestic political conditions to Nafta (Mr. Murphy says don't fiddle with it), but the Dresser chief is against raising trade tensions with Japan, as the White House and some of its business buddies have done.

Demanding reduction in a bilateral trade deficit or, worse, insisting on different outcomes in certain economic sectors is in Mr. Murphy's mind an error. "Some of these numbers are getting badly distorted" anyway, he says.

The big share of the overall U.S. trade gap that is attributable to oil imports rarely gets mentioned anymore, he complains. (This prompts a brief discourse on impediments to the U.S. drilling industry, particularly what he views as pointless environmental encumbrances in Alaska.) Another basic factor is the propensity of Americans to buy foreign products, which Mr. Murphy says is without parallel among the industrialized nations.

In general, Mr. Murphy would encourage American business by light-handed government policies. But, like most CEOs, he turns out to have some exceptions to that rule.

Mr. Murphy strongly favors U.S. export subsidies, if made generally available. Although such booster shots are a frequent sore point in international wrangles, he maintains they have become commonplace over the last 40 years and aren't fundamentally counter to free trade. But the U.S. has been a piker, in his view, and that's a reason Dresser keeps nearly a quarter of its production in Europe – to take advantage of more lucrative export financing and political-risk insurance.

Dresser is prospecting for orders in the oil fields of the former Soviet Union. It has worked with the U.S.-Russian Business Council (of which Mr. Murphy is a former chairman) to push for a $700 million package of export aid for U.S. producers. The White House plans to make that part of the bailout for Moscow.

So the message isn't quite laissez faire. But today, when everything from apple barriers in Japan to "58-cent an hour" jobs in Mexico supposedly threaten the American way of life, any sort of stand-up act from the corporate quarter is appreciated by trade-hungry consumers. And Mr. Murphy's Spanish line is a good one.

THE WALL STREET JOURNAL TUESDAY, JUNE 15, 1993

A Bad Swap for Taxpayers

By Martin Mayer

In their eagerness to boost the apparent profitability of the institutions they oversee, the world's banking regulators are on the verge of approving a dangerous new accounting gimmick. The new proposal is called "netting," and its purpose is to encourage banks to expand their involvement in the exotic "derivative" instruments that already generate a sizable fraction of the reported profits of our larger banks.

These fancy swap contracts and options now total more than $4 trillion in face value world-wide, with much more to come. Like the "risk-controlled arbitrage" Wall Street pushed on the savings and loans when the regulators were encouraging them to be adventurous in digging out from their troubles, these technologically inventive sure bets are supposed to separate risk and reward. What they will really do, like their predecessors, is let the banks keep the rewards while the government—the taxpayer—winds up with the risks.

The idea behind these derivatives is quite simple. Mortgage lenders, for example, are funded mostly out of a money market where interest rates change every day. Home buyers want fixed-rate mortgages. Having written a mortgage that will be paid off on a fixed income stream, a bank can go out and make a deal with a lender that needs a fixed income stream on its loans (an insurance company that offers annuities, for example) and will agree to pay the bank a variable interest rate on the same amount of money.

If interest rates go down, the recipient of the fixed rate wins; if interest rates go up, the recipient of the variable interest rate wins. The bank has hedged the risk that rates will rise above the rate charged on the mortgage, and the insurance company has assumed that risk. The terms of the swap will reflect prevailing views on whether rates are going up or down.

Foreign-exchange swaps, pioneered by Salomon Brothers in 1981, benefit companies that can borrow more cheaply in one country than in another. A company that is better known in Switzerland than in the U.S. can sell Swiss-franc-denominated paper in Zurich and swap the francs for dollars with a company that can easily sell dollar-denominated paper in the U.S. but needs Swiss francs to do its business. Swaps can combine interest-rate risk and exchange-risk and lots of other risks, and they can and do extend in daisy chains of deals. The banks try to balance their exposures—swapping, say, pounds for marks with one party and then marks for pounds with another party to lock in a spread.

Swaps have fashionable and unfashionable sides—if the world thinks interest rates are falling, people won't want to commit themselves to fixed-rate payments. So the banks pay their counterparties to take the unfashionable side. British municipal governments in the days of very high rates agreed to pay fixed rates and receive variable rates, because they got paid cash up front to do so—then defaulted on the contracts because they couldn't afford to live up to them.

Last September, banks that had swapped their marks for somebody else's pounds lost almost 20% of the face value of the swap in one awful day. No doubt they were "hedged" against this disaster with countervailing swaps that entitled them to somebody else's marks against their pounds—but if the party to that swap had gone bust, which was by no means impossible, they'd have had to swallow a considerable loss.

Swiss Bank Corp. is suing other banks around the world for the $83 million bath the Sw had to take from interest payments that weren't made when Macy's defaulted on a swap contract as part of its bankruptcy proceedings. Macy's took a swap deal no truly solvent company would have accepted, because it was paid to do so. The world has no shortage of struggling banks and sinking companies to grab whatever deals the banks offer.

Swaps are presented to the regulators (and, indeed, within the business) as risk-shifting devices that will make the financial system sturdier. And risk-shifting instruments always start—like program trading and mortgage-backed securities—as ways to diversify portfolios and hedge the danger of loss. Short-term hedges—the sale of bond futures by underwriters marketing new corporate bonds, for example—are an undoubted source of safety. But in the end the risks of program trading fall not on the risk-averse pension funds and insurance companies but on the vociferous gamblers in the Chicago pits, half of whom go broke every year. The truth is that, over time, risk-shifting devices shift the risks onto the shoulders of those least able to bear them.

"Netting" conceals these risks. By allowing a bank or investment bank to subtract the mark or floating-rate income streams that others owe it from the similar income streams it owes others, the regulators in effect put their resources behind these gambles.

In the new proposals from the Bank for International Settlements, which the Federal Reserve has tentatively endorsed, the regulators hide behind a yet-to-be-established swaps clearing house that would take responsibility for the contracts of its defaulting members, the way a payments clearing house takes responsibility for the steamer trunks full of checks and the electronic orders its members exchange with each other.

But swaps clearing houses don't exist, and what they would have to settle are not transactions in fungible money but tailor-made obligations that can and will be priced in different ways by different participants. The clearing houses for futures contracts that undergird the Chicago markets work only because they impose "maintenance margins" that change every day, and such margins would be impossible to calculate in this context. To avoid the unraveling of swap contracts world-wide, the central banks—in other words, the taxpayer—would have to guarantee that the commercial banks they supervise will pay off on their swap contracts.

The proposals by the regulators are especially sad because the market was beginning to sort out the risks. Players in the swaps game were becoming more and more cautious about doing business with any but the strongest banks. Three American investment houses—Merrill Lynch, Goldman Sachs and Salomon Brothers—had spun off separate companies for this purpose; capitalized to whatever level the ratings agencies demanded if they were to receive their triple-A. Salomon had to put up $175 million to start its "Salomon Swapco," with a pledge of more to come as business expanded.

Led by Chicago's Continental, the banks tried to set up similar subsidiaries, because the market doesn't award money-center banks anything like a triple-A rating. But to do that they would have to take capital from their banks. The banking regulators have been ardent in helping the banks exaggerate their published capital by overvaluing their real loans and investments, and don't want to see those numbers reduced by the demands of the swappers. The Comptroller of the Currency denied Continental the right to go down that path, and the New York banks that had filed such requests withdrew them. So the Fed had to ride to the rescue.

Regulation of the derivatives business should have a simple goal: Governments that in effect insure bank liabilities should discourage banks from playing zero-sum games where most of the participants are other banks. The time has come for the regulators and the Clinton administration to let the market protect the real economy.

THE WALL STREET JOURNAL TUESDAY, JUNE 15, 1993

Ruth Bader Ginsburg, a Judge's Judge

By Peter Huber
And Richard Taranto

The contrast in the Rose Garden yesterday was striking—Ruth Bader Ginsburg is as physically tiny as the president is large. Yet Judge Ginsburg is an exceptionally powerful woman, and one with a remarkably consistent and clear vision of what the rule of law really means.

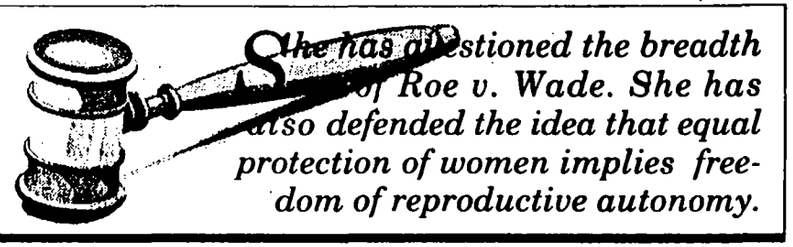
Read a lot of Judge Ginsburg's opinions, and you are struck by the voice. It is a voice of scrupulous honesty, freedom from cant, and strong moral commitment. When you read her description of the facts of the case, or of the precedents that point in opposite directions, you don't know which way the case is going to come out. You approach the point of decision, at which many a less talented or more ideological judge would indulge in rhetoric, and you get instead a measured expression of reasons in her own words, not those of the latest political slogan.

Judge Ginsburg founded and directed the Women's Rights Project of the American Civil Liberties Union. In the 1970s she argued—and won—most of the important constitutional challenges to gender discrimination that were decided by the Supreme Court. She also handled many cases in lower courts. Her views on sex discrimination are firmly anchored in the "equal protection" language of the Fourteenth Amendment. Thus, some of the landmark gender discrimination cases that she argued successfully before the Supreme Court were brought on behalf of male plaintiffs (*Frontiero v. Richardson*, 1973).

During the 1970s, Judge Ginsburg performed a legal high-wire act, arguing in the political arena for the enactment of the Equal Rights Amendment while simultaneously convincing the Supreme Court that similar protections are already a part of the amendment's equal protection clause.

Judge Ginsburg has been equally sensitive to equal protection claims advanced by other victims of discrimination. As an appellate judge, for example, she wrote major opinions affirming liberal standing rules (access to courts) for minority groups seeking to raise claims of race discrimination.

In a series of speeches and articles, Judge Ginsburg has articulated a nuanced position on the issue of abortion. She has questioned the "breathtaking" breadth of the majority opinion in *Roe v. Wade*. At the same time, she has steadfastly defended the core idea that equal protection of women engaged in the economic and social life of the nation necessarily implies freedom of reproductive autonomy. The disadvantageous treatment of a woman because of pregnancy or reproductive choice, Judge Ginsburg has written, is a paradigm case of discrimination on the basis of sex.



She has questioned the breadth of Roe v. Wade. She has also defended the idea that equal protection of women implies freedom of reproductive autonomy.

Judge Ginsburg's legal career before her appointment to the bench was also animated by her commitment to civil liberties and the Bill of Rights. On the bench she has written major opinions affirming freedom of religion and the separation of church and state. One significant 1984 pronouncement, for example, condemned the Air Force determination to ban an officer from wearing a yarmulke, or Jewish skullcap. She was joined by then-Judge Antonin Scalia and, in a separate opinion, Judge Kenneth Starr, later solicitor-general under President Bush.

In matters of free speech and the press, Judge Ginsburg has written major opinions defending free speech on the airwaves and freedom of information. In one statement, for example, she emphasized the importance of keeping libel law firmly tied to the "actual malice" standard, which is the press's major protection against the chilling effects of open-ended liability. In 1989 Judge Ginsburg, relying on the First Amendment, dissented from a decision upholding the Reagan-Bush administrations' "Mexico City Policy," which banned aid to any foreign family-planning organization that furnished abortion counseling or referral. The Clinton administration was later to repeal that ban.

In her 13-year tenure on the bench, Judge Ginsburg has written numerous opinions on searches and seizures, criminal procedure, rules of evidence, and prisoners' rights. The only common denominator in her opinions on criminal matters is that they are scrupulously free of ideology. In a particularly notable 1987 case, Judge Ginsburg, in dissent, argued in favor of the constitutionality of the Independent Counsel law. The Supreme Court, with only Justice Scalia dissenting, subsequently vindicated Judge Ginsburg's position.

When Ruth Ginsburg was nominated to the D.C. Circuit, the American Bar Association rated her "exceptionally well qualified"—the ABA's highest rating, and one accorded rather rarely. That rating has been fully vindicated by her record on the bench. Judge Ginsburg's opinions are marked by rigorous analysis of statutory and constitutional texts and respect for precedent. She has frequently emphasized how Congress can simplify (and contain) the role of the courts by drafting clear statutes and responding to judicial pronouncements with new legislation. Judge Ginsburg cares deeply about the institutional role of the courts in American government, and has demonstrated great skill in bridging ideological differences. As Judge Ginsburg recently declared in a lecture, a judge should "engag[e] in a dialogue with, not a diatribe against, co-equal departments of government, state authorities, and even her own colleagues."

As a scholar, advocate and jurist, Ruth Bader Ginsburg has lived with the steadfast conviction that the soaring promise of equality in the American Constitution can become down-to-earth legal reality. She carried that conviction to the Supreme Court. She has faithfully reconciled personal conviction with a judge's duty to apply the law.

We know her well—both personally and from her many writings. Ruth Ginsburg is a judge's judge, like Henry Friendly and Learned Hand: She believes in the rule of law. She should be supported by liberals and conservatives alike.

Mr. Huber, a fellow at the Manhattan Institute, is a former law clerk to Judge Ginsburg and Supreme Court Justice Sandra Day O'Connor. Mr. Taranto, an attorney, has clerked for Justice O'Connor and Judge Robert Bork.

Challenging the Black Caucus

Last week, Rep. Gary Franks, a Connecticut Republican, scheduled a news conference to announce his resignation from the Congressional Black Caucus. Over the weekend, he was inundated with calls from constituents who urged him to remain and fight for his conservative beliefs. Yesterday, he told reporters he had decided to stay in the group.

When Mr. Franks became the first black House Republican in 56 years in 1990, the Black Caucus tolerated him. He served as a useful conduit to a Republican White House. But since Bill Clinton's election, Mr. Franks has gotten very frosty treatment.



Rep. Gary Franks

He is almost always the odd man out at Black Caucus meetings. He, along with 54% of blacks, favored the nomination of Clarence Thomas. The Caucus voted 20-1 to oppose him. Mr. Franks spoke out against the Clinton tax increases and Lani Guinier. But the Caucus issued statements implying that the entire Caucus backed both moves. So for the Caucus, Mr. Franks is a non-person.

But he is noticed at Black Caucus meetings when the talk turns to political strategy. Then the group adjourns and becomes the *Democratic* Black Caucus, and Mr. Franks is asked to leave. He has to pay $10,000 every Congress to belong to this group, but can't attend the club's exclusive meetings. The Caucus's commitment to diversity goes only so far.

The 40-year-old congressman resents any suggestion he is an "inauthentic" black leader. Growing up, Mr. Franks saw a cross burned on his lawn and had to pull a dead possum from his family's mail box. The son of a mill worker who never finished the sixth grade, he won a scholarship to Yale and did well in business.

Mr. Franks is troubled by efforts to discredit or ignore black conservatives because their growing legitimacy is creating a competing view of black America. That explains much of the opposition to Justice Thomas by the civil rights establishment and why blacks who opposed Lani Guinier were largely ignored.

Mr. Franks thinks the Black Caucus has reached a turning point. It has now taken to suggesting that it might refuse to back President Clinton's budget if the Senate cuts entitlements. Indeed, if Mr. Clinton caves in to its demands, the 39-Member Caucus could become the balance of power in the House. But if the White House continues to flounder and can't come up with a workable budget, the Caucus will be under increasing pressure to reassess its position.

GOP Senator Malcolm Wallop and Rep. Charles Rangel, a Black Caucus member, are holding talks about indexing capital gains for inflation in exchange for fewer cuts in entitlements. No one knows how many other Caucus members would agree to such a deal, but recent events show anything is possible in Washington these days.

In the coming years, the Black Caucus mind-set will come under increasing challenges from blacks who believe there is an alternative path to economic progress. Leaders like Rep. Franks and Polly Williams will score points with a new political paradigm based on empowerment and self-help. But until that moment of political reckoning, the Black Caucus may resemble a conformist politburo that keeps fighting the class struggle long after it has been discredited elsewhere.

REVIEW & OUTLOOK

Lurching and Staggering

As we went to press last night, Judge Ruth Bader Ginsburg had been nominated by President Clinton to the Supreme Court. We're guarded in our assessment because this is the Yogi Berra presidency: With Bill Clinton, it's never over until it's over. Even then, you never know.

On the evidence of his performance yesterday, we guess Mr. Clinton himself has tired of this reputation. Asked by the first questioner at a news conference about his recent odyssey of decisions from Guinier to Breyer to Ginsburg, the President walked out. For sympathy, Mr. Clinton could call disgruntled Atlanta Braves infielder Terry Pendleton, who not long ago abruptly walked away from his position at third base and disappeared from the game. He's back, and we suspect Mr. Clinton will be, too.

We haven't been able to give the President much support for the likes of Lani Guinier or Sheldon Hackney, but if indeed Judge Ginsburg is absolutely, positively going to the Supreme Court, that's fine with us. We're happy to support this "moderate" nomination, if only to stop the bleeding. Anyone who's won the admiration of tort liability and junk-science foe Peter Huber (see alongside) can't be all bad. We ourselves look forward to the opportunity to examine Judge Ginsburg's work and make some judgment about the substance of her thinking.

Still, the question that sent an angry Mr. Clinton storming out of his own news conference does linger: After the long drama, what went wrong for Judge Breyer, who was trucked all the way to Washington from Boston with cracked ribs for a White House interview? And what have we learned about Bill Clinton?

One reason being offered to explain the stand-down from Judge Breyer is that his current legal temperament was simply too potentially conservative for the taste of the Clintons and their dinner circle; the supposed problem with Social Security taxes for an 81-year-old housewarmer was dragged out for cover.

We are prepared to entertain counterarguments that no such worries determined the President's choice and that he absolutely, positively wants to move toward the center. The larger question is, does it matter? Is it possible that what we are really seeing in all this indecision is the intellectual self-paralysis of both Bill Clinton and modern liberalism?

All the political playbooks say that Bill Clinton should be picking a fight with a formidable political opponent, to achieve a win and establish some credibility and respect. But this isn't happening, and the reason, we suspect, goes beyond Mr. Clinton's personality. Liberals may have finally reached the point where they are beholden to so many shibboleths and sacred cows that they are virtually incapable of governing.

The Clintons' "diversity" requirement for top government jobs means the administration has barely formed a government. But diversity is only one altar in the modern liberal temple. Women, minorities, Hispanics, the disabled, gays, lesbians, animals, trees, rivers, wetlands, the ozone, multiculturalism, AIDS, the homeless, date rape, recycling, offensive speech, innumerable entitlement programs, tax "fairness"—incense burns in front of them all.

By now, liberal political leaders have spent so many years giving ground to aggrieved, particularist groups that they're ready to cut and run at *any* resistance. On Saturday, press accounts suggested that Mr. Clinton's first meeting with Judge Breyer hadn't gone all that well, meanwhile noting that liberal high priest Ralph Nader was saying the President could do better than this.

The irony at this juncture is that even in power, the liberals can't get what they want. The Clintons could have nominated a Larry Tribe or Peter Edelman to the Supreme Court and gone to the mattresses to get them confirmed. But lurching to the left shredded his poll ratings, so he's now staggering to the center. Thus Bill and Hillary find themselves backing off the moderate Stephen Breyer to nominate the semi-moderate Ruth Bader Ginsburg.

Effective governing requires decisions, and in politics, deciding means offending someone. Mr. Clinton's reluctance to arouse any of his constituencies is highly visible, but he's hardly alone in this respect. Cities such as New York and Los Angeles have suffered because of the same fear of political offense—as has Sheldon Hackney's Penn campus (a failure of nerve repeated at countless other universities).

Liberals created this political labyrinth, and we doubt for most of them there is any way out of it. Besides, tending the windmills generates an income for a lot of them. It can be very difficult, though, for people living in a city, state or country being led by such neutralized politicians.

We said the administration should have fought for Zoe Baird, rather than add one more item to the list that can be used as an excuse for defeating a nominee someone finds threatening. No go. We supported giving Lani Guinier her time before the Judiciary Committee, precisely so we all could discuss substance rather than procedure, as the President testily demanded yesterday. No go. We've watched the White House back off budget fights with Congressional barons of every political stripe, go in and out of Bosnia, and ride off in all directions on health care reform.

Bill Clinton is shuttling daily, even hourly, between liberalism and the center. It's a short, frustrating trip. Maybe walking out of news conferences makes Mr. Clinton feel better, but he should remember that he volunteered for the job.

D.C. appeals judge beats out two men

By Frank J. Murray
THE WASHINGTON TIMES

A1

An emotional President Clinton yesterday chose federal appeals Judge Ruth Bader Ginsburg — calling her the Thurgood Marshall of the women's movement — as the first Supreme Court nominee by a Democrat in 26 years.

Mr. Clinton announced his choice after a tortuous 87-day process that winnowed a field of more than 42 serious candidates to two men, then abandoned both in favor of the second woman nominated in the history of a court on which 106 justices have served.

A member of the U.S. Court of Appeals for the District of Columbia, Judge Ginsburg would be the first Jew on the Supreme Court since Abe Fortas resigned in 1969. She would replace retiring Justice Byron R. White.

In the Rose Garden yesterday, Judge Ginsburg accepted in a speech celebrating achievements of the feminist legal movement she pioneered and insisted she will rule fairly, with "disciplined self-restraint," according to the law and never to please "the home crowd."

It was so rhapsodic that Mr. Clinton shed tears visible to all and berated a reporter for asking a question about the "zigzag" course of the selection that broke the mood, then canceled his news conference after that one question, which he did not answer.

"Ruth Bader Ginsburg cannot be called a liberal or a conservative," said Mr. Clinton, who said he most values her reputation as "a healer" to build consensus on the court as he says she did on the D.C. appeals court, the nation's second-most-prestigious bench.

"Time and again, her moral imagination has cooled the fires of her colleagues' discord, ensuring that the right of jurists to dissent ennobles the law without entangling the court," said the president.

He called the 60-year-old Jewish

see **CLINTON**, *page A7*

CLINTON FIRES BACK

A1

President Clinton responded angrily to the first question from a reporter after nominating Judge Ruth Bader Ginsburg to the Supreme Court, then abruptly ended the Rose Garden press conference.

ABC-TV White House reporter Brit Hume: "The withdrawal of the Guinier nomination, sir, and your apparent focus on Judge Breyer, and your turn, late it seems, to Judge Ginsburg, may have created an impression, perhaps unfair, of a certain zigzag quality in the decision-making process here. I wonder, sir, if you could kind of walk us through it, perhaps disabuse us of any notion we might have along those lines."



Hume

President Clinton: "I have long since given up the thought that I could disabuse some of you turning any substantive decision into anything but political process. How you could ask a question like that after the statement she just made is beyond me."

The Washington Times

INSIDE

■ The nominee is met with praise across the political spectrum. **A7.**

■ Judge Ginsburg has advocated that presidents seek more advice from senators before naming Supreme Court nominees to keep "worrisome" political interest campaigns "within more tolerable bounds." **A7.**

Excerpts from President Clinton's and Judge Ginsburg's statements. **A6.**

■ The nomination creates a problem at the D.C. federal Court of Appeals with the likelihood of another vacancy in an overcrowded court system. **B1.**

TUESDAY, JUNE 15, 1993 **The Washington Times**

Clinton picks Ginsburg for court

TUESDAY, JUNE 15, 1993 The Washington Times

CLINTON

From page A1

mother — who bragged that her husband's good cooking allowed her to get out of the kitchen at an early age — a "path-breaking attorney, advocate and judge" who learned about life from living, not just from studying and reading.

"Judge Ginsburg has a very unique life story and a very unique history," an official said, referring as others did to her career as counsel for the American Civil Liberties Union, where she was a prime mover in taking cases involving women's rights to the Supreme Court.

He told how she faced discrimination as a female lawyer, then "devoted the next 20 years of her career to fighting it and making this country a better place for our wives, our mothers, our sisters and our daughters."

That quality captured the job for her, according to senior officials closely involved in the process who asked not to be identified.

The most moving moment came in a tribute to her mother, Celia Astor Bader, who died when the judge was a teen-ager.

"I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve and daughters are cherished as much as sons," Judge Ginsburg said.

Officials stressed that Judge Ginsburg and her husband, Martin, who is a tax law professor at Georgetown University Law Center, have paid Social Security taxes on everyone they ever have employed, clearing the air on the issue that was a stumbling block for several other nominees and potential nominees.

They have a son, James, 27, a law school student in Chicago, and a daughter, Jane, 37, a law professor at Columbia University.

"In her high school yearbook on her graduation in 1973, the listing for Jane Ginsburg under ambition was 'to see her mother appointed to the Supreme Court.' The next line read, 'If necessary, Jane will appoint her,' " Judge Ginsburg said.

The president made a round of calls Sunday night to senators and telephoned Judge Ginsburg through the White House switchboard to offer her the post about 11 p.m. Sunday. They could not hear each other and Mr. Clinton finally called back at 11:33 p.m., dialing himself from the residence kitchen.

"She was substantive, thoughtful, knew very well what she stood for and believed in, clearly has a proven ability that thoroughly impressed him, . . . was a centrist in her legal philosophy and was always well reasoned and substantive in her decisions," said one official describing her unannounced meeting with Mr. Clinton on Sunday morning at the White House.

At 5 p.m. Sunday, after a round of golf, Mr. Clinton told his staff he had decided on Judge Ginsburg. Before and after a press barbecue, he telephoned Attorney General Janet Reno, Senate Majority Leader George Mitchell of Maine, Judiciary Committee Chairman Joseph R. Biden Jr., the Delaware Democrat whose committee will hold confirmation hearings, Republican Sen. Orrin Hatch of Utah, who supports the choice, and New York Democrat Daniel Patrick Moynihan, who agreed in a post-midnight call to be her sponsor.

Senate Minority Leader Bob Dole was unavailable Sunday and got the word yesterday along with House Speaker Thomas S. Foley and Chief Justice William Rehnquist.

Mr. Moynihan is to begin introducing the judge to other senators today on Capitol Hill.

The president and his aides emphasized yesterday Judge Ginsburg's centrist writings, citing examples that showed her tough on crime, supportive of special prosecutors, and upholding Center for Creative Non-Violence demonstrations in Lafayette Square across from the White House.

She is pro-choice but has criticized the Roe vs. Wade decision for slowing abortion reforms and destabilizing settlement of the issue.

Among court cases before Judge Ginsburg, who was nominated to the appeals court by President Carter in 1980, were:

- Her writing of a 2-1 opinion ruling the military can order soldiers to take unapproved drugs to counter effects of Iraqi chemical or biological weapons.

- Concurrence in November's ruling that former President Nixon be compensated for papers and tapes seized in the Watergate case that nearly led to impeachment before he resigned.

- A decision upholding the guilty plea and life sentence of spy Jonathan Pollard.

Mr. Clinton's lunch session Friday with Stephen Breyer, chief judge of the 1st U.S. Circuit Court of Appeals in Boston, left him wanting more, an aide said.

GINSBURG'S CASES

In her 13 years on the U.S. Court of Appeals for the D.C. Circuit, Judge Ruth Bader Ginsburg has written hundreds of opinions. Here are some samples of her work.

Civil rights: In a 1981 opinion, she wrote that government must steer "clear of aiding schools in their practice of race discrimination." The ruling upheld the rights of black parents to challenge tax exemptions granted to racially discriminatory schools.

Freedom of speech: In a 1983 opinion, she said protesters advocating the interests of the homeless by dramatizing their plight were protected by the First Amendment, which, she said, accommodates nontraditional modes of expression on the behalf of the powerless.

Abortion: In a 1985 article, she said laws that restrict women's rights to make decisions about childbearing amount to sex discrimination against women. "In the balance is a woman's autonomous charge of her full life's course . . . her ability to stand in relation to man, society, and the state as an independent, self-sustaining, equal citizen."

Religious freedom: In a 1984 case, in a dissent, she defended a military officer's right to wear a yarmulke while on duty. She said a military commander's order that the yarmulke not be worn on duty "suggests 'callous indifference' to Dr. Goldman's religious faith, and it runs counter to 'the best of our traditions' to 'accommodate the public service to the spiritual needs of [our people].'"

Criminal law: In a 1992 case, she upheld the conviction of a drug courier despite a claim that the courier's Fourth Amendment rights had been violated. Her opinion recognized the reasonableness of the police conduct in relying on a drug-courier profile in arresting the defendant.

Source: White House

The Washington Times

TUESDAY, JUNE 15, 1993 The Washington Times

Presider t scolds re ɔo ter, cu ts off session

By Frank J. Murray
THE WASHINGTON TIMES

President Clinton's testy reply to an invited question from the press all but overshadowed his introduction yesterday of Ruth Bader Ginsburg as his nominee to the Supreme Court.

His wife, Hillary, intervened, stepping onto a Rose Garden stage to halt a presidential press conference after only one question, about what the reporter called the "zigzag quality in the decision-making process here."

Snapped the president, replying to the question by Brit Hume of ABC News: "How you could ask a question like that after the statement she just made is beyond me."

Tears rolled down the president's cheek in the wake of Mrs. Ginsburg's tribute to her late mother at the end of the acceptance speech.

After Mr. Clinton's curtly dismissive reply to Mr. Hume, the president and his nominee froze silently in place, ignoring raised hands from other reporters seeking attention.

The audience of 125 persons, including members of Mrs. Ginsburg's family and other invited Democratic guests, applauded Mr. Clinton's comment, with Sen. Dennis DeConcini, Arizona Democrat, rising to lead a standing ovation. Only the reporters, who by custom never

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JUDGE

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applaud, remained seated in the two back rows.

After an uncomfortable hesitation of just a few seconds that seemed much longer, Mrs. Clinton stood at her front-row seat and walked forward to the stage.

No one could hear what she said. Mr. Clinton said "Goodbye," and the moment was over.

No one could immediately recall a president walking out on a press conference over an embarrassing question, but anger goes with the territory. President Nixon once lost his temper at Dan Rather of CBS News during a press conference at a radio-TV news directors convention in Orlando, Fla. Mr. Rather returned a sharp retort and was criticized for it.

President Bush once showed a flash of pique, attacking both the correspondent and the network when he asked the president about a published report that he had once had an extramarital affair.

The reporters, who have shared a sticky relationship with Mr Clinton in the wake of several embarrassing Clinton gaffes, were startled more at the termination of the scheduled press conference after only one question than at the show of presidential temper. Like most of the invited guests, a few reporters dabbed at their eyes at Mrs. Ginsburg's remarks.

Several reporters suggested the retort might have been planned, as a reprise of his standing up to Sister Souljah for her racist remarks during the 1988 campaign, or to deflect additional questions about his indecisiveness in choosing a nominee.

"Brit may have inadvertently become this year's Sister Souljah," said Reuters correspondent Gene Gibbons, who has reported from the White House for 12 years. "I don't think it will hurt him to be seen standing up to his critics in the press. It probably will play well politically."

"I was surprised when he wouldn't take more questions," said UPI correspondent Helen Thomas, the dean of White House correspondents. "I was surprised that he took umbrage. He knew this question was coming."

Mr. Hume himself was hardly taken aback. "It seemed a little strong to me," he said later. "I could see that at the end of her remarks, he was moved to tears. He apparently felt that the mood of the moment was violated by the political-process question."

ABC News' Washington spokeswoman, Eileen Murphy, said the network got a lot of phone calls on both sides of the issue but declined as a matter of policy to say how many. "It was not overwhelming, a significant number."

Mr. Clinton had read Mrs. Ginsburg's statement before she read it to the Rose Garden assembly.

Most senior White House officials said they thought the question was out of place because it broke the mood. "It was a very special moment here in the Rose Garden," communications director Mark Gearan said. "I think the sense that many of us had there was, certainly, this is one of those rare moments when the eloquence of her statement stood by itself."

But one White House official explained, as the reporters were leaving the Rose Garden, that Mr. Clinton didn't want Judge Ginsburg to have to listen to questions about her being an "also-ran."

Sen. William Cohen, Maine Republican, who attended the Rose Garden announcement, noted Judge Ginsburg's emotional comments about her mother and said of Mr. Clinton: "I think he was caught off guard by the kind of question that was asked to him, and I think that accounted probably for the way in which he responded."

TUESDAY, JUNE 15, 1993 The Washington Times

Spec er, Casey have surgery

Another twist in Pa. politics

By Donald Lambro
THE WASHINGTON TIMES

A1

Two of Pennsylvania's top leaders underwent operations yesterday in an extraordinary sequence of events that rocked the political community.

Gov. Robert P. Casey underwent heart-liver transplant surgery while the state's senior U.S. senator, Arlen Specter, was operated on to remove a brain tumor.

NEWS ANALYSIS

"Essentially, you have an entirely destablized power structure in the state," said a state Republican leader who did not wish to be identified. "It has flattened the political landscape."

The state has experienced an unusual number of misfortunes that have upset the political power structure. Republican Sen. John Heinz was killed in 1991 in a freak airplane accident that led to the appointment and subsequent election of Democratic Sen. Harris Wofford. That same year, former Philadelphia Mayor Frank Rizzo died of a massive heart attack several weeks after winning the Republican primary for mayor.

Political figures in both parties

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SURGERY

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said yesterday's events have cast a mood of uncertainty throughout the political establishment.

Mr. Casey's doctors at the University of Pittsburgh Medical Center were guarded in their estimates of his prospects for survival. The same operation has been performed on four other younger patients. All but one died within months. The fourth died a few years later.

Mr. Specter underwent a 2½-hour operation to remove a tumor that was two inches in diameter. The senator's son, Shanin, said in a statement that the operation "went well."

Doctors at Philadelphia's Albert Einstein Medical Center said the tumor appeared to be benign, but it will take several days to know for sure.

Mr. Specter was reported to be "awake and talking and appears in good spirits and neurologically normal" after the operation. And Dr. Richard Katz, a neurosurgeon at the hospital, said that patients undergoing such surgery can be walking within a day or two and released from the hospital within a week.

But whether he would be well enough to return to his Senate duties in time for the crucial votes on the budget bill in the next week or so remained an open question last night. The battle over President Clinton's tax and spending plan could end up being a close one that could be decided by one vote.

The 61-year-old governor, who has suffered from a rare hereditary disease that caused his liver to produce a substance that damaged his major organs, is in his second term and is constitutionally prevented from running for governor again.

Mr. Casey, a moderately conservative Democrat, was thrust into the national political spotlight last year when he tried at the Democratic National Convention to express his opposition to the platform's pro-choice position on abortion, and was denied access to the podium.

He was angered by the way national Democratic political leaders handled his request to speak and has since been critical of the Clinton administration's policy on abortion, as well as some other issues.

He transferred his official duties to Lt. Gov. Mark Singel, widely considered the front-runner for the Democratic nomination to succeed Mr. Casey in 1995.

Mr. Singel ran for the Democratic nomination to oppose Mr. Specter last year, but was defeated by Lynn Yeakel, who lost to Mr. Specter in the general election.

Mrs. Yeakel harshly criticized Mr. Specter for his role as chief Republican questioner of Anita Hill during Senate confirmation hearings for Supreme Court Justice Clarence Thomas.

Mr. Singel, who has shifted from a pro-life position to a pro-choice position, has promised not to take any action while acting as governor that would be at variance with Mr. Casey's policy.

Political leaders in the state were reluctant to discuss the political ramifications of yesterday's events, except to express their hope and belief that the operations would be successful and that both men would resume their duties.

"Bob Casey is a fighter, and we believe he'll pull through this," said Laurel McLeaish, executive director of the state Democratic Party. "We're all waiting for the governor to get better and take over the state."

"Politically, the operation of the state's government is running smoothly," said Jack Freed, press secretary to state Senate Democratic Leader J. Willian Lincoln, who is also the state's Democratic chairman.

"Casey is a lame-duck governor and could not run for re-election," Mr. Freed said. "Singel is seen as the front-runner."

PRESIDENT CLINTON'S SUPREME COURT NOMINEE

Ginsburg nomination prompts general praise

By Jerry Seper
THE WASHINGTON TIMES

President Clinton's nomination of U.S. Appeals Court Judge Ruth Bader Ginsburg to the Supreme Court was met yesterday with general praise and cautious optimism from both sides of the political spectrum.

Senate Minority Leader Bob Dole, who spoke with Judge Ginsburg after Mr. Clinton told him he intended to nominate her to replace retiring Justice Byron R. White, described her as "a good choice."

Sen. Orrin Hatch, Utah Republican and ranking minority member of the Senate Judiciary Committee, [illegible] which will hold hearings on the nomination, promised to help the judge through the confirmation process.

Six other senators on the 18-member Judiciary Committee also praised the nominee, including:

• Sen. Herb Kohl, Wisconsin Democrat, who said Judge Ginsburg "has displayed a keen intellect and an independence of thought especially important to justices of the court."

• Sen. Charles Grassley, Iowa Republican, who called Judge Ginsburg "a Democrat nominee that even conservatives can like and respect."

Some conservatives, including Clint Bolick, litigation director of the Institute for Justice, said they were "cautiously supportive."

"On an initial look, she's obviously well qualified, moderate in temperament and philosophy, and looks like she'd make an outstanding Supreme Court justice," said Mr. Bolick, the first to raise objections to the nomination of Lani Guinier to head the Justice Department's civil rights division.

The American Center for Law and Justice, a public interest law firm and education organization based in Virginia Beach, also expressed caution over the Ginsburg nomination.

"While she has a history of supporting abortion rights, there's an indication that she has some very serious questions about the landmark 1973 Roe v. Wade ruling," said Jay Sekulow, chief counsel for the center. "We're optimistic that she will approach the abortion issue with an open mind. . . .

"We will be very interested in the new complexion of the court," Mr. Sekulow added.

Thomas L. Jipping, legal affairs analyst for the Coalitions for America, said his group "will thoroughly investigate every facet" of Judge Ginsburg's record and qualifications.

"The American people do not want to turn the clock back to an age of rampant judicial activism when judges have no respect for the political process but think they can run things better," Mr. Jipping said.

Gary Bauer, president of the Family Research Council, said the council also will "take time" to look over Judge Ginsburg's record. He urged the Senate Judiciary Committee to hold off scheduling hearings on the nomination until after the Labor Day recess.

The Human Rights Campaign Fund, the nation's largest homosexual political group, said it needed "clarification" of Judge Ginsburg's position on privacy issues but described her as a "respected jurist with a long record of leadership on discrimination and women's issues."

"We hope that Judge Ginsburg's views on the privacy rights of lesbian and gay Americans will be discussed when she appears before the Senate Judiciary Committee for confirmation," said Executive Director Tim McFeeley.

Warren Eisenberg, director of B'nai B'rith, the world's oldest and largest Jewish group, said the organization also was "pleased" with the Ginsburg nomination.

Mr. Eisenberg, who said the organization had not actively sought the appointment of a Jewish justice to fill the seat, noted that Judge Ginsburg would bring a "vast and direct experience in women's issues to the Supreme Court."

Ginsburg seen joining court's 'mushy middle'

By Nancy E. Roman
THE WASHINGTON TIMES

Judge Ruth Bader Ginsburg, President Clinton's Supreme Court nominee, is expected to join moderates on the court and is unlikely to break new ground, legal experts said yesterday.

"She will join the mushy middle," predicted Bruce Fein, lawyer and constitutional scholar. "I know of no area where she has particularly strong opinions," he said of Judge Ginsburg, who serves on the U.S. Court of Appeals for the D.C. Circuit.

The court currently has a troika of moderate justices — Sandra Day O'Connor, Anthony Kennedy and David H. Souter.

As word emerged yesterday morning that Judge Ginsburg was to be the nominee, special interest groups began poring over her decisions and speeches — looking for her views on issues where Justice Byron White was a swing vote — homosexual rights, abortion rights, school choice and affirmative action.

When Justice White announced he would retire this term, legal scholars predicted that his successor could provide the fifth vote to overturn the ban on homosexuals in the military and state laws against sodomy.

Homosexual-rights advocates have been hopeful that a new justice might provide the fifth vote to overturn Bowers vs. Hardwick, in which the court declined to extend the right of privacy to protect consensual homosexual sodomy performed in the privacy of the home.

It is not clear where Judge Ginsburg, a former American Civil Liberties Union lawyer, stands on this issue.

As a federal appeals judge, she ruled against a homosexual sailor who challenged his discharge from the Navy.

"The panel held that, either because of the binding effect of the Supreme Court's summary affirmance in Doe vs. Commonwealth's Attorney, or on the basis of principles set forth in other Supreme Court decisions, the Navy's determination could not be overturned," Judge Ginsburg wrote. "I agree with the first basis of that holding."

But Clint Bolick, vice president of the Institute for Justice, noted that appellate court judges are bound by Supreme Court precedent and may feel freer to exercise their opinions when setting precedent themselves.

Abortion rights is another issue that has sharply divided the high court. Justice White was one of two dissenting justices in Roe vs. Wade, the landmark decision that found a right to abortion. And he was the fifth vote in key decisions upholding restrictions on the procedure.

Although Judge Ginsburg has criticized Roe as too broad, abortion-rights groups said yesterday that they are confident that she will protect a woman's right to abortion.

"We've long been concerned that the Rehnquist court ignores the real-life experiences of women," said Kathryn Kolbert, vice president of the Center for Reproductive Law and Policy. "Throughout her career, Ruth Bader Ginsburg has shown not only an understanding of how women live their lives, but a commitment to expanding their rights."

Judge Ginsburg wrote in 1985 that laws restricting rights to abortion amount to sex discrimination against women.

But in a speech this spring, she said the court could have decided the Roe case without displacing every state abortion law then in force and provoking a 20-year controversy over abortion rights.

She pointed to the court's moderate rulings in sex-discrimination cases of the 1970s — many of which she argued before the court.

"The Supreme Court wrote modestly, it put forward no grand philosophy," she said. "But by requiring legislative re-examination of once customary sex-based classification, the court helped to ensure that laws and regulations would 'catch up with a changed world.' "

Conservatives welcomed this and other signs that Judge Ginsburg will not be an activist justice.

She has indicated disdain for federal bench colleagues and Supreme Court justices who gratuitously dissent — singling out Justice Antonin Scalia and the late Justice Thurgood Marshall.

In nominating her yesterday, President Clinton quoted her as having said "the Supreme Court is not a time for solo performance." That comment led many to conclude that she will be slow to dissent and careful when she does depart from majority rulings.

Conservatives said Judge Ginsburg should be questioned about school choice during confirmation hearings because her views are unknown.

Justice White cast the fifth vote in a decision to allow states to give tax benefits to parents who send their children to private school. Several cases raising similar issues are in lower courts now.

Although none of her articles or opinions indicate her position on this issue, Mr. Bolick suggested that Judge Ginsburg's ACLU background "gives us concern."

TUESDAY, JUNE 15, 1993 The Washington Times

No r ·nee ɔlas ed ant·-Bo ·k tact·cs

By Frank J. Murray
THE WASHINGTON TIMES

Judge Ruth Bader Ginsburg advocates that presidents seek more advice from senators before naming Supreme Court candidates to keep "worrisome" political interest campaigns within more tolerable bounds."

In a 1988 lecture and article on the Senate's role in Supreme Court nominations, the federal appellate judge said the failure to keep such campaigns in check resulted in unfair treatment of Judge Robert Bork during his failed Supreme Court nomination.

That prior consultation apparently was not done in this case, according to Sen. Patrick Moynihan, New York Democrat, who is Judge Ginsburg's likely sponsor during the forthcoming confirmation hearings.

The president "called me a little after midnight this morning," Mr. Moynihan said, without criticizing in any way a choice he said should pass easily through the Senate.

In analyzing the Bork ordeal, Judge Ginsburg cited a Planned Parenthood ad that ran Sept. 14, 1987, as "one egregious example of the misinformation such campaigns breed." The advertisement accused Judge Bork of upholding a zoning board's power "to prevent a grandmother from living with her grandchildren because she didn't belong to the nuclear family."

RUTH BADER GINSBURG
Nominated to Supreme Court of the United States

Born: March 15, 1933, in Brooklyn, N.Y.

Family: Husband, Martin, and two children, Jane and James

Education: Bachelor's degree, Cornell University, 1954. Attended Harvard Law School, 1956-58. Law degree, Columbia Law School, 1959.

Career highlights: Law clerk to Edmund L. Palmieri, Southern District of New York. Research associate, Columbia Law School Project, 1961-62. Associate, Columbia Law School Project, 1962-63. Assistant professor, Columbia Law School, 1963-66. Associate professor, 1966-69. Professor, Rutgers University, 1969-72. Professor, Columbia Law School, 1972-80. Fellow, Center for Advanced Study in Behavioral Sciences, 1977-78. Judge, U.S. Court of Appeals for the District of Columbia, 1980-present.

Source: Judicial Staff Directory

The Washington Times

The case actually was decided in Ohio by a court Judge Bork never served on five years before he became a judge, and he never wrote about the case or mentioned it in a speech, Judge Ginsburg wrote.

She added that Judge Bork would have been confirmed if he had been nominated one year earlier for the vacancy filled by Antonin Scalia, before President Reagan approached the end of his presidency, which was weakened by the Iran-Contra affair.

"Campaigns against judges that spread misinformation, turn complex issues into slogans and play on our fears are worrisome. I have no magic formula for making the interest groups involved act more responsibly, for keeping their comment fair," Judge Ginsburg said in the speech at University of Illinois College of Law on Jan. 27, 1988. The speech was later printed in the University of Ilinois Law Review.

Franks to remain in Black Caucus

By J. Jennings Moss
THE WASHINGTON TIMES

Rep. Gary Franks, the only Republican in the Congressional Black Caucus, said yesterday he will not be resigning from the caucus after all.

Mr. Franks, a second-term lawmaker from Connecticut, said that after he announced his intention Friday to quit the caucus, he received numerous calls asking him to reconsider.

"As long as I am a member of Congress and black, I will continue to belong to the Congressional Black Caucus," Mr. Franks said yesterday at a news conference.

The other members of the caucus are Democrats, 38 in the House and one in the Senate.

Mr. Franks said he decided to stay because several of his constituents told him having an opposing voice in the caucus was important and that with issues affecting blacks, his presence was more important inside than outside the caucus.

He said callers also reminded him of the "subtle impact" he had during the confirmation of Justice Clarence Thomas because he was the only Thomas backer in the caucus and of the "small role" he played between House Republicans and the caucus over the passage of the 1991 civil rights bill.

Going into the weekend, however, Mr. Franks was prepared to quit. At meetings for more than two months, he said caucus Democrats routinely voted to adjourn into a Democrats-only meeting.

The boiling point came Wednesday when the caucus met to discuss what to do about an invitation President Clinton made to the caucus to meet with him at the White House.

Caucus Democrats, critical of Mr. Clinton for dropping the Justice Department nomination of Lani Guinier and of his apparent willingness to cut entitlement programs, voted against meeting with the president. But Mr. Franks was not allowed to vote.



AP

Rep. Gary Franks is the only GOP member of the Congressional Black Caucus.

"I made a statement and ... apparently, many of the members did not like what I said, and then a motion was made and the vote was cast and I was asked to leave," Mr. Franks said. He refused to say what his statement addressed.

Mr. Franks said that scenario has occurred four to six times this year. In at least one case, when House Majority Leader Richard A. Gephardt of Missouri addressed the caucus, Mr. Franks said his exclusion was justified, but he would not describe the nature of the other instances.

"For the [caucus] to conduct the bulk of their business after they have resolved themselves into the Democratic Black Caucus meant that taxpayer dollars from my office were being wasted," Mr. Franks said, adding that his office spends $10,000 each Congress for caucus dues.

Rep. Kweisi Mfume, Maryland Democrat and caucus chairman, had no comment on Mr. Franks' comments.

The caucus meets tomorrow, and a caucus official said it was likely members will discuss again whether to talk with Mr. Clinton.

TUESDAY, JUNE 15, 1993 The Washington Times

Further judicial backlog?

Ginsburg's gain D.C. court's loss

By Kristan Metzler
THE WASHINGTON TIMES

President Clinton's nomination of Ruth Bader Ginsburg to the Supreme Court marks the second time in less than two years that a judge has been named from the D.C. federal Court of Appeals, leaving the likelihood of another vacancy in an overcrowded court system.

Clarence Thomas left the appeals court on Nov. 1, 1991, when he became a Supreme Court justice to replace Thurgood Marshall. Justice Thomas' seat has not been filled because all the nominations pending under the Bush administration died with President Clinton's victory.

"You will see what hopefully will be a short-term problem. It could slightly increase the backlog. The question is how long it will take to get the seats filled," said Steven Goldblatt, a law professor at Georgetown University Law Center.

"The D.C. Circuit has been among the most hard-hit in the U.S. in delays of appointments to the court," said Sam Harahan, executive director for the Council for Court Excellence, a nonpartisan court-monitoring and court-reform group.

"The most critical impact [of Judge Ginsburg's appointment] will be on case delay," Mr. Harahan said. "I think the D.C. Circuit's ability to decide cases has to be adversely impacted."

Experts said it is not clear when the Clinton administration will fill the seats.

"Hopefully some of the transition problems will be done, and they can fill those seats in the next 12

see **JUDGE**, *page B2*

months," Mr. Goldblatt said.

"Both Congress and the executive branch have to move quickly to get these judicial positions filled," Mr. Harahan said. "Time is money. When you have delays at the appellate level, it affects both the criminal and the civil levels."

It's not just a problem in the U.S. appeals court for the District.

As of June 1, there were 19 judgeship vacancies in the U.S. courts of appeals and 102 vacancies in the U.S. district courts, according to statistics from the Administrative Office of U.S. Courts.

There are 12 judges, including Judge Ginsburg, on the U.S. Court of Appeals for the D.C. Circuit.

The departure of Justice Thomas came during a period of rising caseloads. During 1991, appeals court filings rose by 8 percent, which was consistent with filings nationally, according to the court's 1991 annual report.

"Perhaps I spoke too quickly [in 1991] when I expressed my delight that for the first time in several years the court of appeals was enjoying the benefits of having a full complement of judges," wrote Abner J. Mikva, chief judge of U.S. Court of Appeals for the District.

"As you know, this period was cut short with the elevation of Justice Clarence Thomas to the Supreme Court. Despite our efforts to fill the gap left by his departure, our pending caseload increased by 7 percent," Judge Mikva said in the report.

Pending caseloads had decreased by 16 percent when all the judicial seats were filled. During 1990, three vacant judgeships were filled on the court of appeals for the D.C. Circuit.

The increase in filings during 1991 was caused by a heavy increase in criminal filings and appeals of administrative agency proceedings, according to the report.

Criminal filings skyrocketed in 1990 and 1991 — making up about 18 percent of the pending caseload in 1991, according to the report.

"These appeals continue to involve drug-related charges and sentencing challenges," Judge Mikva wrote. "Increasingly, along with my colleagues, I despair at the vision of the future this trend portends for our courts."

While some experts focused on the caseload impact of Judge Ginsburg's possible departure, others said it could change decisions on the Supreme Court.

"That court is bitterly divided between conservatives and liberals. She is sometimes conservative and sometimes liberal. She was very valuable over there [at the appeals court]. [Lawyers] liked it because they thought they had an opportunity to persuade her. She had no preconceived opinions on issues," said Jerome Barron, a professor at the George Washington Law School.

Most of the federal appeals court judges who work with Judge Ginsburg in the D.C. Circuit declined through their secretaries to comment yesterday on her appointment. Staffers who work in the appeals court also refused to comment or did not return calls.

A secretary for Judge James Buckley said he had only this to say, and nothing else: "She's a great choice."

• *Matt Neufeld contributed to this report.*

TUESDAY, JUNE 15, 1993 The Washington Times

Hats off

Apparently no White House event is too formal for Sen. Dennis DeConcini, an Arizona Democrat.

At President Clinton's Rose Garden ceremony yesterday to announce federal appellate Judge Ruth Bader Ginsburg as his nominee to the Supreme Court, Mr. DeConcini sat in the front row sporting a Phoenix Suns basketball cap.

Scalia's vote

Scripps Howard News Service unearthed an unusual vote of support for Judge Ginsburg from a former appellate court colleague now serving on the Supreme Court. Justice Antonin Scalia reportedly once said that of all his fellow judges, he would most like to be stranded on a desert island with Judge Ginsburg.

With friends like this

It's been a rough week already for Rep. Barney Frank. First the Gay, Lesbian and Bisexual Veterans of America (GLBVA) issued a statement calling on the Massachusetts Democrat to retract his "ridiculous gay gag rule solution" that would allow homosexual members of the military to practice sex off-duty and off-base. "His solution, left unchanged, will make him the Benedict Arnold of the Lesbian and Gay community," GLBVA insists.

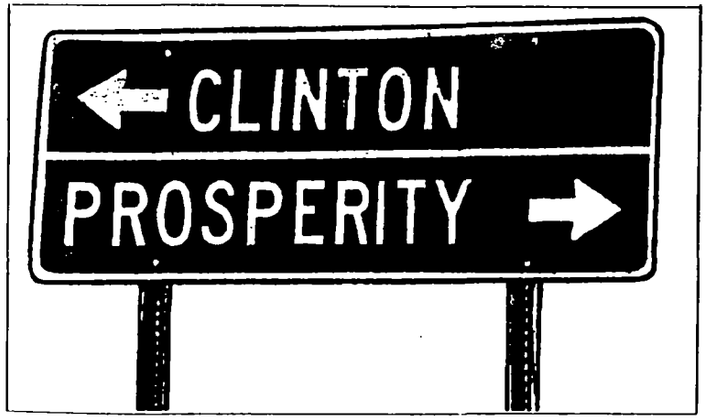
Then there's the letter to the editor in the Boston Globe from Michael Petrelis, an outspoken Washington homosexual activist.

"Dear Editor," Mr. Petrelis writes. "It's not often I agree with anything Rep. Barney Frank has to say about queer leaders and queer politics, but I cannot concur with him more when he states that I am 'dysfunctional, intellectually and personally.' (Boston Globe, June 10)

"Certainly Frank understands this stressful condition first-hand. Frank has admitted that prior to declaring himself a homosexual, his relationship with Steve Gobie, a gay male prostitute, was dysfunctional, not just intellectually, but in a sexual and political sense also."

INSIDE THE BELTWAY

John McCaslin



Motorists in South Carolina face what seems to be an obvious decision.

Bear right

Just off Interstate 26 between Columbia and Greenville, S.C., are the towns of Clinton (pop. 8,596) and Prosperity (pop. 672). And as one can see by the road sign, you can't reach Prosperity by hanging a left.

Much thanks to Inside the Beltway reader M. Declan Bransfield III, president of Bruce W. Eberle & Associates Inc. in Vienna, for alerting us to this ever so relevant sign of the times.

Another done deal?

Pentagon sources tell us that Kathleen deLaski, a White House correspondent for ABC News, is at the top of the list to become chief Pentagon spokesman under Defense Secretary Les Aspin. She would be the first woman ever named to the post.

"We're having discussions," the television reporter confirmed when reached yesterday afternoon.

Our sources tell us the job has been offered by the Pentagon and accepted by Ms. deLaski pending White House approval, but the delay in that approval makes us wonder whether it's really a done deal.

Freedom and success

The International Media Fund, which operates under the auspices of the U.S. Information Agency, recently sent two U.S. broadcasters on a 12 day odyssey to Eastern Europe to give seminars to radio station owners and operators just freed from the reins of state control.

"For the most part . . . it was the equivalent of teaching Radio 101," says William McElveen, president and general manager of WTCB radio in Columbia, S.C., who conducted sessions in Bratislava, Slovakia, and Sofia, Bulgaria. "Free enterprise is an entirely new concept over there, and some of them are having trouble accepting the reality that they must aggressively sell advertising on their stations if they are to succeed."

She's back

The latest faultfinder over Bill Clinton's handling of the Lani Guinier nomination is none other than Anita Hill. Speaking to an organization of working women in Cleveland, Miss Hill said for all the gains of the women's and civil rights movements, incidents like the Guinier nomination prove that the battle for justice and equality "doesn't end overnight."

"The withdrawal of Lani Guinier to be an assistant attorney general was a mistake," said the University of Oklahoma law professor.

New course on drugs

Just Say No International will call on the Clinton administration today to break with traditional thinking and look at youth drug-abuse prevention as an economic issue "critical to the long-term economic health of this nation," says Hewlett-Packard executive Jack Brigham, the volunteer chairman of Just Say No.

Mr. Brigham and others will ask President Clinton and Lee Brown, director-designate of the Office of National Drug Control Policy, to "reprioritize and reallocate federal resources from law enforcement agencies to health, education and social development agencies . . . and to establish an interagency task force comprised of top senior officials from each of the relevant federal agencies to better integrate, coordinate and evaluate federal drug prevention programs now conducted separately by these agencies."

CLINTON'S COURT NOMINEE

Ginsburg 'has stood for the individual'

Excerpts from statements made by President Clinton and Judge Ruth Bader Ginsburg yesterday at the White House.

President Clinton: As I told Judge Ginsburg last night when I called to ask her to accept the nomination, I decided on her for three reasons.

First, in her years on the bench, she has genuinely distinguished herself as one of our nation's best judges, progressive in outlook, wise in judgment, balanced and fair in her opinions.

Second, over the course of a lifetime in her pioneering work in behalf of the women of this country, she has compiled a truly historic record of achievement in the finest traditions of American law and citizenship.

And, finally, I believe that in the years ahead, she will be able to be a force for consensus building on the Supreme Court. . . .

Throughout her life, she has repeatedly stood for the individual, the person less well off, the outsider in society, and has given those people greater hope by telling them that they have a place in our legal system, by giving them a sense that the Constitution and the laws protect all the American people, not simply the powerful . . .

Having experienced discrimination, she devoted the next 20 years of her career to fighting it and making this country a better place for our wives, our mothers, our sisters and our daughters. She herself argued and won many of the women's rights cases before the Supreme Court in the 1970s. Many admirers of her work say that she is to the women's movement what former Supreme Court Justice Thurgood Marshall was to the movement for the rights of African Americans. . . .

Judge Ginsburg: Mr. President, I am grateful beyond measure for the confidence you have placed in me, and I will strive with all that I have to live up to your expectations in making this appointment. . . .

I expect to be asked in some detail about my views of the work of a good judge on a high court bench. . . . Chief Justice Rehnquist offered one [a guide] I keep in the front of my mind: a judge is bound to decide each case fairly in a court with the relevant facts and the applicable law even when the decision is not, as he put it, what the home crowd wants.

Next, I know no better summary than the one Justice [Sandra Day] O'Connor recently provided drawn from a paper by New York University Law School professor Bert Newborn. The remarks concern the enduring influence of Justice Oliver Wendell Holmes. They read: "When a modern constitutional judge is confronted with a hard case, Holmes is at her side with three gentle reminders: first, intellectual honesty about the available policy choices; second, disciplined self-restraint in respecting the majority's policy choice; and third, principled commitment to defense of individual autonomy even in the face of majority action." To that I can only say "amen."

Southern Baptist panel may repudiate Clinton

By Larry Witham
THE WASHINGTON TIMES

The Southern Baptist Convention (SBC) may "separate" itself from the policies of its most prominent member, President Clinton, in a vote tomorrow in Houston.

A resolution titled "On President William Jefferson Clinton" cites his stands on homosexuality, abortion and "safe sex" and resolves that the convention "separate ourselves" from them, according to the most recent draft, obtained by The Washington Times.

The resolution, drafted by the group's resolution committtee, is necessary the panel says because Mr. Clinton "has publicly stated" his affiliation to the SBC by virtue of his membership in the Immanuel Baptist Church in Little Rock, while "a vast majority of Southern Baptists disagree" with his policies. It will "urge him to affirm biblical morality in exercising his public office."

The document will go before more than 20,000 "messengers" at the denomination's annual convention. The resolution could be amended by floor debate.

"This is the first time that we have dedicated a resolution specificially to a president," said the Rev. Mark Coppenger, vice president for convention relations. "We have mentioned presidents and we have exhorted them."

He said the denomination will feel "a sense of relief" at their clarity on Mr. Clinton's positions.

Southern Baptists who side with Mr. Clinton call the action a partisan shot that does not reflect the SBC's 15 million members.

"That's absolutely silly and an impossible venture," said the Rev. James Dunn, executive director of the Baptist Joint Committee on Public Afffairs and a Southern Baptist.

The joint committee ended formal ties with the SBC last year.

"Baptists believe in local church autonomy," Mr. Dunn said. "They can vote, but they can't speak for other Southern Baptists. They can speak for people sitting in the room. It's a straw poll."

But nearly all SBC business is done by majority vote, and backers of the resolution say it is just more of the same.

"Given our polity, this is the most we can do," said one SBC officer.

"Some want to accuse us of being partisan," the officer said. "We are partisanly Southern Baptist, partisanly biblical and partisanly theologically conservative."

American history records a number of instances where major denominations scolded political leaders.

In 1991, before President Bush spoke to the SBC in Atlanta, it adopted a resolution calling on him to enforce decency at the National Endowment for the Arts.

That same year in Phoenix, Episcopal Church delegates were given resolutions both praising and condemning Mr. Bush, an Episcopalian, for his action in the Persian Gulf war.

Both documents were defeated, and the assembly decided to pray for the president and asked him to "lead the nation in an act of repentance" for the war deaths.

Mr. Dunn recalled that after President Truman was invited to speak to the convention just after World War II, back-room dealing nixed that because he was a "bourbon sipper."

Mr. Clinton already has displayed his alliance with the "moderate" or "liberal" wing of the Southern Baptists, many of whose leaders have formed the Cooperative Baptist Fellowship within the convention.

The night before his inauguration, Mr. Clinton attended an intimate gathering at First Baptist Church in Washington, hosted by Mr. Dunn and with a "sermon" by public-TV personality Bill Moyers, an ordained Southern Baptist minister.

The pending resolution critical of Mr. Clinton asks Southern Baptists to "pray earnestly" for the president. It then cites his support of the Roe vs. Wade decision upholding a woman's right to an abortion, the French abortion pill RU-486, and federal funding of abortions now and in his health plan.

It notes his plan to lift the ban on homosexuals in the military, his meeting with homosexual-rights leaders at the White House, and his nomination of an open lesbian to a top Department of Housing and Urban Development post.

The resolution also cites the appointment of Dr. Joycelyn Elders, an advocate of condom distribution in school-based clinics, to be surgeon general.

TUESDAY, JUNE 15, 1993 The Washington Times

TUESDAY, JUNE 15, 1993 The Washington Times

High noon for campaign reform bill

By J Jennings Moss
THE WASHINGTON TIMES

The Senate moves into a crucial phase today in its debate over campaign finance reform. If the impasse is not broken by tomorrow, the measure could die under the weight of partisan differences, sources said.

No one believes a vote to end the filibuster set for this afternoon will succeed. A similar vote Thursday failed to get the 60 votes needed.

But congressional officials said "furious negotiations" will begin after the vote to see if an agreement can be reached by tomorrow.

The negotiating session "will be the key to see if campaign finance has a future," a key Democratic aide said yesterday.

Senate Majority Leader George J. Mitchell of Maine and Sen. David Boren of Oklahoma are leading the discussions for the Democrats. They are trying to broker a compromise with five Republican senators who have broken with their party's ideological line on the issue.

But the current impasse has begun to make some of the five question the motives of the Democrats as well as their GOP colleagues.

The conflict boils down to when Mr. Mitchell will allow a debate on a series of key amendments that, to various degrees, would reduce or eliminate a Democratic proposal for publicly financed campaigns. Tied into those amendments is the related issue of whether to place spending limits on campaigns.

Mr. Mitchell refuses to let the debate go forward until he gets Republicans to agree on a time for a final vote. Republicans and some Democrats refuse to agree to a final vote unless they get votes on their amendments.

A Democratic source said Mr. Mitchell likely will continue to hold up the most restrictive of the amendments, one to completely strip public financing and spending limits from the bill.

"He knows that's the one the Republicans most want to offer. . . . Unless he can get the vote certain, he'll use that against them. That's his bargaining chip," the official said.

But that attitude is causing some in the group of five Republicans to question the bill's chances for survival.

"It seems to us that both parties are trying to kill campaign finance reform and blame the other, so we're a little disturbed about the turn this is taking," said a GOP staffer.

The five GOP senators who are negotiating with Democrats are John H. Chafee of Rhode Island, William S. Cohen of Maine, David Durenberger of Minnesota, James M. Jeffords of Vermont and John McCain of Arizona.

The Democrats' bill would set voluntary spending limits — $600,000 for House races and variable limits for Senate races, depending on a state's population. In exchange for sticking to the limits, candidates would get publicly financed vouchers to buy advertising.

A possible compromise would keep the spending limits but would wipe out nearly all of the public financing. It's the amount and type of the financing that observers say will make or break the bill.

Florida fears cost of HIV Haitians

By Jerry Seper
THE WASHINGTON TIMES

TUESDAY, JUNE 15, 1993 The Washington Times

AIDS-infected Haitian refugees, permitted under a court order to immigrate to the United States, began arriving in Miami yesterday after 20 months at a U.S. military camp at Guantanamo Bay, Cuba — prompting outrage and concern by some members of Congress.

U.S. Immigration and Naturalization Service (INS) officials immediately ushered the Haitians, 21 adults and six children, out of Miami International Airport, where they later were to be reunited with friends and relatives.

Another 137 are expected over the next few days.

The arrivals prompted 42 House members to call on President Clinton to reverse the federal court order allowing the Haitians into the United States. They said the court reversed the intent of Congress in making immigration laws.

"Current U.S. immigration law bars individuals with AIDS from entering the United States," said Rep. John Mica, Florida Republican, who initiated an appeal to Mr. Clinton. "As a member of Congress, I resent a federal judge using the courts to make law."

Rep. Clay Shaw, Florida Republican, whose district is most affected by the immigration order, said "people are madder than hell" about the arrival of the Haitians.

"Our phones are ringing off the hook, and the people are concerned," he said. "It will be tough finding the money to pay for this, but no one seems to be talking seriously about the health threat.

"This is a contagious disease, and there is no doubt that some Florida residents are going to contract AIDS from these people and they are going to die."

U.S. District Judge Sterling Johnson Jr. in New York ordered last week that all 158 Haitians at Guantanamo Bay be allowed to enter the United States. He also closed the camp, saying it had become "nothing more than an HIV prison camp."

Judge Johnson said the government's policy of detaining the Haitians was unconstitutional and violated their due-process rights.

The Haitians had been barred from legal immigration to the United States, although they claimed political asylum. U.S. immigration law denies entry to any immigrants infected with the AIDS virus.

"This is a dangerous precedent and sends the wrong signal that the U.S. is a dumping ground for aliens with AIDS," Mr. Mica said.

In a letter to Mr. Clinton, the House members said the Haitians would "strain existing medical resources" in Florida and elsewhere.

"Since these immigrants will become wards of the state, the costs associated with them could become another unnecessary burden on the American taxpayer," the letter said.

Sharon Pinkerton, spokeswoman for Mr. Mica, said yesterday that the president had not responded to the letter.

In a speech on the House floor yesterday, Mr. Mica described the immigration order as a "pending financial and medical disaster." He called on Mr. Clinton to appeal the decision.

"We simply cannot afford these high-risk immigrants," Mr. Mica said.

Mr. Shaw said many lawmakers in Florida expressed concern over the past week about the cost to taxpayers of the immigration order.

It was not clear yesterday who would pay for the Haitians' medical costs when — and if — they need medical treatment. Federal authorities have estimated that AIDS treatment costs could run about $40,000 a year for each of the immigrants.

The Clinton administration has not challenged the federal court ruling. The matter is under review by the Justice Department.

Federal health authorities have said that none of the immigrants has been diagnosed as having full-blown cases of AIDS.

INS officials said 12 of the Haitians will remain in Florida and are expected to live with friends or families.

TUESDAY, JUNE 15, 1993 The Washington Times

AMA prepares patients for health reform

By Karen Riley
THE WASHINGTON TIMES

The American Medical Association yesterday released a list of questions aimed at helping patients evaluate how they will be affected by President Clinton's forthcoming health care proposal.

"President Clinton promises that his health reform proposal will expand access to care and control costs," said Dr. James Todd AMA executive vice president.

"But how will the quality of care be affected by his efforts to achieve these goals? The public must ask questions about the proposal to assess its value for themselves and their families," he said in a statement.

The 10 questions, issued yesterday at the AMA's annual meeting in Chicago, are intended to be placed in the patient reception areas of doctors' offices.

They were released one day after Hillary Rodham Clinton spoke to the organization and called for "a new bargain" between the White House and doctors.

Mrs. Clinton proposed curbing government regulation of medical laboratories, reforming medical malpractice, reducing paperwork and ending insurance practices that usurp a physician's judgment if the AMA supported the president's plan and policed itself to rout out bad doctors.

However, she was silent about more contentious issues such as how to pay for the plan and whether or not it will call for price controls on medical fees.

Afterward, Dr. Todd said he liked the outline of the speech but would reserve judgment until the plan is unveiled, which may not be until September.

Before the AMA meeting ends Thursday, the group's governing board of delegates will have a chance to weigh in on many of the issues. Key resolutions before it insist that any plan: Ensures patients' freedom to choose their physician; opposes a price freeze, and rejects expanding the current physician reimbursement schedule used under Medicare as a cost-containment mechanism.

A less weighty resolution would create an 800 phone line to register problems with the new health system.

How the AMA votes could affect the organization's declining influence on the profession.

Today 41 percent of all doctors belong to the AMA, down from about 70 percent in the 1970s. The decline has occurred in large part because many physicians — especially those who militantly support the current fee-for-service system on the one hand or advocate more rapid change on the other — have become disillusioned with the AMA's views.

"A lot of physicians are only continuing because they're required to do so by their medical state society and because of the good insurance," said Dr. Jane Orient, executive director of the small splinter group the Association of American Physicians and Surgeons in Tucson, Ariz., that opposes managed care.

QUESTIONS ON CARE

The American Medical Association's suggested 10 questions for patients to ask about health care reform proposals:

1. Will I still be able to see my own doctor? Will I have to pay extra? And will my doctor and I be free to decide how to treat my illness?
2. I have a group insurance policy through my employer. Will that change? Will our premiums and co-payments go up?
3. Will I be able to choose my own type of health insurance? And can I buy extra insurance if I want it?
4. Will anything be done to reduce and simplify all the insurance forms I have to fill out?
5. What happens if I change jobs? Will I risk losing health insurance coverage?
6. What if someone in my family has a preexisting health condition? Will they be covered?
7. Will the quality of care my family receives be hurt under a new system?
8. I'm retired and on a fixed income. Will my Medicare coverage be affected?
9. Will costs be controlled in a way that doesn't interfere with my medical care?
10. Will everybody in America have health insurance? And, if so, how will we pay for this?

Source: AP

The Washington Times

Christopher: Human rights breach borders

By Warren Strobel
THE WASHINGTON TIMES

VIENNA, Austria — Secretary of State Warren Christopher, in a strong defense of the universality of human rights, told a U.N. forum yesterday that torture and other such brutalities are condemned by all creeds and cultures.

Speaking at the opening of the U.N. World Conference on Human Rights, he declared that the United States opposes efforts by some to water down the 1948 Universal Declaration of Human Rights. The document is considered the keystone of international rights protections.

But U.S. officials acknowledged that they are fighting what amounts to a rear-guard action against a group of mostly Asian and Middle East states that want to turn the Vienna conference into a referendum on the 1948 declaration.

Their view is that cultural differences should be taken into account.

For example, Indonesia yesterday attacked the notion of outsiders dictating the rights agenda for any nation, warning that no country could set itself up as judge and jury in defense of human rights.

The two-week gathering was billed as the largest international human rights conference in a quarter century.

"Torture, rape, racism, anti-Semitism, arbitrary detention, ethnic cleansing and politically motivated disappearances — none of these is tolerated by any faith, creed or culture that respects humanity," Mr. Christopher told the conference.

"We respect the religious, social, and cultural characteristics that make each country unique," he said. "But we cannot let cultural relativism become the last refuge of repression."

Mr. Christopher told representatives of 180 nations gathered in a massive conference hall that "the United States will never join those who would undermine the Universal Declaration and the movement for democracy and human rights."

He called for broad new powers for the United Nations to investigate and redress human rights abuses, especially those against women and children.

Mr. Christopher was applauded briefly several times.

This occurred when he proposed appointing a U.N. official to investigate violence against women and announced that the administration will seek Senate approval of an international convention against racism.

Mr. Christopher also proposed creating the new post of U.N. high commissioner for human rights, increasing U.N. spending in the field and bringing those responsible for abuses to justice.

But the conference, the first of its kind since a 1968 meeting in Tehran, is considered unlikely to be able to reach agreement on a final communique before it ends June 25.

The Clinton administration's strong emphasis on human rights is on a collision course with developing nations.

They argue that the prosperous West pays scant attention to economic rights, as opposed to political ones.

Many nongovernmental human rights groups fear the lack of a powerful statement will set back global efforts to protect rights in a world where ethnic conflict is on the rise.

A U.S. official said what he termed a "dirty dozen" nations were blocking agreement on a conference statement.

He identified the 12 as China, Yemen, Sudan, Cuba, Libya, Vietnam, Burma, Syria, Iran, Iraq, North Korea and Pakistan.

These nations and others in East Asia also argue that cultural differences should be taken into account when implementing human rights standards, such as those defining the role of women.

U.S. officials said that despite the meager achievements expected from the conference, they felt it was worthwhile attending in order to push the agenda of the administration, which has made human rights a foreign policy priority.

"The United States and other countries will continue to promote a strong human rights agenda, irrespective of the rhetoric that emerges from this conference that might suggest otherwise," a U.S. official said.

Nations attending the conference are forbidden from criticizing abuses by other countries by name.

Thus, Mr. Christopher and other officials noted, while the conference is taking place 45 minutes' flying time from ethnic slaughter in Bosnia, abuses stemming from the conflict in the former Yugoslavia are not on the agenda.

Israel to woo North Korea to keep missiles from Iran

By Martin Sieff
THE WASHINGTON TIMES

Israeli Foreign Minister Shimon Peres is expected to offer North Korea economic aid and diplomatic relief from its international isolation in a bid to head off its missile sales to Iran, diplomatic and intelligence sources said yesterday.

Mr. Peres announced yesterday that he hoped to visit North Korea in a bid to block its missile sales to Tehran.

"I do not need a visa from the Americans to go to North Korea, but the Americans are negotiating with the North Koreans," Mr. Peres told Israel Radio before leaving for a U.N. conference on human rights in Vienna, Austria, where he met with Secretary of State Warren Christopher.

"We do not presume to replace the Americans in global negotiations, and we do not have any means of pressuring North Korea like the Americans do," Mr. Peres said. "North Korea is a tough nut, unpredictable."

Israeli Foreign Ministry officials told Reuters that Mr. Peres would seek Mr. Christopher's support for his visit to North Korea. They said Mr. Peres received an invitation from North Korea but had no firm travel plans.

Israeli officials told Reuters there were secret contacts with North Korea that they called "initial feelers."

North Korea tested its new missile, the No-Dong 1, for the first time last month. Israeli intelligence estimates of the missile's range vary from 600 miles, which would not be enough to hit Israel from Iran, to 800 miles, which would.

Since the missile has been tested only once, it is impossible to know yet what its range will be, but the missile's size and fuel capacity suggests it is intended to have an 800-mile range, intelligence sources said.

"It will have the payload and accuracy to deliver a mass-destruction warhead" of nuclear, chemical or biological weapons," one intelligence source said.

Mr. Peres is expected to offer North Korea diplomatic and economic relations if it refuses to sell the No-Dong 1 to Iran, diplomatic sources said.

"Israel is interested in stopping the [Iranian] missile program, and North Korea is interested in reducing its international isolation," one diplomatic source said.

U.S. diplomats are looking with caution at the possibility of an independent North Korea-Israel relationship, the diplomatic sources said.

The United States and Israel both worked to pressure China not to sell its M-1 missile to Iran, a policy that appears to have had some success. Mr. Peres visited Beijing last month.

But diplomats say that China was more open and accessible to diplomatic leverage than North Korea.

China was anxious to receive from the United States renewal of its most-favored-nation trade status — which it did — but North Korea is not seeking anything of the sort from Washington, the diplomatic sources said.

Also, the sources said that Mr. Peres was unlikely to succeed in persuading the North Koreans to abandon the missile sale to Iran because the Iranians could offer them far more financially and economically than Israel.

"Iran has financial and oil resources. The Israelis can't match that," one source said.

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NATION

Clinton names woman to court

A 60-year old moderate Jewish mother of two was named by President Clinton yesterday to the Supreme Court. D.C. Court of Appeals Judge Ruth Bader Ginsburg got the nod after the president decided against appeals Judge Stephen Breyer and Interior Secretary Bruce Babbitt. Mr. Clinton praised the nominee as a consensus builder and called her the Thurgood Marshall of the women's movement.
■ Page A1

Brief news conference after Ginsburg accepts

After Ruth Bader Ginsburg's acceptance speech yesterday at the White House, invoking the memory of her mother after commenting on her nomination to the Supreme Court, Brit Hume of ABC News asked about "the zigzag quality in the decision-making process here." Snapped the president: "How you could ask a question like that after the statement she just made is beyond me." End of news conference.
■ Page A1

Casey, Specter undergo surgeries

Pennsylvanians were shocked yesterday to find that two of the state's leaders were undergoing surgery. Gov. Robert P. Casey underwent a heart-liver transplant, and Sen. Arlen Specter had a brain tumor removed. The state has had its share of sudden deaths recently. In 1991, Sen. John Heinz was killed in an airplane accident, and Philadelphia Mayor Frank Rizzo succumbed to a heart attack.
■ Page A1

Scouts hid child sex abuse

The Boy Scouts of America has been hiding the number of people it banned for child sex abuse from 1971 to 1991. A recent court case shows that 1,416 people were banned during that period, 1,000 more than were documented in a series last year by The Washington Times. The number of those banned increased in the late '80s, after the Scouts initiated a program to educate boys about the problem.
■ Page A1

Repayment sought from Thornburgh

The House Banking Committee chairman said yesterday he is urging the Justice Department to get $30,000 from former Attorney General Dick Thornburgh for the cost of documents copied for Mr. Thornburgh's personal files.

In a letter to Attorney General Janet Reno, Rep. Henry Gonzalez, Texas Democrat, noted that a General Accounting Office report in May showed that Justice Department employees had spent nearly $30,000 copying thousands of files for Mr. Thornburgh's personal use.

Since some of the documents were earmarked "limited official use," Mr. Gonzalez said, he wanted the Justice Department to determine if Mr. Thornburgh violated any law or government regulations in removing those documents.

Mr. Gonzalez said he is concerned that some of the documents Mr. Thornburgh removed may have been documents his committee needs for a bank investigation.

Ex-State employee admits spying

A former State Department employee who worked as a communications officer at the U.S. Embassy in Athens pleaded guilty yesterday to supplying secret national defense information to Greece for years, prosecutors said.

The U.S. Attorney's Office in Alexandria, which had been prosecuting the case, said Steven Lalas had conspired for money to transmit classified documents to the Greek government since 1986.

Mr. Lalas, who previously worked for the State Department in Belgrade and Istanbul, was arrested by FBI agents on April 30 and charged with spying.

Hutchison takes office as 7th female senator

Kay Bailey Hutchison was sworn in yesterday as a Republican senator from Texas, becoming the seventh woman currently serving in the Senate — a record — and one of only 22 women ever to have served.

She will complete the remaining year and a half of the term of Lloyd Bentsen, a Democrat who resigned in January to become Treasury secretary.

"I just had probably the most exciting moment of my life," she told reporters after she was sworn in by Vice President Al Gore. "I had 532 friends from Texas who flew up this morning, who took part in this very historic occasion."

She easily defeated Democratic interim Sen. Bob Krueger in a special runoff election June 5.

Scientists find gene important to emotions

Researchers reported they have found and mapped a human gene that may play a role in psychiatric disorders including manic depression.

Writing in the June 15 issue of the Proceedings of the National Academy of Sciences, scientists at Washington University in St. Louis said future studies of the gene may shed light on the biological basis for inherited depression.

The gene they discovered is responsible for cutting off action by a protein in cells. This protein, called a phosphate cleaving enzyme, governs a complex signal transmission network that exists within cells.

The gene they discovered has the same effect on the body as lithium treatment given to psychiatric patients. Lithium blocks the action of the same protein.

Senate panel seen near tax agreement

Senate Finance Committee Chairman Daniel Patrick Moynihan yesterday set a tax writing session for tomorrow, indicating he believes the panel is near agreement on a compromise on President Clinton's economic plan.

The 11 Democrats on the committee meet today to hammer out the l agreement they will vote on tomorrow to replace the now-dead $71 billion broad-based Btu tax on the heat content of fuel.

Sources say it may include a new $40 billion transportation fuels tax, a new $20 billion cut on Medicare and Medicaid, and a cutback in proposed new tax credits for the poor from $28 billion to $19 billion.

AZT protection found to be incomplete

PHILADELPHIA — The anti-AIDS drug AZT appears to provide incomplete protection at best against infection with the AIDS virus from accidental exposure such as needle jabs, federal researchers reported yesterday.

Health workers studied by the Centers for Disease Control and Prevention have increasingly taken AZT after accidental exposures to the Human Immunodeficiency Virus (HIV), which causes AIDS, the researchers said in an article in Annals of Internal Medicine.

However, a worker in the study has become infected with HIV after being exposed to the virus, despite later treatments with AZT, or zidovudine, made by Wellcome Plc.

An editorial in the same issue of Annals said until more is known about the drug's effectiveness, it should not be used routinely in cases of accidental exposure.

Brothers go on trial for killing parents

LOS ANGELES — The trial of two Beverly Hills brothers accused of viciously murdering their multimillionaire parents began yesterday with the unusual process of selecting two juries to hear the case.

In a 1989 murder that shocked ritzy Beverly Hills and the entertainment industry, Lyle and Erik Menendez are accused of gunning down show business executive Jose Menendez and his wife Kitty, a former beauty queen, to inherit their $14 million estate.

Lyle, now 25, and Erik, 22, at first denied killing their parents. But last week one of their attorneys, Leslie Abramson, told Van Nuys Superior Court Judge Stanley Weisberg the two would claim they killed their parents in self defense, fearing that Mr. Menendez and his wife intended to kill them.

Miss Abramson also told the judge she would argue that the brothers were abused by their parents as children.

Abortion doctor gets up to 29 years

NEW YORK — A New York gynecologist convicted of performing illegal abortions and severing the arm of a baby he was trying to abort, was sentenced yesterday to more than nine years, and up to 29 years in prison.

The doctor, Abu Hayat, 63, sat stoically as Manhattan Supreme Court Judge Jeffrey Atlas handed down the sentence.

Hayat was found guilty in February of the illegal abortion of Rosa Rodriquez, 22, a Dominican Republic immigrant whose daughter was born with her right arm sliced off.

He was also convicted of assault on another woman whose abortion he botched when he stopped work half-way through the procedure to demand an additional $500.

From wire dispatches and staff reports

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Merrie-Go-Round

Merrie Morris

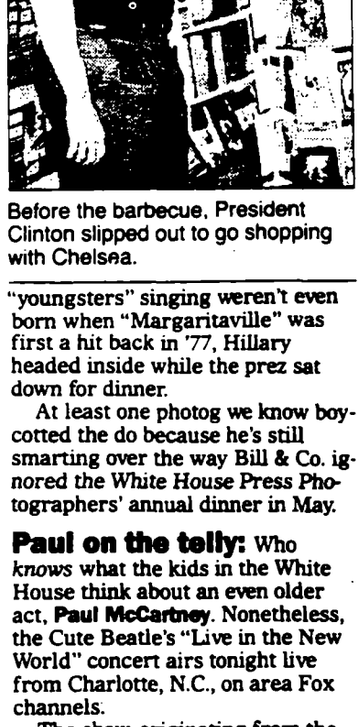
Love hangover: It seemed like the White House finally was learning a few things about handling the media. Then **President Clinton** had to go and pop off at ABC's **Brit Hume** yesterday and cancel his news conference because Brit opened by suggesting the prez had "zig-zagged" in nominating Judge **Ruth Bader Ginsburg** to the Supreme Court.

Just Sunday night, the White House had thrown a barbecue for all holders of White House press passes. And this was no grungy wienie roast. There were chicken (white meat only, natch), floral centerpieces, open bars, a couple of volleyball nets. Even the ethical O.P. condescended to send reps.

Bill and **Hillary** greeted their guests inside the White House. Everyone ended up on the South Lawn for the entertainment: staffer **David Dreyer** singing lead and the press office backing him up on "Spinning Away in the Press Briefing Room" (to the tune of **Jimmy Buffett**'s "Margaritaville").

Mark Gearan, new communications director, played piano. His predecessor, self-effacing **George Stephanopoulos**, joked, "I'm just turning the pages." (Yuk, yuk.)

After joking that many of the "youngsters" singing weren't even born when "Margaritaville" was first a hit back in '77, Hillary headed inside while the prez sat down for dinner.



Before the barbecue, President Clinton slipped out to go shopping with Chelsea.

At least one photog we know boycotted the do because he's still smarting over the way Bill & Co. ignored the White House Press Photographers' annual dinner in May.

Paul on the telly: Who *knows* what the kids in the White House think about an even older act, **Paul McCartney**. Nonetheless, the Cute Beatle's "Live in the New World" concert airs tonight live from Charlotte, N.C., on area Fox channels.

The show, originating from the Blockbuster Pavilion, runs from 8 to 10 p.m. on Washington's WTTG (Channel 5) and Baltimore's WBFF (Channel 45). It'll be simulcast by WCXR-FM (105.9) in Washington and WGRX-FM (100.7) in Bawlmer.

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SAMUEL FRANCIS ✓

Morality improvisation

Some old soldiers never die, but they keep on barking orders long after the smoke of battle has settled somewhere behind their eyebrows. Last week, former Sen. Barry Goldwater, once the grand imam of the American right, emerged from his state of living mummification to unbosom himself in The Washington Post on the ban of homosexuals from the nation's armed services. "Mr. Conservative," it develops, is opposed to the ban, and his order is to lift it.

The verdict on Barry Goldwater among conservatives is still out. Most today look back on his 1964 campaign with fondness, and many got their start in politics handing out bumper stickers that read "Au [illegible] H'O [illegible] 1964." Armed with cryptic slogans incomprehensible to anyone who didn't remember high school chemistry class, Uncle Barry and his legions proceeded to march into the most humiliating electoral Waterloo in American history. It's not hard to see why.

Nevertheless, conservatives typically regard his campaign as the political dawn of their movement, which they also regard as culminating in the 1980 election of Ronald Reagan on what were essentially Mr. Goldwater's principles. Indeed, from the time Mr. Reagan bounced into the political spotlight with a rousing TV endorsement of Mr. Goldwater in 1964 until the Gipper gave his own inaugural address in 1981, American conservatism centered on Mr. Reagan as the heir to Barry Goldwater's mantle.

Yet, even in his later years in the Senate, Mr. Goldwater could not always be counted on by younger soulmates. Never interested in social issues, he went out of his way to denounce his colleague Sen. Jesse Helms and Jerry Falwell for opposing abortion and taking strong stands on public morality. His comments were often inappropriate and never helpful, either to the right or the Reagan administration.

It's the same song he sang last week in The Post, which is always happy to sport a conservative on its op-ed page when he throws a hard ball the wrong way. Once compared by his enemies to Adolf Hitler and accused of wanting to start a nuclear war, Mr Goldwater is welcome to the left when he lobs a bomb into the laps of other conservatives.

Yet if his opinion spill on homosexuals in the armed forces shows anything, it is that somewhere along the line — maybe even before he started down the line — Mr. Goldwater acquired a defective under-

see **FRANCIS**, *page F4*

Samuel Francis, a columnist for The Washington Times, is nationally syndicated.

FRANCIS

From page F1

standing of conservative principle. It was in terms of what he takes to be that principle that he couched his view that the ban on homosexuals should be lifted.

"The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives," he wrote. "Government governs best when it governs least — and stays out of the impossible task of legislating morality. But legislating someone else's version of morality is exactly what we do by perpetuating discrimination against gays."

Of course, "movement conservatives" believe (or claim to believe) all sorts of stuff, but probably most of them don't swallow the pure libertarian milk that Mr. Goldwater secretes in this passage. The ideas that "government should stay out of people's private lives" and shouldn't "legislate morality" are simply cliches that are meaningless without further explanation. Neither tells us what constitutes the bounds of privacy or the limits of the public interest.

As for "legislating morality," most laws a government passes enforce morality. Laws against murder, theft, rape and fraud all reflect moral values shared by the society outside the state. It's all very well to say criminal behavior should be illegal because it "hurts people" or is "anti-social," but the unspoken assumption of saying so is the acknowledgement that hurting people and being anti-social are morally wrong as well as proper subjects of prohibitions through law. Laws against sodomy also reflect such shared moral beliefs; it wasn't the state that made sodomy immoral, but it is the state, at the local level, that helps enforce moral and social order through law.

What the state should not do in a free society is invent morality and impose it by force. But that is precisely the purpose of lifting the ban on homosexuals in the armed forces. Unable to subvert traditional morality without the help of state coercion, the homosexual lobby seeks to work through the least representative mechanisms of the state — the courts and the executive branch bureaucracy — to invent and impose its perverse preferences.

It's sad to see an aging warhorse of the right like Mr. Goldwater lending himself to political exploitation by the very forces he's ridden against all his life. For The Post and its political allies to use him and for him to let himself be used after years of vilification says little for their integrity and much about Mr. Goldwater's slack grip on reality.

Cool it with a spending freeze?

WILLIAM MURCHISON

While Congress and the president thrash around in seemingly bottomless red ink, the National Tax-Limitation Committee flings out a commodious inner tube. Whether the floundering swimmers have sense enough to grab it is another matter. We taxpaying spectators are entitled meanwhile to admire the committee's deftness and sense of the moment.

The D.C.-based citizens' group said the other day: forget Btu taxes, "transportation" taxes, Medicare cuts, the whole mess that now entrances Congress and the White House. Instead, freeze federal spending for five years: everything except interest on the national debt and Social Security and Medicare. Freeze all other functions at $1.5 trillion. Let Congress decide how to apportion such cuts as would result from growth in demand for services.

"A spending freeze," the tax-limitation committee argues, "is an approach that every family and business understands, because we've all had to do it. It is a reasonable discipline. It is simple — and it works."

There you have two major disqualifications, from the political standpoint — simplicity and effectiveness. What's either of these got to do with placating interest groups? On the other hand, a spending freeze is the policy seemingly most favored by those pulling the freight in this country.

Your essayist acknowledges he wouldn't know how to begin taking a "scientific" survey. Yet in question-and-answer sessions following speeches, he is asked over and over: If we want to balance the budget, why don't we just freeze spending? He always replies, yea, verily; right on, Bro; or something else voguish.

Taxpayers, I mean, can figure these things out. If they were as stupid as politicians seem to think them, they'd be incapable of earning all the money the government wastes.

Politicians, whenever they start working on the deficit, always talk of whamming producers with higher taxes. Ditto Ross Perot — whom, on these occasions, you want to take by the ears and shake. It's not the taxes, Ross, it's the spending: S-P-E-N-D-I-N-G. Isn't it enough, the tax limitation committee inquires, that the federal government spends twice what it did 10 years ago — the equivalent of $24,000 per family of four?

How would a spending freeze work? It would work any way Congress and the president wanted it to work. They could start new programs, or beef up old ones. They just couldn't do it by borrowing or raising taxes; the money would have to come from savings in other programs.

Not even military spending would be exempted from the freeze, a possibility impossible to contemplate during the Cold War. The pain would be general — as the relief would be, once the cold-turkey approach wiped out the deficit and positioned the economy for liftoff.

Could existing programs, with vocal constituencies, really be cut? That's been the question year after year. Oh! the politicians exclaim in tones of shock. We can't touch *that*!

Can't or won't? It's different when there's no choice, on account of a legislated ceiling. In any case, there's a plethora of outdated federal programs ripe for abolition or reduction. The Heritage Foundation has proposed $530 billion in program savings, the Cato Institute, $325 billion, Newsweek magazine, $267 billion.

The tax-limitation committee mentions "military bases and procurement, regional administrative structures (Appalachia, TVA), hospitals and medical research facilities, colleges and university research and student grants, farm and dairy interests, subsidies for pet construction projects in urban areas whether redevelopment or so-called 'mass transit,' etc." Let the members of Congress determine who wins and who loses. Don't we pay them enough for that onerous chore?

One would be gloomier about prospects for a freeze if Congress and the Clinton administration weren't in such a muddle right now: neither side wanting to alienate taxpayers, neither side knowing how to avoid it. After a while, you get desperate. You start looking at things that make sense. When the problem is red ink and bloated budgets, nothing makes better sense than a freeze on spending.

William Murchison, a columnist for the Dallas Morning News, is nationally syndicated.

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TONY SNOW

A little tax rebellion

Here's a way Bill Clinton can restore his connection with the American people. Spend 24 hours with Slugs Smarrella. Slugs (proper name, Joseph) serves as treasurer of the United Steelworkers local 1190 in Steubenville, Ohio, and he has spent the last three years trying to prevent Congress from throwing him out of work.

Mr. Smarrella's political adventure began in 1990, when he and brothers from other Ohio Valley steel mills drove to Washington. They warned lawmakers that the Clean Air Act would send electricity costs soaring — and throw the struggling steel industry for a loop.

Nobody cared. An aide to Sen. Howard Metzenbaum, Ohio Democrat, reportedly listened as they described their job fears, nodded, and asked casually: "So what?" — a charge later questioned by the Metzenbaum office. Sen. Jay Rockefeller, West Virginia Democrat, meanwhile treated them like rubes, explaining it didn't make political sense to defend their position.

Mr. Smarrella vowed not to let the same thing happen with this year's energy-tax proposals. Several months ago he wrote presidents of other locals about the evils of the levy. They wrote other presidents, who wrote other presidents, and before long Slugs found himself the Johnny Appleseed of an 11-state coalition of unions, energy providers, citizens — even a florist in Ormet, Ohio.

His argument is simple: "If they tax industry anywhere, whether it's a carbon tax or anything, they're hurting the industrial base. If I don't have a job, I'm not paying any taxes. I believe that a tax on our industry is a tax on our jobs."

The same goes for "broad-based" taxes, including those now in vogue on Capitol Hill. Higher gas taxes raise transportation costs, which raise materials costs, which raise production costs for steel — which increases the cost of rebuilding infrastructure from roads to railways to jetplanes.

Higher Social Security taxes reduce the disposable income of retirees, who cut back their spending — and hurt Trina Heslip's flower shop.

And so on. Mr. Smarrella and his friends cannot believe the president actually intends to raise business taxes just as the Clean Air Act is about to crash down on the economy. The act could raise electricity costs in the Ohio Valley by as much as 25 percent, throwing hundreds out of work.

Unlike staffers at the Treasury Department, the boys at the union hall understand that all the pieces in a modern economy fit together and affect each other.

It is a fitting sign of these bizarre times: A union official in Steubenville talks more eloquently about the glories of capitalism than the economics department of the U.S. Chamber of Commerce. And while the first lady gropes for a new politics of meaning, Slugs and his buddies find meaning in who they are and what they do. Like Adam Smith, they know that values — pride, faith, family — give workers something to work *for*.

A Smarrella has punched the time clock at the Steubenville mill for roughly 80 years. "My grandfather didn't speak any English but he worked here 50 years. People say he

see **SNOW**, *page F4*

Tony Snow is a columnist for The Detroit News.

SNOW

From page F1

was the best draftsman they'd ever seen. My dad worked here 44 years. I've been here 29.4 years. That's not unusual. Most of the guys here are third-generation steelworkers. We want to keep working here. These are good jobs and we do good work."

But these are not good times. The Wheeling-Pittsburgh plant recently emerged from bankruptcy, and workers went nearly 10 years without a raise. During that time, national employment in "basic" steel shrunk from 660,000 to about 50,000 — and the work force in Steubenville tumbled from 6,500 to 2,800.

Despite the straits, Mr. Smarrella put two kids into college. "My first just graduated from pharmacy school. Five years. The second finishes college next year. He wants to be a teacher. And the youngest is at Central High. He's going to be valedictorian. He wants to be a doctor, and he's trying to decide between Duke and New York University."

Slugs Smarrella may not know it, but he's the new kind of Democrat his party needs. Call him a Rush Limbaugh Democrat, after the man they listen to each afternoon at the plant. Mr. Smarrella believes in God, country, the union — and in standing up for beliefs. Although he long ago outgrew the habit of settling arguments with fists (hence his nickname), Slugs still relishes a fight over the right cause.

Good government is one such cause. He and his colleagues "bit the bullet" for years and they made it. Now they want government to do the same.

That means spending less and taxing less. "If you send Washington $5 trillion," he says, "they'll spend it. Cut the cost, that's the thing. ... [Rep. James] Trafficant says Americans are taxed off, and he's right."

It also means putting Congress in its place. Officials at local 1190 are furious with their local Democratic congressman, Rep. Douglas Applegate. They claim he broke a promise to vote against the Clinton economic plan. Jay Rockefeller, who represents steelworkers across the river in Weirton, W.Va., promoted the Btu tax on grounds that it would lower the deficit and thus reduce interest rates. "That's just great," Slugs says. "What good does a lower interest rate do me if I don't have a job?"

Thomas Jefferson used to argue that an occasional rebellion could revitalize democracy, and he was right. If Bill Clinton were to spend 24 hours around the Wheeling-Pitt union hall, he'd discover that he has a rebellion on his hands.

Pruden on Politics

By Wesley Pruden



A temper tantrum at the White House

Bill Clinton, who done his damnedest to ape the Gipper as the Great Communicator, may be trying to borrow now from Richard Nixon's strategy of deliberately scaring the wits out of his opponents with a temper tantrum.

Until yesterday, most people were ready to put the president down as an April phenom up from the Hot Springs Bathers of the Cotton States League, the kid who never saw the authentic major-league fastballs, curves and change-ups of midsummer when he was down on the farm.

The president's pretense of a fit of temper — tantrum is the only way to describe it — at a tough but perfectly proper question, about how he settled on Ruth Bader Ginsburg for the Supreme Court, would be terrifying if it really *was* a temper tantrum.

Brit Hume of ABC News: "The withdrawal of the Guinier nomination, sir, and your apparent focus on Judge Breyer, and your turn, late it seems, to Judge Ginsburg, may have created an impression, perhaps unfair, of a certain zigzag quality in the decision-making process here. I wonder, sir, if you could kind of walk us through it, perhaps disabuse us of any notion we might have along those lines. Thank you."

President Clinton: "I have long since given up the thought that I could disabuse some of you turning any substantive decision into anything but political process. How you could ask a question like that after the statement she just made is beyond me."

We can hope this exchange wasn't what it looked to be. We must hope he was only trying, as Richard Nixon once reacted to a bit of North Vietnamese perfidy, to frighten an adversary: "Don't make me mad, because you never can tell what scary thing I might do next."

You can't blame Mr. Clinton for getting mad at the press. We're generally a scurvy lot, ranking on the Nice-O-Meter somewhere between pimps and politicians, certainly not the sort of boys and girls you would want your sons and daughters to bring home to meet the folks.



Judge Breyer

We're so mean and low-down, in fact, that we (this is only an editorial "we," of course) will enjoy exploiting the president's short temper just to see if we can make him lose control again. We'll probably succeed, and that's what's scary. A president can push lots of buttons and levers to get even, as his ambush of the White House travel office demonstrates clearly. Innocent people could get hurt.

The president acted as if the Rose Garden question was an impertinence aimed at Judge Ginsburg, or even at her long-dead mother. The question was aimed at him, and, as is his custom, he bit his lower lip in a way that has served him well since he was a little boy conning his mama, and leaped to hide behind the nearest available skirt.

Surely the noted Rhodes scholar knows better. The White House wanted the reporters there, behind the velvet ropes, as part of the stage set, to applaud nicely and serve up softballs (just the kind you might have seen in the old Cotton States League) but if Mr. Clinton really expected that from the likes of Brit Hume, that's his fault. The question was tough, but fair and respectfully phrased: Mr. Clinton has zigged and zagged for a fortnight. Asking tough, even impertinent questions is what reporters are supposed to do.

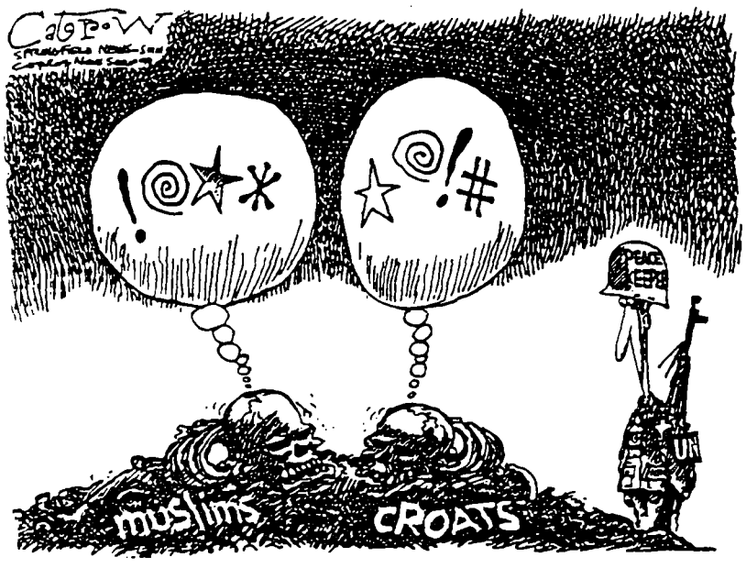
The choice of Judge Ginsburg seems sound; many conservatives say so (and hope that won't hurt her chances with certain helplessly ideological senators on the Judiciary Committee panel). Nevertheless, she's clearly his third choice. Nothing wrong with that.

The president could have disposed of the offending question with the mere assertion that he took many things into account and decided she was the justice he wanted. Nothing wrong with that, either.

Instead, we get the now-familiar pretense, this time that it wasn't really the Las Vegas casino connections that sank Bruce Babbitt, or that it wasn't really the intimidation of the president by feminist harpies that ruined Stephen Breyer's chances. This is more freshly brewed Ouachita Mountains moonshine that the smooth-talking Mr. Clinton suddenly can't find any buyers for.

GEORGIE ANNE GEYER

Backlash from the blame game



ZAGREB, Croatia

Many of the reports from this lovely but increasingly war-weary Hapsburgian capital make it appear that the Croats have now embarked upon their own war against the Serbs — and against their former Bosnian Muslim allies as well.

That is not what is happening here, and one wonders how skewed the admittedly elusive "truths" about this conflict can become.

This newest Croatian "war" began on Jan. 22, when soldiers of the now 200,000-man Croatian armed forces launched "Operation Maslenica" in the Dalmatian coast region behind the Adriatic port of Zadar, which after two years of war is still under rocket attacks by nearby Serbs. But far from any Serb-style attempt to wipe out everybody else, this was by all accounts a simple, direct attack to unite the Croats' divided Dalmatian coast.

"For 16 to 18 months, Croatia has been cut in half," said Minister of Defense Gojko Susak in an interview in the Defense Ministry here. "The original Maslenica bridge was destroyed by the Serbs, and we only have one ferry connecting us with Dalmatia. There are 700,000 people there, plus 200,000 refugees. For months, we asked the U.N. forces for help. We informed Cyrus Vance we were going to rebuild the bridge. We wrote letters, pleading — we even wanted it under international control."

But no one did anything, he explained. Finally, the Croats felt obliged to act, and now "the unfortunate thing is we are proclaimed the aggressors."

The second part of this "new Croatian" war has been taking place around the Bosnian Croat and Bosnian Muslim cities such as Mostar, up in the mountains of Central Bosnia. But here, according to the best accounts, what has been happening is bitter but local fighting between Croatians and Muslims who have been driven to total self-destruction, much in the manner of mice who become crazed by being crowded closer and closer together.

"Because of the Serbs, hundreds of thousands of people have been moved," explained Stranco Sancevic, the Zagreb government's ambassador to Bosnia. "In these areas, the Muslim population increased tremendously. Soon, local extremists started destroying the old spirit of cooperation. It is all because of the changing populations."

Accounts differ as to who started the terrible village-to-village fighting, with whole families being burned alive in the pyres of their homes. Croats say it is led by the Muslim "mujahideen" who have come from Afghanistan, Iran and elsewhere to help their local fellow Muslims; the Muslims say it is Croat-led.

The Serbs cynically blame this newest inferno on Zagreb, and the international civil servants here tend to accept the Serbs' interpretation because the United Nations and others really believe that, if no one does anything to disturb the Serbs, they will somehow be "contained." (It's always been a little tricky to "contain" murderous marauders, but never mind; reason does not play a noticeable role in this conflict.)

Mr. Woerner demands to know what the British would have done in World War II if the Americans had not come in and "prolonged" that war?

Meanwhile, although the Croats have arrested several Bosnian Croats for war crimes, accepted all the Western plans and taken 800,000 refugees from all persuasions, the "Blame the Croats" campaign is having dire effects. Finance Minister Zoran Zasic explained to me, in a frustration approaching desperation, how the World Bank has postponed a $125 million loan merely because of "allegations" that the Croatians were fighting the Serbs again.

"So we were victims of three years of Serb warfare against us," exploded this outspoken man, "and now we are victims of the international institutions. They are putting us on an equal footing with the Serbs."

The other innocent party in this larger war, which the Serbs have planned and orchestrated since 1987, is the Muslims — and they remain under the U.N. weapons embargo, which NATO Secretary-General Manfred Woerner calls "unique in man's history and which works against the victim.

"If I compare this to the Second World War, imagine if the League of Nations had placed a weapons embargo on Norway, Belgium and the Danes, the next victims of Nazi aggression. Today, in Bosnia, we have created and accepted a situation where the aggressor has any weapon he wants and the civilian population is under this embargo."

Mr. Woerner's righteous anger over this strange Western morality in Bosnia has been known to silence British defense officials, who cynically support the embargo in order to avoid "prolonging the war." He demands to know what the British would have done in World War II if the Americans had not come in and "prolonged" that war?

Meanwhile, this inversion of morality in Bosnia, where the victim is not allowed to defend himself and the terrorist is given every excuse and advantage, becomes even more contemptible when one reads Article 51 of the U.N. Charter: "Nothing . . . shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations."

Such is a story of guilt and innocence in our topsy-turvy times.

Georgie Anne Geyer is a nationally syndicated columnist.

TUESDAY, JUNE 15, 1993 The Washington Times

DON FEDER

Grandad and the new tide

The typical immigrant of the 1990s isn't my grandfather. (Which is probably just as well; who wants to see the nation overrun by Jewish tailors?) Having reached that painful conclusion, it's easier to rethink my position on immigration.

In the past, I confess, my thoughts on the matter were clouded by emotion and tinged with nostalgia. What if they'd kept my family out? Images of savage hordes swamping the nation were dispelled by memories of a decent, gentle man who worked hard all of his life and struggled to become a good American.

That was then; this is now. Chinese wading ashore in New York and HIV-infected Haitians released from Guantanamo Naval base last week may elicit sympathy, but are symptomatic of a crisis that must be confronted.

Unlike past immigrant waves, those currently walking, wading and floating to these shores are a net economic detriment. By and large, they are impoverished, unskilled, poorly educated and far less-assimilable than their predecessors.

We are fast approaching the point where generosity and blind allegiance to the "nation of immigrants" mystique verges on national suicide. With 4.7 percent of the world's population, we take in half of its emigrants.

They arrive a rate of a million a year (legally), perhaps twice that number in illegal immigration. Annually, new arrivals equal 16 percent of native births.

Even coming from the shtetls of Eastern Europe, my grandparents were closer culturally to turn-of-the-century Americans than are current newcomers to today's population. Of the 11.8 million legal immigrants who arrived in the past 19 years, 85 percent came from the Third World, most from societies culturally conditioned to failure.

The nation's racial-ethnic composition is being transformed overnight, against the will of the majority. Since 1970, the Hispanic portion of the population has doubled, from 4.5 to 9 percent.

There were crime problems with the old immigrants (witness the Black Hand), but not to the extent of the present invasion. In 1987, 20 percent of the total arrests in our six largest cities were foreign nationals. Nearly a third of the first 6,000 arrested in the L.A. riots were illegal aliens.

When Grandpa opted for the American dream, you worked or went hungry. Many of today's immigrants prefer the dream of the Kennedys and Clintons. While the number of Supplemental Security Income recipients grew 38.5 percent between 1982 and 1992, the number of immigrants partaking of this welfare program rose 370.2 percent. Economist George Borjas estimates that each year immigrants receive $1 billion to $3 billion more in welfare benefits than they contribute to the system.

All immigrants don't go on the dole, but those who work are a problem too. They tend to be low-skilled and far more likely to take jobs than create them. In 1992, nearly 1.3 million foreign workers were certified for employment here, more than net job creation that year.

How can our economy create enough new jobs for our own growing population, while straining under this burden?

Immigrants of the late 20th century are far less likely to assimilate than those who came before. In terms of past immigration, our genius was taking motley masses and turning them into little WASPs, in an ethnic sense. If not them, certainly their children.

Now, thanks to bilingualism, multicultural education and easy welfare, far too many immigrants remain part of an alien subculture.

In South Florida, Southern California, Texas and parts of New York City, there are millions of people who want to live here, but have absolutely no desire to learn our language, history or culture — who may never develop the commitment to the American ideal that led my grandfather to lie about his age in an effort to enlist in the U.S. Army at the outset of World War I.

Is it racist or xenophobic not to want to see one's country become the Balkans of the Western world? A nation is more than a geographic entity or a conglomeration of disparate, disputatious groups that happen to share two rooms and a bath — something the proponents of de facto open immigration seem not to understand.

I began thinking, as opposed to emoting, on this highly emotional subject when I read a piece by Peter Brimelow, a Brit by birth, published in the National Review last year. Asks Mr. Brimelow rhetorically: "How can X be against immigration when the nativists wanted to keep his own great-grandfather out? This, of course, is like arguing that a passenger already on board the lifeboat should refrain from pointing out that taking on more will cause it to capsize." Which is where I came in to this debate.

Don Feder is a nationally syndicated columnist.

B. J. CUTLER

Tougher options on Haiti

In September 1991, the ragtag Haitian army (which should be named Thugs, Inc.) violently deposed the Rev. Jean-Bertrand Aristide, the first freely elected president in the Caribbean island nation's tortured history.

The rest of the hemisphere reacted indignantly. Within days of the coup, the 35-member Organization of American States imposed a trade embargo. It was supposed to bring the junta to its knees and restore Father Aristide to office.

Twenty months later, soldiers are still killing and brutalizing impoverished Haitians. Officers are getting rich through smuggling. The OAS, United States and United Nations have egg on their faces, and the thugs have smiles on theirs.

The sanctions failed because of leaks. Europe declines to observe the hemispheric boycott of Haiti, so the country's tiny economic elite feels no pain. But the poor, who comprise most of the 6.3 million population, are hungrier than before the OAS decided to "rescue" them.

An oil cutoff would put pressure on the military, and OAS members Mexico and Venezuela have stopped supplies. But the Dutch have moved in, sending oil from their Caribbean island of Aruba. (Guilders before goodness?)

Repeatedly, U.S., OAS and U.N. envoys have made fruitless visits to Port-au-Prince. Each time, after haggling with the military and its government stooges, they have been brushed off and humiliated.

Diplomats and experts on the Haitian army explain why the junta refuses to yield power: Turning Haiti into a way station for Colombia's cocaine barons brings $550 million annually into the country, much of which sticks to military hands.

In April, U.S. and U.N. emissaries thought they had a deal. A 500-man U.N. police force would protect the junta and its civilian paymasters from revenge by Father Aristide's supporters. They would also gain amnesty for their crimes. Father Aristide would return, and the international community would invest $1 billion to begin Haiti's rebuilding.

Suddenly, Lt. Gen. Raoul Cedras, the de facto ruler, and his associates rejected the arrangement, parts of which they themselves had proposed. Apparently, it's impossible to wean them from drug profits.

To step up pressure on the coup backers, President Clinton froze the financial assets of 83 Haitian individuals and 35 institutions and barred many of them, including Gen. Cedras, from entering the United States.

Unfortunately, Washington had been mumbling about a financial freeze for a year, and it must be assumed that those on Mr. Clinton's hit list had shifted their assets out of this country. So much for stronger pressure on the regime.

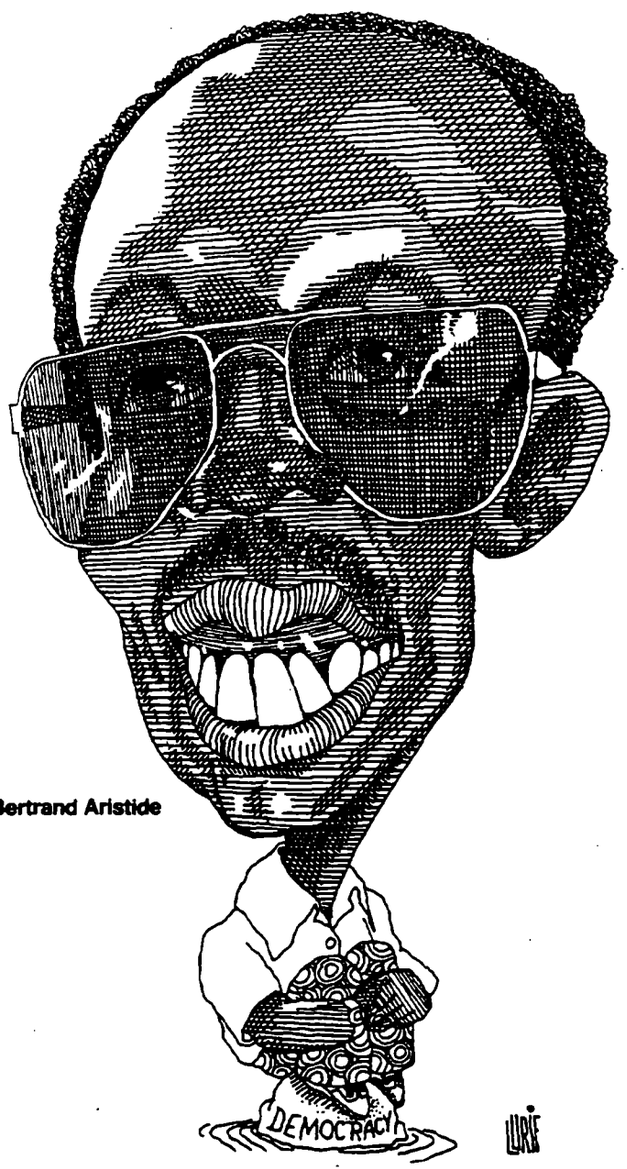
If the hemisphere ever gets serious about Haiti, it will find it has weapons. One would be to turn the embargo into a blockade, enforced by naval power. That would get the attention of the junta, which only respects force.

Another tactic would be to invite members of the 1 million-strong Haitian community in the United States to enlist in a Haitian National Liberation Army, which would be trained and equipped here.

Haiti's 7,000-man army has never been trained to fight, only to exploit. The fact that a liberation force was being raised in America to return Father Aristide to office would terrify Cedras & Co.

The junta probably would accept an arrangement to leave power. Or, like former dictator Jean-Claude Duvalier, they would grab their drug money and flee to the French Riviera, where the money at least would be quite welcome.

B.J. Cutler is foreign affairs columnist for Scripps Howard News Service.



Jean-Bertrand Aristide

TUESDAY, JUNE 15, 1993 The Washington Times

Those w ıo make the rules get the gold

The House Rules Committee is at it again, guaranteeing that the wishes of the voters won't even be considered and debated, let alone granted. It means, once again, is the "closed rule."

Supposedly in order to maintain coherence in what is a large legislative body, a rule accompanies each piece of legislation that arrives on the House floor. The rule sets the length of time for debate. More insidiously, however, rules are also used to limit what can be debated — that is, the Rules Committee says what amendments can be offered to a given bill. That power is used to strangle proposals that might embarrass or threaten the rulers of Capitol Hill. That power was used last week to shut out an amendment by Rep. Christopher Cox that would have cut lawmakers' budgets by one-fourth.

The legislative appropriations bill is a juicy target in this ostensible age of budget cuts. President Clinton is at least going through the motions of cutting the White House staff (though he has been using accounting tricks to keep himself fully staffed) and has urged Congress to cut what it spends on itself by 25 percent. The legislative appropriations bill currently before Congress would be a perfect opportunity, one might think, for lawmakers to decide whether they get to share in the sacrifice they are forcing on the rest of us. The Cox amendment would have allowed representatives to face that question directly: to vote up or down on a plan to cut the $1.8 billion that Capitol Hill consumes to a mere $1.4 billion.

Mr. Cox's proposal was not a mindless exercise in budget slashing; it did not simply lop a fourth off of every congressional budget line item. If Mr. Clinton's favorite instruction for would-be budget cutters was "be specific," Mr. Cox complied. He went through the budget thoroughly and carefully. He spared the entire budget of the Capitol Power Plant (so as to avoid Third World-style blackouts on the Hill), for example, while eliminating the architect of the Capitol's "Contigent Expenses" fund. Money for the House chaplain and historian is kept at its current levels but the scandal-ridden and superflous House postmaster's office is cut by 90 percent.

And most sensibly, Mr. Cox went after the bloat in congressional staff. In particular, his amendment would have chopped the huge General Accounting Office, which is famous for its biased, politically skewed analysis but should also be famous for its size. It has some 10 staff members for every member of Congress. Mr. Cox would have cut that by a third. The redundant Congressional Research Service would have found its budget cut in half. And the equally redundant congressional Office of Technology Assessment would have lost nine-tenths of its funding. Members' personal staffs, however, would have been left completely intact.

Some may disagree with the wisdom of all of Mr. Cox's cuts. But aren't they worthy of, at the very least, some debate? Of course they are. And that is the reason that the amendment was not allowed to be offered. Democrats didn't want to have to explain to their constituents why they voted to continue to spend hundreds of millions of dollars on themselves while taxpayers are preparing to face the biggest tax increase ever.

Some had hoped that the fresh blood in the House this year might have changed the way business is done on Capitol Hill. Yet the very same partisan voting on rules that has allowed the Democratic leadership to control debate in the House for two decades doomed the Cox amendment. Democratic freshmen were whipped into line on rules votes with few indications of serious protest from within their ranks.

Rule-writing in the House is an exercise in political power — getting it, using it, keeping it. That's all.

The U.N.'s troubled Somalia mission

If there is one thing suggested by the images out of Somalia over the weekend, it has to be that the reliance on U.N. peace-keepers in dangerous and volatile environments is not a convincing solution to the problems facing the Third World. Without the discipline and the backbone of the U.S. military for an enterprise such as Operation Provide Hope, it quickly descends into ineffectuality or, worse, chaos. Twenty-three Pakistani U.N. peace-keepers have been massacred, ambushed by thugs commanded by warlord Gen. Mohammed Farah Aideed. Over 20 Somalis are dead and many more wounded. Retaliation has been visited on Gen. Aideed all weekend long by American bombers aiming for his weapons depots.

No one can fault the Pakistani soldiers for wanting to protect themselves. They saw their friends murdered on June 5, apparently ambushed by troops hiding behind a crowd of women and children. However, their response — which was to spray a group of demonstrators with machine gun fire, thinking probably that they, too, were a cover for Gen. Aideed's troops — was awful and unprincipled. Like the Nigerian troops earlier in the operation, who killed a number of civilians, the Pakistanis are simply not up to the job they have been handed. That goes for a lot of the U.N.'s peacekeepers around the world. Often they succeed in making matters worse.

It stands to reason that the killing of U.N. peacekeepers calls for a response. Whatever reservations one might have about their effectiveness, these troops, be they Pakistani or Scandinavian or American, are putting their lives on the line to help others in more places than ever before in the history of the United Nations. They are being killed in Yugoslavia and Cambodia as well as Somalia. To let General Aideed's wanton act of provocation go unpunished would be immoral and embolden him further.

So, enter the American cavalry again. Were the U.S. bombings of the general's weapons depots, then, the appropriate response? Perhaps. Gen. Aideed will probably think twice before attacking U.N. troops again. But the raids also beg a lot of more fundamental questions that need to be addressed: What kind of precedent is being set for U.N. peace-keeping missions? Does it raise U.N. troops from the level of peacekeepers to peacemakers or even combatants (a questions that's particularly pertinent in Bosnia, where the United Nation's so-called "safe havens" are under fierce attack)? Will the U.S. military be assigned the role of enforcer for U.N. Secretary-General Boutros Boutros-Ghali's missions the world over? Who in fact will be commanding U.S. troops? And what exactly does the phrase "assertive multilateralism" mean? It was introduced by U.N. Ambassador Madelaine Albright last week before a Senate hearing, apparently in an attempt to find a concept to replace the Tarnoff doctrine of U.S. disengagement.

Mr. Clinton did speak about his reasons for ordering the attack during his Saturday morning broadcast. It's "essential to send a clear message to the armed gangs," he said "and to strengthen the effectiveness and credibility of U.N. peace-keeping in Somalia and around the world." But most Americans have other things to do on a sunny Saturday a.m. than huddle around the green eyes of their radios. When American troops are sent into combat (especially in circumstances where there are no national interests at stake) the president needs to put the case to the American people. George Bush did that when he sent troops to Iraq and to Panama, and indeed to Somalia as well. Mr. Clinton needs to tell us exactly what he is doing and hopes to achieve. And he needs to do so in prime time.

Missing the point of the needle

In front of the TV cameras, Hillary Rodham Clinton is promising a "new bargain" for physicians on health care: less government regulation in favor of the private kind. Behind the scenes, the administration is offering taxpayers a less attractive deal: more government, higher costs. Oh, yes, and a chance to pick up Michael Jordan's vaccine bills.

That's right. Mr. Jordan, Charles Barkley and other athletes who make thousands by the minute would be eligible for free family vaccines under the big budget bill that Sen. Daniel Patrick Moynihan and the Finance Committee are now marking up. Perhaps "Dollar Bill" Bradley, as the senator used to be known in his old New York Knicks days, could explain the financial facts of NBA life to his colleagues as a way of pointing out that there are better ways to spend tax dollars — not to mention the possibility of allowing taxpayers to hold on to the money.

How the administration, pushed by Michigan Sen. Donald Riegle, came to propose, in effect, handouts for millionaires along with everyone else is an interesting story. Recall that Mr. Clinton's first plan for raising abysmally low childhood immunization rates in this nation — as low as 10 percent in some inner-city neighborhoods, according to the Centers for Disease Control — was to propose, in effect, a wholesale government takeover of the vaccine industry. The idea was for the feds to buy up all the vaccines and then get on with the job themselves with all the efficiency of, well — not the Postal Service exactly or, you know, the Internal Revenue Service or even that agency that came up with gas lines — but something.

After conceding that the vaccine industry wasn't all bad, what with coming up with the lifesaving vaccines in the first place, the administration came up with a "compromise" plan to take over only those vaccines necessary to serve the so-called uninsured — the people who, for whatever reason, do not have a health plan that covers routine preventive services like immunizations.

And there's the rub. NBA players like Michael Jordan typically are not covered for these vaccinations and would be eligible for the taxpayer-financed kind under the Clinton plan. Now maybe the players' union didn't negotiate hard enough for the coverage, or maybe it figured that the average NBA salary of $1 million would go a ways toward covering the oversight. The question is whether taxpayers should have to pick up the vaccine tab for the well-to-do in the NBA or anyone else, a tab around $1.5 billion, especially when Congress is already under pressure to slow the boom in entitlement programs.

Besides, it's clear that in the case of vaccines, the problem isn't cost. Vaccines already are free to low-income citizens who take the trouble to go to a health clinic. The problem is getting them to go.

Here's hoping that we haven't reached the point at which there are so many phony health scares out there — from killer apples to killer microwave ovens — that genuine health risks like meningitis caused by haemophilus influenzae, which was striking some 20,000 people a year and killing 900 of them as of 1990, are overlooked. Fortunately, the pharmaceutical industry has come up with a vaccine that has nearly eradicated the disease.

That's the industry that stands to suffer if the Clinton administration decides to pursue its takeover of the "uninsured" market, stifles industry innovation by reducing the return on its research and investment, and sticks taxpayers with the tab. Michael Jordan will live, of course. Less talented, less well-to-do persons, however, may not.

Letters

Committee isn't holding up the nomination

Your May 26 edition carried a column by Ken Adelman, "Discouraging public service," concerning the nomination of Frank Wisner to be the undersecretary of defense for policy. The article takes note of Mr. Wisner's excellent record of public service and expresses concern over delays in the confirmation process.

I agree that Mr. Wisner has an excellent background, and I am hopeful that he will be confirmed. The article, however, does not accurately describe the processing of this nomination.

The article states that Mr. Wisner was selected by President Clinton on Feb. 3, and adds: "Not until a month later did the Senate hold confirmation hearings."

The nomination of Mr. Wisner was not submitted to the Senate until Feb. 23. The committee held a hearing on March 4 — nine days, not a month — after the nomination was received. The committee was then informed by the executive branch that all of the required executive-branch paperwork was not yet completed. The committee is prepared to resume action on the nomination as soon as we are advised by the executive branch that it is prepared to proceed.

SAM NUNN
Chairman
Committee on Armed Services
U.S. Senate
Washington

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FDA tackles labeling of vitamin claims

By Leslie Miller
USA TODAY

Health claims for vitamins and dietary supplements would be allowed only if scientists have "significant agreement" about their validity, under FDA rules proposed today.

They also would require labels to carry the same kind of nutritional information now required for foods.

Some in the industry fear the FDA might restrict sales of some supplements.

But this "won't take anything away from consumers," says Michael Taylor of the Food and Drug Administration.

"It simply assures that when supplement manufacturers use disease-related claims to market their products, that information is scientifically valid."

Rules would cover vitamins, minerals, amino acids and other substances considered neither foods nor drugs.

"This will help sort fact from fiction," says Bruce Silverglade, Center for Science in the Public Interest.

He adds the FDA's willingness to allow valid health claims negates the need for recently proposed legislation that he says "would allow companies to make virtually any health claim they wish."

The only claim now permitted on supplements is for calcium, linking it with reduced risk of osteoporosis.

But Taylor says the FDA plans to OK a claim for folic acid, which may reduce risk of certain birth defects such as spina bifida.

Next on FDA's agenda: antioxidant vitamins C, E and beta carotene, which studies suggest may reduce cancer risk.

▶ Today's debate, 12A

Ginsburg nominated

'Thurgood Marshall of gender equality law'

GINSBURG PROFILE

Name: Ruth Bader Ginsburg

Age: 60

Education: Cornell University, Harvard, Columbia law schools. Family: Husband, Martin Ginsburg, 2 children, 2 grandchildren.

Career: Former law clerk, taught law at Rutgers University and Columbia. Helped launch Women's Rights Project of the ACLU in 1971.

In 1980, President Carter appointed her to the U.S. Court of Appeals.

If confirmed, she would be the second woman named to the court and the first Jewish member since Abe Fortas resigned in 1969.

Hobbies: Water skiing, horseback riding. Uses a rowing machine 25 minutes a day.



By Matt Mendelsohn, USA TODAY

PROUD MOMENT: Supreme Court nominee Ruth Bader Ginsburg displays recent photo of granddaughter with the first lady.

U.N. raids on Somali 'thug' to continue

By Juan J. Walte
USA TODAY

U.S.-led U.N. forces in Somalia, despite unease about excessive force, pledged Monday to continue raids against warlord Mohamed Farrah Aidid.

State Department spokesman Joseph Snyder Monday said Aidid's gunmen prompted the raids with the June 5 ambush that killed 23 Pakistani peacekeepers. "He's no hero. He's basically a thug."

The latest raid came Monday when U.S. AC-130H "Spectre" gunships and Cobra helicopters led attacks on suspected ammunition dumps.

It was the first day raid after three straight nights of strikes.

At least one missile was fired into a residential area, hitting a rusting hulk of a rocket-launcher and wounding 12 Somalis.

Hundreds of Somalis shook their fists angrily at the helicopters, shouting: "Clinton down! Clinton down!"

And there appeared to be a growing controversy over U.N. peacekeepers deployed to the African nation last December to control warring clans and guard food aid for the starving.

Some Somalis now see the world body as a U.S.-led force out to crush Aidid. Fueling the crisis: Sunday's killing of 14 unarmed protesters in Mogadishu by Pakistani forces.

Snyder said the United States regretted the deaths. A U.N. spokesman said an independent probe was ordered.

Also Monday:

▶ The U.N. Security Council defended peacekeepers' actions, saying restoring law and order is essential.

It also said Aidid's supporters used civilians, "including women and children ... as human shields to screen attacks."

▶ Aidid accused the United Nations of "genocide," but said he's ready to negotiate.

▶ Pakistan's military insisted its soldiers were provoked into firing Sunday after spotting gunmen among protesters.

▶ Even relief officials were critical of the strikes: "There comes a time when it has to stop," said Mike McDonagh of the Irish aid agency Concern.

Court takes racketeering abortion suit

By Mimi Hall
USA TODAY

The Supreme Court Monday agreed to decide if those who blockade abortion clinics can be sued under a law originally aimed at organized crime.

The decision comes five months after it ruled federal judges can't bar abortion clinic protests — a victory for Operation Rescue and other groups that stage blockades.

Abortion rights supporters say citing the racketeering law is a last-ditch attempt to stop violence at clinics.

But Operation Rescue's founder, Randall Terry, says his opponents now "want to say that praying grandmothers are mobsters in disguise."

The justices agreed to review a lower court ruling threw out a suit by the National Organization for Women against abortion protesters.

NOW appealed, saying abortion foes comprise a "nationwide criminal conspiracy of extremists" who could be l under the federal Racketeer Influenced and Corrupt Organizations Act for using vi e to stop abortion and drive clinics out of business.

Abortion foes say RICO doesn't apply because they don't protest for financial gain.

"There's no evidence that there's any economic pu or impact," says Vincent McCarthy, Terry's lawyer.

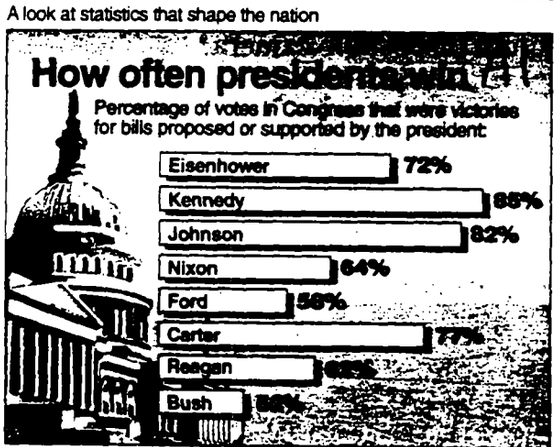
But NOW's Patricia Ireland says using RICO "enables us to get money damages" and discourages clinic blockades.

Some abortion rights activists say using RICO is a dubious strategy, but feel there is no other way to get federal help when local officials are reluctant to intervene.

Congress is considering a to ban clinic blockades.

USA SNAPSHOTS®

A look at statistics that shape the nation



Source: Congressional Quarterly Almanac

By Cliff Vancura, USA TODAY

'Consensus builder' high court choice

▶ Rulings excerpts, **2A**
▶ Ginsburg gets call; reaction, **10A**
▶ Editorial, **12A**

By Tony Mauro
USA TODAY

Justice Sandra Day O'Connor once said of her 1981 appointment to the Supreme Court: "It is something you do not seek. .... Stated simply, you must be lucky."

Federal appeals judge Ruth Bader Ginsburg, named by President Clinton Monday to join O'Connor and become the second female justice on the court, had it both ways: She sought the job, and she got lucky.

Clinton acclaimed Ginsburg, 60, as "a person of immense character," and angrily rejected suggestions that he had settled on her after a "zigzag" selection process.

But it appears that a quiet campaign led by her husband Martin — joined by Sen. Daniel Patrick Moynihan of her native New York, and pushed by leading women ranging from abortion rights activists to Texas Gov. Ann Richards — moved her name up to the third spot on Clinton's shifting list of front-runners. Then luck intervened.

Interior Secretary Bruce Babbitt was rejected because

Please see COVER STORY next page ▶

First question the only one

President Clinton grew visibly upset after Monday's ceremony at a question from ABC's Brit Hume:

Question: Mr. President, the result of the Guinier nominations, sir, and your apparent focus on Judge Breyer, and your turn, late it seems, to Judge Ginsburg may have created an impression, perhaps unfair, of a certain zigzag quality in the decision-making process here. I wonder, sir, if you could kind of walk us through it and perhaps disabuse us of any notion we might have along those lines. Thank you.

Clinton: I have long since given up the thought that I could "disabuse" some of you of turning any substantive decision into anything but a political process. How you could ask a question like that after the statement she just made is beyond me. (Applause) Good-bye. Thank you.

High court a family goal

Continued from 1A

environmentalists wanted him to stay put, and appeals Judge Stephen Breyer's star faded as news spread of a tax problem in his past.

Ruth Ginsburg was left standing at the front of the line, and got the call from Clinton Sunday night.

But as soon as she was introduced Monday, admirers asked the same question raised after Clinton nominated Janet Reno — another third choice — for attorney general: Why didn't Clinton focus on Ginsburg?

Though not nationally known, Ginsburg is nearly revered in the field of women's rights as a legal pioneer who mentored a generation of women lawyers. She may be the second female on the court, but she's the first feminist.

"She is the reason I am in women's law," says Janet Benshoof, head of the Center for Reproductive Law & Policy, who took a course from her at Harvard Law School more than 20 years ago. "She is the Thurgood Marshall of gender equality law."

Former Harvard Law School dean Erwin Griswold once said Marshall and Ginsburg were the two great litigators of this century.

Yet unlike the larger-than-life Marshall, full of bluster and anecdotes, Ginsburg is often described as shy and painfully correct.

"She invented the phrase gender inequality because she couldn't say the word 'sex,'" Benshoof jokes. "She's not that kind of person."

Just what kind of person Ginsburg is will emerge at confirmation hearings, which could come by July.

What comes through early on is a picture of an intense and prolific scholar of the law, a liberal match for the court's resident conservative academic, Antonin Scalia, with whom she served on the D.C. Circuit Court of Appeals.

Ginsburg's husband Martin, and daughter Jane, are law professors — Martin at Georgetown, Jane at Columbia, where Ruth and Martin both once taught. Son James is a law student at the University of Chicago.

"She is such a careful legal thinker, it's hard to attack her outcomes," says Monica Wagner, who clerked for her 11 years ago. "She thinks through everything she does. She is as far from a knee-jerk reactor as you can imagine."

Ginsburg is not universally liked.

Harvard law professor Alan Dershowitz — whose client, spy Jonathan Pollard, had a life sentence upheld by Ginsburg — describes her as "somewhat nasty," with a reputation as "quick, curt, kind of put-downish."

Dershowitz adds, "She's not a consensus builder. She's had problems getting along with her law clerks and her fellow judges."

Not true, says Peter Huber, who clerked for Ginsburg and O'Connor. "That is absolutely contrary to what everyone who knows her would say."

In 13 years on the D.C. appeals bench, Ginsburg has won over liberal and conservative colleagues. She counts Scalia and 1987 failed nominee Robert Bork as friends. Monday on Capitol Hill, she won praise from Democrats and Republicans.

It is that ability — Clinton says she'll be a "force for consensus building" — that will be essential for the first Democratic nominee to the court in 25 years.

The court is dominated by Reagan and Bush appointees, but is closely divided on a range of issues, making a moderate-to-liberal alliance builder potentially crucial on the court.

As an ACLU lawyer in the '70s, Ginsburg argued six cases before the high c[illegible], including [illegible] that established the foundation for women's rights: using "heightened scrutiny" to judge laws that discriminate against women.

> "I have a last thank you. It is to my mother, Celia Amster Bader, the bravest and strongest person I have known, who was taken from me much too soon. I pray that I may be all that she would have been, had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons."
>
> — Supreme Court nominee Ruth Bader Ginsburg

That approach gave women constitutional leverage for the first time via the Fourteenth Amendment's "equal protection" clause. "Because of her, women have protection against sex discrimination under the Constitution," says Marcia Greenberger, National Women's Law Center.

Though her credentials on women's issues run deep, Ginsburg worried some women's rights advocates with a speech in March that questioned the reasoning of *Roe vs. Wade*, the 1973 decision that established women's abortion rights.

She said the decision's basis in the right to privacy, rather than on the equality of women, "prolonged divisiveness and deferred stable settlement" of the abortion issue.

Her criticism of *Roe* is "cause for concern," says Kate Michelman, National Abortion Rights Action League.

Most women's groups say Ginsburg was questioning the reasoning of the opinion, not its outcome.

And abortion rights opponents Ginsburg's take on abortion rights might be even more extreme than *Roe vs. Wade*.

"If Ginsburg's doctrine were adopted by the Supreme Court, it would invalidate virtually any limitation on abortion," says Douglas Johnson, National Right to Life.

The March speech may be one of the few bumps on the road to the court for Ginsburg — a route she been traveling for years.

In her speech accepting the nomination Monday, Ginsburg noted that a potential Supreme Court nomination has been a point of family discussion for 20 years.

In her daughter's high school book in 1973, she said, "the listing for Jane Ginsburg under 'ambition' to see her mother appointed to the Supreme Court."

Soon after Justice Byron White said in March that he would retire, Martin Ginsburg — a wealthy tax attorney who once counted Ross Perot among his clients — began building the case for his wife.

"It's a wonderful love story, really," says Stephen Hess of the ings Institution, whose wife is Ruth Ginsburg's cousin. "He generated a lot of letters for her."

Among the letter-writers was Benshoof, who was "ecstatic" the paign worked: "It is a truly amazing appointment that completely rehabilitates Clinton's basic integrity."

Contributing: Andrea Stone, Lesl[illegible]ie Phillips, Mimi Hall

Finance panel: Center of action

Committee wields clout on the budget

By Richard Wolf
USA TODAY

When a Democrat on the Senate Finance Committee talks, President Clinton listens.

Oklahoma's David Boren won't stomach an energy tax on British thermal units? Gone.

Louisiana's John Breaux favors a transportation fuels tax instead? Nary a negative word.

West Virginia's John Rockefeller wants fewer Medicare and Medicaid cuts? No argument there.

New Jersey's Bill Bradley suggests fewer tax breaks for business and real estate? A distinct possibility.

After muscling his five-year, $500 billion deficit-reduction plan through the House last month, the president has been forced to take a back seat this month. The finance panel has jettisoned his so-called Btu tax on energy and sought to replace its five-year, $72 billion contribution to deficit reduction with tax increases and spending cuts.

"They're saying, 'Go fix it,'" says Rockefeller, who has become Clinton's point man on health-care issues. "That's what we're paid to do."

That process reaches critical mass today as the 11 Democrats — each of whose votes Clinton must command to overcome nine sure-fire Republican opponents on the 20-member panel — consider a compromise floated by Senate Majority Leader George Mitchell, D-Maine.

Mitchell's plan takes into account the virtual veto power enjoyed by every Democrat on the panel, which controls all the taxes the government collects and half the money it spends:

▶ It would raise about $35 billion in higher taxes on gasoline and other transportation fuels, pleasing moderates opposed to the broader-based energy tax.

▶ It would cut about $20 billion more in Medicare and Medicaid than the $56 billion Clinton had suggested, satisfying liberals who blocked far larger cuts, and shave about $15 billion more from increases in food stamps and a tax credit for the working poor.

▶ It would balance smaller tax increases on upper-income individuals and Social Security recipients with fewer tax breaks for business, pleasing advocates of a clean tax code.

A key final hurdle: opposition to the gasoline tax, especially from Westerners who argue their constituents must drive farther than others. Sen. Max Baucus, D-Mont., vowed Monday that "either everyone pays, or nobody pays."

However, it's expected that Baucus can be appeased, and the finance panel could approve Clinton's revised deficit-reduction package Wednesday, when Sen. Daniel Patrick Moynihan, D-N.Y., has scheduled a full committee session.

That would be a giant step forward from last week, when Sen. Kent Conrad, D-N.D., the newest of the 11 Democratic members, said, "You've got a lot of differences of opinion and people with very strong views."

Trouble spots for Clinton:

▶ Boren has been so effective joining with Republicans to oppose the Btu tax and demand more spending cuts that Rockefeller charged he's taken over "running the country."

▶ Breaux, a crafty Louisianan who chairs the moderate Democratic Leadership Council, has redirected the tax-and-cut debate with his proposed transit tax and calls for $30 billion more in Medicare cuts.

▶ Conrad and Baucus lead a brigade of Midwestern lawmakers who have balked at elements of Clinton's plan that could hurt rural and agricultural interests.

"The Finance Committee is an ideal place to sort of make a case study" of the need for a more moderate package, Boren says. "This is a real test time."

It's a test for the Democrats, too. The committee, which enjoys broad jurisdiction over taxes, trade, health and welfare policy, seldom works in such strictly partisan fashion.

But this year, it's become a microcosm for the political battle of the budget, with Mitchell and Moynihan pitted against Senate Minority Leader Robert Dole, R-Kan., a member and former chairman of the panel, and ranking GOP member Sen. Bob Packwood, R-Ore.

"We have gridlock here because Republicans don't want to even talk," says Baucus.

"The Democrats will suffer in November of 1994 because they don't want to embarrass the president," says Packwood.

Regardless of how it turns out, one thing remains clear: The Finance Committee will remain the plum assignment in the Senate.

Says Sen. David Durenberger, R-Minn., a panel member: "It's the one that people would die to be on."

Welcome aboard



By Shawn Spence, Gannett News Service

REJUVENATED GOP: Sens. Phil Gramm, R-Texas, Robert Dole, R-Kan., and Vice President Gore join Kay Bailey Hutchison, sworn in Monday as Texas' first female senator. Republicans say her win could help the GOP nationwide.

USA TODAY • TUESDAY, JUNE 15, 1993

Opportunity for triumph goes wasted

By Bill Nichols
USA TODAY



By Matt Mendelsohn, USA TODAY

PRESENTING THE NOMINEE: President Clinton walks with Ruth Bader Ginsburg on Monday. Although Ginsburg is considered a solid choice, the handling of the nomination has been criticized.

ANALYSIS

For a beleaguered White House, the March retirement announcement of Supreme Court Justice Byron White was seen as the political equivalent of a hanging curve ball — an assignment President Clinton could belt out of the park.

There was oodles of time to act — three months — and dozens of attractive candidates waiting to be tapped for the first Democratic selection to the high court in a generation.

But again, a Clinton selection — this time of federal judge Ruth Bader Ginsburg, an apparently solid, confirmable nominee — is tinged by questions about White House skills and the political judgment of an 11th-hour decision.

Though an extraordinary off-the-record White House background session for reporters — with eight high-level officials — painted Ginsburg's selection as the product of an orderly, exhaustive process, Clinton himself seemed sensitive to criticism.

"I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but political process," Clinton snapped after the first and only question of a planned news conference after announcing his nomination.

Others said questions about rampant leaks and why Clinton seemed to desert Judge Stephen Breyer, amid reports about his failure to pay Social Security taxes for a domestic worker, deserved answers.

"You don't know whether they've got a lot of people in there with big mouths or whether they get down to the finals and can't decide," said political analyst Charles Cook.

"You could argue it either way. Either way it's not good."

The White House talking points for the day decreed that there were no losers in this process, but that Ginsburg had simply emerged as the best of a group of strong candidates.

Ginsburg's selection has obvious strengths. She appears to have strong, bipartisan support in the Senate and will start making courtesy calls on senators today, with Sen. Daniel Patrick Moynihan, D-N.Y.

Her selection Sunday night — after an afternoon meeting with Clinton that left him deeply impressed — was only bolstered by her moving Rose Garden acceptance speech, which brought Clinton to tears.

Clinton made the call at 11:33 p.m. Sunday on the White House kitchen phone, dialing Ginsburg himself after having trouble getting through the White House switchboard.

"If I'm going to propose, we might as well have a good line," aides said Clinton said.

But as is becoming a habit with Clinton, trial balloons in the media, grumbles and bewilderment about the process are just as loud as the apparently positive result.

Ginsburg, who was among 50 candidates White House counsel Bernard Nussbaum presented to Clinton after White's announcement March 19, re-emerged as an option in the middle of last week.

But that came only after it became clear that naming Interior Secretary Bruce Babbitt to the court would bring a firestorm of protest from admirers of his work at the department.

Yet no one on the White House staff apparently made any effort to gauge the reaction of a Babbitt nomination with environmentalists or members of Congress, even though Babbitt had been considered for the court from the first.

So Babbitt was put through the process of having his name go up and down in news reports and being besieged by supporters begging him not to take a job he clearly wanted.

And though aides insist that Breyer's "Nannygate" problem — he paid thousands in back Social Security taxes earlier this year for a longtime cleaning lady — played no role, it's hard to dispel that impression.

Several White House officials said Friday, on the record, that Babbitt and Breyer were the final choices.

And yet Friday night, after Breyer traveled to Washington with a collapsed lung from a bicycling accident, Clinton for some reason asked to meet with Ginsburg on Sunday.

Aides insisted Clinton did not spend too much time on this decision, while at the same time saying he had over a dozen meetings on the court vacancy, while a staff of 75 volunteer lawyers read 3,000 opinions and 5,000 clippings.

Texas Gov. Ann Richards, a major Ginsburg supporter, chastised reporters who asked her whether Clinton had a problem making decisions.

"You're just into oral gratification. . . . It must go back into infancy," she said. "If you're going to make good decisions, you've got to take your time."

▶ Cover story, 1A
▶ Excerpts, 2A
▶ Editorial, 12A

Path to high court confirmation

Confirmation process for a Supreme Court nominee:

▶ Ruth Bader Ginsburg's name is submitted to the Senate for investigation and confirmation.

▶ The FBI starts background checks, the Senate Judiciary Committee begins its probe, and the American Bar Association analyzes the nominee's court rulings.

The ABA's results — Ginsburg received an "exceptionally well-qualified" rating when named to the lower court — are submitted to the committee.

▶ The committee votes on a recommendation and sends the nomination to the full Senate, which must approve the nominee by a majority of those voting.

White House machinery fails test again

Oppos' 'o ı hard o come by

By Dennis Cauchon
USA TODAY

If President Clinton wanted a consensus, he got one Monday when he nominated Ruth Bader Ginsburg to the Supreme Court.

She won warm and widespread support from senators and special-interest groups.

But because she's a moderate, reaction to her nomination lacked the passion that surrounded Robert Bork, Clarence Thomas and even ex-potential nominee Bruce Babbitt.

"The president wanted someone who'd be least resistant and least problematic. This seems to fit that bill," says Sen. Dennis DeConcini, D-Ariz.

Senate Judiciary Committee members say they expect little opposition to Ginsburg.

"We'll support her," says Sen. Orrin Hatch, the ranking Republican on the Judiciary Committee. "She's a brilliant woman with impeccable credentials. ... I expect she won't be quite as controversial as someone who might be a little more political."

Minority groups may be miffed that a Hispanic, Asian or black wasn't chosen, but they are holding their tongues. "She seems fine, but we have no comment" on whether there is disappointment, says Lisa Navarrete of the National Council of La Raza, a Hispanic group.

Ginsburg won the strongest praise from liberal women's groups. "It means Clinton is walking the walk and talking the talk about making appointments that look like America," says Patricia Ireland, president of the National Organization for Women.

"She was always the person we wanted," says Kathryn Kolbert, a lawyer at the Center for Reproductive Law and Policy.

Ginsburg's path-breaking work on women's rights is considered mainstream and doesn't appear to anger conservatives.

"I'm cautiously supportive," says Institute for Justice legal director Clint Bolick, who was active in the fight to kill Lani Guinier's nomination to the Justice Department.

He says Ginsburg favors giving women equal opportunity, not special preferences.

Many abortion opponents don't like Ginsburg but aren't preparing a major effort to stop her appointment. "A majority of Americans don't want a pro-abortion litmus test used for the Supreme Court, but that's what Bill Clinton used," said Wanda Franz of the National Right to Life Committee.



By Tim Dillon, USA TODAY

GINSBURG: Moderate has won support from all sides.

Ginsburg's work as an American Civil Liberties Union general counsel in 1973-80 has, so far, raised little controversy. At the ACLU, several board members serve as unpaid general counsels, guiding overall policy.

Ginsburg's ACLU work appears dedicated almost exclusively to women's rights. "The Senate Judiciary Committee is not so unsophisticated that it would blanket her with everything the ACLU has done," says ACLU President Nadine Strossen.

As a judge, Ginsburg has not been a pure civil libertarian on free speech, defendants' rights, privacy and freedom of information.

She ruled that the government can censor "indecent" TV programming before 10 p.m. because children may be watching. But she said a 24-hour ban was a violation of the First Amendment.

In 1984, she upheld the Navy's expulsion of a sailor for engaging in homosexual activity. "The ruling is certainly cause for concern," says David Smith of Campaign for Military Service, a gay rights group. "But in the last 10 years there's been a sea change in attitudes toward gay and lesbian people."

Contributing: Leslie Phillips, Mimi Hall

INSIDE TV

ABC's Hume stunned by Clinton's abrupt response

ABC's Brit Hume was surprised at President Clinton's sharp retort to his question at Monday's press conference introducing Supreme Court nominee Ruth Bader Ginsburg.

"It seemed the right question," Hume said later. "I thought it was courteously phrased. I don't think there was anything personal about it. Whoever asked that question would have gotten that answer."

When Hume asked if the choice — after it was revealed another contender, Judge Stephen Breyer, didn't pay Social Security taxes for a domestic — didn't have a "zigzag quality," a peeved Clinton cut off the exchange.

Clinton, who was moved to tears by Ginsburg's speech, replied, "I have long since given up the thought that I could 'disabuse' some of you of turning any substantive decision into anything but a political process. How you could ask a question like that after the statement she just made is beyond me." With that, the conference ended.

In his evening news report, Hume attributed Clinton's outburst to the emotion of the moment. "This woman moved him ... he's quite a human guy," he said later.

It was Hume's first day back from his honeymoon. "Looks like the honeymoon was too short," he laughed. **(Brit vs. Bill, 1A)**

Groups call 'Jewish seat' a myth

By Andrea Stone
USA TODAY

Jewish groups welcomed Ruth Bader Ginsburg's Supreme Court nomination Monday but scoffed at suggestions she fills a "Jewish seat."

Ginsburg would be the first Jewish justice since Abe Fortas resigned in 1969. She would be the sixth Jew to sit on the court.

She is "a distinguished jurist with a proud record in civil rights," says Abraham Foxman of the Anti-Defamation League. "We're delighted she is Jewish but more delighted based on her merit."

While women's groups lobbied hard for Ginsburg, "No Jewish groups have been clamoring for a Jewish justice," says David Twersky of *Forward*, a national Jewish newspaper. The search has "been a non-issue" among them.

Nor should it be an issue, says Michael Lerner, editor of *Tikkun* magazine and author of Hillary Clinton's "politics of meaning." He attacks the "mythology" of a "Jewish seat."

"It's wonderful to have a Jewish presence on the court because Jews have always had a long commitment to social justice," Lerner says. "But it would be racist to think Jews are any better than anybody else."

Ginsburg is expected to face easy confirmation — unlike the first Jewish justice, Louis Brandeis.

Nominated by President Woodrow Wilson in 1916, Brandeis faced four months of vicious Senate opposition. Historians agree that anti-Semitism played a large part.

Those days are gone, Jewish leaders say. Yet, as a Jew, Ginsburg stands apart the way blacks and other minorities do.

Says feminist Jewish writer Letty Cottin Pogrebin: Ginsburg "brings a sensitivity and experience of living in the skin of someone who is marginalized."

"Being Jewish has been central" to Ginsburg's identity, Pogrebin says.

It is not widely known how religiously observant Ginsburg is.

Harvard law professor Alan Dershowitz recalls that as a federal appeals judge in the Jonathan Pollard spy case, Ginsburg heard arguments on Rosh Hashana, the Jewish New Year. Dershowitz, Pollard's lawyer, said Jewish supporters were angry at not being able to attend services on one of Judaism's most solemn holidays.

Ginsburg and another Jewish judge upheld Pollard's life sentence for selling U.S. secrets to Israel.

"I don't think the president is going to get a lot of Jewish appreciation for this nomination," Dershowitz says.

Some disagree.

Sam Rabinove of the American Jewish Committee says he expects Ginsburg to "take an expansive view of civil rights and civil liberties" because she is aware of "Jews having a history of experiencing injustice over the centuries."

A growing move toward the center

Ruth Bader Ginsburg, 60, considered a judicial moderate on the federal circuit court, would join a growing centrist coalition on the Supreme Court.

Retiring Justice Byron White is considered a philosophical conservative. The other justices and where they stand:

Conservative: Chief Justice William Rehnquist, Antonin Scalia and Clarence Thomas.

These three usually tend to vote to restrict the rights of criminal defendants and to weaken women's abortion rights.

Center: David Souter, Sandra Day O'Connor, Anthony Kennedy and John Paul Stevens. Souter, O'Connor and Kennedy moved to the middle last term and have united on various issues. Stevens, fiercely independent, usually votes with the moderates.

Liberal: Thurgood Marshall's retirement left Harry Blackmun as the last diehard liberal on the court.

High court nominee's writings and rulings

Excerpts from Ruth Bader Ginsburg's writings and rulings on:

HOMOSEXUALITY: In 1984, she voted not to hear a challenge to a ruling rejecting the complaint of a sailor dismissed from the military for engaging in homosexual activity. "In challenging his discharge ... appellant argued that the conduct in question falls within the zone of constitutionally protected privacy. The panel held that ... the Navy's determination could not be overturned. I agree." President Clinton has said he'll lift the ban on gays in the military.

ABORTION: An abortion-rights supporter, Ginsburg worried women's groups in a March speech at New York University School of Law when she said: "Moving from the style to the substance of third branch decision-making ... judges play an *interdependent* part in our democracy. They do not alone shape legal doctrine but, as I suggested at the outset, they participate in a dialogue with other organs of government, and with the people as well." Suppose, she asked, the court's 7-2 judgment in *Roe vs. Wade* 20 years ago didn't just declare a Texas law unconstitutional, but fashioned "a set of rules that displaced virtually every state law then in force.... Would there have been the 20-year controversy we have witnessed, reflected most recently in the Supreme Court's decision in *Planned Parenthood vs. Casey*? A less encompassing *Roe*, I believe ... might have served to reduce rather than to fuel controversy."

More coverage of Ginsburg, 10A

WOMEN AND THE CONSTITUTION: Noting the Constitution was written for white males with property, Ginsburg said in a 1987 speech: "We still have, cherish and live under our 18th century Constitution because, through a combination of three factors or forces — changes in society's practices, constitutional amendment, and judicial interpretation — a broadened system of participatory democracy has evolved.... Beginning in 1971, the court declared law after law, both federal and state, unconstitutional for discriminating impermissibly on the basis of sex. For the most part, the court was neither out in front of, nor did it hold back, social change." Instead, the court functioned as "an amplifier — sensitively responding to, and perhaps moderately accelerating," change.

Out of confinement, into USA

Barbed-wire barracks to be closed

By Deborah Sharp
USA TODAY

GUANTANAMO BAY NAVAL BASE, Cuba — Scrawled in gray paint and nearly-mastered English, graffiti on a ramshackle barracks sends a message of suffering:

"This place is not place for Haitians. We want to go."

At last they will, after nearly two years of legal battles over their confinement here.

After a federal judge ordered the Haitians freed from what he denounced as an HIV prison camp, the first 27 put on their Sunday best and left their barbed-wire compound on Monday. With the camp set to close, the final 113 will be flown out in three trips over the next two weeks.

"Finally they decide to send me to the U.S., and I'm very happy for that," says Jean Edouard, 33, detained at Guantanamo for 19 months because he carries the virus that causes AIDS. "This is really worse than a prison, I think. Sickness is not a crime."

Plagued by depression before last week's ruling, residents talked of carrying out a suicide pact, says Edouard. Holding hands with his wife, Aliette, he was in higher spirits Monday as he climbed aboard an Air Force C-130 for the 2½-hour flight to Miami. Final destination: New York City, where he'll live with a stepdaughter.

"I'll be celebrating more when I get there," he says.

Dry and dusty, dotted with cactus and the occasional iguana, the camp offers Spartan accommodations to the HIV-infected refugees. Sheet-metal and plywood barracks are divided by bedsheets. Magazine cut-outs adorn bare walls over army cots. Living is communal — and privacy non-existent — from showers to the chow line.

First established to receive Haitian refugees intercepted at sea, Guantanamo Bay camps have processed more than 35,000 since opening in November 1991. At its peak — with 12,500 Haitians housed — the camps cost $1 million a day to run. Today's daily tab: $15,000. Total bill so far: $58.4 million.

Like about 10,600 non-HIV-infected Haitians who've been allowed to leave for the USA, those here have shown plausible claims for political asylum.

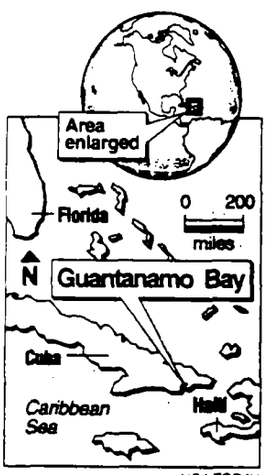
Florida-bound Jeaneau Paul, 25, tells of terror in his homeland: In the coup of 1991, soldiers killed his father — a voting official for ousted president Jean-Bertrand Aristide. Paul says his wife and mother also were murdered.

With daughter Jeanette, 6, at his side, her hair in pigtails, a doll in one hand, Paul says, "I spent the night at church, and when I got back, that's when I found out they had all been killed."



Photos by Andrew Itkoff

AT GUANTANAMO BAY, CUBA: Twenty-seven Haitian refugees await their 2½-hour flight to Miami Monday. The final 113 refugees at the so-called HIV prison camp will be flown out within two weeks.



USA TODAY



'ALL A POLITICAL THING': Refugee Archilien Alix, 34, thinks his HIV diagnosis is a political scheme. 'I will not believe it.'

Accustomed to brutal tactics of Haiti's dreaded "Ton-Ton Macoutes," many residents mistrust the U.S. military.

Some complain of mistreatment: "For all the misery I've suffered here, sometimes I ask, "Why did I come? If I had stayed in Haiti, they would have killed me and it would all be over," says 20-month detainee Metelus Lionel, 22.

Like others, he views his HIV diagnosis as a political scheme to keep Haitians at Guantanamo: "Whatever happens here, I'm told by the military. So how can I believe it?"

Campmate Archilien Alix, 34, agrees: "Even if they tell me, I will not believe it. It's all a political thing."

Military doctors say denial is common among the Haitians. Crucial to acceptance: counseling and care in the communities they're bound for.

"We wish them well, and hope that everything works out for them," says U.S. Navy physician Pete Weiss.

Adds Petty Officer 1st Class Carl Vincent, who taught English: "They're elated to be leaving and we are also. We have families we want to go back to. They will finally get to see freedom."

Haitians head to new homes

By Sally Deneen
and Desda Moss
USA TODAY

MIAMI — Tearful relatives took nine refugees to new homes in southern Florida Monday after their arrival from a Guantanamo Bay U.S. detention camp for HIV-infected Haitians.

They were among 27 Haitians released from a squalid camp, which a federal judge last week ordered closed.

Other refugees went to New York, where they start processing at the city's division of AIDS services. Most today will visit Brooklyn apartments that will become their new homes.

An additional 113 people at the Guantanamo Bay camp in Cuba are expected to arrive in the USA over the next 10 days.

Rosa Urquiola of the Justice Department's Community Relations Service said most have U.S. sponsors.

The U.S. Immigration and Naturalization Service found the 158 asylum-seekers, which included relatives of those ing HIV positive, held - founded fears of persecution — the standard that asylum-seekers must meet.

But they were barred from entering the USA because they tested positive for the virus that causes AIDS.

All will remain in the country while they pursue asylum claims, joining more than 260,000 asylum-seekers, including 10,734 Haitians.

"We had a very difficult time but we know we had a lot of people behind us," Armelle Nelson, who arrived in Miami accompanied by daughters Emillene and Kerlin.

They'd been at the camp more than a year. But her joy was tempered by her concern for others left behind.

Meanwhile, the Haitian liament moved Monday to recognize exiled President Bertrand Aristide.

But its efforts could be stymied by the attachment of conditions that Aristide has rejected — including an across-the-board amnesty for the army officers who ousted him in a September 1991 coup.

Contributing: Juan J. Walte

AMA delegates stake out position for health reform

By Judi Hasson
USA TODAY

CHICAGO — Physicians at the American Medical Association's annual meeting today debate the future of medicine, in the face of President Clinton's yet-to-be-unveiled health-care reform.

Some proposals here match those from Clinton's reform task force:

▶ Access for all, with insurers required to cover everyone regardless of medical condition.

▶ An employer-paid payroll tax and higher tobacco taxes to pay for reform.

But some resolutions oppose elements of Clinton's likely plan, such as:

▶ Requiring workers to pay a share of the payroll tax.

▶ Setting limits on health spending.

AMA executive vice president James Todd says the group's leaders have met nine times with top White House health adviser Ira Magaziner but don't know what's in the president's proposal, which is now expected in July or later.

Magaziner was to speak Monday but canceled.

Also today, the 435 AMA delegates vote on a bylaw change barring discrimination against homosexual physicians.

The proposal was defeated at the last four meetings. This time it's endorsed by the society's trustees.

Outgoing president John Clowe urged passage, saying, "We must have cohesiveness between the younger doctors and older physicians."

The proposal has been pushed by the American Association of Physicians for Human Rights, an organization of more than 1,000 gay male and lesbian physicians.

"This is the 1990s," says Benjamin Schatz, executive director of the group. He says homosexual physicians face bias in hiring and promotion, experience hazing, and fear their careers will end if their sexual orientation is known.

Some physicians say the bylaw change is unnecessary because the AMA prohibits all discrimination. One, John Watson of Columbus, Ga., says he'll vote no: "I will not do anything to support a lifestyle that I'm opposed to."

"There's clearly a perception that we discriminate against these physicians," says Steven Thornquist of New Haven, Conn. "And we don't. So what's the harm of saying it?"

▶ Opinionline, 13A
▶ Hospitals merge, 3B

ALSO IN WASHINGTON



By John Duricka, AP

MODEL VIEW: Defense Secretary Les Aspin and retired Air Force brigadier general Vilma Vaught, left, with model of Women in Military Service for America Memorial.

Women honor Aspin for changing military policies

Defense Secretary Les Aspin told a group of military women that the Pentagon's exclusion of women from combat roles, fostered by "certain troglodytes" in Congress in 1948, was a mistake.

"Opening opportunities for women in the military isn't just the right thing to do, it's the the smart thing to do," Aspin said Monday at a Flag Day lunch for the Women in Military Service for America Memorial.

The group, trying to raise money for a memorial at Arlington National Cemetery, honored Aspin for revising policies that excluded women from combat posts such as flying fighter planes and serving aboard aircraft carriers. Women still can't serve in front-line infantry.

Retired Air Force brigadier general Vilma Vaught, memorial foundation president, saluted Aspin for giving military women "a needed voice" and "implementing policies that will give servicewomen new opportunities."

CHECKING IN: Agriculture Secretary Mike Espy spent 50 minutes filling out a 12-page application for food stamps, a program he oversees, to get a first-hand look at the federal program that helps feed a record 27 million people a month. Espy said his experience at a Martinsburg, W.Va., office filling out forms as fictitious meat-cutter Clifford Jackson showed the process was "cumbersome . . . full of legalese." He also was surprised there was no immediate ruling whether he qualified. Espy was checking on the program, which aids nearly 25 million people, in advance of his "hunger forum" beginning Thursday in Washington.

BRIEFLY: President Clinton will visit South Korea for two days starting July 10 on his way home from the Group of Seven economic summit in Tokyo July 7-9. . . . Clinton named 25 business, environmental and government leaders to a new council devoted to enhancing economic growth without destroying the environment. . . . House Banking Committee Chairman Henry Gonzalez, D-Texas, called on Attorney General Janet Reno to collect $30,000 from former attorney general Dick Thornburgh for documents copied for Thornburgh's personal files. . . . Lawmakers warned the White House that it risked a fight on Capitol Hill if it proceeds with plans to resume nuclear testing. Congress imposed a nine-month testing moratorium that expires July 1.

CORRECTION: A story Monday should have said the date of the spiritual experience that changed the life of Rep. Kweisi Mfume, D-Md., was 1972.

Governor has 2 transplants

Pa.'s Casey listed 'critical'

By Robert Davis
USA TODAY

Pennsylvania Gov. Robert Casey was in critical condition late Monday after a rare 11-hour heart and liver transplant just hours after he was listed as a candidate for transplant.

"The procedure was essentially flawless," said John Armitage, the lead heart surgeon at the University of Pittsburgh Medical Center, which pioneered the procedure in 1984.

"The organs were working excellently," Armitage said.

John Fung, the liver surgeon, said Casey's future "is not predictable."

The surgery is thought to be only the sixth ever. Three Pittsburgh patients died within months. A fourth, Stormie Jones, lived six years and died in 1990 at age 13. The only survivor: a 62-year-old man who had the surgery in London last year.

Even before Casey was out of surgery, transplant oversight officials were trying to determine how he came to be on the operating table less than 24 hours after being placed on the national transplant list.

Radio talk shows heard from irate listeners. Some callers threatened to destroy their organ donor cards.



By Gary D. Miller, AP

SURGERY NECESSARY: Pennsylvania Gov. Robert Casey, shown with a team of doctors last week, underwent a heart-liver transplant Monday.

Of the 31,000 people in the USA waiting for organs, an average of seven die each day. The average wait for a liver is two months; a heart takes 18 months.

Casey, 61, got both in less than 24 hours despite a complex but voluntary system meant to distribute organs equitably.

The system — monitored by the United Network for Organ Sharing — was designed to award organs to patients who are sicker and have waited longer than others.

But patients needing multiple organ transplants are on separate lists for each organ. Because multiple organs must come from the same donor, they often go first to patients needing multiple organs because the next donor may have a good heart but a damaged lung.

Doctors worried Casey, who needed a liver transplant because of a rare genetic disease called amyloidosis, might not survive a liver transplant because of a weak heart. He long has been considered a candidate for a heart transplant.

Once Casey was listed for both organs, he fell into a category for which there is no national list, and therefore "there's really no policy governing this," says Jon Nelson of the federal office overseeing UNOS.

In less than 1 percent of all transplants, a person waits 24 hours or less, says Brian Broznick, head of Pittsburgh's Center for Organ Recovery & Education.

Six people were ahead of Casey on the list for hearts, two were ahead of him on the list for livers. No one else was waiting for a heart and liver.

The dilemma, Broznick says, is that giving a heart and liver to one person could condemn two others. Giving a heart to one and a liver to one could condemn the patient who needs both.

"We would not be facing this kind of problem if there were enough organs to go around," Broznick says.

Still, some wondered if Casey, a Democrat who has 18 months left in his second term, was listed for both organs to get the first available.

"A legitimate question," says Broznick. "The governor didn't get preferential treatment. The governor got priority treatment."

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WORLD

A QUICK LOOK AT THE NEWS FROM AROUND THE GLOBE

U.S. employee pleads guilty to selling secrets

A former State Department employee who worked as a communications officer at the U.S. Embassy in Athens pleaded guilty Monday to supplying secret U.S. defense information to Greece for years. The U.S. attorney's office in Alexandria, Va., which prosecuted the case, said Steven Lalas had conspired to transmit classified documents to the Greek government for money since 1986. Lalas had worked for the State Department in Belgrade, Yugoslavia, and Istanbul, Turkey.



AP

BALLADUR: French premier visits U.S.

FRENCH VISIT: French Premier Edouard Balladur makes his first official visit to the United States today when he meets with President Clinton in Washington. Balladur's trip is part of France's campaign to enlist the United States in the search for a more balanced world trade pact. After 10 weeks in office, Balladur meets Clinton to discuss the General Agreement on Tariffs and Trade, long stalled by differences between the United States and France over agriculture.

MIDEAST TALKS RESUME: Middle East peace negotiations resume in Washington today amid a feeling of skepticism by both Israelis and Arabs about the prospect of a breakthrough. The new round, the 10th since the new peace process began in October 1991, is expected to focus on Israeli-Palestinian discussions — specifically, the future of the Israeli-occupied West Bank and Gaza Strip. On the eve of the talks, Israeli Prime Minister Yitzhak Rabin had tough words in Jerusalem, vowing not to cede all the Golan Heights to Syria or make gestures to Palestinians.

GERMAN OPPOSITION: Germany's Social Democratic Party named moderate regional politician Rudolf Scharping its leader. As head of the German opposition, he would be the party's candidate to challenge Helmut Kohl for the post of German chancellor in the next elections in 1994. Scharping, 45, is the premier of Rhineland-Palatinate state, the equivalent of a U.S. state.

CAMBODIA'S PRINCE: Prince Norodom Sihanouk is back nearly a quarter-century after he was ousted by a U.S.-backed coup. Sihanouk was formally reinstated as Cambodia's head of state — and quickly confronted a secession movement led by an estranged son. Cambodia's 120-member assembly, meeting for the first time since U.N.-supervised voting last month, is set to adopt a democratic constitution within three months. A new post-civil war government would follow.

POPE IN SPAIN: Pope John Paul II braved a blistering Andalusian sun to join in a high-spirited encounter with 20,000 people packed outside a sanctuary in the town of El Rocio. The pontiff had visited Seville, where he appeared tired and frail.

U.N. tribunal puts focus on women, abuse

By Lee Michael Katz
USA TODAY

First Margaret Dravu of Uganda was beaten. Then she was thrown into a kerosene lamp when she couldn't get a hot meal and bath ready at 2 a.m. for her live-in boyfriend.

She's been hospitalized with burns since November 1991.

Dravu's plight — along with that of millions of women around the world — will be the focus of a women's tribunal today in Vienna during the 11-day United Nations Human Rights Conference.

Women's rights advocates and abuse victims will testify before the panel about the harshness of life for women.

Domestic violence, murder, sexual slavery, wartime rape and female circumcision — called "genital mutilation" by women's groups — are among the topics the unofficial tribunal will consider.

Ugandan lawyer Stella Mukasa, one of 25 testifying at the conference, said Dravu's mistake was saying that she was too tired from caring for the couple's 4-month-old baby to start a charcoal fire.

Dravu's burns left her unable to breast-feed her baby, who died from "lack of proper mother's care."

Local police ignored government attempts to charge Dravu's attacker. Such indifference is standard, Mukasa says, with 60% of Ugandan women beaten by men at home.

"Domestic violence," she says, "is considered just a part of the normal day-to-day wear and tear of marriage."

A sample of grim global statistics cited by women's groups:

▶ In India, eight of 10 women are abused, including dowry-related burnings.

▶ In Bosnia-Herzegovina, about 20,000 women have been raped by soldiers.

▶ In Thailand, there are an estimated 800,000 prostitutes under the age of 16.

"Fifteen years ago, that was not talked about very much in polite society," says Arvonne Fraser of the U.S. delegation.

African and other Third World women are "taking the lead" in spotlighting violence against women, says Geraldine Ferraro, a top U.S. delegation official. "They're speaking up in anger."

Also relating stories of abuse will be a battered women's advocate Gayla Thompson of Buffalo.

"We tend to think of it as everyone's else's problems," says Thompson. "Most of the problems that are going on globally are (also) going on in the United States."

Personal circumstances, Thompson says, led her to study 400 domestic violence cases in the Buffalo area.

In Vienna, "I'm going to take all the makeup off my face, so they can actually see in the mirror what I see every single day," Thompson says.

The scars, she says, are "a constant reminder for me."

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Serbs zero in on 3rd Muslim 'safe area'

By Tom Squitieri
USA TODAY

Bosnian Serb forces Monday prepared for a final assault on the Muslim enclave of Gorazde, action that could give them control over all eastern Bosnia-Herzegovina.

Bosnian Deputy Prime Minister Hadzo Efendic asked President Alija Izetbegovic to break off peace talks in Geneva and return home because Gorazde was about to fall, the Bosnian press agency reported.

"This is very grave for the Bosnia government and also a loss to the prestige of the (U.N.) Security Council," said Nedzib Sacirbey, Bosnian government spokesman.

The United Nations on June 4 designated Gorazde a "safe area" along with Srebrenica, Zepa, Sarajevo, Tuzla and Bihac. But no steps were taken to protect the areas or the civilians in them.

Monday, the United Nations recommended sending 7,500 new troops to the areas, backed by U.S. air power. But Secretary-General Boutros Boutros-Ghali said 34,000 soldiers would be needed to guard the towns.

Serb troops ve prevented U.N. monitors from entering Gorazde, where 70,000 trapped residents have been pounded by rockets and artillery for three weeks.

Radio reports said at least 66 people have been killed and 100 wounded since Sunday evening, as Serb troops moved to within 2½ miles of city limits. An estimated 600 have been killed since the attack began.

The fall of Gorazde, predicted by Bosnian Serbs last March, would follow that of Zepa and Srebrenica, putting three of the six U.N. safe areas are under Serb control. Also:

▶ About 300 U.S. soldiers based in Germany are expected to begin arriving in Macedonia this week. They will augment a 700-strong U.N. force from Scandinavia patrolling the Serbia-Albania border.

▶ In Geneva, new power-sharing talks between Muslims and Croats failed to mend their shattered alliance; the talks deadlocked on proposals three Bosnian Serb leaders be named to a transitional "coordination body."

▶ Macedonia Defense Minister Vlado Popovski said his country will soon apply to join NATO to gain protection from its neighbors.

The Department of Housing and Urban Development is facing a tall order — provide more housing assistance with less money. But the administration is looking for new ways to make a difference.

Break up pockets of poor in cities

Henry Cisneros says the poor need dispersed housing in the suburbs.

The comments of ***Henry Cisneros****, secretary of Housing and Urban Development, were edited from an interview with USA TODAY's* ***editorial board.***

Q: What is the overriding problem confronting your agency today?

A: Everything I read tells me the most serious problem we have in America today — urban America, in particular — is the concentrations of our very poorest populations in specific projects, specific developments, specific neighborhoods.

Q: What's the answer?

A: We can begin to break down the size of a Cabrini Green (huge housing project in Chicago), for example, through new public housing located outside impacted areas. We would negotiate with metropolitan and countywide organizations to accept public housing beyond the central city.

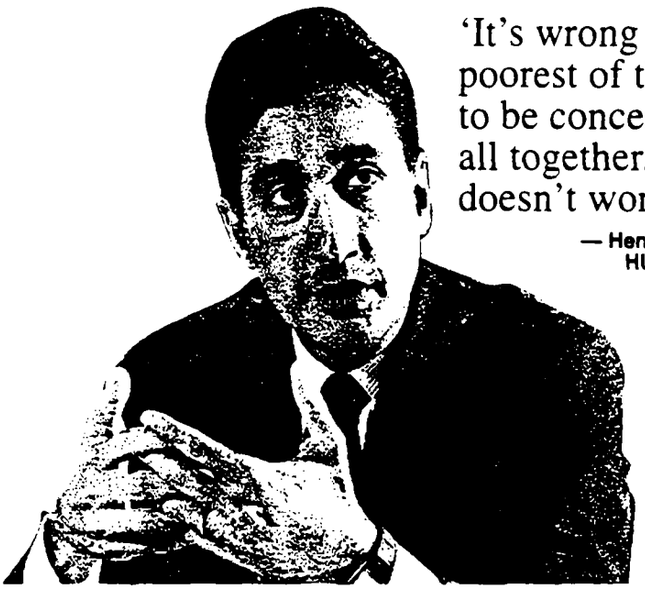
Q: How do you respond to community complaints that these things are developed by limousine liberals who don't have to live with the consequences?

A: First of all, it's wrong for the poorest of the poor to be concentrated together. It doesn't work. There are no role models. Children have to walk between housing projects where the drug lords patrol and fire at each other with Uzis. Secondly, the principle of breaking up the scale of public housing and asking communities to share responsibility across a metropolitan area is not experimentation. We know that it can work better in smaller-scale, architecturally attractive projects.

Q: Do you have the money to do it?

A: I would like to steer the discussion away from the assumption that everything HUD can do requires huge sums of federal money. First of all, it's not necessarily true. Secondly, we're not going to have huge sums of money, so we'd better find ways to work with other relationships and communities to make things happen.

Q: But if the department has little [illegible], and opposition is strong in the suburbs to public housing, what are the alternatives?



'It's wrong for the poorest of the poor to be concentrated all together. It doesn't work.'

— Henry Cisneros, HUD secretary

By H. Darr Beiser, USA TODAY

A: We have to do other things like the Section 8 program, one of the most powerfully effective housing [tools] devised in the past 20 years. It essentially gives people a voucher that is the equivalent of the rent. So you get a voucher, you get to go and rent an apartment and all you pay is 30% of your income. It's a big and very effective program. It has virtually no downside except that it costs money to authorize more vouchers.

Q: Do you see expanding the voucher program in the future?

A: We're trying to increase the number about 40,000 this year and incrementally increase it by 40,000, so that by the end of the Clinton budget it's an increment of an additional 100,000. Now that is my best evidence that the president is committed to budget increases for HUD, although some would argue 100,000 is not nearly enough, that we need multiples of 100,000. We probably do if we're going to effectively break up some of our existing housing projects.

Q: Are voucher values high enough to allow people to move out of the central city and into suburban areas?

A: We don't have any problem getting landlords to accept Section 8 vouchers anywhere because they are guaranteed to be paid by the federal government. You just have to look at the Washington, D.C., metropolitan area. Rent is probably highest in the District and then it goes down the farther you go out because of commuting prices.

Q: What else can be done?

A: Using new programs like the Moving to Opportunities Program, a demonstration program approved by Congress that will be similar to one that resulted from a lawsuit in Chicago. It will give people rental certificates and services to allow them to move into suburban settings. Then we would begin to break down these concentrations of poor and begin to expose families, particularly children, to opportunities on a broader scale across American society.

Q: We've talked a lot about dispersal of these big projects. What are some of the other key goals you've set for HUD?

A: What we hope to do is look at HUD's programs and then run them through the test. Are we building community? Are we supporting family cohesion? Are we providing a sense of economic dynamic or lift for people we serve, and do we enhance notions of individual responsibility? You say, 'Well, how can government do the latter, individual responsibility?' We think we can by our youth and mentoring programs and the way we treat young people. And with respect to race to begin to break down the concentrations [in urban areas].

Context

History of public housing

President Franklin Roosevelt signed Housing Act into law in 1937.

Congress' goals: to provide decent, safe and sanitary housing for low-income families; to assist states and localities in addressing problems of unemployment; and to eradicate slums.

Most units were constructed from the mid-1950s through 1981.

At a glance

Rent: Family pays 30% of annual income or 10% of monthly income.

Units: 1.4 million.

People: 3.7 million.

Avg. tenancy: eight years

●

History of voucher program

The Section 8 voucher rental program was started in 1974.

Tenants are certified based on low-income eligibility.

Clinton is proposing an additional 40,000 units this year.

At a glance

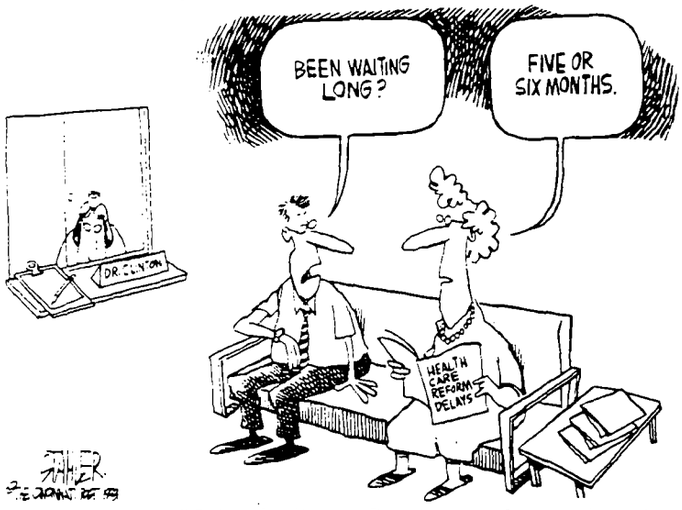
Rent: Tenants pay 30% of their annual income and government pays rest.

Households: 2.3 million.

First-year subsidy: $380 a month.

OPINIONLINE

What people are saying about Clinton and health care



Jeff Stahler, The Cincinnati Post, Newspaper Enterprise Association

For Clinton's health plan, time is the enemy

JOSEPH BAST, president of Heartland Institute in Chicago, in *The Wall Street Journal*: "Time is the enemy of the Clinton plan. It now appears that Congress won't act on a health care bill in 1993. With House and Senate elections taking place in 1994, and with 1993's tax increases fresh on voters' minds, it is hard to imagine how the Clinton administration would find majorities in either house willing to vote for another round of major tax increases. If, as many economists predict, the economy in 1994 will be growing only slowly or not at all, passage of an expensive new social program is even less likely. If a health care plan is *not* passed in 1994, all bets are off for 1995.... Desperate to take credit for 'doing something' about health care, a Clinton administration in 1995 would be sorely tempted to adopt major parts of the Republican plan.... If the rhetoric becomes reality, the result could be health care reforms that genuinely benefit consumers, business, and health care providers."

STEPHEN CHAPMAN, syndicated columnist: "Hillary Rodham Clinton made $203,000 from her law practice last year. The median income of American doctors was $139,000 in 1991, the most recent year for which figures are available. Guess who is accusing whom of making indecent sums of money?... Since the first lady [in a speech before the Service Employees International Union] was charmingly oblique about whom she had in mind, let's consider the possible villains. Doctors? A woman who recently was earning a six-figure income practicing law — the social value of which is not obviously superior to medicine — ought to have the grace not to reproach others for greed."



CHAREN

MONA CHAREN, syndicated columnist: "The president is badly off-course, struggling to hold his own party together. But while there's talk in Washington of another failed presidency, it's not too late for Mr. Clinton to turn things around. He has made health care his next big crusade, promising to simultaneously increase coverage and lower costs. This is an economic impossibility — not to say a hornet's nest. The plan Hillary's task force has designed is rumored to be more deception. It will be labeled 'managed competition,' but the emphasis will be on the 'managed,' not the competition."

THE (NASHVILLE) TENNESSEAN in an editorial: "After more than four months in office, President Clinton has learned that even the White House has a limited number of front burners.... The decision for the delay is a wise choice of substance over perception. Despite all the effort, the plan simply isn't ready. And even if it were ready, this would be a sorry time to drop it into the congressional cauldron."

GREGORY PENCE, University of Alabama professor, in *The New York Times*: "The Clinton administration holds out the promise of lower medical costs, universal access, in-home care, nursing home coverage and a continued private insurance industry. But it has played down the obvious need for a system of rationing expensive treatment. In doing so, it has left a painful truth unsaid: Rationing is not just an economic issue. Rationing is also about ethics. In reforming medicine, we must address how physicians will ethically deny the best medical resources to some patients.... Any health care reform will be incomplete unless these questions are dealt with.... Can Americans meet the ethics of rationing face to face? The behind-closed-doors approach of Hillary Clinton's health care task force has hindered reaching a national consensus.... If we don't start publicly talking about rationing, we'll never get a consensus and medical reform will fail."

THE (PORTLAND) OREGONIAN in an editorial: "In the debate on comprehensive health-care reform, the American Medical Association supports placing a $250,000 cap on jury awards in malpractice lawsuits, as California does. It laments that doctors pay $9 billion a year in malpractice-insurance premiums.... But the AMA also resists giving the public any access to a national data bank that the U.S. Department of Health and Human Services has been compiling on incompetent or frequently sued doctors.... That attitude has to change. The medical profession can't have it both ways. So it's only proper that Rep. Ron Wyden, D-Ore., is drafting legislation to open the National Practiti Data bank to the public."

NEIL HOWE & BILL STRAUSS, demographers, in *The Washington Post*: "When President Clinton signed the motor voter bill, the Democrats at the Rose Garden ceremony were no doubt expecting a big future payoff from post-boomers — the 13th generation.... Yet the Democratic flirtation with this once-so-Reaganite rising generation could turn sour just as soon as these young Americans absorb the de of Clinton's health care plan. For lurking within this plan, in every form now under consideration, are massive transfers from the '13th generation' to its elders. By 1995, these transfers would amount to at $1,000 per capita, or $65 billion in the aggregate. And that's a minimum estimate.... The Clinton health plan's massive penalty against young workers could become a political lightning rod for their anxiety about falling below the living standards of their parents and about the huge public debts they are inheriting."

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THE

"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."
—Allen H. Neuharth
Founder, Sept. 15, 1982

THE NATION'S NEWSPAPER
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Sloppy process tarnishes nominees, administration

A welcome nomination for the high court doesn't clear the White House of its reputation as fickle.

At last President Clinton has ended his fitful search to replace retiring Supreme Court Justice Byron White. Judge Ruth Bader Ginsburg, a known centrist, accepted the nomination yesterday with gravity and grace.

Her selection bodes well for the high court, hampered by a lack of diversity even with the presence of Sandra Day O'Connor and Clarence Thomas.

Unfortunately, no such rosy assessment can be made of the White House, which has helped to undermine public confidence in its choices by failing to stand behind them.

Interior Secretary Bruce Babbitt and Judge Stephen Breyer were touted for the job, then abruptly abandoned. Other nominees for high-level posts, most recently Lani Guinier, have been similarly treated and suffered similar fates. The net effect is to encourage Americans to think the president cannot make a challenging choice and then stick by it.

As to the high court, this much is plain: As long as it entertains such abbreviated diversity on its bench, it will fall short of being the "instrument of our common unity" that Clinton envisions. Ginsburg's great promise is that she could broaden the court's outlook.

It's too early to judge Ginsburg's scholarship and ideas. That must wait for confirmation hearings, during which senators will examine her work in great and public detail.

That's as it should be. Public testing is an essential part of the Senate's duties.

Indeed, the damage is caused only when the administration publicly fiddles with and abandons its own choices. If the White House has trouble attracting top-flight candidates for other jobs in the future, it won't need to wonder why.

▶ Ginsburg's record, 1A

Today's debate is on **VITAMIN SAFETY** and whether new regulations are needed to protect consumers.

Regulate diet supplements

OUR VIEW **Taking vitamins and minerals in pursuit of better health should not mean taking a chance of getting sick.**

Not everything sold in health-food stores is good for you. The trick is finding out what isn't.

The Food and Drug Administration wants to help. Today it proposes long-overdue standards for labeling vitamins and minerals. And it launches an inquiry to decide how to ensure the safety of all dietary supplements.

The absence of strong regulations leaves consumers gambling with the unknown. They have a right to be certain their pills and potions are safe, do what their labels claim and contain the ingredients listed in the stated strengths.

The FDA would require claims on supplement labels to be backed by "significant scientific agreement," not just studies of unknown merit as legislation supported by the supplement industry proposes.

Dietary supplements now fall into a regulatory crack between food and drugs. They don't have to conform to legal standards for purity, quality, potency or uniformity. They need not list possible side effects or expiration dates. Child- or tamper-proof caps aren't required. On many, no studies have determined the upper limits of a safe dosage.

The best-known hazard was L-tryptophan, an amino acid supplement — once touted as a cure for insomnia and premenstrual syndrome — that caused a blood disorder fatal to 38 people. The FDA banned it in 1990.

A Duke University study of L-carnitine, a necessary bodily substance some people lack, found most samples examined contained 60% or less of the substance; one had none. Seven of 12 dissolved too slowly to be of any use.

Even too much of a good thing can be harmful. Megadoses of vitamin A cause liver damage; B-6 megadoses can impair the nervous system; adult-strength iron tablets can be fatal to kids.

Good health shouldn't be left to chance. Safeguards are as essential for vitamins and minerals as they are for food and drugs.

▶ Label proposal, 1A

Beware regulatory overkill

OPPOSING VIEW **FDA would restrict access to diet supplements and to health information about them.**

History repeats itself. In the 1970s, the Food and Drug Administration sought to classify vitamins as drugs. A massive outcry from an angry public led to enactment of the Proxmire Amendment, which stopped the FDA in its tracks. In 1990, Congress passed the Nutrition Labeling and Education Act to provide consumers with more information. The FDA's approach under the act created just the opposite: less information and more control.



By Gerald Kessler, executive director of the Nutritional Health Alliance.

Today, the FDA unveils proposed regulations for dietary supplements which will restrict access to them and health information regarding their use. In the name of "consumer protection," the FDA seeks to frighten people, falsely implying that dietary supplements are dangerous. The FDA is against informed choice, the very essence of democracy; it argues that current scientific evidence on nutrition should be withheld from the public until the FDA determines significant scientific agreement. This could take another 20 years.

The FDA misinforms the public, saying a pending bill to protect consumers' rights will reduce FDA powers. This bill not only increases FDA powers but creates stronger safety and quality standards for supplements. Most important, it allows truthful, non-misleading health claims. Will the public have to wait another 20 years while FDA determines "significant scientific agreement"? Meanwhile, billions will be spent unnecessarily on chronic disease. How many families will be destroyed by chronic illness that could have been avoided with safe and beneficial dietary supplements?

Dietary supplements are an idea whose time has come. The people again demand their rights. The FDA failed to learn the lessons of the past and is doomed to repeat them. Let the people decide. That's how it's done in America.

What do you think of Clinton's treatment of nominees?

Tell USA TODAY readers how the Clinton administration's handling of nominations will affect its ability to get the best people for top government jobs. Our opinions are reached in daily debates of a 15-member editorial board — people of many backgrounds and interests. We value your views, too.

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Letters most likely to be published are timely, brief and direct, as in today's paper. All will be read, but, as much as we'd like to, we can't publish or acknowledge them all. Include your name, address, day and evening phone numbers for verification and, if you wish, your photo for possible publication.

USA TODAY · TUESDAY, JUNE 15, 1993

Navy hit on base closing

Feinstein lambastes idea to open Everett, shut down Alameda

By Christopher Hanson
P-I Washington Correspondent

Seattle Post-Intelligencer, Tuesday, June 15, 1993

WASHINGTON – Sen. Dianne Feinstein fired a series of rhetorical torpedoes at the Navy home port project in Everett yesterday, telling a federal base-closing panel it makes no sense to shut a base in her state and shift its personnel to the Seattle area.

Feinstein, D-Calif., attacked the Navy's claim that it would be cheaper to close the Alameda, Calif., aircraft carrier base while opening the one in Everett.

She cited an internal Navy document that concludes the cost of closing Alameda and other San Francisco Bay Area bases is more than four times what the Navy officially claims.

"The Navy blew this one," Feinstein told the commission.

Her remarks and those of other California lawmakers came in the final round of hearings held by the panel, which has added 47 bases to an original hit list of 31 drawn up by the Pentagon.

From Page 1

The commission must present its final recommendations to President Clinton by the end of June.

Alameda was on the Pentagon's original hit list. The commission added Everett and has been asking tough questions about it, to the consternation of Washington state representatives, who will defend the base before the panel tomorrow.

"California can't take any more base-closure hits," Feinstein said. "We have done our fair share. ... We have less than 15 percent of all (Defense Department) personnel, yet we will suffer over 50 percent of the personnel reductions.

"The Navy's plan to shut down Alameda and transfer the aircraft carriers and all the tens of thousands of personnel to Everett, Wash., is simply not sound policy."

Feinstein released an internal report prepared by the commander of Navy bases in the San Francisco area that said the cost of closing Alameda and six other Bay Area sites would be $3.6 billion.

The report said the Navy's official cost estimate of closing the sites – $349 million – fails to take into account "specific environmental or nuclear closure costs."

Last week, the Navy sent the commission an official analysis concluding that closing Alameda while going ahead with Everett could result in millions of dollars in annual savings in the long run.

Daniel Norton, chief of Washington state SANE/FREEZE, which opposes the Everett project, said the internal report casts doubt on the idea that opening Everett while closing Alameda could save money. Any estimates that fail to take into account environmental cleanup of bases before they are turned over to civilian use "distorts the figures and makes them invalid," he said.

Navy spokeswoman Lt. Cmdr. Mary Copeland questioned the data Feinstein was citing. She said the leaked document was not based on "certified" data and could be inaccurate.

Copeland also questioned the validity of including environmental cleanup costs in cost-benefit comparisons. She said the government ultimately will have to pay the cleanup costs "no matter what," even if the Bay Area bases remain open.

Everett's defenders argue that the Puget Sound facility is environmentally sound, designed to keep cleanup costs down.

When Washington state representatives testify tomorrow, one of their biggest challenges will be to persuade the panel that Everett is essential as a carrier berthing site and that an additional $206 million should be spent to complete the project.

The Navy wants to base one carrier at Everett and one at the base in Bremerton. But panel members have suggested that Bremerton, already home to one carrier, could accommodate a second.

Several Washington state representatives acknowledge this but maintain that basing two carriers in Bremerton would require pier construction and put too many demands on the city's roads and schools.

"The best thing is to have Everett and Bremerton (as carrier bases)," said Rep. Norm Dicks, D-Wash., an Everett backer who represents Bremerton.

"If the commission for some reason ... decided not to go forward with Everett, ... then, obviously, I think you could have a second carrier at Bremerton. That is not the preferred option." END

2 of 2

Seattle Post-Intelligencer, Tuesday, June 15, 1993

U.S. House votes to ban export of logs from state lands

By Christopher Hanson
P-I Washington Correspondent

WASHINGTON – The House voted yesterday to ban exports of logs cut on state property in a bid to provide more business for struggling mills in the Pacific Northwest.

"We can't return to the days when state lands were used as tree farms for the Far East," Rep. Jolene Unsoeld, D-Wash., chief sponsor of the export bill, said on the House floor before the measure passed unanimously by voice vote.

Also yesterday, Interior Secretary Bruce Babbitt said the Clinton administration's forest plan will permit resumption of logging on certain federal lands within six months, but he provided no specifics.

The House bill reinstates legislation that was ruled unconstitutional by a federal appeals court May 4. The court said the law had stripped too much power from governors. The new law gives states more flexibility.

Members estimated that the measure could save 5,000 to 6,000 timber and timber-related jobs in Washington state.

Rep. Peter DeFazio, D-Ore., said in a written statement:

"U.S. policies tolerating log exports is laissez faire at its worst. Japan has 16,000 sawmills and doesn't cut a stick of timber. The Northwest boasts some of the premier forests in the world and only has 300 sawmills. Something is terribly wrong."

He added in an interview he wants the bill to send a message: "We're not happy being a wood product export colony of Japan."

Rep. Mike Kreidler, D-Wash., told the House: "This bill today, unfortunately, does

See BABBITT, Page A7

Seattle Post-Intelligencer Tuesday, June 15, 1993

Babbitt: Timber cuts should start by end of 1993

From Page 1

not turn back the clock. It doesn't restore the health of our forests. . . . But it does show that the Pacific Northwest . . . can take control of its own destiny and develop public policy that works."

Rep. Maria Cantwell, D-Wash., a floor manager for the bill, said it is "a status quo fix to a crisis in Washington state. This bill only reinstates the law as it existed before the May 4 court decision. It does not introduce new ideas, does not attempt to go further than current law, nor will it affect the export of privately owned timber."

The bill now goes to the Senate. Northwest members are hopeful it will be passed quickly and be placed on the president's desk for his signature within a few days.

The Clinton administration, meanwhile, continues deliberating behind closed doors on a plan to preserve the Northwest habitat of the threatened northern spotted owl while allowing some logging on federal lands.

Logging on thousands of acres of federal lands has been stopped under federal court injunctions until the federal government comes up with a logging plan consistent with environmental laws. The administration must come up with a logging plan that adheres to those laws by July 15.

Babbitt met yesterday with a timber family from Oregon and said afterward that "we're going to have timber cuts under way by the end of the year."

Babbitt didn't say whether he was referring to resumption of logging under a permanent harvest plan or limited salvage logging in some areas. A spokeswoman for the secretary said later he was speaking in the context of an overall, comprehensive plan. Babbitt said the administration would release Clinton's forest proposal within about two weeks.

In a related matter, the Forest Service is asking a judge to allow salvage logging in Northwest forests with spotted owls, saying some cutting is needed to keep bugs and disease from killing trees that hold bald eagle nests.

Government lawyers want U.S. District Judge William Dwyer in Seattle to grant an exception to his logging injunction by Thursday, arguing emergency action is needed to save the threatened eagles' habitat in the Winema National Forest of southwest Oregon.

"The Forest Service has concluded that the benefit to the eagle which would result from harvest of the eagle habitat units outweighs any adverse effects that the owl may sustain in the short term," the Forest Service said in a brief filed last Friday.

The Seattle Audubon Society is resisting the emergency request, saying it needs more time to determine whether the proposed thinning of trees would harm the threatened owls that share the old-growth with the eagles.

"This is the first time they've come up with a strategy of pitting one threatened species against another," said Andy Stahl, staff forester for the Sierra Club Legal Defense Fund representing the Audubon Society. END

■ The Associated Press contributed to this report.

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The Des Moines Register

White House News Summary
Page 4

Leach pitches Quad Cities arsenal's cause

By JANE NORMAN
Of The Register's Washington Bureau

Washington, D.C. — Rep. Jim Leach, R-Ia., on Monday urged the Base Realignment and Closure Commission to accept Pentagon recommendations that would add jobs to the Rock Island Arsenal in the Quad Cities of Iowa and Illinois.

The arsenal is expected to gain more than 2,000 new jobs under recommendations made by Defense Secretary Les Aspin earlier this year. Under those recommendations, the Communications and Electronics Command would be moved from Fort Monmouth, N.J., to the arsenal.

In addition, a planned move of the Armament, Munitions and Chemical command from the arsenal to another facility in Alabama would be canceled, and jobs would be added to Rock Island from the Depot Assistance Command at Letterkenny, Pa.

Leach, who represents the Iowa portion of the Quad Cities, said in prepared remarks that decisions on bases should be made "on the basis of a broad understanding of national interests, rather than on the parochial concerns of politicians."

Leach said the Quad Cities have argued from the beginning of the base-closure process that if resources at the arsenal and in the community were "carefully and fairly evaluated," the commission would conclude the most "cost-effective and militarily sound" choice would be consolidation of functions at Rock Island.

Sen. Tom Harkin, D-Ia., was to testify today. In a statement, he said the arsenal is a "centrally located, modernized facility with excess, quality space that can absorb additional functions and save taxpayer dollars."

Grassley quick to voice praise for court nominee



Charles Grassley
Views her as a moderate

'She's a Democrat nominee that even conservatives can respect,' says the Judiciary Committee member.

By JANE NORMAN
Of The Register's Washington Bureau

Washington, D.C. — The nomination of Ruth Bader Ginsburg to the U.S. Supreme Court met with approval Monday from one of the Senate Judiciary Committee's staunch conservatives — Sen. Charles Grassley, an Iowa Republican.

"From what I know at this point about Judge Ginsburg's record, I believe she's a Democrat nominee that even conservatives can like and respect," Grassley's statement said.

While Grassley did not commit himself to voting for Ginsburg when her nomination comes before the committee, he praised her actions in two instances.

In March, Grassley said, Ginsburg gave a speech to a group of lawyers in Washington, in which she criticized the reasoning, although not the result, in the landmark case Roe vs. Wade, which legalized abortion.

"She scolded the court for acting as a superlegislature and said because many states were rethinking the abortion issue on their own, the Supreme Court should have left the decision up to state legislatures," Grassley said.

"While I may not agree with the results of this case, I certainly appreciate that Judge Ginsburg understands the role of Congress and state legislatures, and the very limited role of the courts."

Grassley also said that in 1984, Ginsburg dismissed the claim of a sailor who said his constitutional rights were violated when the Navy dismissed him for engaging in homosexual activities.

"I think these two examples very much indicate that Judge Ginsburg is a moderate, meaning she may end up having more problems with the left than the right," Grassley said.

An initial statement from Sen. Tom Harkin, D-Ia., a liberal Democrat, did not indicate he has any problems with Ginsburg.

"Though I have not had an opportunity to look into her nomination, everything I hear about Ruth Ginsburg indicates to me that she is eminently qualified to sit on the Supreme Court," Harkin said.

"I have always said that the Supreme Court should reflect the nation at large, and I am very pleased that President Clinton has chosen a woman with such experience," Harkin said.

Clinton's magic choice

The president may have succeeded at something in picking Ginsburg.

President Clinton's choice of Ruth Bader Ginsburg for a vacancy on the U.S. Supreme Court appears to be both positive for the court and politically expedient. In other words, Ginsburg would make a fine justice — and she is apparently free of anything that could sink her nomination. For Bill Clinton, that's the magic combination, and may well explain why he went back to Ginsburg after testing the waters with several other names.

This is the unfortunate reality of picking nominees for high government office these days, when powerful special interests are able to cow the president into backing away from his nominees at the first hint of trouble. The roadside is littered with the carcasses of scuttled nominations since Clinton's inauguration, and each makes it more difficult for him to resist objections to future controversial nominees.

The question is whether Clinton passed up a potentially better justice in federal appeals judge Stephen Breyer — who ran into nanny-tax problems — to avoid offending people who are nursing a grudge over the dropped nominations of Zoe Baird and Kimba Wood.

There is no question, however, that Ruth Bader Ginsburg is a fitting choice for the court in any case. Her name has come up repeatedly as a replacement for retiring Justice Byron White. She has a reputation for being a consensus-builder in her current job as a judge on the U.S. Court of Appeals for the D.C. Circuit.

Though she shuns political labels, she is said to be a "centrist." Her experience as a lawyer for the American Civil Liberties Union on women's rights cases should win the backing of feminists and abortion-rights groups. Yet Republican members of the Judiciary Committee are already predicting a unanimous confirmation. Iowa Senator Charles Grassley said "she's a Democrat nominee that even conservatives can like and respect."

Clinton desperately needs to succeed at something, and a Supreme Court nomination sailing through the Senate without a ripple could do him a world of good. More important, though, is whether Ginsburg is the best nominee or the least objectionable. That may become clear as the confirmation process unfolds in the Senate.

Tough going in Somalia

The country can't be rescued if the violence escalates.

Everybody knew the hard part in Somalia would come *after* the people were rescued from starvation. It was one thing for U.S. troops to open supply lines and to bring food. It is quite another to prevent chaos from descending again once the troops left.

The United Nations, now in charge after the withdrawal of the bulk of U.S. troops, is trying to bring back Somalia from the brink of oblivion by maintaining order until the country can govern itself. Bloody events of recent days put that noble mission in doubt.

The largest contingent of U.N. forces in Somalia are troops from Pakistan. After 23 Pakistanis died in an ambush last week, U.N. forces including American gunships moved against Mohamed Farrah Aidid, the Somali warlord believed responsible for the ambush. Also, Pakistani troops have twice fired on groups of Somali people, and a U.S. gunship attack on a rocket launcher in Mogadishu on Monday resulted in civilian casualties.

If civilian deaths continue, there is a risk that the Somali people will turn against their benefactors and force the U.N. to withdraw. Then what? A return to chaos and famine?

The U.N. mission in Somalia is a new role for the international organization. In the past, U.N. peacekeepers functioned mainly to monitor cease-fire agreements, with no expectation that they would use force. In Somalia, the U.N. troops have been described not as peacekeepers, but as peacemakers. They are to be active in maintaining order and in preparing the country to govern itself. As President Clinton observed, if the U.N. troops, "are to be effective agents for peace and stability in Somalia and elsewhere, they must be capable of using force when necessary to defend themselves and accomplish their goals." Yet what happens if the use of force alienates the very people the troops are supposed to be defending? Until now, it has appeared most of the Somali people welcomed the U.N. intervention. Will that continue if the violence escalates?

The U.N. command in Somalia faces the difficult task of using sufficient force to maintain order, while not being provoked into excesses that could turn the people against their fiduciary. For, ultimately, the mission in Somalia cannot succeed without retaining at least the tacit support of the Somali people.

Somalia is a test case for the ability of the world community, working through the United Nations, to restore hope to the most destitute of the world's people. If it fails there, it may be a long time before the U.N. tries again.

The Des Moines Register

From Boston Globe Page 1

Praise mixes with doubts over president

By David Shribman
GLOBE STAFF

News Analysis

WASHINGTON – There was an undercurrent of enormous struggle and pain along with the president's exultation yesterday as he introduced Judge Ruth Bader Ginsburg to the nation.

His first selection to the Supreme Court is a sober jurist, almost assured of confirmation, and a robust symbol of America's drive toward a society of diversity and opportunity.

And yet even at a moment of triumph – Clinton's selection of Ginsburg may well shape the nation more deeply and in more enduring ways than will any element of his domestic program – the president failed to allay the fears of his closest allies that he is unable to take command of his own job.

In the end, of course, the voice of Justice Ginsburg probably will echo throughout the nation long after the president either quells those fears or permits them to damage his presidency permanently. But in the meantime, the capital and the public are hungry for reassurances from the president that he can show decisiveness, move deliberately toward his goals and steel himself against the demands of special interest groups.

Those reassurances have not come, as Clinton made a bad public show in picking what even his critics believe was a good choice for the Supreme Court.

This time, however, the president's missteps were doubly unfortunate. In conducting a public courtship of Judge Stephen G. Breyer and then turning, apparently at the last moment, to Judge Ginsburg, he gave the appearance of making the most forced "midnight judge" appointment since John Adams stayed late in his office, selecting judges, the night before Thomas Jefferson became president.

In the process, Clinton maligned a distinguished jurist, Judge Breyer, and diminished a poignant moment for his eventual selection, Judge Ginsburg.

Ginsburg's stunning performance in the Rose Garden yesterday signaled that she will have ample opportunity to make her own lasting imprint on the public's consciousness and on the nation's body of law. For Breyer, who now joins Lani Guinier in the pantheon of public rejection, the pain of his exposure may never disappear entirely, despite his public acceptance.

For a week, the White House permitted the development of a situation in which the presumption, as lawyers and judges are fond of saying, was in favor of Breyer.

White House aides say they are embarrassed by how Breyer was treated and by the perception that he had failed to impress the president over crab cakes. At the same time, however, the president permitted one of his most popular Cabinet members, Interior Secretary Bruce Babbitt, to endure an embarrassing audition for the high court.

The president himself acknowledged over the weekend that the lengthy process of selecting a replacement for Justice Byron R. White showed immense weakness. Moreover, Clinton has signaled in recent days that he knows his goal now isn't to move left, right or center, but simply to move.

The president, moreover, has made his own task more difficult. More than ever, he now battles the perception – rampant in Washington if not entirely acknowledged within the wrought-iron fences of the White House – that he is indecisive, that his staff lacks sophistication and that he and his administration are vulnerable to the entreaties of any aggrieved interest.

The president is now viewed as having backed down to Westerners who objected to his plans to raise grazing, timber and mining fees; to various interests who objected to energy taxes on farm equipment, smelters, oil dealers and utilities; to others who finally brought down the Btu tax entirely; to conservatives who were troubled by the views of Guinier; to environmentalists who were worried about losing Babbitt to the high court, and perhaps even to women's groups who did not – but might have, had they been given the chance – object to the selection of Breyer, given the cost that attorney general prospects Zoe Baird and Kimba Wood paid for their various household-employment practices.

In the end, the president made a Supreme Court selection that found wide initial support. Ginsburg possesses "the heart and spirit" that the president said he sought, and during her White House remarks, she projected a judicial temperament and a sense of the moment and an understanding of her position in history's parade. It was Bill Clinton's finest hour, and yet he was not able to enjoy it – or profit from it.

From Boston Globe Page 1

Clinton taps Ginsburg for top court

Late pick of appeals judge ends long-running search

By John Aloysius Farrell
GLOBE STAFF

WASHINGTON – President Clinton yesterday nominated US Appellate Judge Ruth Bader Ginsburg, a judicial moderate and women's rights champion, to the Supreme Court, capping a three-month search with what was literally an 11th-hour decision.

Ginsburg, 60, is a precise, shy legal scholar who was the first female editor of the Harvard Law Review and led the Women's Rights Project while a law professor at Columbia University in the 1970s. She has been called "the Thurgood Marshall of the women's movement" for the way that she, like the late Supreme Court justice, advanced equal rights through a string of legal victories for women.

Impressed by Ginsburg during a meeting Sunday morning, Clinton bypassed the reported favorite, US appellate Judge Stephen Breyer of Boston, whose prospects were hurt by stories that he had failed to pay Social Security taxes for a part-time housekeeper. Clinton offered Ginsburg the seat in an 11:38 p.m. phone call Sunday. Justice Byron White has announced he will retire this summer, creating the vacancy.

Clinton was under no constitutional deadline to act by yesterday. But he had said he would announce his choice yesterday, and by sticking to that plan, Clinton avoided any political damage that might have come from delaying.

Accepting the nomination yesterday at a Rose Garden ceremony, Ginsburg brought tears to Clinton's eyes when she praised her family for recognizing that her talents lay beyond their kitchen, and she spoke of her late mother as "the bravest and strongest person I have known."

"I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons," said Ginsburg, who would join Justice Sandra Day O'Connor as the second woman on the high court, but who received no offers from top law firms when she graduated from Columbia Law School in 1959.

Clinton then cut short a scheduled press conference after just one question, bristling in anger at an inquiry about "zig-zag" decision-making and telling reporters, "I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but political process. How you could ask a question like that after the statement she just made is beyond me."

In introducing Ginsburg, Clinton hailed her as a feminist pioneer who "has repeatedly stood for the individual, the person less well-off, the outsider in society" while still acting as a moderate judge who "cooled the fires of her colleagues' discord, ensuring that the right of jurists to dissent ennobles the law without entangling the court."

Senate leaders said that Ginsburg should win confirmation there easily. The choice passed muster with important Republicans like Sen. Orrin G. Hatch of Utah, lulled conservatives, thrilled many women's groups and will return a Jewish jurist to the court for the first time since Justice Abe Fortas resigned in 1969.

"She is going to sail through the Senate like few Supreme Court nominees have," predicted Sen. Patrick Leahy, a Democrat from Vermont who sits on the Judiciary Committee. Sen. Edward M. Kennedy, who had labored on behalf of Breyer, a friend and former aide, said he was "disappointed for Steve," but did not feel snubbed and thought Ginsburg was an "excellent" choice.

Breyer, who had met with Clinton on the opening last Friday and had remained in Washington over the weekend, said in a supportive statement, "I think she is a wonderful appointment to the court. I also feel very pleased and honored to have been considered. I am delighted to be back in Boston."

The Associated Press reported that last night, standing outside his home in Cambridge, Breyer said: "Basically, I know Ruth Ginsberg very well. I've known her family for years. She will make a terrific Supreme Court justice."

"As for my own feelings, I am honored to have . . . made it into triple-overtime," the judge said.

Clint Bolick, who heads the conservative Institute for Justice and played a leading role in forcing Clinton to withdraw the nomination of Professor Lani Guinier to a high Justice Department post two weeks ago, said: "We have looked at Judge Ginsburg's writings and some of her case decisions. She seems genuinely moderate. She seems to be more a legal tactician than a legal ideologue.

"No alarm bells have gone off, and we are very much inclined to be supportive of the nomination," Bolick added. "I think she will bolster the center on the court and takes a very restrained view of the role of the judiciary."

Clinton's elevation of Ginsburg puzzled and concerned some observers in Washington, even in friendly quarters.

Arthur Kropp, the president of People for the American Way, a liberal interest group, said: "The administration's process for selecting a Supreme Court nominee needs real improvement. It seems unfortunate and unnecessary that this important decision has taken so long and than appeared to come out of the blue."

And Ginsburg's very political palatability prompted a few questions from the left about the quality of the first Democratic appointment to the court since President Johnson's administration.

Ginsburg is known as a judge who prefers narrow, legalistic grounds when deciding cases. In her remarks yesterday, she extolled the virtues of intellectual honesty and "disciplined self-restraint" and quoted conservative Chief Justice William Rehnquist's guideline that judges decide cases on the facts and case law even when the decision is not "what the home crowd wants."

"She tries very hard to avoid deciding, which is why conservatives are enthusiastic," said Professor Alan Dershowitz of the Harvard Law School. "She will be an easy confirmation probably because she is a woman, and as a woman will get women's groups and liberal support, but she is very rigid and narrow so she'll get conservative support."

Dershowitz said Ginsburg "is not what President Clinton said he wanted. If she has a big heart, she has managed to hide it for 13 years on the bench. She doesn't know the problems facing real people."

As an illustration of her style, friends and critics both cited a 1984 ruling, in which Ginsburg sided with then-Judge Robert Bork to dismiss the complaint of a sailor discharged from the Navy for homosexual activity. In that case, the conservative Bork wrote a sweeping opinion that concluded the Navy had not violated the sailor's constitutional rights because there was no right to privacy. Ginsburg voted with Bork, himself an ill-fated Supreme Court nominee, but based her decision on technical legalities.

"She puts a great deal of weight on consensus building and being a mediator between factions," said Harriett Woods, the president of the National Women's Political Caucus. "She is not a high profile person. She is a very formal person who is known for her careful approach to the law." Liberals should take solace from the fact that in the sailor's case Ginsburg "distanced herself from Bork," Woods said.

Ginsburg's recent writings on abortion, in which she criticized the court's decision in Roe v. Wade, also raised eyebrows in abortion-rights camp. Kate Michelman, president of the National Abortion Rights Action League, said Ginsburg's "criticism . . . is cause for concern."

But antiabortion groups were not crowing. Ginsburg has said that rights advocates would have been better off basing their case on the grounds of sexual discrimination, rather than on a right to privacy. While she might criticize Roe's reasoning, the National Right to Life Committee said, "Ginsburg's own constitutional doctrine – that limitations on abortion are a form of sex discrimination – apparently would invalidate even the types of limits on abortion permitted by Roe, such as parental consent laws and limits on late-term abortions."

From Boston Globe Page 5

AMA on verge of banning bias against gay doctors

By Richard A. Knox
GLOBE STAFF

CHICAGO – After years of emotional debate, the 297,000-member American Medical Association seems poised to ban discrimination against gay and lesbian physicians within its ranks.

The action, if endorsed this week by the organization's 532-member House of Delegates, would be a major change for the traditionally conservative AMA. In debate yesterday, some proponents argued that the organization cannot afford to alienate potential members who happen to be homosexual, while others said an antigay atmosphere within the profession translates into "bad medicine" for homosexual patients.

Gay doctors, saying they spoke for many thousands, said widespread homophobia among colleagues has forced them to hide their sexual orientation for fear of professional repercussions.

One 20-year AMA member gave his name before he spoke out for the antidiscrimination proposal but said to the press: "If you feel the need to identify me, please recognize I am from North Carolina, the state with the highest rate of violence against gays."

Many AMA members, especially Southerners, still strongly oppose the antidiscrimination clause. Some called the step unnecessary and openly resented pressure to embrace what one doctor called "an outside political agenda unrelated to the AMA."

"We do not feel federal law requires adding sexual preference" to the list of illegal discrimination in the AMA's bylaws, said Dr. Marlon Burton of Columbia, S.C. "With our plate full with health care reform, we do not need controversy and threats to withdraw from the AMA" among members offended by the ban against discrimination based on sexual orientation.

Despite such opposition, the measure's chances of passage this time around are viewed as better than even, although a change in the bylaws requires a two-thirds majority vote. The AMA's board for the first time has strongly urged the change. "The issue is one of trust and perception," the 19-member board said in a report unanimously urging rank-and-file members to take the stand.

"We feel it is time to do something about this," said Dr. John L. Clowe of Englewood, Fla., the AMA's outgoing president. Turning Burton's argument around, Clowe said that AMA "has enough problems with health care reform." Opposing discrimination against homosexual doctors is "essential publicity-wise and every other -wise," he added during debate.

To conservatives, Clowe added reassuringly that banning discrimination against gay and lesbian doctors does not imply an endorsement of homosexuality. "We're not condoning it," he said.

In another action, the AMA is also considering recommendations aimed at reducing bias against women physicians.

Even though the proportion of female medical students has soared from around 4 percent in the early 1970s to 40 percent today, women in medicine still earn 34 percent less than men, are blocked from positions of power and "encounter subtle and overt forms of discrimination during their training and careers," said a report by the group's Council on Ethical and Judicial Affairs.

The council, whose report was unopposed in yesterday's debate, urged AMA delegates to adopt nine recommendations, from immediate promotion of women medical school faculty to leadership positions to "stop-the-clock" policies allowing women to interrupt their medical careers to have children without suffering professionally.

An AMA survey of 2,000 women physicians this year said that three in four had experienced sexual harassment. This problem will not be eliminated, the council said, until women are granted "fair access to the highest positions of power as well as a desire to challenge the most traditional hierarchies of medicine."

The AMA House of Delegates will vote later this week on the antidiscrimination issue and the gender-equity recommendations.

From Boston Globe Page 2

Rights will guide US aid, Chirstopher tells meeting

By Mary Curtius
GLOBE STAFF

VIENNA – The Clinton administration will put heavy emphasis on a country's human rights record when it decides how to dole out its foreign aid dollars, Secretary of State Warren M. Christopher said yesterday at the opening of the United Nations Conference on Human Rights.

"Respect for human rights and the commitment to democracy-building will be major considerations as we consider how to spend our resources on foreign assistance," Christopher told delegates from 183 nations to the largest gathering on human rights in 25 years.

Christopher made several references to the deep divisions that already have emerged here between the West and some Middle Eastern and Asian nations over basic tenets of human rights. Those differences make it unlikely, US delegation members said, that the conference will produce a consensus statement.

"I cannot predict the outcome of this conference," Christopher said. "But I can tell you this: The worldwide movement for democracy and human rights will prevail. . . . The United States will never join those who would undermine the Universal Declaration" of Human Rights "and the movement for democracy and human rights."

A group of nations labeled the "dirty dozen" by some US diplomats – China, Yemen, Sudan, Cuba, Libya, Vietnam, Burma, Syria, Iran, Iraq, North Korea and Pakistan – frustrated the preconference efforts of delegations to agree on statements against torture, illegal imprisonment and other elements of the Universal Declaration, which states that human rights are universal and individual.

Some Asian and Middle Eastern nations have argued that the declaration does not take into consideration either national sovereignty or cultural differences.

Addressing this point, Christopher said: "We respect the religious, social and cultural characteristics that make each country unique. But we cannot let cultural relativism become the last refuge of repression."

■ **Gore said the administration is developing a plan to reduce atmospheric emissions. Page 7.**

Christopher said the United States will support the establishment of a UN high commisioner on human rights as well as a special UN investigator to focus on violence against women.

Christopher's aides sought to distance him from what they now believe will be a diplomatic setback. The conference, one aide said, is merely a rhetorical forum that will affect neither the United Nations' work on human rights nor the role human rights will play in US policy.

From Boston Globe Page 8

Boston judge went from backup to front-runner, then to also-ran

Despite Breyer's resume, Clinton identified with Ginsburg

By Michael Kranish
GLOBE STAFF

WASHINGTON – Shortly after President Clinton had lunch on Friday with US Appeals Judge Stephen G. Breyer of Boston, he telephoned Attorney General Janet Reno. Reno, who was not overwhelmed by Breyer, had been urging Clinton to nominate a woman for the Supreme Court.

Clinton, according to an aide who was present, told the attorney general: "I want to thank you for your advice." Around the same time, the president told his aides he wanted a new candidate brought to the White House: Ruth Bader Ginsburg of Washington.

And when the president met Ginsburg at a secret Sunday lunch, his mind was made up.

In the end, it seemed, Breyer failed to get the nomination because Clinton liked him as a second choice, but was not convinced he was the person for what might be Clinton's only chance to name someone to the Supreme Court.

According to his aides, Clinton had found Breyer to be an impressive legal expert, but the president found Ginsburg to have a more compelling up-from-the-bootstraps story. Ginsburg had fought discrimination against women after being denied a job when she graduated from law school.

It did not help Breyer that he was being pummeled for having what some called a "Zoe Baird problem." Breyer's failure to pay $3,000 in Social Security taxes over 10 years for a part-time employee was not comparable to Baird's hiring of an illegal alien full-time without paying taxes. But perception is everything in politics. A White House official said yesterday that the tax issue was a factor in Clinton's decision, but not a decisive one.

Just a week ago, Ginsburg was not in serious contention for the job.

Clinton had all but decided to nominate Interior Secretary Bruce Babbitt for the post, aides said. At the same time, the president had instructed his aides to have a backup candidate in case a problem arose. Clinton said Breyer would be the backup.

But last Tuesday, Western politicians flooded Clinton with phone calls, many telling him that the former Arizona governor was needed as Interior Secretary.

So, on Wednesday, Clinton pulled the plug on [illegible] said

[illegible] meant that Breyer would get the nomination. White House aides began telling reporters that they expected Breyer would get the job if all went well in a "vetting" with senior officials and a meeting with the president.

White House officials insisted that Clinton was not worried about Breyer's failure to pay taxes for his maid who worked a half day per week. Clinton had discussed the matter with Sen. Edward M. Kennedy in April, and Kennedy had canvassed senators. White House officials said yesterday that they had been assured Breyer could still be confirmed easily.

White House aides traveled to Boston Thursday to interview Breyer at his hospital bedside for eight hours. Breyer, who was recovering from a bicycle accident, then traveled to Washington for lunch with the president.

But Breyer failed to sew up the nomination in the Friday lunch. By the account of White House aides, the Boston judge had a perfect legal resume, but was not the kind of political "pathbreaker" the president said he was looking for. And Clinton put a high value on an individual's ability to rise from humble beginnings and to fight adversity.

A few hours after meeting with Breyer, Clinton gathered his staff together and told them that he wanted to divert from his game plan. Since Babbitt was out of the running, Clinton said, he wanted another candidate. Ginsburg had come highly recommended by Reno and others. Although she was a judge – Clinton had originally wanted to nominate someone who was not a judge – she had a public, political streak that was exemplified by her fight for woman's rights.

The president, according to an aide, was particularly struck by a comment that Ginsburg had done as much for the woman's movement as the late Justice Thurgood Marshall had done for civil rights.

After lunching with Ginsburg on Sunday, Clinton found her life story compelling and felt he had found a kindred political spirit, aides said. Clinton called Breyer just before midnight. "I've decided to appoint somebody else," the president told Breyer, according to a White House official. Clinton told Breyer he might yet be nominated to the Supreme Court.

Some of Breyer's friends, including some who said he had been told to draft an acceptance speech, are angry at the turn of events. But yesterday, as Breyer was traveling by train back to Boston, he telephoned a friend, Vivien Li. Breyer told her that he "no anger or remorse" and still respected Clinton.

Her Legal Record

Feminist Ginsburg's views make friends, enemies

By Martin Kasindorf
WASHINGTON BUREAU

Washington — When the Senate was considering Ruth Bader Ginsburg for the federal appeals bench in 1979, some conservatives opposed the Columbia Law School professor for her pioneering advocacy in sexual discrimination cases. But feminist Ginsburg proved so moderate-minded after being named to the bench, that both abortion-rights and anti-abortion activists yesterday expressed equal wariness toward her Supreme Court nomination.

What irked both sides was Ginsburg's criticism of the Supreme Court's reasoning in its landmark 1973 Roe vs. Wade abortion-rights ruling.

In a 1985 law review article and a speech at New York University Law School in March, Ginsburg argued that the "extraordinary" decision invalidating most state restrictions on abortion had stalled a movement toward statutory liberalization in many states and fueled an angry right-to-life counterattack.

The court should have taken a narrower approach, quashing the Texas statute involved but inviting a "dialogue with legislators" in exploring the law's new borders, Ginsburg said.

National Abortion Rights Action League President Kate Michelman yesterday termed the Supreme Court nominee's view "cause for concern" and urged the Senate to examine "whether Judge Ginsburg will protect a woman's fundamental right to privacy, including the right to choose . . ."

From the opposite perspective, Doug Johnson, legislative director of the National Right to Life Committee, noted that Ginsburg didn't criticize the Roe outcome, only the court's legal rationale. She implied that the justices could have struck down abortion restrictions as a form of sex discrimination, an argument that "would invalidate virtually any limitation on abortion," Johnson protested.

Johnson's group didn't say it would oppose Ginsburg's confirmation, but Americans United for Life President Paige Cunningham said that, if asked to testify, her group "would be negative" on grounds similar to Johnson's.

Ginsburg's theory of applying sex-discrimination law to the abortion question was no surprise to legal observers. Janet Benshoof, president of the Center for Reproductive Law & Policy, praised Ginsburg last month as "the Thurgood Marshall of gender equality law."

In 1971, as unpaid general counsel to the American Civil Liberties Union, Ginsburg wrote a brief for the winning side in Reed vs. Reed, the first Supreme Court decision to find a state law unconstitutional for discriminating against women. The ruling tossed out an Idaho statute giving preference to men as administrators of estates after death.

In 1973, Ginsburg successfully argued before the court that female members of the military services, like men, should have the right to declare their spouses as dependents to gain greater living allowances and medical benefits.

She filed an influential 1976 ACLU brief in Craig vs. Boren, in which the court first granted a high level of judicial scrutiny to laws drawn along gender lines, viewing them with just a shade less suspicion than racially based statutes.

In the view of many lawyers, Ginsburg, once a leading advocate of the Equal Rights Amendment, has maintained a feminist viewpoint on the U.S. Court of Appeals for the District of Columbia Circuit.

Ginsburg gratified abortion-rights supporters with a 1989 dissent in which she concluded that the government acted unlawfully in denying family planning funds on anti-abortion grounds to American nonprofit groups working overseas.



Washington Post / Harry Naltchayan

Ginsburg, center, joined Brooksley Born, left, and Sandra Day O'Connor, the first woman to serve on the Supreme Court, at a 1983 women's law conference in Washington.

Although she is generally regarded as a non-ideological centrist, "on feminist issues she is not quite as open-minded," one attorney observed in the 1990 Almanac of the Federal Judiciary. "She would not skew opinions or facts to reach a pre-ordained feminist result foreclosed by the Supreme Court, but if the issue was open she would go with a more expansive definition of women's rights."

Ginsburg often has been a disappointment to liberals in her 13 years on the bench. A 1988 analysis by Legal Times, a Washington law newspaper, concluded that she sided with the conservative, Republican-appointed judges on the court more often than with the Democrat-appointed judicial minority on the panel.

Ginsburg has tended to side with employers in labor disputes, although Victor Kamber, a Washington public-relations adviser to many unions, said, "No one is going to oppose her that I'm aware of."

In 1984, Ginsburg voted with a court majority finding nothing unconstitutional in the Navy's dismissal of a sailor for being homosexual. President Bill Clinton has advocated ending the military's ban on gays.

In actions welcomed by liberals, she invalidated Federal Communications Commission rules forbidding profane speech on radio stations before midnight. She was upheld by the Supreme Court in her support of the law allowing independent counsels such as Iran-contra prosecutor Lawrence Walsh.

What Mattered Was Chemistry

By Susan Page
WASHINGTON BUREAU

Washington — His top aides were pushing hard for a decision, but when President Bill Clinton met with them late Friday in the Oval Office, he just wasn't satisfied with the choices before him for the Supreme Court.

One finalist, Interior Secretary Bruce Babbitt, was being loved off the list by environmentalists and western members of the Congress who wanted him to stay where he was. And the other finalist, federal appeals court judge Stephen Breyer, while undeniably impressive, had failed to spark a connection with Clinton during their private White House luncheon that day.

What followed was a frantic weekend and a new finalist, Washington, D.C., Court of Appeals Judge Ruth Bader Ginsburg, who had an unexpected and powerful advocate in Sen. Daniel Patrick Moynihan (D-N.Y.). In yesterday's sweltering Rose Garden ceremony, Clinton announced he would nominate her as the high court's 107th justice and second woman member.

While Breyer's failure to pay Social Security taxes for a part-time household worker was one factor in the decision not to nominate him, senior White House officials said that the lack of chemistry between him and the president was more important — especially after Clinton's interview with Ginsburg Sunday morning.

"Once I talked to her, I felt very strongly about her," Clinton told reporters late yesterday at an unrelated picture-taking session. "She's an extraordinary woman. She has incredible strength and character. And I think it will communicate itself and really help to create a good atmosphere at the court."

"It was a gut thing," one Clinton adviser involved in the process said in an interview. "Breyer was tremendous, but he didn't have the thing that Ginsburg had."

That "thing" was Ginsburg's compelling personal story, her life's work fighting sex discrimination, her rapport with Clinton and her own force of character. White House aides also said Moynihan captured Clinton's imagination by telling him that Ginsburg had been called the seminal litigator for women's rights that the late Justice Thurgood Marshall was for civil rights.

When he was asked at the Rose Garden ceremony about the tortuous three-month process of

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President Clinton and Ruth Bader Ginsburg head to the White House Rose Garden for the announcement of her nomination to the Supreme Court

She's Chosen

Clinton picks Ruth Bader Ginsburg for high court

The Nominee

Name: Ruth Bader Ginsburg
Age: 60
Job: Appointed to federal appeals court in Washington by President Jimmy Carter in 1980.
Education: Born in Brooklyn, attended James Madison High School, studied at Cornell, Harvard, earned law degree from Columbia University.
Background: Taught law at Columbia University and Rutgers University. A founder of the Women's Rights Project of the American Civil Liberties Union in the 1970s.
Hobbies: Water skiing, horse riding.
Family: Husband, Martin, teaches law at Georgetown University. Two children, two grandchildren.

SOURCE: Associated Press

By Timothy M. Phelps
WASHINGTON BUREAU

Washington — Ruth Bader Ginsburg, a crusading feminist as a lawyer but a cautious middle-of-the-roader as a federal appeals court judge, was nominated yesterday by President Bill Clinton to the U.S. Supreme Court.

If confirmed by the Senate, Ginsburg, born 60 years ago in Brooklyn, will be only the second woman among 107 justices to sit on the high court and the first Jewish justice in almost a quarter century.

The president described her as the Thurgood Marshall of the women's movement, referring to the late Supreme Court justice who led the legal challenge to segregation.

As if responding to that cue, the diminutive judge, who would replace retiring Justice Byron White, delivered a powerful speech invoking the difficulty of being a woman trying to practice law in the 1950s.

"My law school class in the late 1950s numbered over 500. That class included less than 10 women," Ginsburg told a national television audience and assembled dignitaries on the White House lawn. ". . . not a law firm in the entire city of New York bid for my employment as a lawyer when I earned my law degree."

She moved the president to tears by recalling the memory of her mother, Celia Amster Bader. "I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve and daughters are cherished as much as sons," she said.

Ginsburg's passion for the law is shared by her entire family. The former Columbia Law School professor has been joined in legal academics by her husband, Martin D. Ginsburg, who teaches at Georgetown. Her daughter, Jane, is a Columbia law professor; a son, James, is a law student at the University of Chicago.

Her husband, who also is a successful tax attorney, has served as a legal adviser to H. Ross Perot, who in 1986 endowed a chair at Georgetown in his honor.

Ginsburg's nomination came at the end of a lengthy, lurching search in which two other candidates — Interior Secretary Bruce Babbitt and Boston federal appeals court Judge Stephen Breyer — had been described by White House aides just in the past week as frontrunners for the job.

Clinton, after tentatively settling on Breyer, decided after lunching with him Friday that the chemistry between the two just wasn't right, White House officials said. Liberal groups mounted a lobbying campaign against Breyer over the weekend, and it was also revealed that he had failed until recently to pay Social Security taxes for a part-time maid.

Reaction to Ginsburg from Senate Republicans as well as Democrats was enthusiastic, with many predicting an easy confirmation by midsummer. But many civil-rights groups, labor unions and even some women's groups were

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Ginsburg Chosen



Reuter Photo

Ginsburg during the Rose Garden ceremony announcing her nomination.

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guarded or in some cases silent.

"For folks like me who are looking for someone to fill the shoes of [retired Justice William J.] Brennan and Marshall, she's not the name that leaps immediately to mind," said one Washington civil rights leader dejectedly. Another pointed out that unlike Marshall, Ginsburg and her husband are millionaires.

On the U.S. Court of Appeals for the D.C. Circuit for the past 13 years, Ginsburg has been at least as likely to side with colleagues who are conservative Republicans as with liberal Democrats. In 1987, for example, Ginsburg voted with Judge Robert Bork — rejected by the Senate for the Supreme Court himself because of his conservative views — 85 percent of the time, while siding with Pat Wald, a liberal judge herself mentioned for this nomination, only half the time.

She has been an outspoken critic of Roe vs. Wade, the 1973 Supreme Court decision establishing a woman's right to an abortion. Her criticism has been aimed more at the legal basis and the strategy of the decision rather than the result, though she did say that the court reached out inappropriately to try to settle the abortion issue in Roe rather than taking a more cautious, step-by-step approach.

She has also endorsed last year's Supreme Court decision in a Pennsylvania abortion case, which upheld Roe but also made it easier for states to put restrictions on abortion.

Unless something is uncovered in Ginsburg's past to create further controversy, the support of key Republicans like Orrin Hatch of Utah, the ranking Republican member on the Senate Judiciary Committee, would seem to ensure smooth sailing.

Other Republicans on the Judiciary Committee, which must conduct the confirmation hearings on Ginsburg, were equally enthusiastic. Sen. Charles Grassley (R-Iowa) issued a statement calling Ginsburg "a Democrat that even conservatives can like and respect."

Sen. Edward Kennedy (D-Mass.), who had pushed for the Breyer's nomination, confined himself to a terse written statement. ". . . Based on what I now know, I believe she will be an excellent Justice of the Supreme Court."

Ginsburg, before she was nominated for the federal bench by President Jimmy Carter in 1979, was a law professor at Columbia and Rutgers Universities, specializing in international legal issues as well as women's legal rights. As the lawyer for the American Civil Liberties Union Women's Rights Project for eight years, she argued six women's rights cases before the Supreme Court, winning five of them.

"Throughout her life, she has repeatedly stood for the individual, the person less well thought of, the outsider in society, and has given those people greater hope by telling them that they have a place in our legal system," Clinton said of his nominee.

Clinton said he had chosen Ginsburg because of her record as a wise, progressive and fair judge, because of her pioneering work for women, and because he thought she would be adept at building a consensus at the court.

Ginsburg, unlike other recent nominees to the court, did not take questions from the media yesterday about her views. But in her remarks she quoted two Republican appointees to the court, Chief Justice William H. Rehnquist and the first women to sit on the court, Justice Sandra Day O'Connor, approvingly.

She said that one of her "prime guides" was Rehnquist's admonition that "A judge is bound to decide each case fairly in a court with the relevant facts and the applicable law even when the decision is not, as he put it, what the home crowd wants."

But Ginsburg spoke as much about her family as she did about the law. Her daughter Jane had smiled to remind her that "In her high school yearbook on her graduation in 1973, the listing for Jane Ginsburg under 'ambition' was 'to see her mother appointed to the Supreme Court.'

"The next line read 'If necessary, Jane will appoint her.'"

The president took only one question from a reporter and then reacted sharply to a suggestion that his search had been a haphazard one.

"How you could ask a question like that after the statement she just made is beyond me," Clinton said.

Myron S. Waldman contributed to this story.

Excerpts From Nomination

Excerpts from the announcement of the Supreme Court nomination of Judge Ruth Bader Ginsburg in the White House Rose Garden.

PRESIDENT CLINTON: After careful reflection, I am proud to nominate for Associate Justice of the Supreme Court Judge Ruth Bader Ginsburg of the United States Court of Appeals of the District of Columbia. I will send her name to the Senate to fill the vacancy created by Justice White's retirement.

As I told Judge Ginsburg last night when I called to ask her to accept the nomination, I decided on her for three reasons: First, in her years on the bench she has genuinely distinguished herself as one of our nation's best judges — progressive in outlook, wise in judgment, balanced and fair in her opinions.

Second, over the course of a lifetime in her pioneering work in behalf of the women of this country, she has compiled a truly historic record of achievement in the finest traditions of American law and citizenship.

And finally, I believe that in the years ahead, she will be able to be a force for consensus-building on the Supreme Court, just as she has been on the Court of Appeals, so that our judges can become an instrument of our common unity in the expression of their fidelity to the Constitution.

JUDGE GINSBURG: The announcement the president just made is significant, I believe, because it contributes to the end of the days when women, at least half the talent pool in our society, appear in high places only as one-at-a-time performers. Recall that when President Carter took office in 1976, no woman ever served on the Supreme Court. And only one woman, Shirley Hufstedler of California, then served at the next federal court level, the United States Courts of Appeals. Today, Justice Sandra Day O'Connor graces the Supreme Court bench. And close to 25 women serve at the Federal Court of Appeals level, too, as chief judges.

I am confident that more will soon join them. That seems to me inevitable given the change in law school enrollment. My law school class in that late 1950s numbered over 500. That class included less than 10 women. As the president said, not a law firm in the entire city of New York bid for my employment as a lawyer when I earned my degree. Today, few law schools have female enrollment under 40 percent, and several have reached or passed

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It Came Down to Chemistry

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finding his nominee, Clinton exploded in anger. "I have long since given up the thought that I could disabuse some of you turning any substantive decision into anything but political process," he snapped.

With that, Clinton abruptly ended what had been billed as a news conference, and the audience of Ginsburg's family and friends gave him a standing ovation.

But in interviews and at a briefing for reporters, White House officials described a long and meandering search that ended in Ginsburg's nomination. Justice Byron White announced on March 19 he would retire from the court at the end of its term, and the next day Clinton met with his top aides to discuss his replacement.

The president said from the start that he wanted a nominee who would draw a "wow" when named. He told aides he especially wanted to consider political figures as well as judicial ones, and they used as a model the 1954 Supreme Court that ruled in the landmark Brown vs. Board of Education case — made up of three former senators, three former solicitor or attorneys general, two academics and one governor.

Their initial list of prospects had about 50 names on it, officials said. Over the next months, a team of White House aides and outside lawyers prepared analytical "mini-biographies" of 42 of them, looking at their resumes, their judicial opinions and their writings. The list included men and women; blacks, whites and Hispanics; and judges, professors and public officials.

There was one litmus test: All candidates had to be lawyers. And Clinton was interested in naming the first Jewish member to the court since Abe Fortas resigned in 1969, though officials that wasn't a driving consideration.

About 10 days ago, the list was narrowing to two men: Babbitt, the cerebral former governor of Arizona; and Breyer, the centrist jurist from Boston. "We have a badly fractured court right now," one White House aide explained, saying Clinton wanted to name "a healer."

But Babbitt was being undone by his friends. When Clinton hosted a congressional barbecue last Tuesday night at the White House, he was cornered by members of Congress from western states who argued that Babbitt was virtually irreplaceable in the cabinet.

Breyer had impressive backers, ranging the ideological spectrum in the Senate from liberal Democrat Edward M. Kennedy of Massachusetts to conservative Republican Orrin Hatch of Utah. But Clinton had never met him until Friday's luncheon, and some White House officials were worried that if the president nominated him he would be accused of having a double standard. Clinton had withdrawn Zoe Baird's nomination as attorney general because of the furor over her employment of two illegal aliens as household workers; she also had failed to pay Social Security taxes for them.

But Ginsburg had been on the long list from the beginning, though she had never been quite at the top. When Babbitt's prospects faded, the White House counsel's office began to take a more serious look at her. Moynihan — who didn't know Ginsburg personally, but respected her career and her work — been promoting her for some time. When he rode with Clinton aboard Air Force One to New York last month, sources said, he had talked about her at length.

On Friday morning, the White House counsel's office called Ginsburg, who was attending a judicial conference out of town, to tell her they might want to talk to her. On Friday night, after the Oval Office meeting, an intensive last-minute review of her writings and her background was begun. To their relief she told them she didn't have a "Zoe Baird" problem involving household workers and Social Security.

Now, the senator and the judge are scheduled to make their first courtesy call to Senate Judiciary Chairman Joseph Biden (D-Del.) this afternoon. A buoyant Moynihan predicted the Senate vote approving her nomination. "100 to nothing," he said.

A Ground-Breaking Role Model

RUTH BADER
1584 East 9th Street
Arista, Treas. of Go-Getters, School Orchestra, Twirlers, Sec. to English Department Chairman, Feature Editor Term Newspaper
Cornell University



The Supreme Court nominee as she appeared in the James Madison High School yearbook

Speaking Out

In a March 9 speech at New York University School of Law, Judge Ruth Bader Ginsburg argued that the Supreme Court fueled the divisive political debate over abortion with its landmark Roe vs. Wade ruling permitting a woman's right to an abortion.

Until 1971, women did not prevail before the Supreme Court in any case charging unconstitutional sex discrimination. In the years from 1971 to 1982, however, the Court held unconstitutional, as violative of due-process or equal protection constraints, a series of state and federal laws that differentiated explicitly on the basis of sex. . .

The backdrop for these rulings was a phenomenal expansion, in the years from 1961 to 1971, of women's employment outside the home; the civil-rights movement of the 1960s and the predecents set in that struggle; and a revived feminist movement, fueled abroad and in the United States by Simone de Beauvoir's remarkable 1949 publication, "The Second Sex." In the main, the Court invalidated laws that had become obsolete, retained into the 1970s by only a few of the states. . . .

In essence, the Court instructed Congress and state legislatures: Rethink ancient positions on these questions. Should you determine that special treatment for women is warranted — i.e. compensatory legislation because of the sunken-in social and economic bias or disadvantage women encounter — we have left you a corridor in which to move. . .

The ball, one might say, was tossed by the justices back into the legislators' court, where the political forces of the day could operate. The Supreme Court wrote modestly; it put forward no grand philosophy. But by requiring legislative re-examination of once customary sex-based classification, the Court helped to ensure that laws and regulations would "catch up with a changed world."

Roe vs. Wade, in contrast, invited no dialogue with legislators. Instead, it seemed entirely to remove the ball from the legislators' court. In 1973, when Roe vs. Wade was issued, abortion law was in a state of change across the nation. As the Supreme Court itself noted, there was a marked trend in state legislatures "toward liberalization of abortion statutes." . . .No measured motion, the Roe decision left virtually no state with laws fully conforming to the Court's delineation of abortion regulation still permissible. Around that extraordinary decision, a well-organized and vocal right-to-life movement rallied and succeeded, for a considerable time, in turning the legislative tide in the opposite direction.

Constitutional review by courts is an institution that has been for some two centuries our nation's hallmark and pride. Two extreme modes of court intervention in social changes processes, however, have placed stress on the institution. At one extreme, the Supreme Court steps boldly in front of the political process, as some believe it did in Roe vs. Wade. At the opposite extreme, the court in the early part of the 20th Century found — or thrust — itself into the rear-guard opposing change, striking down as unconstitutional law embodying a new philosophy of economic regulation at odds with the 19th Century's laissez-faire approach. Decisions at both of these poles yielded outcries against the judiciary in certain quarters. The Supreme Court, particularly, was labeled "activist" or "imperial," and its precarious position as final arbiter of constitutional questions was exposed. . .

Without taking giant strides and thereby risking a backlash too forceful to contain, the Court, through constitutional adjudication, can reinforce or signal a green light for social change. In most of the post-1970 gender-classification cases, unlike Roe, the Court functioned in just that way. . .

Roe vs. Wade, on the other hand, halted a political process that was moving in a reform direction and thereby prolonged divisiveness and deferred a stable settlement of the issue.

By Jack Sirica
WASHINGTON BUREAU

Washington — She is a native of Brooklyn, a trail-blazing law student whom law firms wouldn't hire, a mother of two, a mentor to up-and-coming female attorneys. Though described as the opposite of flashy by her friends, she has a sharp mind that is the bane of attorneys who appear before her unprepared.

Friends of Ruth Bader Ginsburg, 60, said the federal appeals court judge was uniquely qualified — personally and professionally — to take the U.S. Supreme Court seat being vacated by Byron White. Frank Askin, a law professor at Rutgers Law School in Newark and a student of Ginsburg there in 1964, said she was "very smart" though "somewhat dull" in the classroom.

"She's very modest, unassuming, unflamboyant," Askin said. "She's very thoughtful. She listens well. She's not opinionated. Intellectually, she's very demanding. But people liked Ruth. She didn't offend anybody."

Jo Anne Alderstein, a Maplewood, N.J., criminal and tax attorney who studied under Ginsburg in 1974, noted that Ginsburg, who would be only the second woman to serve on the Supreme Court, also was a ground-breaker as a faculty member at Columbia University Law School, which in the early 1970s had few tenured female professors.

Alderstein, who at the time had a 9-month-old son, recalled that Ginsburg showed her by example that she could be both a successful mother and attorney.

"She was an early role model for a whole generation of women lawyers who have gone out and made a difference," Alderstein said.

Ginsburg met her husband, Martin D. Ginsburg, a prominent tax attorney and law professor, when they were teenagers, and they married and had a child within a year after she earned her undergraduate degree from Cornell University in 1954. (They have two children — Jane, a Columbia law professor, and James, a law student at the University of Chicago and producer of classical recordings.)

Ruth Ginsburg was in the first Harvard Law School class that admitted women, in 1956, and transferred to Columbia when her husband got a job with a New York law firm. She earned her law degree there in 1969. She noted yesterday at the White House that her law school class "numbered over 500" but "included less than 10 women."

After graduation, she applied for a clerkship under Supreme Court Justice Felix Frankfurter, who turned her down, according to one published account, because he wasn't ready to hire a woman. For similar reasons, "not a law firm in the entire city of New York bid for my employment as a lawyer when I earned my degree," Ginsburg said yesterday.

Instead, Ginsburg became a professor at Rutgers University Law School, and later at Columbia. In 1980, President Jimmy Carter appointed her to the U.S. Court of Appeals for the District of Columbia.

Ginsburg drew laughs during her acceptance speech yesterday when she held up a photograph of her granddaughter Clara at the feet of Hillary Rodham Clinton.

"I did not, until today, know Mrs. Clinton, but I hasten to add that I am not the first member of my family to stand close to her," Ginsburg said. "There is another I love dearly to whom the first lady is already an old friend." Hillary Clinton visited Clara's nursery school in New York last October, Ginsburg said, and "led the little ones in 'The Toothbrush Song.'"

Ginsburg was born in Brooklyn on March 15, 1933, the daughter of Nathan and Celia Amster Bader.

A cousin, Jane Gevirtz of Manhattan, recalled yesterday that Ginsburg grew up on East Ninth Street in Flatbush and attended nearby James Madison High School. "She just was always raised to be very determined and committed to whatever she did," Gevirtz said.

Ginsburg had an older sister, Marilyn, who died at age 6 of a mastoid infection, Gevirtz said.

Ginsburg's father was in the retail clothing news, and her mother died of stomach cancer at 46, when Ruth was 17, Gevirtz said.

At Madison, Ginsburg belonged to Arista, a national honor society, school officials said. She was also treasurer of the Go-Getters, a school pep squad; secretary to the chairman of the English Department; feature editor of the school newspaper; and a member of the school orchestra. .

"We think of her as a Brooklyn success story," Joel Gora, an acting associate dean at the Brooklyn Law School, which awarded Ginsburg an honorary degree in 1987.

Bill Douglas and Jessie Mangaliman contributed to this story.

'Tragedy' Camp

1st AIDS-infected Haitians leave base in Cuba for U.S.

By Ron Howell
STAFF CORRESPONDENT

Guantanamo Naval Base, Cuba — The United States took down the barbed wire that surrounded the camp housing Haitian exiles infected with the AIDS virus yesterday, and the first group of somber refugees boarded a plane to begin new lives of freedom in Miami and New York.

It was a bittersweet day for the 27 men, women and children who climbed aboard a U.S. military C-130 cargo plane to leave the place many of them call a living hell.

They said they were happy to be going. But in interviews before their flight, they said they were still angry about their prolonged detention and what some said was the insensitivity of their U.S. military guards.

"I am still upset about many things," said John Lambert Alexandre, 28, who was planning to stay with relatives in New York City. Later in the day, a refugee worker said Alexandre apparently wound up with other relatives, in New Jersey. "Our lives were very bizarre. They treated us as if we weren't even human beings. I am not so much happy about going to . . . [the United States] as I am just happy about leaving this prison after 20 months here."

None of those interviewed yesterday believe they carry the AIDS virus, despite the findings of U.S. doctors.

Last week, U.S. District Court Judge Sterling Johnson in Brooklyn ordered the closing of the camp and blasted the U.S. government for what he said was discrimination against the Haitian refugees. He termed their plight "a tragedy of immense proportion."

On Sept. 30, 1991, soldiers overthrew democratically elected President Jean-Bertrand Aristide in a coup that was followed by widespread repression and killings. Human-rights groups say 3,000 Haitians were killed in the following year and a half. Forty thousand fled the country in mostly unseaworthy vessels. The boat people were picked up at sea and most were repatriated to Haiti on the U.S. assertion that they were fleeing poverty, not political persecution as they had maintained. Others were taken to Guantanamo and eventually allowed to pursue their claims of asylum in the United States.

About 10,600 Haitians entered the United States in this way, but hundreds who tested positive for the human immunodeficiency virus that causes AIDS were held here. The U.S. bars HIV-infected persons from entering the country.

Johnson's decision complained that the Haitians "were told that they could be at Guantanamo for ten to twenty years or possibly until a cure for AIDS is found."

Even though there is no cure, the long wait ended yesterday when Johnson's order to close the camp was put into force. Of the 27 who left in the morning, 13 went to New York. The 113 who remain will depart in three separate groups over the next week or so, the camp commander, Army Col. Raymond Barbeau, said. Some will join family while others will be placed in various residential developments run by social service agencies. They are entitled to government help for medical and other expenses.

On Sunday night, all of the refugees got together to celebrate the departure of the first group. The military removed the barbed-wire perimeter that had come to symbolize the prison-like nature of the camp.

After spending half an hour or so with the group that left, more than 40 journalists were allowed to go to the refugee camp. The camp is more than a half hour's journey east of the Guantanamo air strip, by ferry and bus.

The mood there was somber. Pla-

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Reuter Photo

Some of the first to leave head for plane at Guantanamo base in Cuba

U.S. Attacks Anger Somalis

COMBINED NEWS SERVICES

Mogadishu, Somalia — An American Cobra helicopter enforcing a United Nations crackdown on a key warlord fired a missile at the rusting hulk of a multiple rocket-launcher yesterday, killing a Somali woman and wounding 12 persons in a residential area, according to hospital reports and witnesses.

It was the first daytime raid after three nights of deadly attacks by UN-led forces avenging the deaths of 23 Pakistani troops June 5 in battles with Somali gunmen.

The international charity CARE condemned the military action, which it said stymied its delivery of food for 100,000 hungry people in the capital. Other agencies said food supplies to 1 million were disrupted by the action.

The target of the UN attacks, warlord Mohamed Farah Aidid, accused the UN of "totalitarian motivations" and repeated demands for the Security Council to convene a special session to discuss the crisis.

But in Washington, a senior Defense Department official said strikes against Aidid's forces will continue intermittently and the Pentagon is sending four more AH-1 Cobra attack helicopters to Somalia.

Daytime raid, killing woman, denounced

Two thundering explosions rocked Mogadishu late yesterday morning and Cobras circled over the neighborhood where the BM21 122-mm weapon sat behind the walls of a compound. Hundreds of Somalis who had gathered in a nearby square to protest Sunday's killing of at least 20 Somali demonstrators by Pakistani troops shook their fists angrily at the helicopters.

"Clinton down! Clinton down!" they shouted, accusing the American president of orchestrating the UN attacks.

Although two explosions were clearly heard, UN military officials insisted only one missile was fired and said it destroyed its target. Hospitals said 12 Somalis were wounded.

Witnesses, including several reporters, said a second missile went astray and smashed into the ground near a tea shop. They said a woman selling tea was killed.

Long-time residents said the Soviet-made rocket-launcher was a useless wreck that had sat in the open for months. Reporters described it as a rusted relic.

The discrepancies typify the growing distance between UN peacekeepers and many Somalis, who once supported UN intervention to control warring clans but now see the world body as a U.S.-led force out to crush Aidid.

Aidid yesterday held his first formal news conference since UN forces struck back to avenge the deaths of the Pakistani troops. The UN has accused Aidid of ambushing the soldiers.

"I am ready to meet and talk to the United Nations but only after they stop the bombings on our people," Aidid told reporters at his residence. "What they have been hitting in the last two days are nothing but civilian targets."

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Haitians Arrive Joyful, Fearful

By Peter Eisner
LATIN AMERICA CORRESPONDENT

New York — Bobby Brutus' long wait to see his 2-month-old son ended joyfully with a reunion last night at LaGuardia Airport.

Brutus, who had been sullen, refusing to talk and staring lutently out the window during the flight from Miami to New York, could not stop smiling once he was reunited with his wife, Suzy Estime, who placed their child in his hands for the first time.

Relief officials refused to identify most of the 13 HIV-positive Haitians who arrived here, citing privacy laws in New York State. Brutus, 22, seemed to relish his privacy, refusing to talk but happily showing his baby, Eric, to all comers at a media reception at the airport. He and the other refugees had been whisked off the plane to a holding area, where he refused to talk to anyone, in French or English, although relief officials said he speaks both, in addition to Creole. He later chatted quietly with friends and family who had met him at the airport.

"We want to protect them and respect their wishes and give them the opportunity to talk in a day or two," said Michael Wishnie of the Lowenstein Human Rights Center at the Yale University Law School, who had accompanied the group on their marathon journey from Guantanamo Naval Air Station to Miami to New York yesterday.

The first group of 13 refugees arriving in New York yesterday comes from a variety of backgrounds — teachers, artists, masons and farmers. Well-dressed, seemingly well-cared-for and healthy, they appeared to be fearful and exhausted last night.

"I don't want to talk. I am very tired. I have been up too long," said one man, looking around the cabin of the airplane, en route from Miami to LaGuardia.

"They are tired, their ears hurt [from the airplane pressure] . . ." said Betty Williams of the New York-based Coalition for the Homeless. Williams, one of three chaperones with the refugees who will settle in the New York area, said all were experiencing fear of the unknown. "They don't know what to expect; they're very unsettled," she said.

After the airport news conference had ended, one of the refugees did want to talk. Jean Widmayer, who said he is an artist, said the conditions at Guantanamo were terrible and complained about being treated like an animal.

"We had two basic problems: We couldn't understand the officials when they spoke to us in English and we had too much of a contrast, culturally and politically. It was just terrible," Widmayer said he had no idea what he was going to do in New York.

"All I want to do is see my baby and my wife," he said. His 11-month-old daughter and wife left Guantanamo early this year. Widmayer said he was homesick and displayed a painting he had produced at Guantanamo — a country scene portraying his rural home in Haiti.

Wishnie said the final destination of the first group of 13 HIV-positive Haitians does not represent the total 140 that will be leaving Guantanamo. "It seems that sending 13 people who are settling in New York and nine in Florida was done for political reasons," he said. "The majority of the people will be settling in Florida." Yesterday's group included one refugee who will settle in New Jersey, one in Massachusetts and three who stayed in Florida yesterday but whose final destination was unknown.

The chaperones said they were surprised by the heart-wrenching stories of the refugees. Wishnie said several of them "have been forcibly separated from loved ones who already came to the United States to give birth."

For the people who stayed in Miami yesterday, a joyous Haitian community awaited them. "We have settled more than a thousand refugees [from Guantanamo] and we have a structure in place," said Raul Hernandez of the U.S. Catholic Center in Miami. He said the center will provide health care and resettlement services immediately.

Rolande Durseny, the executive director of the Haitian Refugee Center in Miami, said the Haitians would find a warm welcome. "We will do everything we can, in addition to what the government provides," she said. A co-worker at her office said while there were no specific plans for celebrations, the arrival of this first group of 27 HIV-positive refugees "makes this a joyous day . . . there may be spontaneous celebrations."

Michael Ratner, attorney with the New York-based human-rights group the Center for Constitutional Rights, described the Guantanamo base as "an HIV-detention camp."

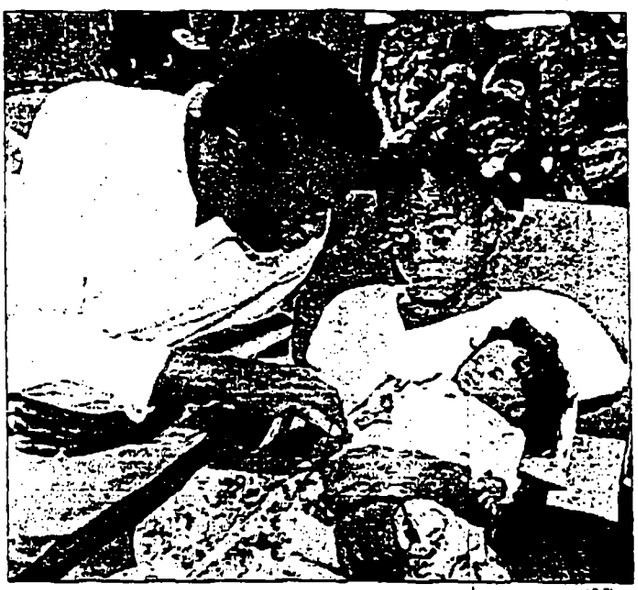
"We have finally freed these people after 20 months," Ratner said at LaGuardia. "They shouldn't have been there for a day. They shouldn't have been there for a month."

Yale Law Professor Harold Koh said, "The only thing keeping them out [of the United States] was their blood type."

The Rev. Thomas Wensky, pastor of Miami's Notre Dame d'Haiti Church, was critical of President Bill Clinton for not taking strong action to help the Haitians at Guantanamo. "Remember that these particular people do not have full-blown AIDS, just HIV," Wensky said. "They have at least two or three years of productive life ahead of them, although their state of mind is not conducive to getting healthy" after all that has happened.

"President Clinton could have made a decision three *months* ago," Wensky said. "There was no reason for him to be a namby-pamby and force the court to decide."

Otto Strong contributed to this story.



AP Photo

Haitian refugee Jeannot Paul, 24, talks with daughter Jeannese, 6, as they wait to board a plane at Guantanamo Naval Base in Cuba.

Haitians Leave HIV Camp in Cuba for U.S.

BASE from Page 3

ticeably absent was the overt anger seen previously. The Haitians were still upset, but their battle had been won. They were free.

The Alpha camp where most of the Haitians live is made up of oblong barracks-style residences, where green plastic sheets hang at the windows instead of glass. Strung-up white sheets provide the only measure of privacy for the Haitians who reside in the dreary-looking buildings.

Written on one of the sheets was a reference to the third chapter, sixth verse of Book of Proverbs. That verse says, "Always think of the Lord in all that you do, and he will show you the road that you shall take." Thelissaint Guillaume, 38, a devout Baptist, said in French.

Guillaume acknowledged that the road has been long and difficult for him and the several hundred other Haitians who tested positive for HIV who passed through Guantanamo since the coup. A number of pregnant women were allowed into the United States as a gesture of compassion during the past year, and, within the past few months, scores of others with very weakened immune systems were admitted under a court order from Judge Johnson.

Last year, a less fortunate group of about 90 was sent back to Haiti after refusing to undergo a series of Immigration and Naturalization Service interviews at Guantanamo. Once back in Haiti, they were forced off the boat by authorities who threatened to use water hoses, knowledgeable sources said at the time.

Tensions were often very high at Guantanamo between the Haitians and the U.S. servicemen. From time to time, a makeshift prison would hold Haitians who tried to leave the base or engaged in riots.

Once such alleged malcontent was 8-year-old Dorcer Noso, who tried to walk out of the camp last month and was held in prison until last Tuesday, the day before the court decision closing the camp. Five men were held in the prison with him. Haitians at the camp said yesterday.

Yesterday Dorcer was dressed in spanking clean green pants and a matching shirt and he was holding a doll. He left for Miami yesterday with his mother Rosena Merizier, 25. The children who have been at Guantanamo were not tested for HIV.

Speaking at the camp yesterday, Michelange Matirin, 21, said that if he knew he would be held at Guantanamo for so long he would never have left Haiti.

"I would prefer to die in Haiti than to go through this again," he said.

An Offer Aristide Can Refuse

By J.P. Slavin
SPECIAL CORRESPONDENT

Port-au-Prince, Haiti — In a hollow gesture to the international community, Haiti's army-backed Parliament convened yesterday to make exiled President Jean-Bertrand Aristide an offer he is bound to refuse.

Parliamentarians agreed in principle but held off giving official support to a plan to reinstate Aristide. They said they expect him to reject the proposal, enabling them to portray him as an unreliable negotiator. Political analysts here say another motivation of the lawmakers is to stave off a proposed United Na-

The proposal calls for Aristide to choose a prime minister who would then negotiate with the international community the president's return from his Washington, D.C., exile.

But the proposal makes no mention of Aristide's primary condition for return, resignation of the army high command, which ousted him in September 1991, after less than eight months as Haiti's first democratically elected president. Another aspect of the futility of the exercise: Aristide considers Parliament illegal because apparently fraudulent elections in January stacked both houses against him.

Since the coup, the Organization of American States has enforced a hemispheric embargo on Haiti.

Nominee seen as shoo-in for Senate confirmation

GINSBURG, from Page 1A

President Jimmy Carter put her on the U.S. Court of Appeals for the District of Columbia. Her legal opinions often united liberal and conservative judges, but her recent views have occasionally offended activists for gay and women's rights.

Announcing the first Supreme Court nomination by a Democrat since Lyndon B. Johnson named Marshall to the bench in 1967, Clinton said he chose Ginsburg for three reasons: Because she has distinguished herself as a progressive, wise and fair judge; because "she has compiled a truly historic record of achievement" over "a lifetime in her pioneering work in behalf of the women in this country;" because "she will be able to be a force for consensus-building on the Supreme Court, just as she has on the court of appeals."

In her acceptance speech, Ginsburg vowed "to strive, with all that I have, to live up to your expectations."

Ginsburg said her nomination "is significant, I believe, because it contributes to the end of the days when women — at least half the talent pool in our society — appear in high places only as one-at-a-time performers."

Recalling that she was one of only 10 women in her Columbia University Law School class of 500 in 1959, she said: "Not a law firm in the entire city of New York bid for my employment as a lawyer when I earned my degree."

Ginsburg finished with a tribute to her deceased mother, Celia Amster Bader: "I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons."

Ginsburg would join Justice Sandra Day O'Connor as the only female justices ever on the court. She would be the first Jewish justice since Abe Fortas resigned in 1969.

Clinton's choice of Ginsburg came as a surprise after almost three months of agonized searching for a successor to retiring Justice Byron White.

Early last week senior White House aides leaked word that the heavy favorite was Babbitt.

But environmentalists and many western Democrats lobbied Clinton aggressively to keep Babbitt at Interior, where he is widely viewed as virtually irreplaceable.

Surprise move is met with praise

BY ROBERT A. RANKIN, AARON EPSTEIN AND DAVID HESS
Free Press Washington Staff

WASHINGTON — Ruth Bader Ginsburg, a trailblazing feminist lawyer and later a moderate federal appeals judge, appeared headed for easy Senate confirmation after President Bill Clinton nominated her Monday for the U.S. Supreme Court.

The surprise move ended weeks of speculation that focused on a half-dozen other candidates. It was the first court nomination by a Democratic president in a quarter of a century.

Both Senate Majority Leader George Mitchell, D-Maine, Minority Leader Bob Dole, R-Kan., and Sen. Orrin Hatch, R-Utah, the ranking Republican on the Senate Judiciary Committee, praised Ginsburg. "She's a brilliant woman with an impeccable reputation. Her record indicates she's a very careful, thoughtful, methodical student of the law — and a very bright one to boot," Hatch said.

But some Senate conservatives — noting that she served seven years as general counsel to the liberal American Civil Liberties Union — vowed to review her record thoroughly before voting.

Ginsburg was summoned to the White House for a 90-minute meeting with the president over the weekend. Clinton chose her over U.S. District Judge Stephen Breyer of Boston and Interior Secretary Bruce Babbitt.

Ginsburg, 60, is known as the "Thurgood Marshall of the women's movement" because she led almost every landmark sex discrimination case argued before the Supreme Court in the 1970s. Six times she made oral arguments before the high court; five times she won.

Her legal philosophy took a moderate turn after 1980, when

See GINSBURG, Page 6A

A quiet feminist, centrist views

BY CHARLES GREEN, KAREN SCHNEIDER AND MARY OTTO
Free Press Washington Staff

WASHINGTON — One of the pioneers of the women's movement, Ruth Bader Ginsburg is a shy, cautious lawyer who loves opera, movies and classical music, lights up when her grandchildren are around and counts conservative Antonin Scalia among her close friends.

Ginsburg, 60, a federal appeals court judge, is best known for her landmark work in the 1970s on behalf of equal rights for women when she argued six cases before the Supreme Court as an attorney for the American Civil Liberties Union.

But she is a quiet feminist, more a scholar than a protester. Throughout her career as a law professor, ACLU counsel and federal judge, Ginsburg has avoided the limelight and surprised some observers with centrist views.

"This is a person who could readily be characterized with such terms as ladylike in her appearance, in her demeanor," said Aryeh Neier, former executive director of the ACLU who hired Ginsburg to head a women's law project in the 1970s. "She is a highly reserved, sometimes painfully reserved, painfully shy person."

Her low-key personality even may have played a role in the legal terminology of the women's movement.

"There's no question in my mind that Ruth Ginsburg coined the word 'gender discrimination' because she had a little difficulty saying the word, 'sex,' " said Janet Benshoof, president of the Center for Reproductive Law and Policy in New York.

Born and raised in Brooklyn, Ginsburg received her bachelor's degree from Cornell University, attended Harvard Law School and graduated from Columbia Law School in 1959.

> **"There's no question in my mind that Ruth Ginsburg coined the word 'gender discrimination' because she had a little difficulty saying the word, 'sex.' "**
>
> JANET BENSHOOF, the Center for Reproductive Law and Policy in New York

She has told friends that a former dean told her and other female law students that they were taking up slots that should go to men and that she was not recommended for a prestigious clerking position at the Supreme Court because she was a woman.

In the 1960s, while an assistant professor at Rutgers University School of Law, Ginsburg disguised a pregnancy by wearing a relative's clothing. She was concerned that the male-dominated staff would use it to deny her tenure.

After teaching at Rutgers for nine years, Ginsburg spent the 1970s teaching law at Columbia University and working at the ACLU national headquarters in New York on women's rights issues. She was named to the federal appeals court in 1980 by President Jimmy Carter.

Married for 38 years to tax attorney Martin Ginsburg and the mother of two grown children, Ginsburg [redacted] a reputation as a thorough, no-nonsense jurist who can seem distant to those who do not know her well.

"She is not someone who invites personal or emotional contact, at with relatively casual acquaintances," said Gerard Lynch, vice dean of Columbia Law School who was both a student and colleague of Ginsburg's.

Lynch said, "She's not someone who will spend endless hours being friendly, talking to people, massaging them around."

But friends said Ginsburg also a warm, gentle side. "She has a public persona that can sometimes perhaps be intimidating, if you don't know her," said Sean Foley, a former law clerk for Ginsburg. "But when you enter her chambers, you become part of her family."

Friends said Ginsburg becomes most animated when talking about or dealing with her two children two grandchildren. Her daughter is a law professor at Columbia University; son James is a law student at the University of Chicago and producer of classical recordings.

At her apartment in the Watergate complex, Ginsburg and her husband entertain often.

Supreme Court Justice A Scalia, a conservative who served with Ginsburg on the federal appeals is an occasional guest.

At first blush, the friendship between a pioneer feminist attorney someone like Scalia may seem u But associates of Ginsburg said it is in character.

"You have to be aware of how much Ruth prizes legal scholarship in order to understand that," said Neier, the former ACLU executive director.

SUPREME NOMINEE

Clinton's choice is good; way it was made is troubling

President Bill Clinton's first nominee to the U.S. Supreme Court, Judge Ruth Bader Ginsburg, seems a well-qualified, even distinguished, appointee. But the process by which she was selected has done the administration little credit.

Following a week of White House leaks that first Interior Secretary Bruce Babbitt and then Judge Stephen Breyer had the job locked up, the selection of Ms. Ginsburg, a federal appeals court judge for the past 13 years in the District of Columbia, unfortunately seemed a last-minute surprise — even after a three-month search that began when Justice Byron White announced his retirement in March.



Judge Ginsburg

Mr. Breyer, an appeals court judge in Boston, apparently was harmed by his unwitting failure until recently to pay Social Security taxes for an elderly part-time housekeeper. That disclosure raised echoes of the controversies earlier this year that removed Zoe Baird and Kimba Wood from consideration as U.S. attorney general.

Even after women's groups and leaders of both parties agreed that Mr. Breyer's tax problem was different from Ms. Baird's and Judge Wood's, and that his nomination would not reflect a sexist double standard, the administration still backed away.

Mr. Babbitt was shot down by allies who insisted he was too valuable in his current post, as well as opponents who raised partisan objections and recycled long-discredited smears about alleged organized-crime connections. In any case, Mr. Clinton allowed both passed-over candidates for the high court to twist in the wind longer than seemed necessary or fair.

The president's vacillation and political ineptitude should not obscure the appealing qualities that Judge Ginsburg would bring to the Supreme Court. She would be the court's second woman justice, enhancing the diversity of an institution that traditionally has been a male preserve. As he introduced her Monday, Mr. Clinton cited her reputation as a consensus-builder — a skill badly needed on a court that often is fragmented on difficult issues.

She would be the court's first Jewish justice in 24 years. She has done pioneering legal work to expand women's rights and combat gender bias, and for the American Civil Liberties Union. Yet her record as a judicial moderate has won her the support of powerful Republican senators.

There are some questions about that record as well. During her confirmation hearings this summer, the Senate Judiciary Committee might want to ask Judge Ginsburg to elaborate on her criticism of the Supreme Court's Roe vs. Wade ruling, the landmark 1973 opinion that defined a constitutional right to abortion.

Although Judge Ginsburg supports abortion rights, she has suggested that the political backlash created by the expansive decision actually may have hampered women's access to abortion. In any event, it's nice to know that, unlike Justice Clarence Thomas, this Supreme Court nominee acknowledges having read the Roe decision and even forming an opinion about it.

Other potential concerns: She ruled in 1984 that a sailor's dismissal from the Navy because of homosexual activity did not violate his constitutional rights. And it seems unlikely that Judge Ginsburg, who is 60 years old, would match Justice Thomas for longevity on a Supreme Court whose members serve lifetime appointments.

Judge Ginsburg is the first Supreme Court justice nominated by a Democratic president since 1967, when Lyndon Johnson named the late Thurgood Marshall — to whom Mr. Clinton compares her. She appears to possess attributes that would enable her to serve with distinction.

Still, her selection process adds to the discomforting portrait of a president who is prone to buckle beneath political pressure. As debates over Mr. Clinton's economic and health care reform plans heat up, that's a tag he needs to shake — fast.

MIDEAST TALKS

A new round of talks opens a new door to hope

As the Mideast peace talks reconvene in Washington today, it's an important barometer of hope for this difficult process that the *pessimists* are saying the best to be hoped for is a more durable armistice.

Lest we lose perspective, southwest Asia is probably where we most used to fear events exploding into nuclear Armageddon with the Soviet Union. Now we have hopes of detente there, if not peace.

The end of the Cold War has left room for those hopes. But the path to the progress that has been made in the Mideast, and that has given rise to great expectations, has been bilateral, painstaking treatment of issues between Israel and its neighbors, in the context of multilateral negotiations cosponsored by the United States and Russia.

It long had been clear that the complex conflicts of the region could not be resolved by being treated in isolation or one piece at a time, that this Gordian knot cannot be undone with any single stroke.

So far, everyone on the Arab side has been able to move forward on the basis of self-interest. Each party could feel reasonably secure that in the multilateral forum, no other party was going to cut a deal that left, say, Syria without the Golan Heights, Lebanon with Israeli troops in its south, or Jordan as the Palestinian state.

Everyone has been able to feel secure, that is, except the Palestinians. Although they are the weakest party to the negotiations, it is a fool's paradise in which anyone thinks a settlement could bring lasting peace without significant progress toward addressing their needs.

More and more, though, it seems that even as the Arab nations appear nearer to being willing and able to accept Israel's right to exist, Israel also seems closer to accepting self-government by the Palestinians in the occupied territories.

Whatever one thinks of the incessant revolt in the Gaza Strip, that has brought Israel to the pass of just wanting to be rid of it — Egypt has declined to take it back, even — it is constructive in the final analysis that each side is more willing to let the other have land and sway.

The reduced conflict since Israel closed the West Bank earlier this year has been salutary, despite the woeful hardship for tens of thousands of Palestinians who used to commute to jobs in Israel. Many now see calming possibilities over time in disentangling the West Bank from the definition of Israel, and Israel from the definition of a Palestinian homeland. Each group needs its own house, albeit side by side.

After so many years of enmity, autonomy for the Palestinians no doubt will have to be tackled in stages that early on will involve a polite fiction or two. Such fictions are a price the world can gladly pay, where the alternative so often has been bloodshed.

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Women's rights advocate chosen for high court

By Mitchell Locin
and Linda P. Campbell
Chicago Tribune

WASHINGTON—Moved by her personal story of battling discrimination, President Clinton on Monday nominated federal appellate Judge Ruth Bader Ginsburg, a longtime advocate of women's rights, for the U.S. Supreme Court.

Making the first Democratic nomination to the nation's highest court since 1967, Clinton turned to a jurist whom he described as a moderate and a conciliator during her 13 years on the U.S. Court of Appeals in the District of Columbia.

The nomination to replace retiring Justice Byron White won cautious bipartisan praise in the Senate, where members said they initially saw no issues that would block her confirmation by the August recess.

The fact that Ginsburg, 60, would be the second woman on the court, joining Justice Sandra Day O'Connor, and its first Jew since 1969, were considerations of Clinton's, his aides said, but did not determine his final selection.

Senior White House officials said Ginsburg had been a candidate since March 19, when White announced his intention to retire at the end of the court's term this summer and that she remained under consideration throughout the process.

Her star began to rise early last week as opposition to another possible nominee, Interior Secretary Bruce Babbitt, rose from environmentalists who praised his work in the Cabinet and pleaded with the White House to keep him there.

As aides pored over her record last Tuesday and Wednesday, the administration proceeded with its

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Ginsburg

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examination of another appellate judge, Stephen Breyer of Boston, and Clinton met with Breyer Friday. That evening, Clinton decided to meet with Ginsburg on Sunday—part of a strategy, the president's senior advisers insisted, to supply him with at least two viable candidates.

Another presidential aide said, however, the president "never would have gotten to the lunch on Sunday, if he had loved the other one so much."

Over the weekend, Breyer's failure to pay Social Security taxes for a part-time housekeeper emerged as a possible drawback. Administration officials and members of Congress generally insisted it wasn't a disqualifying factor, but some senators said the question of a double standard could be raised because Zoe Baird was disqualified for attorney general in light of a similar problem, although her employees, unlike Breyer's, were illegal immigrants.

Clinton's aides said Ginsburg emerged as the favorite choice during the Sunday lunch, when she impressed him with her life story.

"He found the entire story quite moving," said a presidential aide. "That was really the turning point, what finally tipped the balance toward Judge Ginsburg."

Clinton offered her the nomination at 11:33 p.m. Sunday, dialing from the kitchen in the White House residence after the mansion's switchboard couldn't get him a clear line.

In the Rose Garden announcement, Clinton described how Ginsburg was unable to get a job in a law firm after graduating from Columbia Law School in 1959 because she was a woman and had a small child.

"Having experienced discrimination, she devoted the next 20 years of her career to fighting it and making this country a better place for our wives, our mothers, our sisters and our daughters," Clinton said.

She argued a series of cases before the Supreme Court in the 1970s that struck at laws discriminating against women before President Jimmy Carter nominated her for the appellate court in 1980.

"Many admirers of her work say that she is to the women's movement what former Supreme Court Justice Thurgood Marshall was to the movement for the rights of African-Americans," Clinton said.

Accepting the nomination, the Brooklyn native said her proposed elevation as the second woman among nine justices "contributes to the end of the days when women, at least half the talent pool in our society, appear in high places only as one-at-a-time performers."

In comments that visibly moved the president, she thanked her mother, Clara Amster Bader, who died when Ginsburg was 17. She was "the bravest and strongest person I have known," Ginsburg said, adding, "I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons."

Standing next to her, Clinton's face reddened and eyes moistened.

Immediately afterward, a reporter asked Clinton whether the selection of Ginsburg fostered the impression of a "zig-zag quality in the decision-making process here" in light of the withdrawal of the nomination of Lani Guinier for associate attorney general and the focus on Breyer.

An angry Clinton shot back, "I have long since given up the thought that I could disabuse some of you of turning any substantive decision into anything but political process. How you could ask a question like that after the statement she just made is beyond me."

The crowd rose and applauded the president's broadside, and he accepted no further questions.

Yet the selection process was clearly on the mind of a White House besieged by doubts about its ability to reach major decisions and then stick behind them. To counter that notion, eight of the president's senior advisers, speaking on condition of anonymity, sat with reporters for an hour to describe a deliberative 88-day process to fill the vacancy.

They said Clinton used the time provided by White's early announcement to prepare 8- to 10-page profiles of 42 politicians, judges, academics and lawyers, some of them women, blacks, Hispanics and Jews. Early in the process, two Clinton favorites, New York Gov. Mario Cuomo and Education Secretary Richard Riley, took themselves out.

During nearly a score of meetings, Clinton narrowed the list to one public figure, Babbitt, and two judicial figures, Breyer and Ginsburg, they said.

In choosing Ginsburg, the president and his aides repeatedly cited her moderate record on the appellate court and her ability to work with liberal and conservative colleagues.

However, former clerks and academics who have studied her work said her reputation may be based more on her cautious approach to deciding cases than her philosophy about where the law should go.

Ginsburg's supporters say that she thinks a narrower ruling in Roe vs. Wade, the 1973 ruling in which the Supreme Court declared that abortion is a fundamental constitutional right in early pregnancy, might have lessened the subsequent dissension.

Ginsburg is considered supportive of free-expression rights but somewhat conservative on criminal-law matters and on who should be able to sue in federal courts.

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Encounters with sex bias spawned a quiet feminism

6-15-93

By Linda P. Campbell
and Linda M. Harrington
Chicago Tribune

WASHINGTON—Twenty years ago, Jane Ginsburg recorded in her high school yearbook that her ambition was to have her mother appointed to the Supreme Court.

When President Clinton set that in motion Monday, federal appellate Judge Ruth Bader Ginsburg called it a contribution "to the end of the days when women, at least half the talent pool in our society, appear in high places only as one-at-a-time performers."

She was referring, of course, to the fact that if she is confirmed by the Senate two women will be on the Supreme Court for the first time.

The theme of women's struggle for achievement flowed through Ginsburg's speech accepting the nomination just as it has defined a major part of her legal career.

She is credited with pioneering the Supreme Court's approach to legal protections against sex discrimination, winning five of six landmark cases she argued before the court while heading the American Civil Liberties Union's women's rights project in the 1970s.

She was the first tenured woman law professor at Columbia University and became one of the first women appointed to a federal appeals court when President Jimmy Carter named her in 1980 to the District of Columbia circuit bench. She also has written extensively about sex discrimination and the failed Equal Rights Amendment.

Though she wears her feminism in a quiet, unassuming manner, Ginsburg, 60, knows discrimination.

Friends tell how in her first weeks at Harvard Law School in the late 1950s she and the few other women in her class were called together by the dean, who asked why they thought they had a right to take away a law school seat from a man who had a family to support.

She spent two years at Harvard, studying and caring for her daughter. When her husband found a job in New York, she transferred to Columbia University law school.

She tied for first place in her graduating class at Columbia in 1959 but couldn't get a job at any law firms in her native New York City because she was a woman with a four-year-old daughter, she has said.

On Monday, among those she thanked were her husband, Georgetown University tax law professor Martin Ginsburg—"my best friend and biggest booster"—and her late mother, Celia Bader—"the bravest and strongest person I have known."

"I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve and daughters are cherished as much as sons."

Ginsburg is widely considered a moderate judge, one who often votes with liberal colleagues, particularly on issues such as civil rights, but who is more conservative on criminal defendants' rights and questions of access to the federal courts.

One of her often-noted opinions was a dissent she wrote when the appeals court struck down the law for appointing independent counsels to investigate executive branch wrongdoing. The Supreme Court later adopted her view and overturned the appellate ruling.

New York University law professor Norman Dorsen, who worked with Ginsburg at the ACLU, said she is likely to favor stricter separation of church and state than retiring Justice Byron White, whom she would replace on the court.

Lawyers who have worked with Ginsburg describe her as cautious, serious, hard-working—and painfully shy with those she doesn't know.

One women's-rights activist called Ginsburg "the Thurgood Marshall of gender-equality law," but the description refers more to her cautious approach of deciding cases than to any activist tendencies.

Ginsburg greatly admires the strategy the late justice used as a civil rights lawyer to attack segregation incrementally in the United States, culminating in the Supreme Court's 1954 Brown vs. Board of Education ruling, which outlawed separate public schools for black and white children, friends said.

"She's a great believer in deciding the cases before her and not reaching out to make controversial law that might not be sustainable later," said University of Illinois law professor Stephen Ross, a 1980-81 clerk to Ginsburg.

Supporters say it is that philosophy that has led her to criticize the grounds by which the Supreme Court in Roe vs. Wade struck down all the nation's abortion laws. Ginsburg has said that instead of relying on privacy rights, the court should have approached abortion restrictions as a form of sex discrimination barred by the Constitution's equal-protection guarantees. She has drawn fire from some abortion-rights advocates for saying that a narrower ruling might have caused less bitter dissension than the ruling generated.

Rights are universal, U.S. tells conference

By Ray Moseley
Chicago Tribune

VIENNA—Secretary of State Warren Christopher on Monday chastised a group of Asian and Middle East nations that have sought to justify their human-rights violations on grounds that such rights are not universal but depend on cultural and social conditions in each country.

The secretary warned that the U.S. would be prepared to limit or cut off foreign aid to countries that fail to respect human rights and make a commitment to building democracy.

In a speech at the opening session of a UN World Conference on Human Rights, Christopher directed his remarks to what some U.S. officials call the "dirty dozen," a group of nations generally seen in the West as threatening to wreck the conference with their attempt to redefine human rights.

"That each of us comes from different cultures absolves none of us from our obligation to comply" with the UN's Universal Declaration of Human Rights, Christopher said.



Christopher Boutros-Ghali

"Torture, rape, racism, anti-Semitism, arbitrary detention, ethnic cleansing and politically motivated disappearances—none of these is tolerated by any faith, creed or culture that respects humanity."

United Nations Secretary General Boutros Boutros-Ghali took a similar position in his address.

"The process of democratization cannot be separated, in my view, from the protection of human rights," he said. "Democracy is the private domain of no one. It can and ought to be assimilated by all cultures."

The conference got off to a shaky start when representatives of 17 non-governmental organizations from various parts of the world were denied admission after having been invited to attend. Under rules of the conference, any UN member nation can veto the admission of organizations to which it objects.

■ Israel is accused of systematic torture. Page 11.

Thus, Tibetan organizations were vetoed by China, and Kashmiri groups by India.

The Dalai Lama, the exiled spiritual leader of Tibet, also was barred after the Austrian government had invited him and 12 other Nobel Peace Prize winners. All of the Nobel laureates boycotted the opening ceremony in solidarity with the Dalai Lama.

The U.S. and other Western nations protested the bans.

The 11-day conference, the first world meeting on human rights in 25 years, was intended to consolidate recent gains and find better means of enforcing the provisions of the Universal Declaration, adopted in 1948.

But Western delegates say there is little prospect of moving forward on human rights, and their concern is to make sure there is no backsliding.

China and other Asian countries that are waving the banner of cultural differences are particularly reluctant to observe provisions on freedom of association and expression.

Reluctant Middle Eastern nations led by Syria, Libya, Yemen, Iran and Iraq have problems with provisions against discrimination based on sex.

"We respect the religious, social and cultural characteristics that make each country unique," Christopher told the conference. "But we cannot let cultural relativism become the last refuge of repression."

Some Third World countries have argued they cannot fully apply human rights while they are in a stage of development. To that, he said nations have a better chance to develop and grow if they defend human rights.

Christopher proposed establishment of a UN high commissioner on human rights and a UN special official on violence against women. But conference officials said the proposal for a commissioner would go nowhere because of opposition from the Asian-Middle East group.

Echoing the policy of the Carter administration, Christopher indicated that human rights would be a top priority of the Clinton administration.

Christopher said the administration would ask the Senate to ratify an international convention against racial discrimination. He also promised that the administration would seek action on three other pending treaties.

Boutros-Ghali asserted the right of the international community to take action when individual states fail to fulfill their human-rights obligations.

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Court takes abortion protest case

Issue: Can racketeering law be used against clinics' foes?

By William Grady

The U.S. Supreme Court agreed Monday to decide whether a tough federal racketeering law intended chiefly to battle organized crime may be used to combat the militant tactics of the anti-abortion movement.

The high court will review a year-old ruling by the federal appeals court in Chicago, which held that the Racketeer Influenced and Corrupt Organizations Act (RICO) wasn't intended to deter the intimidation, blockades and acts of violence directed against abortion clinics across the U.S.

Lawyers for the National Organization for Women and two women's health centers contended that anti-abortion groups, including Chicago-area activist Joseph Scheidler and his Pro-Life Action League, are part of a "nationwide conspiracy of extremists who use unlawful and violent methods to close clinics that perform abortions and to prevent women from using the services of those clinics."

NOW and the health centers filed a wide-ranging lawsuit in 1986, seeking an injunction under federal antitrust law and damages under the RICO statute.

Other defendants included Randall Terry, national organizer of Operation Rescue, and the St. Louis-based Pro-Life Direct Action League.

The RICO law was intended chiefly to combat organized crime, but it is increasingly used in civil litigation because of a provision that allows for triple damages if the lawsuit is successful.

Fay Clayton, a Chicago lawyer who represents NOW, said the group hoped the threat of damages would deter some of the violence that has been linked to the anti-abortion movement.

"It may keep some people from joining the mob that has one crazy person in it," she said.

NOW's lawsuit was dismissed in 1991 by U.S. District Judge James Holderman.

A three-judge panel of the Chicago-based 7th U.S. Circuit Court of Appeals refused to reinstate the suit, ruling in part that RICO was inappropriate because abortion foes weren't seeking economic gain.

That is the question the Supreme Court will confront: whether an economic motive is necessary to prove a violation of the RICO law.

The justices likely will hear arguments this autumn. A decision is expected next year.

In a friend-of-the-court brief supporting NOW and the health centers, the Clinton administration urged the Supreme Court to hear the appeal.

In a similar case in 1989, the Philadelphia-based federal appeals court for the 3rd Circuit concluded that a series of demonstrations at a local abortion clinic in the mid-1980s amounted to attempted extortion under RICO. The appeals court upheld a jury's verdict requiring protestors to pay more than $100,000 in damages.

Clayton said that unless Congress approves proposed legislation that would specifically outlaw violence directed against abortion clinics, the RICO law offers the only opportunity for abortion-rights proponents to do battle nationwide rather than going into court on a city-by-city basis.

The Supreme Court ruled earlier this year that another federal statue, an 1871 civil-rights law, may not used by federal judges to halt blockades of abortion clinics.

Abortion foes had urged the Supreme Court to reject the appeal, contending that NOW's lawsuit "borders on the absurd."

Lawyers for Scheidler and the others also argued that NOW's suit was directed in part against protest activities protected by the 1st Amendment.

A consensus choice for the court

Chicago Tribune 6-15-93

After months of contemplation and seeming indecision over how to fill the Supreme Court vacancy left by retiring Justice Byron White, President Clinton made up his mind Monday, and the selection should help to defuse the criticism the President got for his handling of the matter.

Ruth Bader Ginsburg, who once was turned down for a clerkship by Justice Felix Frankfurter because he wasn't ready for a woman, has gotten a belated consolation prize in a nomination to sit on the court itself.

Ginsburg would be the second woman ever on the court, joining Sandra Day O'Connor, and the first Jew since the departure of Abe Fortas in 1969. She is a highly respected judge and legal thinker who elicits praise from across the political spectrum—and, as Clinton no doubt considered, on both sides of the Senate aisle.

Unlike Bruce Babbitt, who would have provoked Republican opposition, and Stephen Breyer, whose tardiness in paying the taxes due on his domestic help might have set off a squall of controversy, Ginsburg is expected to be confirmed without much trouble.

Not that she will please everyone. Conservatives will find plenty to criticize in her background as a former ACLU lawyer, and in the successful arguments she made in several landmark Supreme Court cases expanding women's rights. Liberals and feminists may be less than satisfied, because Ginsburg is not considered part of the liberal wing of the court on which she now sits, the U.S. Court of Appeals for the District of Columbia, and because she has said the Supreme Court went too far in its 1973 *Roe v. Wade* decision.

But none of this should make much difference. In simple political terms, Ginsburg is liberal enough to leave Clinton's stamp on the high court, but not so liberal as to alienate voters who took him to be a more moderate Democrat than his party had nominated for president in recent years.

In terms of Ginsburg's potential contributions to the court, the objections heard so far are more reassuring than disturbing. In a court otherwise made up entirely of Republican appointees, she will bring an important perspective—which, if it doesn't change minds, should at least sharpen thinking. Her unorthodox position on abortion—that sweeping bans are unconstitutional, but that the subject should not have been removed entirely from the legislative arena—suggests a refreshingly complicated mind and a due respect for democracy.

A final judgment on her merits will have to await the close scrutiny of the confirmation hearings. But at this point, there is good reason to think the Senate and the American people will like what they see.

Query about his decisions irks Clinton

Washington Bureau of The Dallas Morning News

WASHINGTON — On Sunday night, a genial President Clinton hosted several hundred journalists at a White House barbecue and poked fun at his sometimes-frosty relations with the press corps.

But less than 24 hours later, his good cheer vanished. A question about his decision-making process prompted him to abruptly cut off a news conference in which he announced his plan to nominate U.S. appeals Judge Ruth Bader Ginsburg to the Supreme Court.

Judge Ginsburg had just completed a long statement about her life, recalling the hardships faced by her late mother. Tears welled in the president's eyes.

Then Mr. Clinton called on ABC's Brit Hume.

Mr. Hume said the president's withdrawal of Justice Department nominee Lani Guinier and his apparent last-minute choice of Judge Ginsburg had created an impression of "a certain zig-zag quality in the decision-making process."

A visibly angry Mr. Clinton replied, "I have long since given up the thought that I could disabuse some of you turning any substantive decision into anything but political process.

"How you could ask a question like that after the statement she just made is beyond me," he said, ending the news conference without answering the first question.

mittee accused Mr. Clinton of using a "pro-abortion litmus test" to appoint Judge Ginsburg and said her speeches and writings suggest that she favors abortion rights.

Staff writers Kathy Lewis, Susan Feeney and Anne Marie Kilday contributed to this report.

Judge noted for women's rights work

By David Jackson

Staff Writer of The Dallas Morning News

Thirty-three years ago, Supreme Court Justice Felix Frankfurter rejected Ruth Bader Ginsburg's application for a clerkship, saying he wasn't ready to hire a woman.

Judge Ginsburg wound up building a legal career in which she made sure that even if one powerful judge wasn't prepared to recognize equity for women, the law as a whole would be.

"She was the pioneer in women's rights law and played an absolutely essential role in bringing the Supreme Court into modern times," said Lynn Hecht Schafran, an attorney for the NOW Legal Defense and Education Fund, which is associated with the National Organization for Women.

As a lawyer, she won precedent-setting gender discrimination cases before the Supreme Court during the 1970s. If confirmed by the Senate, Judge Ginsburg will get the chance to influence the law directly as the court's second female justice, joining Sandra Day O'Connor.

Judge Ginsburg, 60, has spent the past 13 years on the U.S. Court of Appeals in Washington. She has earned a reputation as a centrist, building legal bridges between judges appointed by Democrat Jimmy Carter and Republicans

Please see NOMINEE on Page 8A.

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Nominee called pioneer in women's rights law

C ntinued from Page 1A.

Ronald Reagan and George Bush.

Her combination of a brilliant intellect and the ability to listen, friends and colleagues say, should make her effective on a conservative Supreme Court.

"I think she has more of a chance to talk to more people on that court than just about anyone else," said Vivian Berger, vice dean of the Columbia University School of Law and — like Judge Ginsburg before her — a general counsel for the American Civil Liberties Union.

Born in Brooklyn in 1933, Judge Ginsburg earned a bachelor's degree at Cornell University before attending Harvard Law School and the Columbia University School of Law, graduating in 1959. During the 1960s, Judge Ginsburg taught law at Rutgers and Columbia universities, developing ideas that would change the orientation of American law.

Colleagues credit Judge Ginsburg with expanding the reach of the 14th Amendment — the "equal protection clause" that had been applied almost exclusively to racial discrimination — to include gender discrimination.

"She made the field," Ms. Berger said. "It seems unexceptionable now. But women's rights was essentially a dormant field at the time."

In the early 1970s, Judge Ginsburg began her volunteer work for the ACLU, where she created the Women's Rights Project. Its work included six major gender-discrimination cases before the Supreme Court; Judge Ginsburg won five of them.

Judge Ginsburg's arguments helped persuade the court to strike down laws that treated men and women differently in terms of estate administration, military benefits, Social Security benefits for single parents, jury selection and legal drinking ages.

"Her approach is equal treatment as opposed to special treatment," said Ms. Schafran of the NOW legal fund.

In a 1977 Time magazine article that named her one of 10 law professors "who shape the future," Judge Ginsburg said her strategy is "to attack the most pervasive stereotype in the law — that men are independent and women are men's dependents."

Appointed to the federal appeals court in 1980 by President Carter, Judge Ginsburg's record prompted *The American Lawyer* in 1991 to identify her as one of 15 "first-rate centrists" with a good shot at the Supreme Court.

Several observers noted her ability — especially on antitrust cases — to work with the appeals court's most conservative members, including rejected Supreme Court nominee Robert Bork and current Justices Antonin Scalia and Clarence Thomas.

In a speech this year at New York University, Judge Ginsburg said the Supreme Court's 1973 Roe vs. Wade decision upholding abortion rights may have been too much, too soon. Judge Ginsburg, who has supported the concept of abortion rights, told her New York audience that the elimination of all state abortion laws at a stroke helped unify abortion rights opponents.

"She said it might have been wiser to have the court invite the legislatures to engage in a dialogue about the scope of reproductive freedom," said Stephen Gillers, an NYU law professor.

The speech inspired questions about Judge Ginsburg's views on the right to privacy, a central issue in the Roe decision. Liberal organizations also have expressed concern about Judge Ginsburg's concurrence in a 1984 case that dismissed a lawsuit by a sailor who had been discharged for homosexual activity. Yet these groups predicted Judge Ginsburg's confirmation.

"I would characterize it as a safe pick, although there are certain areas that could use some scrutiny," said Arthur J. Kropp, president of the People For the American Way Action Fund. "It seems to be a record that won't upset either side of the spectrum. She's attracted support from the right and left wings of the legal spectrum."

Thomas Jipping, legal affairs analyst with the conservative Coalitions For America, said Judge Ginsburg clearly passes what he considers Democratic "litmus tests" on abortion and other social issues. But that does not mean conservative groups will fight her nomination, Mr. Jipping said.

"As a judge, she's had more of a restrained view of her role than she did as a lawyer, which is a good sign," Mr. Jipping said.

Judge Ginsburg has described her hobbies as water skiing and horse riding, but friends said she is more of a workaholic dedicated to her profession and family. Her husband Martin Ginsburg is a Georgetown University law professor and noted tax attorney whose clients have included Dallas businessman Ross Perot. They have two children and two grandchildren.

Judge Ginsburg would be the Supreme Court's first Jewish member since Abe Fortas resigned in 1969.

"She fills the Jewish seat," said Roy M. Mersky, a University of Texas law professor who specializes in Supreme Court confirmation hearings. "It creates more diversity and more representation of the America people."

RUTH BADER GINSBURG
U.S. APPEALS JUDGE



■ **Born:** March 15, 1933, in Brooklyn, N.Y.

■ **Education:** B.A., Cornell Univ., 1954; Harvard Law School, 1956-58; LL.B., Columbia Law School, 1959.

■ **Legal career:** Law clerk, Southern District of New York, 1959-61; research associate, Columbia Law School Project on International Procedure, 1961-63; professor, Rutgers University, 1963-72; professor, Columbia University, 1972-80; judge, U.S. Court of Appeals for the District of Columbia, 1980-present

■ **Other professional work:** Author of numerous legal articles; member, American Bar Assn., Standing Committee on Federal Judicial Improvements; American Civil Liberties Union, general counsel, 1973-80, national board, 1974-80; Women's Law Fund, director, 1972-80; numerous other professional associations, honorary degrees

SOURCE: Judicial Staff Directory

The Dallas Morning News/AP

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COURT NOMINATION

Analysts praise court pick, fault Clinton on process

By Kathy Lewis
Washington Bureau of The Dallas Morning News

WASHINGTON — It was, political analysts said, another Janet Reno: Good choice, messy process.

Republicans and independent analysts joined Democrats in praising President Clinton's selection of Judge Ruth Bader Ginsburg as his nominee to replace Justice Byron White on the Supreme Court.

But they criticized Mr. Clinton's ihods for choosing appointments to high-profile positions and said this was only the latest example.

"The choice is superb. It's just that it was a tortuous and painful public process to get there," said Thomas Mann, director of Governmental Studies at the Brookings Institution.

"What it tells me is, he really has got to improve his own process of decision-making. He's got to avoid ag human beings as trial balns. People get hurt in the process."

Sen. William Cohen, R-Maine, agreed.

"She's an outstanding choice," he said, predicting unanimous approval barring any surprise.

But he, too, voiced concern about the way Mr. Clinton has chosen nominees and said a system must be found to prevent "this kind of dangling of personalities to find out whether or not there are any skeletons in the closet or whether there might be some objection from one group or another."

He also said he did not think the Clinton White House should go through such a delayed process in the future. It took nearly three months for the president to choose a successor to Justice White.

White House officials, however, strongly defended the thoroughness with which they and Mr. Clinton pursued the matter.

"I think the outcome vindicates the process," said a senior administration official, who requested anonymity.

William Schneider, a fellow at the American Enterprise Institute, equated Judge Ginsburg's selection with that of Ms. Reno as attorney general. Appearing on CNN, he said Mr. Clinton made a good choice but went through a "difficult and conspicuously awkward processs."

Some say president must stop using people as 'trial balloons'

ANALYSIS

Mr. Clinton picked Ms. Reno only after withdrawing the nomination of corporate lawyer Zoe Baird and dropping consideration of U.S. District Judge Kimba Wood — both because of problems involving child care by undocumented workers.

This month, he withdrew the nomination of Lani Guinier to head the Justice Department's civil rights division after controversy erupted over her writings.

In this case White House officials acknowledged that Mr. Clinton had been leaning strongly toward nominating Interior Secretary Bruce Babbitt as news accounts last week indicated. Environmentalists, members of Congress and others wanted Mr. Babbitt to remain at Interior, and the aides said Mr. Clinton subsequently decided that he didn't want to lose him there.

Then, attention focused on Judge Stephen Breyer, whom Mr. Clinton interviewed at length Friday. Late Friday afternoon, White House officials said they believed the choice was between Judge Breyer and Mr. Babbitt, and Judge Breyer remained overnight in Washington.

But Mr. Clinton decided Friday night, according to senior officials, that he wanted to see Judge Ginsburg as well. Over the weekend, reports surfaced that Judge Breyer had belatedly paid Social Security taxes on an elderly part-time housekeeper.

White House officials, however, said Monday that was not a driving factor in Mr. Clinton's decision.

Still, some analysts said that because of the way the nomination was handled, Mr. Clinton once again faced the perception that he had abandoned a nominee.

George Edwards, director of the Center for Presidential Studies at Texas A&M University at College Station, said it looked like another example of "where you've really got your finger in the wind."

"This can't make other people really anxious to take visible positions," he said.

Political analyst Stuart Rothenberg said, "Early indications are she will be a plus. He took his time. I don't much like the way the process went. It was typical Bill Clinton, and that's not a compliment," he said.

Fred McClure, who as President George Bush's chief liaison with Congress was involved with two presidential appointments to the court, said Mr. Clinton's process "looks sloppy" and appears to be "unfair to individuals, particularly those who don't get it."

"I think you ought to keep the process under your hat and make your decision," he said. "Don't run these people up and down the flag pole."

But Mr. McClure said it didn't hurt the result.

Mr. Bush's first nominee, David Souter, was confirmed with little problem but his second, Clarence Thomas, provoked enormous controversy because of sexual harassment allegations, which he denied.

Republican analyst Kevin Phillips said he thought Mr. Clinton was following in the "well-trodden footsteps of bad politics."

"It's not that Ginsburg is a bad nominee," he said. "It's just that the process itself once more wasn't reassuring. What he had to do was make the process look good and he failed. I can't remember a president that's fumbled so many nominations."

Mr. Mann said Mr. Clinton has decided other issues in a similar way but emphasized that what's really important are the decisions themselves.

"The most important element is the choice," he said. "You could say the same thing about his economic policy, Bosnia, Haiti, Guinier. He's making wise decisions, but doing so in a manner that is diminishing rather than enhancing his own position."

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WH

NATIONAL/INTERNATIONAL

Hutchison takes Senate oath

She says grand jury inquiry won't affect her in new job

By Anne Marie Kilday
Washington Bureau of The Dallas Morning News

WASHINGTON — After taking the oath of office Monday, Sen. Kay Bailey Hutchison, R-Texas, said she will "not be diverted in any way" from her new job by a Travis County grand jury investigation of her campaign.

"I am going to be a full-time senator for Texas," Ms. Hutchison said.

Ms. Hutchison's swearing-in by Vice President Al Gore was witnessed by more than 500 cheering supporters who chartered three 727s from Dallas to celebrate her election as the first woman senator from Texas. Her victory also means that Texas will have two Republicans in the U.S. Senate for the first time since 1875.

A luncheon for Ms. Hutchison's supporters at the Mayflower Hotel looked like a warm-up for the 1996 Republican presidential campaign. Offering their congratulations were Senate Minority Leader Bob Dole, R-Kan., former Housing and Urban Development Secretary Jack Kemp and Sen. Phil Gramm, R-Texas.

Mr. Gramm predicted that Ms. Hutchison's victory this year — and next year, when she must stand for re-election for a full six-year term — will pave the way for the GOP to regain the White House in 1996.

"In 1996, when the election results are counted, this victory will be no small part of a Republican majority in the Senate, a Republican majority in the House and a Republican in the White House, which is what we all want," Mr. Gramm said.

The senior Texas senator referred to his own presidential aspirations.

"Some people say I'm too ugly to be president, that my accent is too Southern," Mr. Gramm said.

At a news conference after her swearing-in, Ms. Hutchison called the Travis County grand jury inquiry "very political in nature."

"I am in a campaign for 1994," she said. "That was pre-planned that they would continue these attacks, and we know it. And we understand politics in Texas."

Employees of the state treasury and Ms. Hutchison's campaign are under investigation for allegations of official misconduct, tampering with government records and physical evidence and violations of the Open Records Act.

When asked whether she had decided not to return to Austin for the investigation, Ms. Hutchison responded: "Oh absolutely, because I don't think there is anything to investigate. These are political charges. They were made in a political campaign."

But she added, "If I am asked, I will go." She said she would not have to be subpoenaed.

"I do not need anything like that. If the district attorney asks me to go, of course I will go," she said. "But I haven't been asked. No one has called me."

Late last week, a Travis County grand jury began its investigation. District Attorney Ronald Earle said that the inquiry involves allegations of criminal misconduct.

Officials of the Texas Republican Party denounced the inquiry as a politically motivated stunt aimed at harming Ms. Hutchison's 1994 re-election bid for the office she just won.

Treasury Secretary Lloyd Bentsen attended the ceremony in the Senate chamber to congratulate Ms. Hutchison on her election to the seat he resigned earlier this year. Ms. Hutchison overwhelmingly defeated interim Democratic Sen. Bob Krueger, who was appointed by Gov. Ann Richards.

Ms. Richards also was in Washington on Monday to meet with Texas members of Congress.

Asked whether she was upstaging the new senator by visiting on the same day, the governor said: "Oh, goodness no. This has been planned for a long time and had nothing to do with it. And I don't think Kay would feel that way, either."

Ms. Hutchison was asked the same question.

"Oh heavens, I'm sure it was planned," she replied. "But that's fine. Governor Richards and I are going to work very well together for Texas. We've already talked about it, and I am going to be very cooperative with her."



Kay Bailey Hutchison . . . "I am going to be a full-time senator for Texas."

Judge Ginsburg Is Court Pick

P.2/4
10:39PM ST. LOUIS POST-DISPATCH CITY DESK
JUN 1 '93

Ginsburg's Experience Won Out

By Sawyer
Post-Dispatch Washington Bureau Chief

WASHINGTON — Federal appeals c t judge Stephen Breyer did not lose the nomination to the U.S. Supreme Court. Neither did Interior Secretary Bruce Babbitt.

The real story in President Bill Clinton's tortuous 88-day quest for a high court choice, senior White House officials insisted Monday, is that appeals court judge Ruth Bader Ginsburg won.

When Associate Justice Byron hite announced March 19 that he anned to retire in July, at the end of e current term, he gave Clinton an extraordinary gift, White House advisers said Monday — the luxury, as one them put it, of "time to search y and reflect deeply."

Administration aides knew from the ginning that they could pursue their arch through about mid-June, and ll get a justice confirmed in time for e court's next term in October. They so just that, in a search that sometimes seemed like the "Perils of Pauline."

The day after White's announcement, at a meeting in the Oval Office, les presented Clinton with a list of potential candidates. These included federal and state judges as well as blic officials; all were lawyers.

Ruth Bader Ginsburg was on that t. So were Babbitt and Breyer, les said.

The first list was reduced rather quickly to 42, aides said, and during the weeks that followed that group was scrutinized by a volunteer task force of 75 lawyers working under the supervision of Washington attorney James Hamilton.



AP

President Bill Clinton gesturing Monday in the White House Rose Garden during a news conference in which he introduced Judge Ruth Bader Ginsburg as his Supreme Court nominee.

The task force plowed through more than 3,000 judicial opinions and 5,000 articles in newspapers, law reviews and other sources, preparing detailed biographical sketches that were "more analysis than resume," one participant said. Clinton pored through the memoranda, aides said, and attended between 15 and 20 meetings devoted to the Supreme Court choice.

The drama shifted into high gear a week ago Sunday, the day White House aides completed their intensive vetting of Babbitt. He met Clinton's desire for a nominee with "heart," aides believed, and someone with broad public experience.

But many environmentalists viewed Babbitt as critical to the success of their goals. They made their views known, in numbers large enough to persuade the search team, as early as Tuesday, that Babbitt's chances were fading.

Breyer remained a contender, but aides say that as of Tuesday Ginsburg resurfaced as a possible third option.

"We had been discussing this with the president all week," one official

See GINSBURG, Page 11

Women's Champion Is Hailed

By Jon Sawyer
Post-Dispatch Washington Bureau Chief

WASHINGTON — President Bill Clinton on Monday named federal appeals court Judge Ruth Bader Ginsburg, a longtime champion of women's rights, as his choice to fill the vacancy on the U.S. Supreme Court.

The choice of Ginsburg, 60, was a surprise. Clinton turned to her after a week of intense discussions by the president and his top advisers that had focused first on Interior Secretary Bruce Babbitt and then appeals court Judge Stephen Breyer of Boston.

Clinton instead chose Ginsburg, for the past 13 years a member of the U.S. Court of Appeals for the District of Columbia. He said he had done so because he believed she best met his desire for a justice who could be a "consensus builder" on a court that in recent years often has split sharply.

"I know clearly that a Supreme Court justice should have the heart and the spirit, the talent and discipline, the knowledge, common sense and wisdom to translate the hopes of the American people as presented in the cases before it into an enduring body of constitutional law," Clinton said.

"That is what I promised the American people in a justice when I ran for president, and I believe it is a promise that I am delivering on today."

Ginsburg proved an instant hit with the U.S. Senate, as not one senator voiced opposition to her appointment. Sen. Daniel Patrick Moynihan, D-N.Y., who will serve as Ginsburg's escort through the nomination process, predicted that she would be confirmed "1 to zero. I can't imagine any problem."

If confirmed, Ginsburg would be the first Supreme Court justice named by a Democratic president in 25 years. She would be the 107th justice and the second woman, following Justice Sandra Day O'Connor. She would be the first Jewish justice since Abe Fortas resigned in 1969.

"Quite simply, what's in her record speaks volumes about what is in her heart," Clinton said of Ginsburg. "Throughout her life, she has repeatedly stood for the individual, the person less well-off, the outsider in society and has given those people greater hope by telling them that they have a place in our legal system. . . ."

Clinton hailed especially Ginsburg's role as lead attorney on many of the landmark cases extending women's rights during the 1970s, when she headed the Women's Rights Project.

"Many admirers of her work say that she is to the women's movement what former Supreme Court Justice Thurgood Marshall was to the movement for the rights of African-Americans," Clinton said. "I can think of no greater compliment to bestow on an American lawyer."

Clinton acknowledged that he had come close to naming the two other candidates — Babbitt and Breyer.

The president said he had been "flooded with calls all across America

See COURT, Page 11

■ **Career Review:** Ginsburg followed a centrist position as a judge, after advancing women's rights. **1C**
■ **Drawing Praise:** Most reaction to judge's nomination is positive, though conservatives plan close scrutiny. **1C**
■ **The Words:** Text of remarks by Clinton and Ginsburg. **1C**

Ginsburg

From page one

said, "and talking about creating additional possibilities, as Babbitt became problematic. We knew what the president wanted, a moderate, a consensus-builder. We knew Ruth Bader Ginsburg met the criteria."

Thursday was the day White House attention focused sharply on Breyer, recovering in a Boston hospital after a bicycling accident at Harvard Square.

White House officials interviewed him at the hospital and came home impressed. So was Clinton, after lunching Friday with Breyer at the White House.

Aides insist that Breyer's failure to pay Social Security taxes for a domestic worker, which became known late Saturday, was not the reason Clinton turned to Ginsburg.

They said Breyer had disclosed the tax issue weeks earlier and that they had run it past Senate Judiciary Committee members with no sign that it would pose an obstacle to confirmation.

"It was a factor that was weighed," one official said, "but this was not disqualifying."

At a senior staff meeting Friday night, Clinton seemed ready to name Breyer, aides acknowledged. But he pressed them to be sure that all options had been considered.

They said that Ginsburg's name surfaced again — and Clinton made the decision to call her in for a face-to-face meeting.

Another key element Friday night was Sen. Daniel Patrick Moynihan, D-N.Y., who had earlier given the White House a letter backing Ginsburg by Columbia University President Michael Sovern.

On Friday, Moynihan sent over another testimonial, this one a speech that said Ginsburg was as important to the women's movement as former Justice Thurgood Marshall had been for civil rights. Aides said Clinton was impressed, again.

With Ginsburg in Vermont Saturday for a wedding, her meeting with Clinton was postponed until Sunday *morning*.

During that 85-minute meeting, aides say, Ginsburg won the nomination.



Judge Stephen Breyer
Had disclosed tax issue



Bruce Babbitt
Valued as interior secretary

"What he felt after talking with her," one aide said Monday, "was that here was the consensus-builder he wanted, and someone of deep personal conviction ... He wanted a mainstream activist." She also had "a unique life story," someone who had been "a pioneer and pathbreaker in the field of women's rights."

Clinton drew his senior staff together at 5 p.m. Sunday, after a round of golf in suburban Washington, and told them he was prepared to go forward with Ginsburg.

After hosting an outdoor dinner for the White House press corps Sunday evening, Clinton returned to the residence about 10 p.m. and began a round of telephone calls that included about half the members of the Judiciary Committee, one last conversation with Attorney General Janet Reno and the two losing finalists, Babbitt and Breyer.

At 11:33 p.m., using a telephone in the kitchen of the White House residential quarters, Clinton reached Ginsburg at home.

Bernard Nussbaum, White House counsel, had called her half an hour earlier to say the president would be calling and please not to go to sleep.

The first call, placed by the White House operator, went through with a poor connection, aides said, and Ginsburg couldn't hear the president's voice.

"He finally said he'd hang up and call back," an aide said.

Clinton then dialed Ginsburg's number himself and got through fine.

"If I'm going to propose," aides say he quipped, "we might as well have a good line."

Court

From page one

from Babbitt admirers," urging Clinton to retain him in his current position. As for Breyer, Clinton called him a "superbly qualified" jurist who may well be named to some future Supreme Court vacancy.

Ginsburg thanked Clinton for his support, adding that she believed her nomination "contributes to the end of the days when women, at least half the talent pool in our society, appear in high places only as one-at-a-time performers."

She concluded with a tribute to her mother, Celia Amster Bader, "the bravest and strongest person I have known, who was taken from me much too soon.

"I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons."

Tears streamed down Clinton's cheeks as he listened to Ginsburg's remarks. He then took the first, and last question at what White House aides had billed before the announcement as a news conference.

The question by ABC's Brit Hume concerned allegations of "a certain zig-zag quality in the decision-making process here," given Clinton's abrupt turn to Ginsburg after reports all last week that he was about to name first Babbitt and then Breyer, and the controversy the previous week over his abrupt withdrawal of Zani Guinier as his choice for assistant attorney general for civil rights.

"I have long given up the thought that I could disabuse some of you of turning any substantive decision into anything but political process," a steely-voiced Clinton said to the assembled press. "How you could ask a question like that after the statement she just made is beyond me."

Clinton then plunged into the audience of invited guests. They ranged from conservative senators like Sen. Orrin G. Hatch, R-Utah, to Gov. Ann Richards of Texas, Sens. Howard M. Metzenbaum, D-Ohio, and William S. Cohen, R-Maine, and Hillary Rodham Clinton, wife of the president.

Ginsburg was the first woman on the Harvard Law Review. She was also, as a young lawyer in New York City in the 1960s, unable to find a single law firm willing to hire her.

"Having experienced discrimination," Clinton said, "she devoted the next 20 years of her career to fighting it and making this country a better place for our wives, our mothers, our sisters and our daughters."

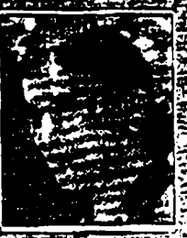
Ginsburg recalled that 20 years ago her daughter Jane's high school yearbook entry had said, under ambition: "To see her mother appointed to the Supreme Court." The next line read: "If necessary, Jane will appoint her."

Ginsburg, smiling broadly as she looked up at Clinton, said, "Jane is so pleased, Mr. President, that you did it instead. . . ."

Jane Ginsburg teaches law at Columbia University. Ginsburg's husband, Martin D. Ginsburg, teaches taxation at Georgetown University Law Center and practices law in Washington. Their son James is a law student at the University of Chicago who also has a business producing classical records.

Ginsburg is a native of New York City and a graduate of Cornell University. She attended Harvard Law School and then transferred to Columbia, where she earned a law degree in 1959. She taught constitutional law at Rutgers University and at Columbia prior to her appointment, in 1980, to the U.S. Court of Appeals for the District of Columbia.

Federal Judge Ruth Bader Ginsburg



AP

Born: March 15, 1933, in Brooklyn, N.Y.

Education: B.A., Cornell Univ., 1954; Harvard Law School, 1956-58; LL.B., Columbia Law School, 1959.

Legal career: Law clerk, Southern District of New York, 1961-62; associate director, Columbia Law School Project on International Procedure, 1962-63; professor, Rutgers University, 1963-72; professor, Columbia University, 1972-80; judge, U.S. Court of Appeals for the District of Columbia, 1980-present

Other professional work: Author of numerous legal articles; member, American Bar Assn., Standing Committee on Federal Judicial Improvements; American Civil Liberties Union, general counsel, 1973-80, national board, 1974-80; Women's Law Fund, director, 1972-80; numerous other professional associations, honorary degrees

SOURCE: Judicial Staff Directory

Knight-Ridder Tribune

Freed Haitians coming to U.S.

■ In the next 10 days 142 Haitians, held for months at a U.S. naval base in Cuba because they have tested positive for the AIDS virus or are related to someone who has, will arrive in the U.S.

By SUSAN BENESCH
Times Latin America Correspondent

MIAMI — Kesner Celorny arrived in Tampa and slept in a regular bed Monday night for the first time in 14 months.

That's how long he had lived at a temporary camp for Haitian refugees in Cuba, a compound encircled by razor wire and guarded by American soldiers.

Celorny is one of 142 Haitians detained at the camp on the U.S. naval base at Guantanamo Bay. Some have been there for as long as 20 months, held because they are HIV-positive or closely related to someone who tested positive for the virus that causes AIDS.

On Monday 27 of the Haitians, including three children, were brought to Florida on a C130 military plane. A U.S. federal judge last week ordered the refugees released and said they could not be sent back to Haiti.



Times photo — JIM STERN

Haitian refugee Kesner Celorny joined his wife, Marie Carnel, in Tampa on Monday. He spent 14 months at U.S. camp. Story, 2A.

All the Haitians will be brought to the United States in the next 10 days.

The Haitians' positive HIV tests kept them out of the United States until now because the United

Please see REFUGEES 2A

Refugees from 1A

States bans HIV-positive foreigners from immigrating. The Haitians could not be legally sent back to Haiti because American immigration officials already had decided that they had legitimate fears of political persecution. That kept them in legal limbo for more than a year, until federal District Judge Sterling Johnson last week ordered the government to release them.

Most of the arrivals from Guantanamo have family in the United States, with whom they will live. Church World Service and the U.S. Catholic Conference will help the new arrivals in South Florida, and Haitians who traveled to New York and Boston on Monday will be received by a variety of social agencies.

Raul Hernandez of the U.S. Catholic Conference in Miami, which received four of the 27 Haitians arriving Monday, said each would be given $200 as well as HIV education, help in applying for political asylum and English classes. Twelve of the 27 planned to stay in Florida and 13 were bound for New York.

The refugees carried their scant possessions in U.S. military duffel bags Monday and avoided talking to reporters. Most of the Haitians' reunions with their families took place in private.

Answering questions about the cost of caring for HIV-infected immigrants, Mike Wishnie, a young lawyer who helped to sue the U.S. government on behalf of the Haitians, said Monday, "There's no more expensive way to take care of these people than to keep them at Guantanamo," where a force of 350 soldiers ran the camp and military doctors treated the Haitians. "It will save the taxpayers money (to allow) people to join their families," said Wishnie, who works for Yale Law School's Lowenstein Human Rights Clinic.

The cost of AIDS treatment for the Haitians, he said, would be largely absorbed by social services agencies for which 100-odd more cases will be a drop in the bucket. "There are 1.5-million HIV-positive or AIDS patients in this country," he said.

All the Haitians were brought to the United States because they were deemed to have legitimate fears of political persecution in Haiti. Now that they are here, they are free to seek full-fledged political asylum and work here. Eventually, the Immigration and Naturalization Service must decide whether to grant them asylum or deport them, but the process is long and may be irrelevant to people who are already threatened by a fatal disease.

The 142 Haitians are the very last members of a massive wave of Haitian boat people that started in late 1991, after Haitian President Jean-Bertrand Aristide was overthrown and severe political violence broke out. Nearly 40,000 Haitians tried to leave on boats.

The Guantanamo camp was first set up a month after the September 1991 coup, so U.S. authorities could decide which Haitians to admit without allowing them all onto U.S. soil, which would entitle them to a hearing before deportation. At its height, the Guantanamo camp had more than 20,000 people sleeping in military tents on folding cots, on a vast, hot field.

To prevent more boat people from leaving, the U.S. Coast Guard set up a large flotilla of boats and planes off the coast of Haiti on January 15, amid rumors of a large exodus. Since then the number of people caught by the Coast Guard attempting to sail to Florida has dropped to fewer than a dozen a month.

More than 10,000 Haitian boat people were admitted into the United States during the last two years, and twice that number were sent back to Haiti. By last summer, the Guantanamo camp had only about 300 people — all HIV-positive or family members who did not want to leave their HIV-positive relatives.

Most of those people have already been brought to this country. In September, Siliese Success, a young woman who had just given birth to her first child, was allowed to leave the camp because the child was ill with pneumonia. Her husband, also held at Guantanamo, was not permitted to accompany her. The baby died shortly after she arrived.

Over the ensuing months, some of the Haitians were allowed into the United States either because they had AIDS and were too sick to be properly treated at the camp, or because they were women in the last trimester of pregnancy. In April, Judge Johnson ordered the sickest Haitians be released from Guantanamo, and about 50 more left. One man died only a few weeks after arriving in Miami.

As they waited at Guantanamo, the remaining Haitians grew impatient and declared several hunger strikes. Even as they arrived Monday, they said they were glad to be away from Guantanamo but exhausted with the long wait.

EDITORIALS

ON THE SUPREME COURT

A choice for consensus

President Clinton's first nomination to the U.S. Supreme Court appears to be a solid one. Ruth Bader Ginsburg, a federal appeals court judge in the District of Columbia, has a reputation as a moderate jurist and a consensus builder — the main qualities Clinton said he wanted in the person he chose to succeed retiring Justice Byron White.

The Ginsburg nomination also advances the cause of diversity in the highest levels of government. If confirmed, she would become the second woman on the court, joining Sandra Day O'Connor. Ginsburg also would be the first Jewish justice on the court since Abe Fortas resigned in 1969.

The nominee's record as a lawyer and a judge suggests that Ginsburg is more interested in justice than in ideological victories. As a lawyer for the American Civil Liberties Union from 1973-1980, she was a pioneer in the legal fight to expand women's rights. Ginsburg challenged laws that excluded women from juries and gave preference to men over women as administrators of estates. She helped end the U.S. military's policy of automatically giving dependency status to the husbands of service women but not to wives.



Ruth Bader Ginsburg is a jurist who often stakes out a middle ground between conservative and liberal positions.

When President Carter appointed her to the federal bench in 1980, her ACLU work marked her in the public mind as a liberal, a stereotypical label that didn't stick. When Clinton announced her nomination to the Supreme Court, he praised the 60-year-old judge as a centrist who often stakes out a middle ground between her liberal and conservative colleagues on the appeals court. "I believe that in the years ahead, she will be able to be a force for consensus-building on the Supreme Court, just as she has on the Court of Appeals, so that our judges can become an instrument of common unity," the president said.

Ginsburg's legal opinions and writings will come under close scrutiny in her confirmation hearings, but so far there is nothing in her record that should disturb the strong bipartisan support that greeted her nomination. As a judge, she has consistently upheld abortion rights, meeting Clinton's pro-choice test for his judicial nominees. But she has drawn the ire of women's groups for publicly questioning the approach the high court took in deciding *Roe vs. Wade*, the 1973 landmark ruling establishing the constitutional right to abortion. Ginsburg has argued that the court's sweeping ruling in that case may have "prolonged divisiveness and deferred a stable settlement" of the abortion issue. Women, she suggested, might have won greater access to abortion through a combination of judicial and legislative actions.

Clinton's selection of Ginsburg concluded a labored three-month search marked by vacillation and clumsiness that needlessly damaged the reputations of two other finalists, Interior Secretary Bruce Babbitt and U.S. Court of Appeals Judge Stephen Breyer of Boston, who seemed to be the favorite of both Senate Democrats and Republicans.

The White House leaked word that Babbit was the president's first choice. But Clinton began to hesitate when environmentalists and Western politicians urged the president to pass over the former Arizona governor. Babbitt, they argued, was needed more at Interior than at the Supreme Court. While Babbitt was left dangling, his detractors resurrected unsubstantiated and oft-denied charges linking the Arizonan to people with organized crime connections.

As Babbitt's star began to fade, Judge Breyer emerged as the front-runner. The White House had known for five weeks that Breyer had failed to pay Social Security taxes on a part-time housekeeper for 13 years. Breyer paid the taxes after the Zoe Baird controversy focused public attention on the issue. If Clinton thought this disqualified Breyer — and key senators in both parties said it should not — he should have spared the judge the embarrassment.

Fortunately, the result was better than the process. Judge Ginsburg seems eminently qualified to take her place on the nation's highest court.

Standing next to the president for the announcement, Ginsburg accepted the nomination as another step forward in women's struggle for greater opportunities. It contributes, she said, "to the end of the days when women, at least half the talent pool in our country, appear in high places as only one at a time performers."

Two sensible distinctions

In unanimous opinions of commendable clarity, the Supreme Court last week gave new definition to two First Amendment issues that had been left murky by previous rulings. Governments that wish to enact bias-crime laws or prohibit unusual religious practices should now have a much better understanding of the constitutional parameters within which they must work.

In one case, the court created a sensible distinction in upholding the constitutionality of Wisconsin's bias-crime law. Last year, the court correctly struck down a local ordinance that made certain expressions of racial or religious intolerance crimes in themselves. Last week, however, the court upheld the constitutionality of state laws that allow for the imposition of longer sentences on convicted criminals who target their victims on the basis of race or religion.

Judges and juries typically consider an array of aggravating and mitigating circumstances in determining the sentence to be imposed on a convicted criminal. The court's embrace of Wisconsin's law simply specifies one more aggravating factor that can be considered.

The precision of the court ruling should ease the concerns of civil libertarians who have feared that the First Amendment would become a casualty of well-meaning efforts to curb a new outbreak of racial and religious intolerance. Chief Justice William Rehnquist's opinion took pains to reiterate last year's judgment that the First Amendment prohibits governments from criminalizing forms of expression — even those words or thoughts that contain offensively racist or bigoted messages. People are still free to be bigots, but they can expect harsh punishment if they allow their bigotry to drive them to criminal behavior.

In the other case, the court unanimously struck down the city of Hialeah's ban on the Santeria religion's practice of ritual animal sacrifice. This decision, too, hinged on a reasonable distinction:

Laws that apply equally to religious and non-religious practices are constitutional. For example, in 1990, the court refused to exempt members of an American Indian religion from drug laws *prohibiting* the ingestion of peyote and other hallucinogens in virtually all circumstances. Whether or not one agrees with that decision, it at least allows for the law to be applied equally in religious and non-religious contexts.

However, laws that are specifically intended to suppress a particular religion are unconstitutional. In the Hialeah case, the city attempted to prohibit the Santeria church from engaging in a practice that is deemed legal in other circumstances, such as hunting and food production. Justice Anthony Kennedy's opinion concluded that "suppression of the central element of Santeria worship service was the object" of Hialeah's ordinances.

In theory, 5-4 Supreme Court decisions carry every bit as much legal force as those that are rendered unanimously. In practice, though, split decisions of the high court are seldom the final word on complex and controversial issues such as abortion, defendants' rights or freedom of expression. Those on the losing end of those decisions immediately begin looking for new cases to test the strength of the court's consensus.

In upholding Wisconsin's bias-crime law and striking down Hialeah's restrictions on the Santeria church, the Supreme Court has spoken with a single, clear voice on two issues that go to the heart of our freedoms of speech and religion. The court still has more than enough contentious issues that it has yet to resolve, but it has done an admirable job of defining common ground on these two important subjects.

St. Petersburg Times

UNITING TAMPA BAY

W.L. Straub 1901 - 1911
Paul Poynter 1912 - 1936
Nelson Poynter 1936 - 1978
Eugene Patterson 1978 - 1986
Founded 1884

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The policy of our paper is very simple — merely to tell the truth.

Final pitches made to keep bases

By OTTO KREISHER
Copley News Service

WASHINGTON — California's congressional members made last-ditch appeals yesterday to save state military installations targeted for closure, insisting that the region's economy would be devastated if the Pentagon's hit list is adopted.

Three days of testimony from members of Congress and a final briefing from the Pentagon this week will set the stage for the base-closure commission's crucial decision-making meetings June 23-26.

The panel must submit its list of recommended closures to President Clinton by July 1.

The California contingent, noting the impact of previous base closures and other defense cuts, asked the commission to spare the state's 15 major installations on the closure list.

"I would like to drive home one point: enough is enough ... The cumulative economic impact on California as a result of base closures has been devastating," said Sen. Dianne Feinstein, D-Calif.

The two previous rounds — in 1988 and 1991 — of base closings will cost California an estimated 400,000 jobs and $10 billion in annual economic activity, in addition to 250,000 jobs lost from defense production cuts coupled with the state's general economic slump, Feinstein said.

The state could lose another 225,000 jobs and $8.5 billion in economic impact if all the California bases on the current list were closed, she said.

Those closures are not only economically painful but unfair, added Sen. Barbara Boxer, D-Calif. She noted that California has about 14 percent of the total military personnel nationally but will absorb nearly 60 percent of the military jobs lost.

But some of California's representatives attempted to protect military installations in their districts by proposing the closure of rival facilities elsewhere in the state.

For example, San Diego County and Orange County congressmen clashed over whether Miramar Naval Air Station or El Toro Marine Corps Air Station should be closed, while Southern Californians competed with San Francisco Bay Area lawmakers about the fate of the Navy shipyards at Long Beach and Mare Island.

The base-closing commissioners heard similar interstate rivalries, including the competing appeals by San Diego and Chicago-area representatives for the naval training centers at San Diego and Great Lakes.

Rep. Lynn Schenk, D-San Diego, urged the commission to keep the training center in her district as a natural part of the Navy's "mega-port" in San Diego.

Schenk also defended the naval air rework facility at North Island Naval Air Station, which the commission proposed as a possible alternative to closing the rework depot at Alameda Naval Air Station.

Republican Reps. Randy Cunningham of San Diego and Christopher Cox of Newport Beach took different approaches to opposing the Pentagon's proposal to close El Toro, in Orange County, and move its Marine air units to Miramar.

Cunningham, a former squadron commander at Miramar, said moving the Navy F-14s and E-2Cs from Miramar to Lemoore Naval Air Station to make room for the Marines would take the Navy planes far from their best training areas.

Cox said expense and environmental concerns would prevent the Marines from building the facilities and housing at Miramar needed to accommodate the shift from El Toro.

C[illegible]lon's q[illegible]es[illegible]or gay r[illegible]gl[illegible]s l[illegible]as[illegible] expec[illegible]ed all[illegible]es

Lionel Van Deerlin

Gays in the military. Is there no end to the argument?

It may be mere whimsy on my part, but let us suppose . . .

Suppose that in the darkest days of World War II someone had proposed exempting homosexuals from the draft, or from duty in which they might be killed.

We can only imagine what might have c[illegible] next. But I'm sure there would have been roars of protest. Committees would have sprung up demanding that the risks of military service be shared by all young A[illegible]icans — including *them*.

We can divine the likely slogan, "Make every gay 1-A" (even though the term "gay" was not yet in general usage in the 1940s).

The intent would have been no less mean-spirited than much that has been voiced in recent months — touched off by President Clinton's move for equal treatment of gays in military service alongside persons of traditional sexual orientation. But if they'd been perceived as seeking to *avoid* their share of the drudgery and casualties in wartime, the homosexual community would doubtless have drawn the same hoots it now hears when demanding the right to serve.

Anyone charting early trends in the Clinton administration would decide that a downturn in the new president's fortunes began when he took up the gay cause. He promised an executive order ending the present Pentagon policy of weeding out and discharging known homosexuals.

In retrospect, Clinton might wish he had put this volatile issue on a back burner. But it was something he had campaigned on, and he plunged ahead.

As is often the case, objectors made lots more noise than those supporting Clinton's proposed reform. But after four months of a screaming national "debate," one senses that the tide may have turned. The Pentagon now seems likely to accept a policy toward gays-in-the-ranks more rational than its prevailing system, which cost the careers — plus the dignity — of some of its ablest men and women.

Surprising to some, though perhaps not to those who know Barry Goldwater best, was the strong position taken this month by the retired Arizona senator. A major general in the Air Force Reserve, a one-time Republican presidential nominee and an icon of conservatism, Goldwater wrote a blistering opinion siding with Clinton on the gay issue — thereby dismaying some comrades of the right.

With a directness that always has been his hallmark, Goldwater got right to the point. "Everyone knows that gays have served honorably in the military service since at least the time of Julius Caesar," he wrote. "They'll still be serving long after we're all dead and buried. That should not surprise anyone.

"But most Americans should be shocked to know that while the country's economy is going down the tubes, the military has wasted half a billion dollars over the past decade chasing down gays and running them out of the armed services."

A longtime chairman or ranking member of the Senate Armed Services Committee, Goldwater cites an unpublished 1956 Defense Department study which turned up no evidence that gays in the ranks constitute a security problem.

As for fellow conservatives who joined the anti-gay chorus, Goldwater reminds them:

"The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. Government governs best when it governs least — and stays out of the impossible task of legislating morality. But legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays."

Goldwater is not the only hard-line conservative with such views. The once crusty Los Angeles police chief, retired State Sen. Ed Davis, has long backed equal rights for homosexuals. He was roundly cheered upon telling a gay Republican fund-raiser:

"Some people posture themselves as Christians. And yet their Christianity never got out of the Old Testament into the love and the redemption and forgiveness of the New Testament."

Add to such voices an editorial position taken by the independent, commercially supported *Army Times* and *Air Force Times* — that "Discrimination based on sexual preference is no more legitimate than that based on race, gender or religion."

It could be that the president's quest for gay rights in uniform will be won not within his own partisan ranks, but by friends he didn't know he had.

DEERLIN represented a San Diego County district in Congress for 18 years.

JUN-10-1993 08:09 FROM UNION-TRIBUNE NEWSROOM TO WHITE HOUSE P.07

Law of the political jungle

Supreme Court nominee finally emerges

Judge Stephen Breyer left a Boston-area hospital — where he was recovering from two cracked ribs and a punctured lung — so that he could attend a hastily arranged meeting at the White House last week. The federal appellate court judge was widely expected to be President Clinton's selection to fill an upcoming vacancy on the Supreme Court.

Yesterday, Clinton announced that his nominee would not be Breyer, but rather federal appellate court Judge Ruth Bader Ginsburg. The great honor the president has bestowed upon Ginsburg, who is by most accounts a fine jurist, is matched by the great disservice he has done to Breyer.

The White House sacked Judge Breyer when word leaked out over the weekend that, until this year, he neglected to pay Social Security taxes for a once-a-week domestic worker. It was tax-related offenses, coupled with the hiring of illegal aliens, that derailed the nominations of attorney general candidates Zoe Baird and Kimba Wood.

The most disturbing thing is that the president knew about Judge Breyer's tax situation weeks ago, when it first turned up in his background investigation.

Judge Breyer's supporters are right to question why Clinton summoned him from his sick bed and all but announced his nomination to the high court, if the judge was to be ruled out because of the tax matter.

President Clinton's handlers apparently decided that, with their man reeling from rock-bottom approval ratings, and with his budget plan facing serious obstacles on Capitol Hill, he could ill afford to expend any political capital on his Supreme Court nominee. So rather than risk the wrath of women's groups, who might question whether the White House was applying a double standard, President Clinton pulled the rug from under Judge Breyer.

But to many minds, the president has done injury to himself by once again leaving high and dry a person whom he has promoted for a high office. Individually, the cases of Baird and Wood and Breyer and Bruce Babbitt and Lani Guinier may be explained away. But taken together, they reveal a president who is not a stand-up guy — a president who will shrink from battle with the special interests if one of his nominees encounters opposition.

The irony is that, in Judge Breyer's case, he continued to enjoy the unfettered support of much of the Senate, including Majority Leader George Mitchell and Minority Leader Robert Dole. Members on both sides of the aisle agreed that the judge should not be disqualified from serving on the high court because he failed to pay Social Security taxes for a part-time cleaning woman who, after all, was an American citizen, over 65 years of age and already receiving Social Security benefits.

It is lamentable when men and women who have enjoyed otherwise exemplary careers are found by their president to be unworthy for public service because of a minor tax problem. By failing to stand behind his nominees when they are discovered to be fallible, Clinton discourages highly qualified people from accepting government service.

P.2/3

JUN 15 '93 12:10AM STAR TRIBUNE PHOTO

Focus on selection process angers Clinton

By Steve Berg
Washington Bureau Correspondent

Washington, D.C.
President Clinton's nomination of Ruth Bader Ginsburg to the U.S. Supreme Court Monday prompted nearly as many questions about Clinton's awkward and lengthy selection process as about the nominee.

The president displayed a flash of anger when a reporter asked him to explain the "zigzag quality" in his thinking that led up to yesterday's selection. "How you could ask a question like that after the statement she just made is beyond me," Clinton snapped, abruptly ending his post-announcement press conference in the Rose Garden after only one question.

Clinton's naming of Ginsburg came 88 days after Justice Byron White announced his retirement. The president's staff had begun with a list of 40 names. Initially, Gov. Mario Cuomo of New York was floated as a serious contender. Then, over the past week, White House officials discussed two supposed finalists, dangling both tortuously before the public, the press and various interest groups to see if they would pass scrutiny. Apparently they didn't.

Analysis

Bruce Babbitt remained as interior secretary after environmentalists insisted they would rather see him in the Cabinet than on the court. Appeals Court Judge Stephen Breyer returned to Boston when reports surfaced over the weekend that his family had failed to withhold Social Security taxes from a domestic helper — the dreaded "Zoe Baird problem." Some analysts suggested that Clinton might be guilty of a "double standard" if Breyer, or any man with a similar problem, were nominated.

It all left something of a bad taste, even in Washington. It raised questions about Clinton's decisiveness and about the public manner in which potential nominees have been examined, not just for the court but for other positions as well. Two weeks ago, Clinton abruptly withdrew the nomination of law Prof. Lani Guinier to head the Justice Department's civil rights division after conservative senators — and Clinton, himself — said they disagreed with her writings.

"We've got to get away from this process of sending up trial balloons; we cannot use people as trial balloons," said Sen. William Cohen, R-Maine, a member of the Judiciary Committee. He predicted that Ginsburg would be easily confirmed.

"It's unattractive, but in the end it's not what history remembers," said Stephen Hess, political scholar at the Brookings Institution.

Hess, who worked in the Nixon and Ford administrations, said Clinton's actions "may not make him look like a man you want for your best friend, but then good presidents are rarely like good friends."

He said Clinton faces a number of complexities that make him appear indecisive, including his laudable attempt to include more women and minorities in government and higher standards for government servants. There has been some "sloppy staff work" and some evidence that Clinton does have a "hard time making up his mind," Hess said.

"It is a unique feature of this White House," said a Democratic insider who helped in the vetting process during Clinton's transition. "He [Clinton] is very deeply involved in all of these decisions, whereas other presidents have delegated more."

Later, Clinton commented briefly on Babbitt and Breyer, saying, "This is not a negative thing on them. ... I like them all. ... It was a positive position, being able to pick the person I thought would be best at this time."

Ginsburg was seen as an attempt to pick a safe nominee to help mend relations with a combative Congress and to shift a conservative court only gradually leftward.

To heal the wounds of torture – worldwide

Many thoughtful souls have wished they could help the besieged people of Bosnia. But the Center for Victims of Torture in Minneapolis is doing more than wish: It is dispatching healers to the Balkans to train Bosnians and Croatians to offer refugees front-line therapy for the abiding barbarism they endure. That strategy is at once practical and ingenious. With help, it could be the beginning of a movement.

The center has treated hundreds of torture victims in the six years since it opened shop, striving to dispel the scars of official savagery. As Secretary of State Warren Christopher noted in a visit to the center last month, such savagery is really an attack on democracy itself. Healing victims is thus a step toward cultivating democracy.

But a lone clinic can't possibly meet the international need. That's why the center is moving into the export business. This summer, it is sending a training team back to the former Yugoslavia; this will be the center's third trip. The idea is to deliver directly to trauma victims the sort of care they might otherwise find only half a world away. The team hopes to train specialists — doctors, nurses and mental-health professionals — to carry the treatment quest deep into Bosnia.

Why stop at Bosnia? As center director Douglas Johnson observes, the anguish inflicted by torture is worldwide. But the anguish can't be eased without greater American dedication to the cause. Some U.S. lawmakers already see the sense in aiding torture victims: Sens. Dave Durenberger and Paul Wellstone are both steadfast supporters of the center's work. But Johnson argues that the U.S. government should go beyond subtle support to bold declaration. To its current foreign-policy twin objectives of building democracy and protecting human rights, Johnson sensibly recommends adding a third: healing the effects of repression.

Enabling the healing takes money, which Congress can provide. The center favors a $3 million contribution to the U.N. Voluntary Fund for Victims of Torture and $20 million for direct aid to treatment centers — requests that will be presented today to a Senate Appropriations subcommittee. In truth, that would be a startlingly modest response to the avalanche of beatings, limb crushings and electrical shocks administered by the world's torturers.

But it's a start — just as the center's venture into Bosnia is. Healing the wounds of torture will seem a Sisyphean quest only as long as it remains a low priority. As Johnson insists, the trick is to change our thinking: America has long clung to the notion that it must serve as the world's policeman, he says. "What's wrong with the metaphor of the world's healer? Wouldn't that be closer to our values as people?" U.S. leaders should seize upon that metaphor, and bring it to life.