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**Folder Title:**

Mexico City: Explanatory Memos and Talking Points

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## POINTS FOR H.R. 1757 - STATE AUTHORIZATION CONFERENCE REPORT

### **I. Background**

This conference report is precursor to the IMF/UN supplemental. This vote may well determine how and what we face on the supplemental - where we still want very much to vote on a single package that contains Iraq/Bosnia/IMF and UN.

So this vote is about much more than what is in the State authorization package.

If we don't defeat the report here, we seriously weaken our chances on the supplemental - which means we place the entire IMF package in jeopardy, and we undermine our negotiating ability at the UN at a very delicate time in terms of international crises.

The constraints this bill imposes, and the current legislative plan effectively linking this vote to future of the supplemental package, substantially undermines the ability of the United States to conduct foreign policy and exercise U.S. leadership in the world.

As you may know, Dave Bonior is leading the whip effort and Lee Hamilton also is a leading opponent of this conference report. That tells you something about how bad this thing is.

### **II. Mexico City provision**

First, the Mexico City provision does not prevent aid to organizations who perform abortions.<sup>1</sup> The real effect of the provision is to work as a restriction of the organizations' speech rights. It prevents aid to organizations that use their own resources to question governmental policies or advocate in favor of abortion rights .

Second, the advocacy provision is unprecedented in scope. As the Statement of Managers language concedes, the restrictions proposed in the bill are designed to prohibit more than "overt lobbying" and would restrict the NGO from engaging in any activities, including issuing public statements, that call attention to defects in governmental law or policy.

Third, the advocacy restrictions are unconscionable and are wholly inconsistent with democratic principles that encourage political participation and wide-robust debate.

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<sup>1</sup> The provision includes a restriction on funds going to organizations that perform abortions but it allows the President to waive that restriction. International family planning funds are to be cut by \$44 million if the President uses the waiver.

Fourth, the advocacy restrictions are invasive of the organizations' autonomy and would restrict the groups from deciding what issues they may or may not debate and what materials and public statements they may develop.

Fifth, the advocacy restrictions would probably be upheld in the courts, because although they are fundamentally at odds with the Constitution's commitment to free speech and debate, the first amendment does not, by its own terms, apply to foreign non-resident organizations.

Finally, although we can all legitimately disagree on the issue of abortion and choice, we should not, and cannot, allow the U.S. leadership role in the world to be held captive to a domestic U.S. debate on an issue that so deeply splits the American public.

### **III. Other provisions**

This vote is also about much more than Mexico City and family planning language (which is why Bonier and Hamilton are playing leading roles in fighting the legislation). Other issues include the following:

#### **ACDA**

Eliminates funding for the Arms Control and Disarmament Agency.

#### **United Nations**

**Weakens United States' negotiating position at the United Nations.**

Bill adds unreasonable conditions on U.S. funding, effectively increasing U.S. debt to the U.N. and decreasing our leverage on critical international issues.

#### **Safe and secure missions abroad**

Bill cuts funding to maintain safe and secure U.S. diplomatic missions abroad.

#### **Foreign policy provisions**

Bill contains many extraneous provisions which will undermine the conduct of our foreign policy.

## **SMITH AMENDMENT ADVOCACY GAG RULE**

The Smith amendment would make foreign organizations ineligible for population assistance unless they agree not to “engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated or permitted.”

It has been illegal for many years to use federal funds to lobby for abortion. The Smith amendment goes further. It would require the United States to punish organizations which use their private funds for abortion advocacy activities in foreign countries by making them ineligible for the United States population assistance. This is a gag rule which would compel the United States to interfere with lawful free speech and the ability of organizations to participate in the democratic process of their countries. It would show the international community that the United States has a double standard, interfering with free speech and democratic participation in foreign countries, while cherishing and protecting those values in the United States.

The proposed Statement of Managers for the Conference Report demonstrates the alarming scope proponents of the Smith amendment would give to the gag rule by stating explicitly that it would bar more than “overt lobbying”. For example, the statement would bar organizations which use their own funds to draft, or even just distribute, materials that call attention to defects in abortion laws. This restriction is not only offensive to basic American values, but is also vague. It would leave to judgement and argument whether material such as a study of maternal morbidity and mortality resulting from unsafe, illegal abortions prepared to identify areas in need of family planning services “calls attention to alleged defects in abortion laws.”

The Conference Report also imposes a restriction on the issuance of “public statements” that is unprecedented in its scope. This ban would prohibit even the most basic form of free speech activity.

THE WHITE HOUSE

WASHINGTON

December 19, 1997

MEMORANDUM FOR ERSKINE BOWLES AND JOHN HILLEY

FROM: MARTHA FOLEY *mcf*

SUBJECT: UPDATE ON DEVELOPMENTS ON MEXICO CITY ISSUE

I want to update you on two developments related to the Mexico City issue. First is a summary of the response from Brian Atwood to your inquiry regarding expenditures on lobbying by USAID population assistance recipients. Second is an update on recent activities initiated by the State Department on the Mexico City issue.

The Atwood memo provides three estimates on the lobbying expenditures, based on informal discussions with 10 leading grantees. The low estimate for direct lobbying abroad ("actively promoting legislative changes") is \$75,000 annually. The mid-range estimate for activities that "raise concerns about access to abortion" is "less than \$400,000." The high estimate, intended to be congruent with very broad, anti-lobbying report language informally proposed by key House Republicans, would be "\$10 million or more annually." The memo also estimates that groups that perform abortions with their own funds spend "under \$1 million" annually for that purpose.

Wendy Sherman convened a meeting of key representatives from State, USAID, the White House, NSC and Treasury this week, and there was a follow-up meeting later in the week. There is ongoing work to identify opportunities for principals and others to address both the Mexico City issue and the problems with the Republicans' linking that issue to UN arrears, State Department reorganization and IMF funding, and to refine the message.

In addition, a policy group within USAID and State is developing some options for Secretary Albright to review. Some of the major options they are considering include the following:

- (1) prohibit funding to organizations that use their own funds to lobby for abortion (under a limited definition of lobbying) if they receive at least some specified, non-minimal level of federal funds;

- (2) prohibit funding to organizations that use their own funds to lobby and that are found by foreign governments to be doing so illegally;

(3) the same option as number 2, above, except that it would apply to the performance of abortions rather than lobbying;

(4) allow US funding to UNFPA if the President determines it will promote voluntarism and reduce abortion; and

(5) options related to re-emphasizing abortion reduction and to having an independent review of the USAID population program and associated issues, such as fungibility.

It is not clear at this time which of these options might secure a majority in the House. In addition, we need to remember that any option acceptable to one side could produce opposition on the other side that could jeopardize the underlying bill on UN arrears, IMF funding and State Department reorganization.

Once State and USAID have completed their review of options, I would suggest that we have a meeting to discuss them before serious outreach on the Hill begins.

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THE WHITE HOUSE  
WASHINGTON

May 18, 1998

THE PRESIDENT HAS SEEN

5-25-98

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Foley  
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MEMORANDUM FOR THE PRESIDENT

FROM: John Podesta *JLP*  
Martha Foley *MF*

SUBJECT: Op-ed Article in the Wall Street Journal on Mexico City Issue

You asked for a response to an op-ed article in the Wall Street Journal on the Mexico City issue.

The article implies that UN abortion funding policy is the same as the "Mexico City policy" of the Reagan and Bush administrations. It also asserts that the pending State Department authorization conference report contains a "watered-down" version of the Reagan-Bush policy.

The article errs with respect to UN abortion funding policy and, in one key respect, the severity of the abortion restrictions included in the pending State Department conference report.

First, according to OMB, State Department and US/UN staff, the UN's own policy on abortion is identical to that of the US Government under your Administration. The UN does not fund abortions or advocacy on abortion and it does not restrict recipients' use of their own funds. This has been the policy of your Administration from the beginning. The Reagan-Bush policy that you overturned did, of course, restrict USAID recipients' use of their own funds for these purposes.

Second, while the conference report is less restrictive than the Reagan-Bush policy on the provision of abortion services, it is more restrictive on lobbying on abortion. It bans more than just "overt lobbying" and, for example, even prohibits distributing public statements on "alleged defects" in abortion laws. (The bill is less restrictive on abortion services because it allows you to waive those prohibitions and covers fewer services. The bill, however, would cap population programs at 11% below the FY 98 level every year you exercised the waiver.)

STARR

MARTHA foret is  
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A hand to PONS please follow up

# On Abortion, It's Clinton vs. the U.N. *to (H)*

By MARY ANN GLENICK

Those who hold hopes for the United Nations, especially in the developing world, must be baffled and disappointed by President Clinton's announced intent to veto a bill that provides, at long last, for payment of U.S. arrears to that organization. What great principle justifies the sacrifice of such an important goal of this administration? The U.N. has a well-established policy that "abortion is never to be promoted as a means of family planning." Mr. Clinton is threatening a veto over a provision of the bill that would prevent federal money from going to organizations that lobby against the U.N.'s longstanding abortion policy.

## Watered Down

The U.N.'s position on abortion was adopted at its 1984 International Population Conference in Mexico City by the votes of an overwhelming majority of member states. It was reaffirmed at the 1994 Cairo population conference and again at the 1995 Beijing women's conference. The Reagan and Bush administrations accepted the U.N.'s Mexico City policy: their policy was that abortion would not be part of the population programs sponsored by or through the U.S. Agency for International Development. President Reagan issued an executive order barring the use of federal money for international organizations, such as the International Planned Parenthood Federation, that perform abortions as a family planning method or that lobby for unrestricted abortion overseas. That remained U.S. policy until 1993, when, in one of his first acts on his first day in office, Mr. Clinton reversed Mr. Reagan's executive order.



Ted Turner

The current bill on U.N. dues contains

a watered-down version of the Reagan-Bush policy. It would bar federal funding for groups that perform abortions in violation of foreign laws (late-term abortions, for example) or that lobby for abortion in foreign countries.

Though hotly contested, this modest restriction is no threat to family planning groups. Organizations like Planned Parenthood, the world's largest abortion provider, are hardly suffering from a lack

*The president is apparently ready to sacrifice the payment of U.N. dues rather than endorse the U.N.'s own policy established 14 years ago in Mexico City.*

of funds. They are bankrolled by foundations such as Rockefeller and Packard with assets that dwarf the budgets of most countries. They already exert great influence, within U.N. agencies and upon domestic political processes in many member states.

Much of their political energy is aimed at population control on the cheap, through programs in developing countries that pressure poor women into abortion, sterilization or the use of risky contraception methods. The U.N.'s chronic financial distress, together with the relative distance of its agencies from public scrutiny, has rendered it especially vulnerable to the influence of such special-interest groups.

A case in point is CNN founder Ted Turner's \$1 billion gift to the U.N., announced last fall. Many who remain committed to the original purposes of the U.N.—promoting peace, freedom and humanitarian aid—were overcome with joy when Mr. Turner announced his donation "to help the poorest of the poor." Paid out in annual installments of \$100 million for 10 years, the Turner gift would rank behind the annual contributions of only the U.S., Japan and Germany.

It seemed too good to be true. It was. It now appears that the U.N. will not have

control over the funds. Rather, its agencies must submit proposals for approval by a foundation headed by a man Mr. Turner chose because "he thinks as I do." The individual who will have the chief say in allocating the Turner millions is Timothy Wirth, a Democrat who has served as a senator from Colorado and as Mr. Clinton's undersecretary of state for global affairs.

Mr. Wirth's main claim to fame is that he led an unsuccessful attempt at the

U.N.'s 1994 Cairo population conference to make abortion part of "reproductive rights" and therefore an integral part of family planning. Mr. Wirth's lengthy paper trail, forging links between population, the environment and immigration, epitomizes the world view of those who see the poor as a threat to their own consumption, a menace to the ecosystem and a portent of social unrest.

As its details have unfolded, Mr. Turner's massive donation looks less like a gift and more like an offer to acquire the services of U.N. agencies with privileged access to target populations. In view of Mr. Turner's challenge to his fellow philanthropists to follow his lead, this will be a time of testing for the U.N. Are its prestige and organizational resources literally for sale?

Given the power of private groups bent on channeling humanitarian and development aid into "reproductive services," the funding restrictions in the dues bill before the president would likely have little practical impact on aggressive population controllers. But the restrictions would send an important message from an affluent nation to the poorest and most vulnerable citizens of the world: that American taxpayers do not endorse a program to reduce the

size of the world's poor population by any means possible.

The congressional bill, which has bipartisan support, reinforces both the great purposes for which the U.N. was founded in the aftermath of World War II and the largely sensible population-stabilization efforts to which the U.N. has long been committed—family planning, education of women and development aid. All these measures respect the freedom of people to decide for themselves how many children to have and when.

To reject the bill's restrictions would send a very different message to peoples and nations without political clout. Oxford economist and social philosopher Amartya Sen described it best when he noted a "dangerous tendency" on the part of affluent nations to search for solutions to overpopulation that "treat the people involved not as reasonable beings, allies faced with a common problem, but as impulsive and uncontrolled sources of great social harm, in need of strong discipline."

## Woman Flatly Opposed

Adding injury to insult, the president is apparently ready to sacrifice the payment of U.N. dues rather than endorse the U.N.'s own policy established 14 years ago in Mexico City.

What principle is important enough to justify his veto? It is the one principle from which Mr. Clinton has never wavered: unrestricted abortion, up to and including birth itself. That principle, for it he said, has nothing to do with women's rights. The majority of women are flatly opposed to it—more so than men. As with his veto of the ban on partial-birth abortions, the president is preparing to demonstrate his loyalty once again to the only constituency he has never disappointed—a loose-knit coalition of abortion extremists whose "solution" to poverty is to get rid of poor people.

Ms. Glenick is a professor of law at Harvard University.

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THE WALL STREET JOURNAL  
TUESDAY, MAY 5, 1998

## **POINTS FOR H.R. 1757 – STATE AUTHORIZATION CONFERENCE REPORT**

### **To be used w/ Democrat pro-life Members**

- Calling to ask you to vote against the State authorization conference report that will be before the House later today. Contains several troubling provisions – and linkage to IMF/UN supplemental makes today's vote terribly important.

### **BOTTOM LINE**

- This conference report is precursor to the IMF/UN supplemental. This vote may well determine how and what we face on the supplemental – where we still want very much to vote on a single package that contains Iraq/Bosnia/IMF and UN.
- So this vote is about much more than what is in the State authorization package.
- If we don't defeat it here, we seriously weaken our chances on the supplemental – which means we place the entire IMF package in jeopardy, and we undermine our negotiating ability at the UN at a very delicate time in terms of international crises.
- The constraints this bill imposes, and the current legislative plan effectively linking this vote to future of the supplemental package – really undermines the ability of the United States to conduct foreign policy and exercise U.S. leadership in the world.
- Hope you can be with us and vote to defeat the conference report.
- As you may know, Dave Bonior is leading the whip effort and Lee Hamilton also is a leading opponent of this conference report. That tells you something about how bad this thing is.

### **ACDA**

**Eliminates funding for the Arms Control and Disarmament Agency.**

### **United Nations**

**Weakens United States' negotiating position at the United Nations.**

- Bill adds unreasonable conditions on U.S. funding, effectively increasing U.S. debt to the U.N. and decreasing our leverage on critical international issues.

### **Safe and secure missions abroad**

**Bill cuts funding to maintain safe and secure U.S. diplomatic missions abroad.**

### **Foreign policy provisions**

**Bill contains many extraneous provisions which will undermine the conduct of our foreign policy.**

**For Rahall ONLY - Emphasize Jerusalem provisions that are very troubling:**

1. U.S. citizen born in Jerusalem—passports could say "ISRAEL"
2. U.S. consul general in Jerusalem changes reporting lines to be under U.S. Ambassador to Israel
3. All official U.S. documents must describe Jerusalem as the capital of Israel;
4. Soft earmark on funds for U.S. Embassy in Jerusalem.

All items above clearly designed to undermine Jerusalem as final status issue.

**Mexico City provision** -- we think this vote is about much more than Mexico City and family planning language, which I think is part of why Bonior and Hamilton are playing leading roles here.

- But you may hear that the Mexico City language in the bill is a real compromise. It is not.
- Believe that honorable people can and do disagree, at very personal level, on the issue of abortion and choice. But we should not, we cannot, allow the U.S. leadership role in the world to be held captive to a domestic U.S. debate on an issue that so deeply splits the American public.
- For U.S. leadership in the world to have the necessary tools to carry out our foreign policy and our national security policy, we need each of the pieces of the emergency supplementals we have requested. We will have a much harder time getting there if we don't defeat this conference report first.

(IF ASKED) This is what the language does:

**Funding cut**

- Gives the President ability to waive the ban it imposes on groups using their funds to perform abortions BUT if the President uses that waiver, international family planning funds will be cut by \$44 million. This cap is effective immediately.

**Lobbying restriction/gag rule**

- The lobbying restriction it imposes acts as a gag rule on international family planning organizations. They may not use their own funds to engage in any activity to change the laws of a foreign country regarding abortion.

This means they may not sponsor workshops; they may not draft or distribute material or make public statements regarding changing such laws.

A ban on making public statements has never been considered by the Congress before.

The statement of managers' language states explicitly that the language of the provision is intended to go beyond "overt lobbying."

While the bill allows attendance at conferences and workshops, it would likely preclude anyone from making statements while there.

## **POINTS FOR H.R. 1757 – STATE AUTHORIZATION CONFERENCE REPORT**

### **To be used w/ Republican pro-choice Members**

- Calling to ask you to vote against the State authorization conference report that will be before the House later today. Contains really troubling Mexico City provision on family planning, and other problematic provisions.

### **Mexico City provision**

#### **Funding cut**

- Gives the President ability to waive the ban it imposes on groups using their funds to perform abortions BUT if the President uses that waiver, international family planning funds will be cut by \$44 million. This cap is effective immediately.

#### **Lobbying restriction/gag rule**

-- not a real compromise, despite how may be being portrayed.

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(IF ASKED)

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**Bill cuts funding to maintain safe and secure U.S. diplomatic missions abroad.**

**Foreign policy provisions**

**Bill contains many extraneous provisions which will undermine the conduct of our foreign policy.**

**BOTTOM LINE**

- This conference report is precursor to the IMF/UN supplemental, which also will have the Mexico City language and linkage.
- If we don't defeat it here, we seriously weaken our chances on the supplemental – which means we place the entire IMF package in jeopardy, and we undermine our negotiating ability at the UN at a very delicate time in terms of international crises.
- The constraints this bill imposes, and that the current legislative plan effectively linking this vote to future of the supplemental package – really undermines the ability of the United States to conduct foreign policy and exercise U.S. leadership in the world.
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# The Alan Guttmacher Institute

New York and Washington



A Not-for-Profit Corporation  
for Reproductive Health  
Research, Policy Analysis  
and Public Education

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## FACSIMILE TRANSMISSION

Date: February 3, 1998

To: Martha Foley

From: Susan Cohen

Fax #: 456-2271

Number of pages (including cover sheet): 5

**Confidentiality Note:** The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the addressee named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. We will reimburse you any costs you incur in notifying us and returning the message to us.

### COMMENTS:

Hi Martha,

Since I gather I will be seeing you later today at the State Dept, I wanted to share with you some materials our coalition has developed re: Mexico City gag rule issue.

The first is a "think piece" that we are using to try to recruit some "democracy" and/or anti-Istook groups to the cause - in order to change the focus of the debate. The second two are drafts of an idea for language that flows from our belief that honing in on the "gag rule" aspect of this issue may help move it off abortion politics, which in turn may make it possible to win over some of the few converts we will need to outvote Smith.

I'll be very interested in your reactions and further discussing these ideas with you, either at today's meeting or another time soon.

*Susan*

**The  
Alan  
Guttmacher  
Institute**  
New York and Washington



A Not-for-Profit Corporation  
for Reproductive Health  
Research, Policy Analysis  
and Public Education

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Telephone: 202 296-6012  
Fax: 202 223-5756  
e-mail: policyinfo@agi-usa.org

FAX TO  
MARTHA FOLEY  
456-2271

**FACSIMILE TRANSMISSION**

Date: January 30, 1998  
To: Barbara Larkin/Meg Donovan  
From: Susan Cohen  
Fax #: 647-2762  
Number of pages (including cover sheet): 5

**Confidentiality Note:** The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the addressee named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. We will reimburse you any costs you incur in notifying us and returning the message to us.

**COMMENTS:**

Barbara and Meg,

Please take a look at these two ideas for compromise Mexico City gag rule language that are based on the same idea. The idea is to highlight that what we want to preserve is the ability of foreign NGOs to engage in activities that are legal in their own countries – not to mention legal in the US. I think it would help put the onus back on the Smith camp to have them say that this is not enough, that they want to punish NGOs for operating within their own country laws and for engaging in “advocacy” that is protected speech here and has been successfully defended here when under attack by Rep Istook in 1995.

Also, I’ve included a “think piece” our coalition has drafted to help highlight the point we’ve all been making for some time about the important principal at stake in the gag rule fight. That this fight is about more than a \$400 million program, and it is about more than abortion politics.

I’ll be interested in your reactions.

URGENT

## The "Mexico City Gag Rule" Policy: Anti-democratic, Imperialist and Un-American

The defenders of the Mexico City Gag Rule maintain it is simply an antiabortion policy. In fact, it is much more than that. It is antithetical to the most basic American values: free speech, access to the political process, and the right, in the words of our own Constitution, "to petition the government for a redress of grievances." As such, it would also undermine a fundamental tenet of U.S. foreign policy: encouraging democracy and popular participation, especially through nongovernmental organizations (NGOs).

The Mexico City policy, whose leading proponent is Rep. Chris Smith (R-NJ), is a "Gag Rule" because it is intended to silence foreign NGOs concerning the worldwide debate over abortion. In order to remain eligible for much-needed U.S. family planning program assistance, these NGOs would have to agree not to use *their own funds* to communicate with their *own* governments within their *own* borders on the subject of abortion. Often referred to as a "lobby ban," the policy reaches far beyond what is considered lobbying under U.S. law. Specifically, according to proposed report language offered by Republican congressional leaders in November 1997, the Gag Rule would disqualify a foreign NGO from U.S. family planning aid if the NGO is represented at any workshops or conferences or prepares or distributes any materials where "alleged defects in abortion laws" may be among the principal themes.

### Anti-democratic

The United States considers the promotion of democracy a key foreign policy goal as an end in itself and because it reflects core American values. Democratic societies share such characteristics as: respect for human and civil rights, peaceful competition for political power, free and fair elections, respect for the rule of law, accountable government and *an environment that encourages political participation, relying heavily on individual citizens and private-sector organizations.*

Under the Smith-sponsored Gag Rule, however, a foreign NGO's eligibility for U.S. funds would be conditioned on its willingness to be silent concerning a legitimate public policy debate in its own country – a debate that, for better or worse, thrives in the United States. Stifling the public debate – regardless of the subject – would directly undermine the widely-supported effort to promote democracy and, specifically, to empower NGOs. Further, it would have a disproportionate impact on women and fledgling women's organizations, which traditionally have had little or no voice in policy debates in developing countries.

### Imperialistic

The charge has been made that the Gag Rule is necessary to ensure that the United States does not impose a "pro-abortion mentality" on other cultures abroad. It is current

law, however, that supports the role of indigenous NGOs and respects the sovereignty of foreign countries to determine for themselves 1) whether to allow or prohibit abortion services and 2) the nature and scope of their own public policy debates. It is the Gag Rule, by contrast, that represents the ultimate in cultural imperialism, since it would have the U.S. government dictate to foreign NGOs what they may or may not debate, what conferences they may attend, and what materials they may develop.

### **Un-American**

Our American democratic tradition is based on the principles of self-determination, pluralism and participation. For this reason, in 1996 Congress rejected the "Istook amendment," which would have prevented private, nonprofit organizations in the U.S. that receive federal grants or contracts from spending their private funds to participate in U.S. public policy debates. Imposition of the Mexico City Gag Rule, then, would be tantamount to exporting a policy that would be intolerable in our own country.

1/30/98

Draft Mexico City Gag Rule Compromise Language, 1/29/98

No funds appropriated for population planning activities may be made available for any foreign private nongovernmental organization unless the organization certifies that it is in compliance:

1. with local country law or policies concerning the circumstances under which abortion is permitted, regulated or prohibited, and;
2. with local country law or policies pertaining to efforts to engage in any activity or effort to alter local law or governmental policy concerning the circumstances under which abortion is permitted, regulated or prohibited.

## GAG RULE ALTERNATIVE LANGUAGE

*Provided further*, That, notwithstanding any other provision of law or of this Act, none of the funds appropriated for population planning activities or other population assistance may be made available to any foreign private, nongovernmental organization until the organization certifies that it will not, during the period for which the funds are made available, violate both the laws and governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited in violation of applicable national laws prohibiting or restricting citizen participation in the political [public policy] process in that country.

**Note:** Draft language is based on an appropriations language version of the "lobbying activities" section of the Smith global gag rule amendment.

- Pro-family planning language added is indicated by underlined text.
- Possible alternative wording is indicated by [brackets].

1/28/98

## The “Mexico City Gag Rule” Policy: Anti-democratic, Imperialist and Un-American

**The defenders of the Mexico City Gag Rule maintain it is simply an antiabortion policy. In fact, it is much more than that. It is antithetical to the most basic American values: free speech, access to the political process, and the right, in the words of our own Constitution, “to petition the government for a redress of grievances.” As such, it would also undermine a fundamental tenet of U.S. foreign policy: encouraging democracy and popular participation, especially through nongovernmental organizations (NGOs).**

The Mexico City policy, whose leading proponent is Rep. Chris Smith (R-NJ), is a “Gag Rule” because it is intended to silence foreign NGOs concerning the worldwide debate over abortion. In order to remain eligible for much-needed U.S. family planning program assistance, these NGOs would have to agree not to use *their own funds* to communicate with their *own* governments within their *own* borders on the subject of abortion. Often referred to as a “lobby ban,” the policy reaches far beyond what is considered lobbying under U.S. law. Specifically, according to proposed report language offered by Republican congressional leaders in November 1997, the Gag Rule would disqualify a foreign NGO from U.S. family planning aid if the NGO is represented at any workshops or conferences or prepares or distributes any materials where “alleged defects in abortion laws” may be among the principal themes.

### **Anti-democratic**

The United States considers the promotion of democracy a key foreign policy goal as an end in itself and because it reflects core American values. Democratic societies share such characteristics as: respect for human and civil rights, peaceful competition for political power, free and fair elections, respect for the rule of law, accountable government and *an environment that encourages political participation, relying heavily on individual citizens and private-sector organizations.*

Under the Smith-sponsored Gag Rule, however, a foreign NGO’s eligibility for U.S. funds would be conditioned on its willingness to be silent concerning a legitimate public policy debate in its own country – a debate that, for better or worse, thrives in the United States. Stifling the public debate – regardless of the subject – would directly undermine the widely-supported effort to promote democracy and, specifically, to empower NGOs. Further, it would have a disproportionate impact on women and fledgling women’s organizations, which traditionally have had little or no voice in policy debates in developing countries.

### **Imperialistic**

The charge has been made that the Gag Rule is necessary to ensure that the United States does not impose a “pro-abortion mentality” on other cultures abroad. It is current

law, however, that supports the role of indigenous NGOs and respects the sovereignty of foreign countries to determine for themselves 1) whether to allow or prohibit abortion services and 2) the nature and scope of their own public policy debates. It is the Gag Rule, by contrast, that represents the ultimate in cultural imperialism, since it would have the U.S. government dictate to foreign NGOs what they may or may not debate, what conferences they may attend, and what materials they may develop.

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1/30/98