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NARAL Promoting Reproductive Choices

FAX COVER SHEET

DATE:

Feb 13

TO:

Harold Iches

OFFICE:

FROM:

Kate Michelman

PHONE:

THIS IS PAGE ONE OF 9 TOTAL PAGES

COMMENTS:

Eric B...

NARAL Promoting Reproductive Choices**MEMORANDUM**

TO: Editorial Board Writers

FROM: Karen Schneider, Director of Communications
Darryl Lynette Figueroa, Press Secretary

RE: National Republican Senatorial Committee's Contributions To The
National Right to Life Committee Raise Election Law Questions

DATE: February 13, 1995

Yesterday, the Washington Post reported that in the days before the November elections, the National Republican Senatorial Committee, chaired by Sen. Phil Gramm (R-TX), contributed \$175,000 to the nation's leading anti-choice organization, the National Right to Life Committee (NRLC). This highly unusual donation allowed the NRLC to fund get-out-the-vote operations on behalf of anti-choice Republican Senate candidates in extremely close races, including those in Pennsylvania and Minnesota. Federal election law experts said that the contributions, made over several days before the election, could constitute a violation of federal law because they may have evaded maximum spending limits for party committees or may have been improper "soft money" donations. (See attached article).

Senator Gramm, a leading Republican presidential hopeful, first said that he decided "to provide some money to help activate pro-life voters in some key states where they would be pivotal to the election." Later he claimed that he didn't give the money for any specific purpose, but rather because NRLC's "message conformed to the Republican message." His differing explanations of the contribution raise questions about the Senator's credibility, especially as he gears up to launch his presidential campaign.

The contribution to the NRLC suggests an unholy alliance between powerful anti-choice leaders of the Republican Party and radical right groups. It is no coincidence that Gramm said on ABC's "This Week With David Brinkley" on Sunday that "The issue is can a person who routinely performed abortions...be an effective advocate for public health in America in 1995? I think the answer is no." The National Right to Life Committee, of course, is working hard to defeat President Clinton's Surgeon General-nominee, Dr. Henry W. Foster Jr. Gramm's statement came just two days after another radical right group, the Christian Coalition, threatened to withhold its support for the Republican presidential ticket if it included a pro-choice candidate. It is clear that anti-choice,

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-- more --

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radical right groups are pressing ahead with their social policies, which include making abortion unavailable, if not illegal, to American women.

Both these incidents indicate that radical right groups intend to keep the Republican Party captive to extreme opponents of choice, and that the so-called "big tent" is nothing more than an empty phrase. Groups like Senator Gramm's National Republican Senatorial Committee, the Christian Coalition and the National Right to Life Committee make it clear that they plan to tear down the "tent" and force Republicans into their house of intolerance and extremism. America's pro-choice Republicans have a right to expect more from the Party of Lincoln.

The leaders of our political parties must hold themselves to exemplary and ethical standards as they pursue their electoral goals. Furthermore, the nation's leading anti-choice organization must not become an accomplice to questionable election law practices. We hope that you will consider editorializing on these issues, which hold great importance for how we conduct our political affairs. If you would like further information, or would like to discuss this issue with NARAL President Kate Michelman, please do not hesitate to call us at 202/973-3032. Thank you.

GU ' Donation Aided Right to Life Group

Money Was Not Earmarked, Sen. Gramm Explains

By Ruth Marcus

Washington Post Staff Writer

In the week before the November election, the National Republican Senatorial Committee, which raises and distributes money to Republican Senate candidates, contributed \$175,000 to the National Right to Life Committee, federal election records show.

The contributions came at a time the Senate committee knew it had or was about to spend the maximum allowed on behalf of Republican candidates in close races. With control of the Senate up for grabs, the donation allowed the National Right to Life Committee to fund get-out-the-vote efforts the Senate committee hoped would help tip the balance in Republicans' favor, according to Sen. Phil Gramm (R-Tex.), who chaired the NRSC.

Federal election law experts said such contributions involve a murky area of election law but use of the contributions to help Republicans win key Senate races could constitute an evasion of the maximum spending limits for party committees or an improper use of "soft money" donations from corporations and wealthy individuals. Corporate contributions and contributions over a specified dollar limit—the "soft money" that was used to make the \$175,000 donation—cannot be used in federal elections.

Gramm offered a lengthy explanation of his decision to contribute to the Right to Life Committee at lunch Friday with Washington Post reporters and editors. In the closing days of the election, as races tightened in states like Pennsylvania and Minnesota and the Senate committee found itself with extra money, he said, "I made a decision ... to provide some money to help activate pro-life voters in some key states where they would be pivotal to the election."

Gramm later telephoned a reporter to say he had been mistaken in his explanation. He noted "the rules under which you contribute to groups like this through political committee are very strictly set" and said the money was not given for any particular purpose but only because the Right to Life Committee's "message conformed to the Republican message."

Election lawyers said Gramm's initial explanation raised potential legal difficulties.

"You can't do indirectly what you can't do directly," said Kenneth Gross, a former enforcement chief at the Federal Election Commission. "The bottom line is that you just can't evade all the rules and regulations about influencing federal elections by running money through a nonprofit organization."

He cautioned that facts about the purpose and use of the funds would need to be known before making a final determination, but added, "Their activity taken as a whole certainly runs the risk that it was in fact used to influ-



SEN. PHIL GRAMM

"confused" in account at Post lunch

ence the outcome of the election and this was nothing more than a circumventing of that rule."

Donald J. Foley, executive director of the Democratic Senatorial Campaign Committee, the Democratic counterpart of the NRSC, said the NRSC's action was "a transparent means of affecting a race beyond the limits imposed by the law."

In interviews last week, NRSC and National Right to Life Committee officials said the money—the only contribution the NRSC

made during the 1994 campaign to such an advocacy group—was not earmarked.

NRSC communications director Gordon Hensley said the Senate committee "routinely" contributes "to charitable, good government activities" and the timing of the donations the week before the Nov. 8 election—\$50,000 Oct. 31, \$50,000 Nov. 1, \$60,000 Nov. 3 and \$15,000 Nov. 4—was because "the NRSC simply had more funds available at the time."

National Right to Life Committee Executive Director David O'Steen said the money was a "general contribution" for "our ongoing educational, legislative citizen awareness activities" and not used for any specific purpose in the election.

The National Right to Life Committee can engage in general voter education and voter turnout efforts, so long as it does not advocate election or defeat of a particular candidate. Because it is not a political committee, it does not have to report those expenditures to the FEC.

FEC figures show the NRSC's separate political action committee (PAC) also spent

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\$107,000 on behalf of Republican Senate candidates in the closing days of the 1994 election.

The Right to Life Committee would not have been allowed to transfer the money to its PAC and O'Steen said the timing of the NRSC donation and the spending by the Right to Life Committee PAC was "absolutely" a coincidence.

In a letter accompanying each of the donations, NRSC General Counsel Edwina Rogers cautioned the National Right to Life Committee that the contribution "should be used for good government activities that are consistent with your organization's not-for-profit character" and that "utilizing any of this money in any way to influence a federal election is strictly prohibited."

Rogers's letter went to the director of the Right to Life Committee PAC, Carol Long, who said she was not involved in soliciting or handling the contribution but Rogers probably wrote her "because I work with the senatorial committee on other things."

Gramm, at the luncheon, said the donations were prompted by fears Republican Senate candidates in key states were on the verge of defeat, citing the races, ultimately successful, of Rodney D. Grams in Minnesota and Rick Santorum in Pennsylvania.

For example, he said, "the Minnesota race turned on us in the last 20 days and . . . I made a decision that we were on the verge of losing that race. Pennsylvania turned on us. . . . And the focus of this expenditure was trying to get into those states where we thought it made a difference."

According to FEC reports, as of Oct. 25,

1994, the NRSC had spent nearly all of the \$385,528 it was permitted to spend in Minnesota and nearly all the \$1.07 million permitted for Pennsylvania.

"The focus of this expenditure was trying to

*The national committee's
"message conformed to
the Republican
message."*

—Sen. Phil Gramm (R-Tex.)

get into those states where we thought it made a difference," Gramm said. "At the end of '94 it was clear to me that we were going to

win or lose in a handful of states by a small number of votes."

Later, describing the November election as "a long time ago" and saying he authorized the contributions when he was traveling constantly on behalf of Senate candidates, Gramm said he had been "confused" in his account at The Post lunch. He said he had mixed up other voter mobilization efforts with the general contribution to the Right to Life Committee, which was simply "to help them reinforce their message."

James Wagoner, vice president of the National Abortion Rights Action League, said Gramm's decision to give so much money to one group suggested he was seeking to curry favor with the antiabortion movement for his 1996 presidential bid, an accusation Gramm denied.

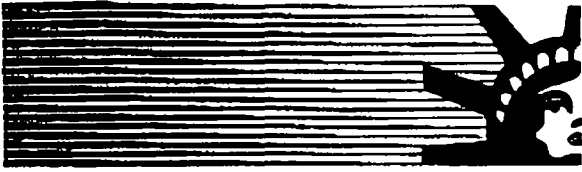
In earlier elections, the Republican Senate

committee made similar contributions to outside groups. In a complaint pending before the FEC, the Democratic Senate Campaign Committee accused the NRSC of engaging in illegal spending practices in the 1992 runoff election for the Senate in Georgia between Democrat Wyche Fowler and the eventual Republican victor, Paul Coverdell.

In that case, the NRSC made \$122,000 in soft money contributions to the Right to Life Committee and three other conservative groups between Nov. 10 and Nov. 18, 1992, after the general election but before the Georgia runoff.

The DSCC alleged the groups "apparently put the NRSC's money to use in the Georgia runoff."

Researcher Ann O'Hanlon contributed to this report.

NARAL Promoting Reproductive Choices**THE NEW SCARLET LETTER**

By Kate Michelman

President

The National Abortion and Reproductive Rights Action League

Just hours after President Clinton nominated Dr. Henry W. Foster Jr. to serve as Surgeon General of the United States, radical right leaders declared war on the new nominee, a man who has dedicated his life to developing innovative and effective ways to address some of our nation's most pressing problems. He's made combatting teen pregnancy a priority. He's helped inner-city youth stay off drugs, delay sex and build self-esteem. He's provided essential reproductive health care to women, bringing some 10,000 babies into the world.

But none of this matters to the radical right, which is attempting to brand Dr. Foster with a modern-day version of the "Scarlet Letter." Those who want to make abortion illegal in this country are using the Foster nomination to achieve their extreme ends.

The number of abortions Dr. Foster performed should not matter. Like most obstetrician/gynecologists, Dr. Foster provided his patients with the full range of reproductive health care. His mistake was in trying to estimate the number of abortions he performed, which somebody more familiar with the politics of this volatile issue would be unlikely to make. Because his estimate was not perfect, enemies of women's right to choose now claim cause to question his veracity.

They are using Dr. Foster as a pawn in their campaign to ostracize, isolate and demonize doctors who perform a legal medical service -- a campaign designed to drive doctors away from the field and make abortion unavailable in this country.

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Their focus on the number of abortions that Dr. Foster performed has no place in this debate. It is no more than a smokescreen designed to attack and demean physicians.

There are chilling indications that this strategy is succeeding. The horrifying escalation of anti-choice violence and terrorism -- the stalkings, arson, bombings, shootings and murders -- are already deterring doctors from performing abortion services. At the same time, fewer and fewer doctors are being trained to perform the procedure. A NARAL survey released last month found that the number of abortion providers declined from 1982 to 1992 in 45 states. Today in America, 84 percent of counties have no abortion provider.

To compound the problem, anti-choice lawmakers in statehouses across the country are trying to enact onerous new restrictions that combine with clinic violence to make abortion services unavailable to American women. The long-term consequence could be that desperate women are forced once again to risk their lives with unsafe abortion.

Dr. Foster has been subjected to an anti-choice litmus test that is aimed at preventing doctors from holding public office if they provide the full range of reproductive health care to women. If anti-choice lawmakers defeat Dr. Foster, they will succeed in sending a chilling message to every medical student and doctor who considers providing abortion services to patients in need.

In truth, Dr. Foster is a leading expert in his field who has long advocated responsible reproductive health policies that will protect women's health, strengthen families, combat teenage pregnancy, and reduce the need for abortion. If the radical right truly wanted to lower the number of abortions, they would join -- not pillory -- his efforts to address the millions of unintended pregnancies that occur each year, a crisis as pressing as any facing the nation today.

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They should laud his nationally recognized program, "I Have a Future," which won a *Points of Light* award during the Bush Administration for teaching teenagers in housing projects to delay sex and childbearing to help them prepare for responsible, productive adulthood.

Listening to the frenzy created by anti-choice leaders, it would be easy to forget that abortion is legal in the United States. This is no nanny-gate. Dr. Foster broke no laws nor stretched any ethical bounds. Rather, he faithfully fulfilled his responsibility to his patients. As a practicing ob/gyn, Dr. Foster has provided routine medical care to his patients -- women who at various points in their lives may need birth control, childbirth, or abortion services.

Americans did not elect this Congress to take away women's access to abortion services. It would be deplorable for Members of Congress to become legislative collaborators with anti-choice extremists who want to further isolate and punish doctors who perform a legal medical service. Rather, Members should consider this nominee's entire lifetime of work and refrain from contributing to the climate of intolerance that is endangering doctors who perform abortions.

Dr. Henry Foster Jr. is an accomplished leader with a background that qualifies him to serve as Surgeon General of the United States. Lawmakers must take a stand against the anti-choice tyranny that is threatening Dr. Foster's nomination. This kind of McCarthy-ism simply has no place in a pluralistic democracy.

NARAL Promoting Reproductive Choices

STATEMENT OF KATE MICHELMAN
President
National Abortion and Reproductive
Rights Action League (NARAL)

CONTACT: Karen Schneider
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202/973-3032

**On News Reports That Phil Gramm's National Republican Senatorial Committee
Gave \$175,000 To Anti-Choice Group in Possible Violation of Federal Election Law**

February 13, 1995

It is unseemly for Phil Gramm to play fast and loose with federal election law to promote his extreme anti-choice agenda. Gramm has strained the limits of credibility by first saying he provided money to the National Right to Life Committee to 'activate pro-life voters in some key states where they would be pivotal to the election' and later claiming that the money was not given for a specific purpose. Gramm has made a mockery of the Republican Party's "big tent" by inviting in only one faction, the anti-choice Right to Life Committee -- and paying the group's admission ticket. Gramm's establishment of an ideological slush fund to benefit anti-choice Republican Senate candidates insults pro-choice Republicans who believed they were welcome in the "big tent." It is clear that there needs to be a full investigation into this matter.

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