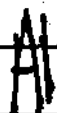


File Personal -

Jury Awards \$10 Million In Libel Case Against ABC

Banker Said Program Ruined His Reputation



By Howard Kurtz
Washington Post Staff Writer

A federal jury yesterday ordered ABC and one of its producers to pay a Florida banker \$10 million in a libel suit over a "20/20" segment that portrayed him as misleading investors.

The damages, among the highest ever returned against a news organization, were awarded to Alan Levan, chief executive of BankAtlantic, and his Fort Lauderdale-based bank after Levan convinced a U.S. District Court jury in Miami that the 1991 broadcast had ruined his reputation.

"When your weapon is national television, the damage you cause is immense," said Alan Fein, Levan's lawyer. He said ABC and correspondent John Stossel went after Levan "with an atom bomb" and "broadcast a lie to 20 million people."

Floyd Abrams, ABC's attorney, called the verdict "intolerable" and said it was part of a "disturbing" pattern "of big-bucks verdicts against the press." While public figures such as Levan win 80 percent of their libel suits at trial, about 70 percent of these verdicts are later overturned, he said.

ABC's appeal, Abrams said, will involve Judge C. Clyde Atkins's refusal to allow him to present evidence that a civil jury had found Levan guilty of securities fraud, leading to an \$8 million settlement with investors. "It was certainly significant in terms of Mr. Levan's reputation," Abrams said. The judge said such evidence would prejudice the jury against Levan.

Corporations and business executives have increasingly turned to the courts to retaliate against unfavorable reports on network news-magazine shows. Many of the cases

See ABC, A4, Col. 1

ABC, From A1

have turned on dramatic wording and editing techniques.

ABC last year apologized and settled a \$10 billion suit by Philip Morris over a "Day One" program, saying it should not have charged the tobacco industry with "spiking" its cigarettes with added nicotine. ABC is currently fighting a fraud suit against "PrimeTime Live" by Food Lion, which charges that undercover producers lied so they could get jobs with the supermarket chain and shoot hidden-camera footage. NBC in 1993 settled a General Motors lawsuit with an apology after "Dateline" staged the fiery crash of a GM truck.

But unlike ratings boosting segments on exploding trucks or spoiled food, the "20/20" report dealt with arcane financial transactions. During the trial, ABC portrayed Levan as a Mercedes-driving executive who made \$1 million a year while selling investors bonds that the network characterized as "junk." Two federal regulatory agencies investigated Levan but brought no charges.

"This was not a case where we were seeking money," Levan said, according to the Associated Press. "We were seeking an apology and a change in the way broadcast journalism is conducted. We are delighted at the result." He testified that it was unlikely he could return to real estate investing.

After four days of deliberation, the jury ruled that ABC must pay Levan \$8.25 million and BankAtlantic \$1 million in compensatory damages, while ABC producer William Willson owes Levan \$500,000 and BankAtlantic \$250,000. Levan had asked for \$20 million. The judge ruled out punitive damages, saying there was no evidence of "ill will" by ABC.

"It's a stunning amount of money," said Bruce Sanford, a First Amendment lawyer. "A verdict this large under-

standably tends to make news organizations shy away from reporting on the business world."

Lee Levine, another Washington attorney, said that "hostility toward the press" often inflates libel awards, but that "ABC can appeal without posting bonds or mortgaging the company." ABC is owned by the Walt Disney Co.

Huge libel awards are often negotiated downward. The Philadelphia Inquirer last spring reached an unspecified settlement with former prosecutor Richard Sprague, whose 1990 judgment of \$31.5 million was later reduced to \$21.5 million.

The "20/20" segment, called "Too Good to Be True," involved a controversial exchange of real estate partnership interests for bonds in BankAtlantic Financial Corp. The value of the bonds later plunged to the point where there was no market for them, and Abrams says a 1993 law now bars such transactions, called "rollups."

A number of investors sued Levan; ABC interviewed some of the disgruntled investors. Experts told ABC the bonds were "garbage," "toilet paper" and "junk," Abrams said. But Levan testified that the program was "a personal attack," and Fein argued that ABC had "blurred" the "lines between journalism and entertainment."

A central issue in the trial was the "20/20" on-air contention that Levan "wouldn't talk to us," when in fact he had met with producer Willson for five hours. Abrams said ABC regarded the meeting as off the record, which Levan disputes. Levan abandoned a written agreement for an on-camera interview after ABC proposed to ask about his five-year-old divorce, Fein said.

Levan, who offered in writing to meet with ABC again, wound up submitting videotaped responses, some of which were broadcast. ABC aired a clarification six weeks later that dealt in part with Levan's refusal to appear.

The program also showed footage of a camera crew chasing Levan down a corridor after he testified before a House subcommittee. Fein charged that ABC unfairly edited footage of Levan's appearance to make it look as though a member of Congress was lecturing Levan hours before he had been seated at the witness table. "They created this new reality, a picture of a congressman yelling at a guy who wasn't there," Fein said.

In his testimony, Stossel said that "my primary motive was to inform people about deals where they could lose millions." He acknowledged that he meant to depict Levan as someone who knowingly misled investors, according to the Miami Herald.

Abrams told jurors that while the broadcast "could have been better," the case was about "the right to criticize important people" and that their decision would influence the future of serious television journalism.

The Washington Post

THURSDAY, DECEMBER 19, 1996

Court Backs Right to Export Some Encrypted Software

Controls Called Violation of 1st Amendment

A1

By John Schwartz
Washington Post Staff Writer

A federal judge yesterday struck down Clinton administration restrictions on the export of some forms of data-scrambling software, calling it a violation of free-speech rights, computer industry officials said last night.

U.S. District Judge Marilyn Hall Patel ruled that the government's attempts to keep an Illinois professor of mathematics from exporting an encryption program he created were an unconstitutional restriction of his right to freedom of expression, according to people who have seen the judge's decision.

Encryption software, which allows people to turn their telephone conversations and data into virtually uncrackable code, has been at the heart of one of the hardest-fought technology controversies for the Clinton administration. Despite protests from the computer industry,

the government restricts its export on the grounds that it could aid criminals and terrorists.

This decision, handed down in a San Francisco court, does not directly declare all encryption export controls illegal, but stands as a rare court victory for opponents of the controls.

"It's an important case," said Jerry Berman, executive director of the Center for Democracy and Technology, an advocacy group that has opposed the export restrictions. "It's not the silver bullet—yet. But it's an important piece."

Administration officials have warned that the proliferation of encryption software could allow criminals, terrorists and spies to mask their plans and movements. Thus the White House has pushed for national encryption policies that would allow government agents to crack the codes if they had court orders.

See ENCRYPT, A18, Col 1

ENCRYPT, From A1

The government also has restricted the export of stronger forms of encryption.

Privacy advocates and the computer industry, on the other hand, have fought for the right to strong encryption. They contend that it's crucial to personal privacy in the age of electronic communications. Efforts to weaken the technology and to restrict its export have put American products at a disadvantage in the global market and will leave customers with little confidence in on-line commerce and communications.

Officially, the administration classifies the technology as a munition, with many of the same export restrictions that are applied to jet fighters and other weapons. But in this country encryption software has become a commodity product, included in popular off-the-shelf computer programs and easily copied and transmitted around the globe on the Internet.

The Illinois professor, Daniel J. Bernstein, wrote a program called Snuffle, which he wanted to share with encryption researchers all over the world in a form that would allow them to see precisely how it worked.

The government attempted initially to restrict the export not only of the software but also of scientific articles describing it in detail. It later withdrew its objections about the articles, but continued to bar the export of the program. Rather than follow the government's requirements that he register as a munitions dealer to request export, Bernstein sued.

According to the Associated Press, Judge Patel said the government's system for licensing encryption products for export was "a paradigm of standardless discretion" and "an unconstitutional prior restraint in violation of the First Amendment."

After years of negotiations with the software industry, the Clinton administration recently announced a plan to break the logjam over encryption by easing some export restrictions. The decision creates further uncertainty for that plan, which has received only lukewarm support from the computer industry.

Encryption advocates were jubilant yesterday. "We're pleased that Judge Patel understands that our national security requires protecting our basic rights of free speech and privacy," said John Gilmore of the Electronic Frontier Foundation, a group that is against the controls. Calls to the White House press office last night were not answered.

Personal -

Thurgood Marshall's Red Menace

By Denton L. Watson

THE controversy over the newly released Federal Bureau of Investigation files on Thurgood Marshall, indicating that he gave the bureau information on Communists when he was the chief lawyer for the N.A.A.C.P., shows the great danger of assessing history out of context.

By present standards, some view Mr. Marshall's cooperation as a betrayal of his commitment to civil rights. But if one considers the precarious situation of the National Association for the Advancement of Colored People in the 1950's, a much

Denton L. Watson, a former public relations director for the N.A.A.C.P., is the author of "Lion in the Lobby: Clarence Mitchell Jr.'s Struggle for Passage of the Civil Rights Laws."

different picture emerges, one that strongly supports Mr. Marshall's legendary integrity and historical greatness.

In 1933, Communists greatly embarrassed the N.A.A.C.P. by taking over the defense of the Scottsboro Boys, nine black youths who had been wrongfully convicted of raping two white prostitutes on a train in Alabama. After that, the association waged a long and ultimately successful battle to keep Communists out. The Scottsboro Boys case alerted it to the Communists' real goal: to organize blacks as a fifth column in the international struggle to undermine capitalism and to get the West to disarm.

This struggle reached emotional peaks at the N.A.A.C.P. conventions in 1949 and 1950. At the 1949 meeting in Los Angeles, disagreements over the Marshall Plan in Europe — which was viewed as a blow to the Soviet Union — split the membership. In Boston the following year, delegates adopted a resolution "directing and

The young lawyer was not Hoover's stooge.

instructing the board of directors to take the necessary action to eradicate" Communists from N.A.A.C.P. branches. Nearly 20 percent of the delegates voted against the measure.

The resolution stated that the policy grew from a longstanding awareness "of the grave harm done by Communists to the legitimate struggle of the Negro for civil rights." Furthermore, the declaration proudly pointed out, the group had steered "an anti-Communist course even when public opinion was not as unfavorable to the 'Reds' " as it was by 1950.

Continuing on that anti-Communist theme in a speech at the Boston

convention, the historian Arthur Schlesinger Jr. decried the "atmosphere of terror" that had "found its perfect institutional embodiment in the slave labor systems" of the Soviet Union.

Being a democratic group made up of autonomous chapters, the N.A.A.C.P. was particularly vulnerable to the Communists, who were expert parliamentarians and organizers. Unsuspecting local branches were always in danger of being captured by Communists, who regarded them as potential unwitting allies or "Innocents' clubs."

Compounding the problem were the organization's fellow travelers, who, though not members of the Communist Party, espoused Communist ideology. The Communists even had women in their ranks try to seduce N.A.A.C.P. members to convert them to their cause.

Communists made strong inroads in chapters in Midwestern industrial cities and on the West Coast. In the 1940's, the San Francisco branch was widely thought to be under their in-

fluence. Only the internal politicking of N.A.A.C.P. regional directors blocked their efforts at full control. At the local level, the branches' lawyers invariably turned to Thurgood Marshall for legal advice on how to keep out the Communists.

The N.A.A.C.P. has received little recognition for its long struggle against Communism, a history that is well documented in its own files and in its official organ, *The Crisis* magazine. In his book, "Masters of Deceit: The Story of Communism in America and How to Fight It," even J. Edgar Hoover, the bureau's director and the N.A.A.C.P.'s tormentor, acknowledged the group's efforts in this regard.

Considering the historical record, the F.B.I. files are not so surprising. To be sure, Mr. Marshall had no illusions about the bureau. He was angered at the bureau's failure to protect Southern blacks from the Ku Klux Klan, and he was as much a target of Mr. Hoover's relentless countersurveillance campaigns as were other civil rights leaders like the Rev. Dr. Martin Luther King Jr.; Roy Wilkins, the N.A.A.C.P.'s executive director, and Clarence Mitchell, the director of the association's Washington bureau.

Mr. Marshall may have cooperated with the F.B.I., but he did not do so as Hoover's stooge. He was trying to protect the N.A.A.C.P. from the greatest threat within its ranks. □

The New York Times

TUESDAY, DECEMBER 10, 1996

TUESDAY, DECEMBER 10, 1996

The New York Times

Time for Peace in East Timor

By Carlos Ximenes Belo

The time has come to end the tragedy in East Timor once and for all. After 21 years of conflict, people in this former Portuguese colony want calm, an end to violence and respect for their human rights.

We knew misery in the early part of this century, when Portugal cruelly put down a nationalist rebellion. Then came a harsh occupation by Japanese troops during World War II, when our people paid a severe price for helping Allied forces survive: More than one-tenth of the population of what was then called Portuguese Timor perished as a result.

From 1975 on, there has been conflict with Indonesia. As the Nobel Institute in Oslo and several international organizations have reported,

Carlos Ximenes Belo, the Roman Catholic Bishop of East Timor, is a co-winner of the 1996 Nobel Peace Prize.

A first step: Free the political prisoners.

an estimated one-third of the population — some 200,000 people — died as a result of the war and related starvation and disease.

For the most part, the East Timorese people still cannot travel and speak without fear of the Indonesian military and police. I say this as one in whom many have confided deeply since 1981, when I returned from my priestly studies abroad. People pour out their sorrows and pains, and the Timorese who speak through me belong to all age groups, to various religions and are from different places of origin, within East Timor and outside.

I am fully aware of the norms of the Roman Catholic Church, which demands that its religious leaders refrain from activity specific to the

field of politicians. But as a bishop I have the moral duty to speak for the poor and simple people who, intimidated and terrorized, cannot defend themselves or make their suffering known.

This past summer, the United Nations convened the latest round of talks between Indonesia and Portugal about the future of East Timor. There were no concrete results, but another session is expected in the coming months. It is worth recalling that the United Nations assisted Indonesia's nationalist movement in the late 1940's when it struggled alone against Dutch colonialism for independence.

After all these years of suffering, people in East Timor want to see real change. A modest first step would be the release of East Timorese political prisoners, a step that could renew hopes for peace and help the next round of United Nations-sponsored talks.

I hope East Timorese prisoners will be released from their jail cells in time for Christmas. Indonesian independence leaders were freed in 1949 after a United Nations initiative. History has so much to teach us. □

IN BRIEF

Republicans stay out of inaugural spotlight

With President Clinton enjoying a day of renewal for his administration, Republicans were mostly left to watch. The Congress and Capitol are the traditional hosts for inaugurations, and smiling lawmakers surrounded the president while he took the oath of office.

But after lunch and warm remarks in Statuary Hall, a century-old tradition, the two branches of government went their separate ways.

So as Clinton joined his inaugural parade and headed back to the reviewing stand and then the White House, Indiana Republican Sen. Dan Coats watched the show through a second-floor Capitol window.

"You lay low and watch from a distance," was how Coats summed up the GOP role on this day. His view, down the Mall to the Washington and Lincoln monuments, was the one Bob Dole used to use so much outside his office that congressional aides named the area "Dole Beach."

"You know what Dole said: 'It's the second best view in Washington,'" Coats quipped. "It's a lot warmer, too."

— William M. Welch



Coats: 'Laying low' on Clinton's day

LONG WINDED: President Clinton's second inaugural speech ran a third longer than the first but was just about as easy to understand.

Clinton used 2,154 words Monday, well more than the 1,583 he used in his first speech and 11% more than the average since World War II. But an average of three readability formulas rated his text at the 9th-grade level. That matched his first speech and the postwar average.

Clinton also delivered an unusually vigorous speech, using significantly more sentences in the active voice — 95% — than any postwar president.

In a few weeks, Clinton will deliver his State of the Union address, a very different forum where he's bolstered his reputation for being long-winded. His last such speech ran more than 6,200 words.

— Computer analysis by Paul Overberg

FLUBS: The inauguration went like clockwork — except for a few glitches. The Rev. Gardner Taylor asked God to bless Hillary "Rodman" (not Rodham) Clinton. Sen. Wendell Ford, D-Ky., mistakenly introduced William Rehnquist as the chief justice of the United States Supreme Court. His actual title is chief justice of the United States. Also, Clinton was given the oath five minutes late — at 12:05 p.m. Scholars debated whether Vice President Gore, sworn in for a second term at noon, was acting president for those five minutes.

USA — January 21, 1997

**PHOTOCOPY
PRESERVATION**

POWER SEATING: Clues to who's in or out in Clinton's second term could be found in the seating chart at the swearing-in ceremony. Among those on the platform:

► **The obvious:** The Clinton and Gore families, the congressional leadership, including Newt Gingrich and his wife, Marianne, members of the Cabinet, the Supreme Court, the military. Among Democratic lawmakers invited to the platform were Sen. Daniel Patrick Moynihan and Sen. Edward Kennedy.

► **The not-so-obvious:** Sen. John Warner, a Republican from Virginia, was master of ceremonies as co-chair of the congressional committee overseeing the event. Former vice president Walter Mondale, leaving his post as ambassador to Japan, sat nearby the president. Jesse Jackson beamed with pride as his daughter, Santita Jackson, 33, sang the national anthem.

► **The ceremonial:** Appearing at his eighth inauguration, the Rev. Billy Graham delivered the invocation, looking robust despite the cold and his battle with Parkinson's disease. Clinton was sworn in for the second time by Chief Justice William Rehnquist; Gore by Justice Ruth Bader Ginsburg. Clinton rested his hand on his own copy of the King James version of the Bible. It was open to Isaiah 58:12, which reads, "And they that shall be of thee shall build the old waste places: thou shalt raise up the foundations of many generations; and thou shalt be called, The repairer of the breach, The restorer of paths to dwell in."

► **Among the missing:** Defeated GOP candidate Bob Dole missed his first inauguration in decades. He was in Washington but issued no public comment, an aide said. The only living Democratic ex-president, Jimmy Carter, missed the Democratic convention in Chicago and was not seen in town Monday. Carter's office in Atlanta said he was on a two-week trip to Latin America.



By Ron Edmonds, AP

Patriotic moment: Santita Jackson sings the national anthem after President Clinton was sworn in Monday.

ADVERTISING

HOT SHOP IN THE HEARTLAND

Minnesota's Fallon McElligott snatches up fat clients



PAT FALLON: "We discovered that brilliant advertising alone was not the answer to anything"

Like other advertising agencies, Fallon McElligott has trappings of the self-consciously hip—from an in-house diner to strategically placed punching bags. But other features set it apart. Located far from advertising's hub of Madison Avenue, staffers at Minneapolis-based FM are reminded daily that creativity has no geography. Each morning, a message on every personal computer notes the firm's mission: to be "the premier creative agency in the world."

It may not be there quite yet. But entering 1997, Fallon is one hot agency. It snagged two of the highest-profile accounts up for grabs in the past year: the \$70 million domestic United Airlines Inc. campaign in October and a \$100 million Miller Lite beer campaign on Dec. 12. "We had a helluva year," says Patrick R. Fallon, the firm's wiry, intense co-founder and chairman.

MARKETING MUSCLE. The new accounts—both snared from industry stalwart Leo Burnett Co.—with new business from McDonald's Corp. and Holiday Inn Worldwide, will lift billings for the 15-year-old agency by 65% this year, to \$550 million. That puts FM among the top five independent ad agencies in the U.S.

The coups show both that the agency, known for its edgy and whimsical ads, can snag blue-chip clients and that mid-size shops can develop full-service programs for big accounts. Confounding skeptics who doubted FM could play in the big leagues gave special pleasure to its chief. "I can't tell you the number of people who called me and told me I was wasting my time" pitching the United account, says Fallon, 51, who began his career at Burnett.

Today's Fallon McElligott was born three years ago, after the agency lost a bid for the \$60 million MasterCard account. Fallon decided that he needed managers with broader marketing experience. "We thought the natural answer to any business problem was a 30-second TV ad or a print ad," he says. "But we discovered that brilliant advertising alone was not the answer to anything."

So Fallon ordered a shakeup. In came a new president and creative director, Bill Westbrook, former vice-chairman of The Martin Agency in

Richmond, Va., and a new integrated-marketing chief, Mark D. Goldstein, former president of Earle Palmer Brown Cos. in Bethesda, Md. Together, they helped transform a firm known for print ads to one that could tackle everything from consulting and public relations to TV and that worked to really understand clients' customers.

FM's first stop on the Miller pitch, for instance, was at bars and taverns, where employees put together a profile of Lite drinkers. The clincher was luring Miller Brewing Chairman John N. MacDonough from his Milwaukee office to watch focus groups discuss potential ads in several cities in the key Texas market. FM's campaign, to be unveiled early in 1997, is expected to be high on entertainment value and to include both bar promotions and TV ads aimed at boosting lagging sales.

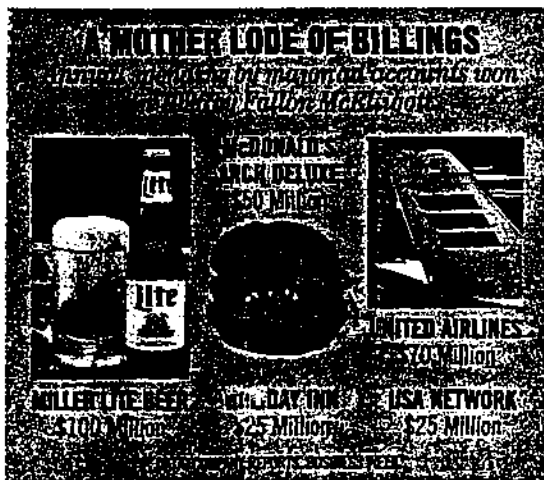
The comprehensive approach helped snare United, too. FM staffers spent time in airports interviewing customers and ticket agents and studied everything from pricing to routes. The firm "right from the start was the most aggressive, diving into all business issues," says Michael V. Howe, United's director of marketing communications.

HIGH STAKES. At the same time, FM has kept its knack for the sort of cutting-edge campaigns that helped lure such accounts as Ameritech Corp. and BMW. One of 1996's most polarizing campaigns was the firm's work for McDonald's Arch Deluxe sandwich for adults, which portrayed an ultracool Ronald McDonald and seemed to poke fun at kids. McDonald's says the product is performing well. The controversy is fine with Westbrook. "Let's stir things up a bit more," he says.

FM's prosperity may set traps, though. It can't focus on the new accounts at the expense of older clients. And the campaigns for troubled products carry high stakes—with Miller, the very future of the brewery and for United, repositioning an American icon. "Clients will give them problems that can't be solved, and they'll get blamed," warns Jonathon Bond, co-chairman of Kirshenbaum, Bond & Partners. "That could sink them."

Sitting in his office, the gray sky of Minnesota's winter behind him, Fallon warms to the challenge. He says he reminds colleagues daily of the pitfalls of success. And, he adds, "I love doing things we're not supposed to be able to do." The new year will test whether FM can continue to do just that.

By Richard A. Melcher
in Minneapolis



10/15/11

**PHOTOCOPY
PRESERVATION**

'The Food Lion Jurors' Reverberating Roar

The only surprising aspect of the verdict against ABC in North Carolina last week is that so many people in the media were so surprised by it. Not merely was there a convincing case against ABC on grounds of fraud and trespassing, but the case was tried on what amounted to the home court of Food Lion, the supermarket chain that had sued ABC. By the same token, it is hard to take seriously the media's lamentations about the "chilling effect" the verdict allegedly will have on investigative reporting; the only chilling effect is likely to be on cheap entertainment masquerading as investigative reporting.

The case involved a broadcast on ABC's "PrimeTime Live" program in 1992. Two producers for the program got jobs at Food Lion stores in the Carolinas, giving fake résumés in their job applications, and then used hidden cameras to photograph what they described as bleaching and doctoring spoiled meat and fish so that it could be sold as fresh. Food Lion did not sue for libel on grounds of unfair, inaccurate or malicious reporting. Instead it chose to attack on the grounds that the producers and reporters had fraudulently misrepresented themselves and that the surreptitious use of television cameras had been trespassing.

These are the charges with which a jury in Greensboro agreed last week. No doubt it did so on the merits, but no one should be surprised if a bit of provincialism influenced its reasoning. Food Lion is owned by a firm with a fancy name—Etablissements Delhaize Freres et Cie "Le Lion" SA of Belgium—but in North Carolina, where Food Lion is sometimes the only supermarket in town, people tend to see it as a local rather than a global institution, one by which neighbors and friends are employed, one where they regularly shop for food and supplies. They may as a result have seen this case in human as well as legal terms, and decided it accordingly.

Those of us who have the indescribably good fortune to work in the Media Bigfoot Capital of the Universe too often forget that people elsewhere do not always see matters quite as we do, notably matters pertaining to . . . us. While we work ourselves

into hysteria at anything remotely resembling a threat to the press freedoms of which we fancy ourselves guardians, people elsewhere have the temerity to believe that those freedoms must be exercised within limits we occasionally fail to recognize.

The foreman of the Greensboro jury, talking about the case after the verdict had been announced, put this quite nicely, albeit with imperfect attention to singulars and plurals. "The media has the right to bring the news," he said, "but they have to watch what they do. It's like a football game. There are boundaries and you have to make sure you don't go outside the boundaries." Another juror said: "I don't have anything against undercover investigations. I like them. But if you are going to do them, just do them legal."

This doubtless seems reasonable enough to most of you who are now reading these words, but to the self-appointed guardians of the First Amendment, it is heresy. Roone Arledge, president of ABC News, said the verdict was "ridiculous" and claimed that Food Lion's lawyers "managed to fight a battle that really had nothing to do with the essence of the story." Bob Steele, director of the ethics program at the Poynter Institute for Media Studies, said the verdict "has the potential to chill important investigative reporting and to prompt news organizations to back off." Jane Kirtley, executive director of the Reporters' Committee for the Freedom of the Press, lamented that "the specter of a verdict of this magnitude, based not on an inaccurate news story but on the use of a particular kind of news-gathering, will have a chilling effect on investigative journalists all over the country."

One does well to heed the language in which these complaints are couched. Arledge talked about "the essence of the story," by which he apparently means tainted beef and free speech, and thus evaded the issue of illegal actions that was, in fact, the essence of the case. Steele talked about "important investigative reporting," as though the disagreeable but petty behavior of a few Food Lion employees was the equivalent of Watergate or Iran-contra. Kirtley employed a euphemism—"a particular kind of news-gathering"—to paper over the self-evidently deceptive, dishonest tactics employed by the ABC functionaries.

All three of these people, as well as the innumerable others who have spoken similarly about this and other cases, simply are blind to the complexity of the issue at hand. They prefer to see it as a pure First Amendment case, when in fact the First Amendment was never at issue. Whatever one may think of Food Lion—as an occasional visitor to the aisles of its stores, I for one don't think much of it—its right to hire people who honestly represent their experience must be conceded, as must its right to have its business dealings inspected in an aboveboard way. ABC violated both of those rights, with practices that look a whole lot like entrapment; the jury was on target in finding it guilty and penalizing it accordingly.

In any discussion of the issues this case raises, it would be helpful if First Amendment flacks could bring themselves to draw a distinction between the pursuit of news and the pursuit of entertainment. No matter how many highfalutin words the people in television use to describe the likes of "PrimeTime Live" and "20/20" and "60 Minutes" and "Dateline" and other such shows, the fact remains that they are not journalism but entertainment, not news reports but shows. Their producers enjoy the same rights of free speech guaranteed to all Americans, but it is a smoke screen and a deceit to argue that these rights devolve upon them because of their existence as "news" programs. They enjoy no such existence, and to equate them with the broadcast and printed material that really is news merely drags the latter down to their level.

Still, there is a lesson in this verdict for the so-called legitimate press just as there is for the docutainment, or whatever they're called these days. As the jurors in Greensboro said, there's a right way to cover the news and a wrong way. In the pursuit of "investigative journalism," violations of ethical standards, if not the law itself, are more commonplace than most of us would care to admit. Entrapment and similar ruses have been employed against wrongdoing considerably weightier than the mere bleaching of elderly beef. Jurors who find against the agents of a trash TV show may as well, in some future case, find against those of a distinguished newspaper or magazine. Bigfoot, beware.

Jonathan Yardley's Internet address is yardleyj@clark.net.

LETTERS TO THE EDITOR

We Must Work On U.S.-China Relations

In the Jan. 12 editorial "Again, China and Human Rights," The Post is once again setting the rights of a few "leading dissidents" above the long-term national and strategic interests of the United States.

One of the basic foreign policy goals of the United States is the maintenance of strategic stability in the Pacific—an objective that cannot be achieved without the cooperation of China. In fact, considering the number of economic and strategic interests the United States and China have in common, it seems rather obvious that in this post-Cold War period there is not another bilateral relationship that is more important to Washington.

And yet, to read The Post one would come to the conclusion that U.S.-China relations begin and end with human rights. To pursue this fixation, the editorial even urged new Secretary of State Madeleine Albright to use some "credible threat" against China. Anyone who has had experience with the Chinese knows that in this case, as in all others, the road to any progress is not through public intimidation of this "face-conscious" country but through quiet and private diplomacy.

It is true that in China, as in most other developing countries (and China is still developing), human rights standards do not approach Western ideals. But from the perspective of the overwhelming majority of China's 1.2 billion people, this is not an issue of concern.

China's economic boom has opened the country to the outside world,

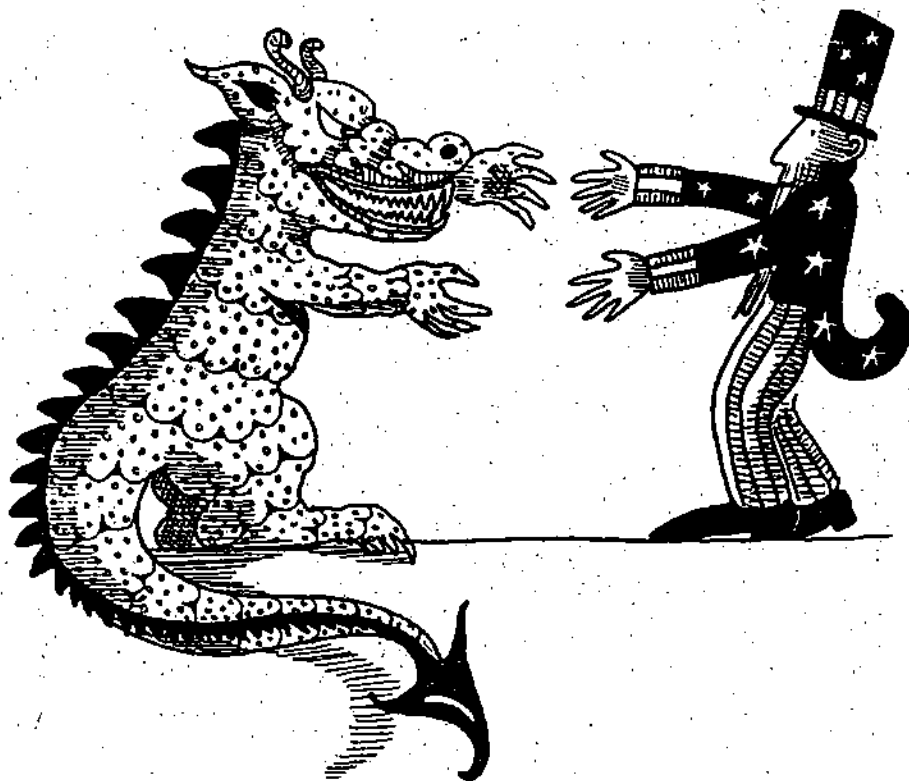
raised the people's living standard and created a communication revolution that has generated widespread pressures for political pluralism. Much political authority has now been delegated to the provincial and local levels, and authentic debate is no longer unusual within legislatures, which in the past "rubber stamped" all policies that came from above.

To the amazement of many observers, a growing number of villages and townships in China are choosing their leaders in free elections. Continuing

legal and judicial reforms, spurred in part by foreign investment, also are having a positive effect on the life of the Chinese people.

Given time and continued economic, social and scholarly contact with the West, progress will undoubtedly come in the human rights arena as well, especially after Chinese masses, and not just the intellectuals, begin to understand and acknowledge the problem.

LEO A. ORLEANS
Washington



BY MARGARET SCOTT

Intercepting Cellular Conversations

In the Jan. 15 editorial regarding the legal and ethics controversy surrounding Democrat Rep. Jim McDermott's actions in connection with the Speaker Gingrich case, The Post leads off by pointing out that "it is against federal law intentionally to intercept a cellular telephone conversation or disclose the contents of such a conversation knowing it was intercepted."

The editorial goes on to say that "the law with regard to the intercept does need to be pursued. People

have a right to a reasonable expectation of privacy in cellular as in other forms of telephonic conversation" and "the law ought to be enforced."

Yet the editorial also says that "as a newspaper, we would defend the right to publish the proceeds of such an intercept if it were newsworthy and came to us in a certain way." But The Post gives no idea to what it means by "a certain way."

So The Post knows what the law

is, has concluded that the law serves an important purpose and thinks that the law should be enforced. Yet simultaneously The Post serves notice that because it is a newspaper (the law in question gives no special rights to newspapers), it would violate the law and defend others who did so.

FRED J. ECKERT
Spotsylvania, Va.

The writer, a Republican, was a U.S. representative from New York.

The Washington Post

MONDAY, JANUARY 27, 1997

Media Notes It Time To Stop The Presses?

By Howard Kurtz
Washington Post Staff Writer

Ever wonder why people hate the press?

How about a media mob camping outside Bill Cosby's Manhattan home, demanding a reaction to the most unspeakable tragedy, the murder of his son?

Or the Globe supermarket tabloid paying for grisly crime-scene photos of the murder of JonBenet Ramsey, the 6-year-old Colorado beauty queen?

Or a Dallas TV station broadcasting a woman's accusation that two Dallas Cowboys raped her at gunpoint, touching off a media furor that subsided only after the woman admitted it was a hoax?

And all this in the wake of the Richard Jewell-is-an-overweight-loser-so-he-must-be-guilty fiasco, which cost NBC \$500,000 to settle a potential libel suit by the man falsely accused as the Olympic bomber.

Journalism has always been intrusive, and has occasionally rushed to judgment. But now, in an age of instantaneous satellite news, the small armies of reporters and camera crews have grown ever larger and the on-air speculation ever quicker. Four out of five people now tell pollsters that the media violate people's privacy.

Individually, many journalists say they are appalled by the ugly stakeouts in which people visited by tragedy have to run a gantlet of shouted questions just when they most crave privacy. But since no news organization wants to be left out if the designated quarry says something, each feels compelled to join

See MEDIA NOTES, C2, Col. 3

MEDIA NOTES, From C1

the sea of boom mikes and tape recorders on someone's front lawn.

The Cosby family decried this "photo-op agenda," saying in a statement that "we do not accept media coming to our homes because this is a time we want for ourselves."

In an unusual gesture of self-restraint, Fox News Channel and CNN announced they were pulling out of the Cosby stakeout and would not pester family members for comment. "I just don't think it's appropriate to stick microphones in the guy's face," Fox News Vice President John Moody told the Los Angeles Times.

How revealing: When the object of the stakeout is a widely admired media/entertainment personality, it's easy to see how heartless the media siege seems after the loss of a child. Why isn't the same courtesy extended to all unknown victims of tragedy who find themselves in the spotlight?

To be sure, the pursuit of survivors—after plane crashes, murders, suicides, earthquakes—is a staple of daily reporting. Sometimes people want to talk about their loss—it can be almost cathartic—and sometimes they don't. But the relentless nature of today's media stakeouts gives folks little choice about confronting shouted questions—unless, as in this case, they happen to have a famous last name.

Some news organizations are willing to own up to their excesses, as CNN did after showing a close-up of Ennis Cosby's dead body during a feed from a Los Angeles station. In a private letter to Cosby and his wife, CNN President Tom Johnson offered his "most genuine personal apology for the inclusion of a close-up video segment of the crime scene. . . . This is completely out of character for us at CNN. We have standards which are much higher than this, and I can only say that it was an aberration."

Yet another form of intrusiveness was charged in Food Lion's suit against ABC. A jury agreed last week that "PrimeTime Live" producers went too far in lying to get jobs at the supermarket chain so they could shoot hidden-camera footage. The result: ABC was socked with more than \$5.5 million in punitive damages. The message, at least from 12 North Carolina jurors, is that deception and cameras-hidden-in-wigs are over the line, even in pursuit of a good story.

It's hard to work up as much sympathy for the falsely accused Cowboys, Michael Irvin and Erik Williams, both of whom have had run-ins with the law. And the police clearly fed the flames by publicly announcing they were investi-

gating the football stars. But Irvin had a point when he demanded that the press demonstrate "the same intensity" in pursuing the false accuser, Nina Shahravan, as it did against him. Although the dropping of the charges was a big story, it faded as quickly as the Cowboys in the playoffs.

In JonBenet Ramsey's home town of Boulder, which has not reacted favorably to the media invasion, several stores—including Safeway, Super Kmart and Kroger—refused to carry the Globe edition with the murder photos. It was a welcome sign that, in an era of global communications, citizens can still strike a small blow against offensive media conduct.

Play It Again, Sam

The obituary in the New York Times had the sweep of history. Mary Bancroft, 93, a "daring, restless woman," was said to have "cut a coquettish swath through 20th-century history, bewitching men of power even as she did brilliant work as an American spy in Switzerland."

With her "penetrating intelligence" and "legs that rarely failed to draw a second glance," Bancroft's "intellectual, emotional or romantic conquests included Carl Jung, Woody Allen and Henry R. Luce."

Woody Allen? Could the Zeliglike figure have had an affair with Bancroft, too?

No such luck. A subsequent paragraph, cut for space, said simply that she "became friends with Woody Allen."

All Sex Is Local

Fifty percent of Queens residents say they have sex at least once a week, compared with just 37 percent in Manhattan, according to a "lust list" published by the New York Daily News. Talk about getting in bed with your readers.

FOR MORE INFORMATION

Discuss criticism of the media with Post media writer Howard Kurtz online by clicking on the above symbol on the front page of The Post's site on the World Wide Web at <http://www.washingtonpost.com>

The Washington Post

MONDAY, JANUARY 27, 1997

MICHAEL WILBON

The Returns Are In: Howard Is the MVP

NEW ORLEANS

A phone call came from Washington for Desmond Howard Sunday night.

No, it wasn't an apology from the Redskins.

It was President Clinton calling to say, "Way to go." If this isn't going from the outhouse to the penthouse I don't know what is. Desmond Howard, let go by the Redskins and Jaguars, is the Super Bowl XXXI MVP. In the history of the Super Bowl, no special teams player ever won the award. Until now. Disney, then the president. "He had a bunch of congressmen over to watch the game on the big screen," Howard said. "He was aware of some of the trials and tribulations I've had, and he just said he was glad I had prevailed."

It may not be "Hoosiers," but it isn't bad, either, as story lines go. Kid goes to college, can't play the position he's recruited to play—running back—so he switches to wide receiver and wins the Heisman Trophy. Kid goes to the defending champs, which is what the Redskins were in 1992, doesn't catch on at the position he's drafted to

See WILBON, D5, Col. 1

WILBON, From D1

play, so he's switched to punt returner by the coach of the most storied team in the league's history and wins MVP of the Super Bowl.

"Amazed?" Howard said. "Yeah, you could say that."

On a day when Brett Favre threw a couple of electrifying touchdown bombs and Reggie White became the first man to record three quarterback sacks in the Super Bowl, it was still clear which Packer was most valuable.

Desmond Howard.

When Patriots Coach Bill Parcells talked of "one play," he was talking about Howard's first kick return for a touchdown. The game-changer, the momentum-swing. "The game obviously turned on that kickoff return," Parcells said.

"The backbreaker," Howard said.

The Patriots had made a game of it Sunday when Curtis Martin blasted up the middle for the touchdown that cut Green Bay's lead to 27-21 with more than three minutes still to play in the third quarter. Momentum had swung, the Patriots were swelling up on their sideline. Parcells's eyes were flashing and he pumped his fist, uncharacteristically. The dome was rocking, the Chowderheads started to rise up and make some noise. Lo and behold, the AFC representative was threatening to make a game of the Super Bowl, New England hadn't just scored—it had run through the Packers for seven plays and 53 yards, the final 26 coming on two carries by Martin.

If Favre, who'd just been bounced off the turf in consecutive series, couldn't get something going, the Patriots could cut further into the deficit or even take the lead.

Well, Howard took care of that. Caught the kickoff at the 1, actually dropped his right foot back to the goal line, and took off up the middle. New England's Hason Graham got a pretty good lick on Howard, but it didn't much matter. Parcells thought his team did a terrible job covering, but who's kidding whom? Howard had beaten the 49ers in the playoffs by busting a punt return for a touchdown. He'd returned a punt early in the Super Bowl for 32 yards. A Pro Bowl vote sent Carolina's Michael Bates to Hawaii. Please.

Only 17 seconds after the Patriots had pulled within six, Howard killed them. Touchdown, 99 yards. Longest play in Super Bowl history. Longest kick return in NFL playoff history. "I pretty much just followed Don Beebe through the hole," Howard said. "At halftime, we saw some things we could exploit. We didn't break the first one, but we got the second one. We didn't get the Pro Bowl nod, but I've told you we're the best return unit in the league."

The kick return put the Packers ahead by 12, and Coach Mike Holmgren decided to go for the kill with a two-point conversion attempt. Favre hit Mark Chmura with a pass in the end zone and that was that: 35-21, ballgame. "Obviously," Howard said, totally without braggadocio, "that was a backbreaker."

It wouldn't be a stretch to call this Howard's day of final redemption. Between the Redskins and Jaguars, the

scouting report on a four seasons in the NFL, four different coaches, add) was that he didn't study hard enough, didn't study enough, wasn't as fast as thought, wasn't strong enough to get off the line of scrimmage as a receiver. There wasn't much positive there.

Ron Wolf, the Packers' GM, and Holmgren saw something else. "Thank God, Ron saw through all the [nonsense]," Howard said. He didn't know for sure he had even made the Packers until the final cut was announced, but once he did the coaches knew exactly what to do with him. And Howard knew exactly what to do with his third chance. "The lowest point of my career was when I got a hip pointer in camp," he said. "I confided in Reggie White more than once, and I can't tell you how much he meant to me."

Almost without exception, Howard is a quiet player, unfailingly polite and courteous. Never points, never yaps, never gets into it with opposing players. Sunday was the exception. "That's true—I never really talk trash, and I never get into jawing with guys," he said. "But [Patriots defensive back] Corwin Brown, my friend from [the University of] Michigan, told me he was going to smack me down and stand over me and do the Heisman pose. I told him, 'Corwin, you should know better than anybody I play my best in big games.' I guess between the adrenaline and the hype, I got caught up in the moment and the words just started to regurgitate. I can't tell you what we were saying. There were a lot of expletives in there."

Then he couldn't hold it in. Howard laughed that laugh, something close to a Woody Woodpecker giggle. More than once, he was asked how he managed to keep his confidence after being let go twice in the first four years of his career. "I always knew what I could do," he said. "You can only keep talent down for so long. To compete on this level, you've got to believe in yourself and I was secure in myself no matter what people said or wrote. If that's not within the individual, external factors aren't going to put it there."

So at the end of the most important day of his career, Howard had returned four punts for 154 yards and six punts for 90 yards. It had never crossed his mind that he'd be the game's most valuable player: He'd been paid all of \$275,000 for his services in Green Bay this year. "I really didn't even expect them to kick me the ball," he said. "I said before the game, though, 'They can roll the dice and kick it to me if they want.'" Asked if he has a new pose now, Howard added, "No, I don't have a new pose. My new pose is the Lombardi Trophy."

FINKL

Publishing

'Between Hope' Is History

Clinton's Book Offered at Fire Sale Price

By David Streitfeld
Washington Post Staff Writer

If Random House took its leftover copies of President Clinton's book and made a bridge out of them, it would reach all the way to the 22nd century.

So the publisher made a "special inaugural offer" to booksellers this month, offering them "Between Hope and History" for \$1.50 each, only a little more than it cost to make them.

"I think it was originally Calvin Trillin's line that the shelf life of the average book is somewhere between milk and yogurt," said Peter Bernstein, the new head of Times Books, the Random House division that issued the book in August.

The trouble with Clinton's little treatise is that it had the shelf life of a carton of ice cream. One left in the sun.

Several publishing observers and booksellers said yesterday they had never seen a publisher mark down the price of a book so far so fast. "This is dumping," said Barbara Meade of Politics and Prose in Northwest Washington. "They have so many copies, they can't get rid of them without fire-sale prices."

See PUBLISHING, G2, Col. 1

PUBLISHING, From G1

She said she wasn't attracted by the cut-rate offer. "I'm not buying any. We haven't had it since the beginning of the year, and I have no reason to put it back out again."

Maybe, Meade said, the chains would be more interested. But maybe not.

"We haven't made a decision yet," said Ann Cassidy, the political science buyer for the Borders chain. Her counterpart at Barnes & Noble didn't return a phone call.

When publishers realize they have too many copies of a particular title out in the marketplace, they are increasingly using a technique called "shared markdown," where the retail price is immediately cut 50 percent. Better to make less money than take all those unsold copies back.

Remaindering, the practice of marking books down to bargain basement prices to clear the warehouse—the step just before a book is declared out of print—almost never takes place before a year after publication.

A half-million copies of "Between Hope and History" were printed, and about 100,000 were bought by genuine book-buyers at the \$16.95 retail price.

Bernstein declined to specify exactly how successful the latest offer has been. "We sold a fair number of copies," he said. And they have a fair number left—a quarter-million in the warehouse, according to one source.

If anybody's interested in picking up a couple, the publisher said, "we'd love to hear from them."

The Winfrey Windfall

Two weeks ago, Wally Lamb came home from the funeral of one of his writing students, a 17-year-old girl who had been hit by a truck. It was

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Names & Faces

Tsongas Eulogized

■ Paul Tsongas was remembered yesterday by more than 1,000 mourners at a Greek Orthodox church in Lowell, Mass. The 1992 presidential hopeful and former Massachusetts congressman and senator died Saturday at age 55 from pneumonia.

"He was one of the most decent, compassionate human beings I have ever met," said Warren Rudman, a former New Hampshire senator. Rudman and Tsongas led the Concord Coalition, an organization dedicated to balancing the federal budget.

Eight speakers eulogized their friend and colleague in a 90-minute service. Former Massachusetts governor Michael Dukakis and Interior Secretary Bruce Babbitt also attended the ceremony. Tsongas left the Senate in 1984 after being diagnosed with bone cancer, yet went on to run for the Democratic presidential nomination in 1992.

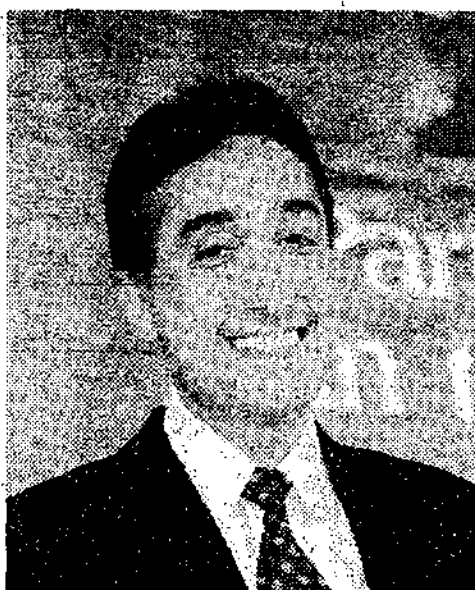
He was buried in a private ceremony at Lowell Cemetery.

Cisneros to Head Network

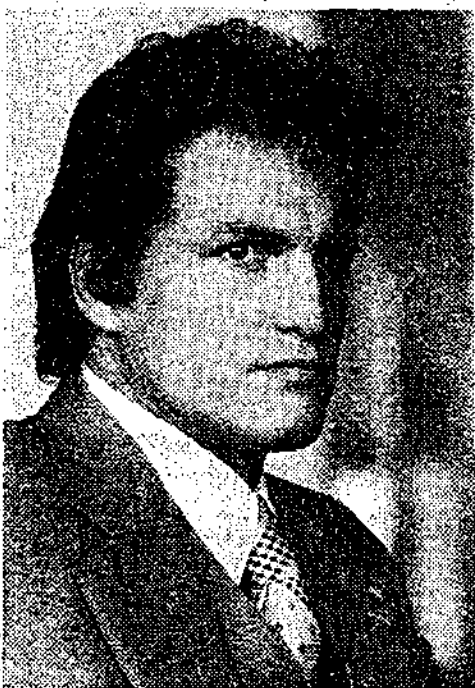
■ Henry Cisneros has confirmed reports that he will become president of Univision, the Spanish-language TV network.

"It is the offering of information services and entertainment services, news services, to a community that needs them and hopefully that can use them in making its way into the mainstream of this country," he said.

Cisneros, 49, recently stepped down as secretary of the Department of Housing and Urban Development. The former San Antonio mayor said he needed a job that paid more than his Cabinet post, and confirmed that Univision will pay him more than his HUD salary of \$148,000.



Cisneros, joining the private sector; Harrelson, below, winning with hemp.



Harrelson's Growing Pains

■ Actor Woody Harrelson made headway yesterday in his battle to legalize hemp production in Kentucky. A district judge there ruled that the anti-marijuana law under which Harrelson was charged is vague and broad.

"This is the first step to being able to grow hemp in the Commonwealth of Kentucky," said Harrelson lawyer Beryl McCoy.

Harrelson planted four seeds in June on a plot of land he owns in an effort to challenge the law. He argues that hemp, which can be used to make rope and clothing and when grown for that purpose cannot be used as a drug, is a viable economic alternative for Kentucky tobacco farmers.

Judge Ralph McClanahan's ruling didn't entirely let Harrelson off the hook. He called for a hearing to determine if the four seeds planted last June by Harrelson were really industrial hemp and not marijuana.

End Notes

■ The former Sarah Ferguson has become a journalist. Well, sort of: The beleaguered Duchess of York is conducting six interviews with top fashion designers for the French magazine *Paris-Match*. The first was an interview with John Galliano, a designer for Christian Dior. Earlier this month, Ferguson was named U.S. spokeswoman for Weight Watchers. . . . President Clinton and Vice President Gore thanked the Presidential Inaugural Committee yesterday with a bouquet of pink roses. The flowers will have to be shared by hundreds as the work of the panel, which organized the festivities for last weekend's inaugural celebration, comes to a close.

—Compiled from staff and wire reports by Dana Hull

The Reliable Source will return Tuesday.

The Washington Post

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the sort of horrible event that makes parents stay up all night checking on their own kids, which is what Lamb had done the night before, losing sleep. He was frazzled and rattled and depressed.

Then the phone rang. It was talk show host Oprah Winfrey, telling him she had chosen his first, and so far only, novel for her February book club selection. His publisher, Pocket Books, immediately printed 700,000 copies of "She's Come Undone," a level that only a very few serious novels ever reach.

"It was hard to take in," Lamb said yesterday. "This wonderful thing, right after this horrible tragedy, and all happening at the same time."

The 46-year-old Lamb teaches at the Norwich Free Academy in Norwich, Conn. Winfrey had called him a few years ago, just to tell him she liked the novel, so her call this month wasn't a complete surprise. She has been very clear about the fact that she is choosing only those novels she loves.

"The heroine of 'She's Come Undone' is Delores Price, and she takes us on quite a journey as she ages from 4 to 40," Winfrey told her audience as she introduced the book on Wednesday. "Abandoned and abused, she drowns her sorrow in Milky Ways and Mallomars—sound familiar?—until she becomes obese and completely undone. You'll probably cry at her breakdown—I certainly did—cheer at her breakthrough, and you'll lose sleep because you won't be able to put this book down."

That enthusiasm always communicates to her audience, which is between 15 million and 20 million strong. Most of them are women between 18 and 54, which just happens to also constitute the largest readership for serious fiction.

But the market has never been

consistently enlarged like this before. "I've been a teacher for a lot longer than I've been a fiction writer," said Lamb, whose book came out in 1992. "What really excites me is the way she's made people excited about reading."

Winfrey's Wednesday show began with a segment on the movie "Mother," including star Debbie Reynolds, director Albert Brooks and Reynolds's daughter Carrie Fisher. The book club segment came during the second half of the hour, as usual. That selection was Jane Hamilton's "The Book of Ruth," about a young woman's painful coming of age.

One woman, identified as Sally Brown, said it was the first book in 20 years "that I actually read all the way through, yes . . . it's sad, but it's true. . . . I've just been busy, you know, doing what people do. . . . And when Oprah said, 'You know, let's get reading,' I said, 'Yes, ma'am.'"

Millions of others are obeying. The first book choice, Jacquelyn Mitchard's "The Deep End of the Ocean," has 900,000 copies in print, and has been on the hardcover bestseller list longer than anyone except Tom Clancy.

Plume, the paperback publisher of the second selection, Toni Morrison's "Song of Solomon," has printed 880,000 copies in the past three months, which is about two-thirds as many copies as were sold in the previous 19 years of the book's existence. Meanwhile, Random House has produced twice as many copies of the audio version in the last two months (34,000) than were sold in the previous 11 years (15,000).

With "The Book of Ruth," Anchor has printed 1,050,000 copies, and sold many of them. "The demand has been really ferocious," said Anchor publisher Martha Levin. "We figure we have at least another eight weeks of really strong sales. That's how long it lasted with Toni Morrison, which is my only model."

The Washington Post

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Another Day, Another Dole

GOP Candidate Has Gone From Stump to Small Screen

By Daniel Rubin
Knight-Ridder Newspapers

The famous sourball is showing up in unlikely places—standing in an elevator on the sitcom "Suddenly Susan," consoling a cast member on "Saturday Night Live," and, on Sunday, with 125 million Super Bowl viewers watching, in an ad for Visa.

It's Bob Dole, comedian.

We'd heard the GOP presidential candidate had a wit so barbed it had to be wrapped by his handlers. Since his losing bid, he's been able to let loose, and the result has Hollywood and Madison Avenue ringing his Washington office.

In America, you're only one career move away from self-parody.

On Friday, just three days before what he hoped would be his inauguration day, the new Bob Dole—or, as his confidants would say, the real Bob Dole—made his first official post-election appearance. President Clinton was honoring the 35-year congressional veteran at the White House with the Medal of Freedom.

"I, Robert J. Dole," he began, to much laughter and clapping. "Sorry, wrong speech."

Dole had good reason for the lapse, he explained. He'd fantasized that Clinton would be handing him something else from the office—"the front-door key."

He writes this stuff himself, said Joyce Campbell, a Dole spokeswoman.

In three years as the Senate majority leader's deputy press secretary, Campbell became used to requests for copies of Dole's floor speeches and language from bills he was backing.

Now she finds herself providing reporters with transcripts from "Late Night With David Letterman" and "The Tonight Show."

On Jan. 9, for example, the NBC comedy "Suddenly Susan" had a Cuban-born magazine photographer in an elevator, accompanied by his boss, who was prepping him for his U.S. citizenship exam. "How often has the incumbent president lost an election?" the editor asked.

"I can tell you, not often enough!" shot Dole from the rear of the elevator.

Soon after the November election, Dole showed up on "Saturday Night Live" to lift the sagging spirits of Norm McDonald, whose impersonations of the ex-senator seemed doomed.

"Bob Dole feels your pain," the former candidate barked before critiquing McDonald's impersonation. He announced he'd lined up work, too: "Hello, Red Cross. How may Bob Dole direct your call?"

Campbell said neither Dole nor his handlers sought the appearances. Producers and casting agents came calling.

Dole, 73, is the latest of a line of politicians to make the switch to acting, reversing the trend that includes Ronald Reagan, Clint Eastwood, Sonny Bono and "The Love Boat's" Fred Grandy.

You may remember an American Express commercial from 1964 GOP vice presidential candidate William E. Miller. You may remember William E. Miller.

The late Thomas P. "Tip" O'Neill, onetime speaker of the House, hawked Commodore computers with a chicken bone in his hand, and Geraldine Ferraro, the 1984 Democratic candidate for

vice president, plugged Diet Pepsi. More recently, former VP Dan Quayle—who once slipped up spelling "potato"—did a spot for Wavy Lay's Potato Chips. So did out-of-office Democratic governors Mario Cuomo and Ann Richards.

The move is not that hard for a politician to make, said Bob Garfield, a Washington columnist for Advertising Age.

"Most of the politicians who have gone from the dark side to the darker side and done commercials have performed very well," Garfield said.

"They happen to be good performers because they've been performing all their lives. They get attention for their products."

Whether people will switch from MasterCard to Visa because Bob Dole tells them to is another question, Garfield said.

"You can almost never assess the impact of an individual ad on any national marketplace," he said.

This exposure hasn't made Dole rich, though a little image-freshening couldn't hurt him should he head for the lecture circuit. For his late-night talk-show appearances, he picked up about \$200 a shot, aides say. "Saturday Night Live" paid a little more.

The use of Dole's image in an Air France print ad after the election was worth \$3,000, which he donated to Sarah's Circle, a Washington nonprofit group that provides meals and shelter to the elderly, Campbell said.

Dole told Visa officials that most of his fee for that commercial will also go to charity, said Susan Forman, a spokeswoman for the credit-card company. She would not disclose how much Dole was paid.

Visa expects that 125 million people will see the 60-second spot that is to air during the first half of Super Bowl XXXI. Soft-drink companies and luxury-car makers snapped up the 29 minutes of available commercial time at an average of \$2.4 million a minute, according to Fox Broadcasting.

That's a record \$40,000 per second, a tidy sum for an ad that features a plainspoken Kansas man.

Dole's humor is "sort of typical, self-deprecating Kansas humor," said Campbell, herself a native of the Sunflower State. "Quick to the draw."

Forman said Dole charmed the crew when they made the commercial last week in Pittsburg, Tex.—a last-minute stand-in for his native Russell, Kan., where it was apparently too cold to stage a mock homecoming parade for the losing presidential candidate. Visa is holding details of the ad close to the vest.

"I would have to tell you that he was an absolute delight to work with," Forman said. "He didn't retreat off to his trailer as some high-profile people do. He spent a lot of time chatting with people and learning about what they do. He was incredibly charming and hugely funny—that wit of his is non-stop."

Dole even wrote his own lines for the Visa press release, explaining that he accepted the job "because it looked like a lot of fun, it showcases my home town and it's a nice break from working on my inaugural address."

"I think he's having a ton of fun with some of the things he's doing," Forman said. "He's sort of reinventing himself—or letting the real Bob Dole out."

The Washington Post

FRIDAY, JANUARY 24, 1997

A second chance for a First Lady

When a reporter asked the first lady how she would ever get to know her, the first lady replied tartly: "You don't need to know me. I'm only the president's wife and the mother of his daughter."



Suzanne Fields

Of course, this wasn't Hillary Rodham Clinton, or even Rosalynn Carter. That first lady had to be Bess Truman. When Mrs. Truman decided not to continue regular press conferences with reporters as Eleanor Roosevelt, her predecessor, had done, the women reporters were enraged — less because of what that said about Mrs. Truman than what it meant for the reporters themselves. Without weekly press conferences, their bylines would be exiled from the front pages of their newspapers to the women's pages (as they were called) in the back, about teas and women who stayed home to bake cookies.

Reporters covering Hillary Rodham Clinton have no such problem. Mrs. Clinton no doubt makes the front pages more than she might like with discussions of fashion and hair and speculation about sub-

Suzanne Fields, a columnist for The Washington Times, is nationally syndicated. Her column appears here Monday and Thursday.

poenas, grand juries and assorted felonies. When the first lady changed the design of her Oscar de la Renta inaugural gown from short sleeves to long, David Letterman cracked that she wanted the sleeves to be long enough to hide her handcuffs. Mean. The Wall Street Journal observes that the White House is increasingly worried that she faces an indictment soon. Every reporter in town nods knowingly.

While the president has spelled out lots of little and big things he wants to do in his second term, he is less than forthcoming about the role of his wife. For good reason. His big mistake at the beginning of his first term was to put his wife in charge of "reforming" healthcare. Hillary may continue her strong influence behind the scenes but she will play as safe as Socks in public.

Most presidents have not let wives do anything they didn't want them to do. The exception was Edith Wilson, who was accused of running a "petticoat government" after her husband had a stroke.

It's an ironic turn of distaff power or maybe a Machiavellian interpretation, but Hillary continues to absorb heat that might otherwise burn her husband. She also remains an asset to the president as she uses her bully pulpit to assuage disaffected liberal Democrats. As the president moves his rhetoric rightward toward center, she remains resolutely on the left. Even after the president repudiated hilarious notions of a right wing conspiracy leading the press, Hillary said in an interview on C-Span over the inau-

gural weekend that she still believed in a "media food chain" directed by the right that was responsible for false stories about Whitewater and her husband's personal life.

It's not difficult to imagine that the most painful moments for the First Lady have been over the sexual accusations of Paula Jones against her husband. America reelected her husband in spite of a general consensus that he's vulnerable on the character issues. Forgiving is not so easy for a wife to do.

In our media-driven age, it's increasingly difficult for the first couple to separate their private lives from their public ones. Nowhere has this been more obvious than in the Clinton White House. In "Affairs of State," a new book about the rise and rejection of the presidential couple, Gil Troy, a professor of history at McGill University in Montreal finds that voters increasingly disapprove of a first lady influencing policy.

He makes a persuasive case that even Eleanor Roosevelt was more Lady Godiva than Lady MacBeth, more crusader than powerbroker (though it boggles the imagination to picture Eleanor Roosevelt as Lady Godiva).

Had Bob Dole been elected, Elizabeth Dole would have tested the concept of first lady in an unprecedented way, by keeping her own job as President of the Red Cross. It's not clear how that would have worked.

Forsooth, we don't need a Lady MacBeth, or a Lady Godiva, either. We've come a long way from the days where corporations interviewed wives of prospective executives before they interviewed their husbands, but methinks their theory lingers on in political life: "A good wife can't help a husband as much as a bad wife can hurt him."

The nuclear disposal program

By Joseph Knollenberg

It's amazing how far we've come in the years since then-President Ronald Reagan made his famous "Evil Empire" speech.

The Cold War is over, the Soviet military-industrial machine has all but collapsed, and Communism no longer looms large in the minds of most Americans as a potential threat to the security of our nation. Ironically, however, the aftermath of this threat from years gone by does represent one of the most weighty defense-related issues of our time. As we head into the 21st century, the question of how to safely and permanently dispose of plutonium from dismantled atomic warheads must be addressed.

The danger here is a false sense of nuclear security. Current estimates show that between the U.S. and Russia, some 100 tons of weapons-grade plutonium are still awaiting disposal — enough to make thousands of nuclear weapons. While the state of global affairs today seems relatively free of tension, it will be folly to take long-term comfort from what really is a fleeting snapshot in time. What about 10, 50, or even 100 years from now? No one can predict the future shape of world affairs with any degree of accuracy. Indeed, we must start now, without any hesitation, to ensure that all of our surplus weapons-grade plutonium is rendered unusable for eternity.

Recently, the Department of Energy announced a "dual track"

Joseph Knollenberg, Republican of Michigan, is a member of the House of Representatives.

decision to dispose of excess U.S. weapons stockpiles. One option, the "vitrification option" would entail mixing the plutonium with highly radioactive waste and immobilizing it in either a glass or ceramic compound for subsequent burial in deep geological depositories. Although this would isolate it and make it more difficult to retrieve and handle, there is no assurance that it cannot be used again, since the plutonium, though diluted, would remain in its weapons-grade form.

In the second option, weapons-grade plutonium would be mixed with uranium, made into fuel (called MOX) and burned in commercial nuclear reactors. The "MOX option" faces fewer technological barriers, since several countries have already used this process to recycle their spent fuel rods. Furthermore, it would actually reduce the overall amount of weapons-grade plutonium, because the long, sustained irradiation of a commercial reactor changes much of it into heavier, reaction-inhibiting isotopes. However, there are some who argue that any U.S. pursuit of the MOX irradiation option would serve to undercut U.S. non-proliferation policy. Their views embrace the United States decade old policy that encourages proliferation-resistant fuel cycles, but it fails to address the current plutonium question before us.

In making the decision to pursue option two, the Department of Energy has recognized that some of the plutonium in need of disposition would not lend itself to consumption MOX fuel and would require another disposal procedure. However, it also found that the technological

barriers to vitrification are formidable and will require further research and development. Furthermore, the Russians have repeatedly emphasized the fact that they regard their excess weapons-grade plutonium as a valuable energy resource. They will view with suspicion any U.S. proposal which seeks to merely immobilize it rather than destroy it completely. For these reasons, I initially applauded this "dual track" approach. However, I have recently been dismayed by internal rumblings that the administration may try to pay lip-service to Russia and endorse the MOX option only to ultimately abandon it in an apparent cave-in to nuclear activists.

It should be noted that in this complex matrix of issues, the proliferation-based criticism of MOX fuel is a leaky rhetorical boat. This program gets rid of the plutonium. It does not create more and it certainly does not encourage the separation of plutonium. Also, it must be noted that the vitrification option if fraught with its own proliferation risks. Since that option does not destroy or degrade the waste, it, too, is regarded by some as a proliferation risk since the plutonium could conceivably be retrieved and redeployed in weapons.

The administration would do well to stick to its original course. Whether MOX or vitrification becomes the ultimate disposal method is beside the point. We cannot allow politics to dissuade us from scientifically sound options. Instead, we should do everything possible to quickly and safely hammer the final nails in the coffin of the Cold War age, lest it rise again. We owe it to ourselves and to the future generations of the World.

Ethical exemptions for the Executive

By Mark R. Levin

On Sept. 7, 1995, Sen. Bob Packwood announced his resignation from the U.S. Senate. Mr. Packwood resigned because the Senate Ethics Committee recommended his expulsion. The recommendation was based on, among other things, a multi-year investigation in which the committee received testimony from numerous women who accused Mr. Packwood of sexual harassment. Moreover, Mr. Packwood's personal diaries, which he was required to deliver to the committee, proved damning.

Unfortunately for Mr. Packwood, he was merely a junior senator from a small state (Oregon). Had he served in the highest office in the land — namely, president of the United States — he would have escaped accountability for his misconduct. You see, there is no equivalent of the Senate Ethics Committee in the executive branch. And, the last time I checked our Constitution, sexual harassment is not an impeachable offense. That leaves the courts as the only institution available to adjudicate charges of sexual abuse involving a sitting president. But President Clinton, who was sued by Paula Jones for, among other things, sexual harassment, claims that the Constitution grants him immunity from such lawsuits, at least until he leaves office.

Well, then, if the Supreme Court adopts the Clinton immunity rule,

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theoretically Mr. Clinton will be free to sexually harass young ladies throughout his tenure, won't he? Mr. Packwood's mistake, it seems, is that he got elected to the wrong office. While his despicable behavior drove him from the Senate, it would not have disqualified him from serving as president. Conversely, while Mr. Clinton is safe in the Oval Office, had he been elected to a lesser office, he



might well face expulsion.

And what if President Clinton and Speaker Gingrich switched jobs? The House Ethics Committee found that Mr. Gingrich failed to hire qualified tax counsel and provided "inaccurate, incomplete and unreliable" information to committee investigators. These offenses resulted in Mr. Gingrich's reprimand and a \$300,000 cost assessment.

Presumably Speaker Clinton would have a heck of a problem. For instance, in 1978, 1979, 1980, 1984 and 1985, the Clintons claimed phony, even non-existent, interest deductions on their federal income tax returns. And in 1993, the Clintons didn't disclose to the IRS a

\$58,000 benefit they received when they were released from a White-water debt. Who were the qualified lawyers advising the Clintons — Webb Hubbell, Bernie Nussbaum, Vince Foster, Bill Kennedy and Bruce Lindsey? In any event, it appears the Clintons not only failed to hire qualified tax counsel, but they failed to pay their fair share in income taxes. Are they guilty of tax fraud? Is the IRS auditing them?

Moreover, since the Clintons provided "inaccurate, incomplete and unreliable" information to the IRS, will they reimburse the taxpayers for costs associated with any government audit or investigation? If so, will the Clintons pay those costs out of their own pockets, or will they tap well-heeled landscapers, drug dealers, foreign nationals and Buddhist monks for contributions? Of course, there's always the cattle futures market.

Speaking of Buddhist monks, let's not forget Vice President Al Gore. What if he switched jobs with Speaker Gingrich? On April 26, 1996, Mr. Gore attended a political fundraiser at the Hsi Lai Buddhist temple in Hacienda Heights, Ca. This is where a Buddhist nun allegedly contributed \$5,000 in laundered funds to the Democratic Party.

Last Friday, on NBC's Today Show, Mr. Gore finally admitted the obvious. He said: "I did not know that [the Buddhist temple event] was a fundraiser. But I knew it was a political event and I knew there were finance people who were going to be present. And so that alone should have told me this was inappropriate, this was a mistake, don't do this. And I take responsibility for that." And I thought Mr. Gore orig-

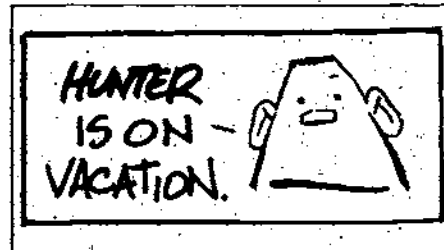
inally claimed this was nothing more than a "community outreach" event.

Well, perhaps Mr. Gore's recollection is improving as more evidence of his involvement comes to light. The Associated Press reports: "A Democratic Party memo shows that just three days before the April 29, 1996 [fundraiser], the Democratic National Committee's finance office told the vice president's office that Gore was expected to 'extend appreciation for participant support and inspire political and fundraising events.'"

Of course, as speaker, Mr. Gore would not easily escape responsibility for his "mistake." After all, he was the main attraction at this fundraising event. And, as Reps. McDermott and Bonior would surely remind him, it is illegal to use a tax-exempt institution, such as a Buddhist temple, to "launder" funds for partisan political purposes.

Apparently Mr. Gore has either "intentionally misled" the public about this event or he acted "recklessly." But since he's the vice president, and not the speaker, he needn't fear a reprimand or fine. Instead, he's free to travel the country shamelessly preaching "campaign finance reform."

I promised I'd follow the president's inaugural call to stop being "divisive and petty." Oh well. There I go again.



MONDAY, JANUARY 27, 1997
The Washington Times

File Personal

Asian-Americans fear donations backlash

By Tom Squitieri
USA TODAY

Higher visibility and clout in the U.S. political system long have been goals of many Asian-Americans.

But the attention coming their way these days is far from what most of them sought.

"A lot of allegations are being made of the 'Asian Connection,' that Asians are buying up America or gaining influence," said Francey Lim Youngberg, executive director of the Congressional Asian Pacific American Caucus Institute, a nonpartisan education group.

"This is just an unfair portrayal of the whole Asian-American community."

Headlines about Asian-Americans illegally funneling donations from foreign nationals and misidentified campaign donations have raised concern among Asian-American leaders. As in any business community, they say, reasons for giving and fund-raising are varied, but there's no orchestrated effort to buy influence.

"We all have different agendas," said Susan Tam, executive director of the Asian Business League. The organization pro-

motes business between Asian nations and American firms.

"Different countries have different cultures and different philosophies," Tam said. "That is the way business is done. It is all who you know, the connection, a little bit of networking."

Some advocates for Asian-Americans say reports of improper donations to President Clinton have come at a bad time. Clinton is being urged to name an Asian-American to his Cabinet; in the light of the news stories about donations, his advisers may

back away.

One contender is Chang-Lin Tien, chancellor of the University of California at Berkeley. He is a possibility to replace Energy Secretary Hazel O'Leary.

Among Asian-American business owners who made large contributions, reasons for giving are varied. For some, the donations were important to increase stature while soliciting overseas business.

► In March 1996, Charles Yah Lin Trie delivered \$640,000 in donations he raised for Clinton's Whitewater defense funds. He and his family also contributed \$145,000 to Clinton between October 1991 and October 1996.



CBS Evening News via AP
Trie: Image taken from television.



AP
Tien: Chances for Energy secretary nomination may be slipping.

In April 1996 he was named to the Commission on United States-Pacific Trade and Investment Policy. That position gave Trie (pronounced Tree) prestige he could use in seeking Asian clients for his import-export business.

► Johnny Chien Chuen Chung and his company, Automated Intelligent Systems Inc., donated \$366,000 to the Democratic National Committee from August 1994 until June 1996.

His rewards: private White House tours for prospective business clients and a portfolio he passes out that is festooned with color photos of him and Clinton, including one taken in the Oval Office.

"A lot of allegations are being made of the 'Asian Connection,' that Asians are buying up America or gaining influence. This is just an unfair portrayal of the whole Asian-American community."

— Francey Lim Youngberg,
Congressional Asian Pacific American Caucus Institute

A brochure that Chung, 41, uses has 10 photos of him with Hillary Rodham Clinton and a copy of a note from the first lady thanking him for support and friendship. That was used by Chung to help sell his fax service to California Gov. Pete Wilson, a Republican.

Chung made 49 visits to the White House from early 1994 to June 1996.

► Pauline Kanchanalak has donated \$260,785 to Democrats from October 1992 to September 1996. She is president of the Washington, D.C., business consulting firm Ban Chang International USA.

In 1994 Kanchanalak wanted to arrange a White House ceremony for a U.S.-Thai business council that she helped organize. Through her contacts, the ceremony took place Oct. 6, 1996. Clinton and the Thai prime minister greeted a group of Thai and American business leaders in the White House and expressed support for strength-

ening bilateral business ties.

Some of the money donated from Kanchanalak and Trie was returned by Democrats because of questions of propriety.

Other donors say it's simply part of the political process. Ciao Jen Wang and his wife, Yuen-Fung Chu Wang, of Arlington, Va., gave \$100,000 to Clinton's campaign in 1992, then followed up with about \$62,000 since. They gave because they thought Clinton "would be a good president," Yuen-Fung Chu Wang said.

"We're old, we have no ambitions, no requests," she said. "We did it because we're die-hard Democrats and we think Mr. Clinton is a good person."

Wang and her husband have attended a few White House dinners but never enjoyed perks like spending the night in the Lincoln bedroom, she said. "We haven't given him that much," she said.

► A new low? 1A

THURSDAY, DECEMBER 19, 1996
USA TODAY

7 more White House changes

Preparing for President Clinton's second term, the White House made seven key staff changes Wednesday.

Rahm Emanuel, special projects director, takes over for senior adviser George Stephanopoulos, who is leaving to teach, do TV commentary and write a book.

John Podesta, a former White House aide, and Sylvia Mathews, chief of staff at the Treasury, become deputies to new White House chief of staff Erskine Bowles.

Political director Doug Sosnik was elevated to counselor to the president for political affairs. His stock rose as Clinton's fortunes reversed in the campaign.

Bowles, taking over from Leon Panetta, said he does not expect bureaucratic infighting. "I have set about to build a team — and I want to stress that word 'team' — a team with sharp minds but not sharp elbows."

He also announced that James Steinberg, chief of staff at the State Department, and Army Brig. Gen. Donald Kerrick would be deputy national security advisers.

Victoria Radd, deputy director of communications, has been tapped to be Bowles' chief of staff.

Bowles said Clinton hoped to announce several more Cabinet officers Friday. The president has yet to name his choices to head the departments of Labor, Transportation, Energy and Housing and Urban Development.

FEMALE SOLDIERS TO STAY: Despite recent reports of rape and sexual harassment at military bases, no consideration is being given to reducing the presence of women in the Army, the service's top general said. Gen. Dennis Reimet, Army chief of staff, was asked whether he had asked anyone to look into reducing the number of women in the service or barring them entirely. "I don't think that would be in the best interest in the Army," he replied. He said women should continue to be barred from combat-related jobs.

SPY SATELLITE ANNOUNCED: For the first time since America's spy satellite program was started in the late 1950s, the government announced a reconnaissance satellite launch before it occurred. The Pentagon said a Titan IV booster will launch the satellite Friday from Vandenberg Air Force Base, Calif.

USA TODAY

THURSDAY, DECEMBER 19, 1996

Mission accomplished

Two Naval Academy midshipmen somehow got into the Pentagon one night late last week and plastered the doors of top Army officials with a simple message: "Go Navy. Beat Army."

"It's just part of the hassle we try to give the Army," explained David Wolynski, a 23-year-old Annapolis senior from Orlando, Fla.

The mission plan called for Mr. Wolynski and fellow midshipman Jim Prouty, accompanied by their enlisted adviser, who happens to be a Navy Seal, to enter the building accompanied by a senior Navy officer. Once in, they ditched the officer and headed for the corridors of senior Army officials, including Army Secretary Togo West Jr.

"We're wondering how the senior officials reacted," Mr. Wolynski said.

Mr. West's office declined comment. On Saturday, by the way, Army won the annual showdown, 28-24.

No longer endangered

Sen. Jesse Helms, North Carolina Republican, will be happy to know that Environmental Action, one of the nation's oldest environmental groups, is now extinct.

Based in Takoma Park and credited for orchestrating the original Earth Day celebration in 1970, the group, commonly referred to as EA, cites fundraising problems as one reason for its demise. Another is that group had strayed too far from its original environmental focus into social areas, even working toward campaign finance reform.

EA was no stranger to politics. Each year the group issued its "Dirty Dozen" list, purporting to show the worst environmental offenders on Capitol Hill. GOP lawmakers such as Sen. Alan Simpson of Wyoming and former Rep.

Bob Michel of Illinois, EA charged, stood for "dirty air and filthy water" and "put special interests ahead of the health of their constituents."

But EA threw its special "lifetime achievement award" on the back of Mr. Helms, saying in reference to his outspoken opposition to pornography: "When it comes to the environment, Jesse Helms is obscene."

Joy to the world

Sashes worn by members of an international children's choir that performed Christmas arrangements at the White House last week identified each of the children's countries: "Switzerland," "Kenya," "Thailand" and, our congressional source was surprised to see, "Palestine."

Sitting ducks

Thousands of Washington-area residents live near National Airport, and Citizens for the Abatement of Aircraft Noise is concerned about the recent wave of wave-offs.

When an aircraft is not able to land because of some obstruction on or near a runway (say, a plane filled with passengers), a wave-off occurs.

"Such action is required at the discretion of the pilot or upon directive from the control tower," explains CAAN, which adds that because of restrictions imposed on National Airport, all wave-offs take place to the west of the airport, just a few hundred feet over Crystal City and the remainder of Arlington and Alexandria.

The group cites one day in recent weeks when there were no fewer than three wave-offs from National.

"For residents underneath the plane, it is often frightening," CAAN notes. "Such an unex-



Environmental Action and Jesse Helms saw obscenity differently.

pected event in the densely populated urban community around National Airport is not only noisy but represents a safety hazard."

Furthermore, the group charges that frightened residents

seeking an explanation were brushed off by the Federal Aviation Administration and the Metropolitan Washington Airports Authority, perhaps signaling "problems with overcrowding" of flights at National.

CAAN is urging residents to write to Congress and request that the FAA and MWAA make wave-off statistics available.

Tough being a writer

We've seen Gary Aldrich's name on the best-seller list for several months now. Obviously he's raking in the dough with his book "Unlimited Access: An FBI Agent Inside the Clinton White House."

Think again.

In fact, if the White House has its way, Mr. Aldrich may never see a dime in book royalties.

"I put all I own on the line to expose the criminal behavior and discredited security procedures in the Clinton White House," Mr. Aldrich writes in a public appeal for donations. "Now, my wife, Nina, and I and our three young children could lose everything."

That's right, everything."

Attorney General Janet Reno, the former FBI agent writes, is deciding whether to prosecute him and confiscate the proceeds of his book, as the FBI recommends. He calls it a "political vendetta" launched by President Clinton and Hillary Rodham Clinton.

Mr. Aldrich was assigned to the White House for the last five years of his career, performing background checks on the White House staff. His book details how the Clinton White House allegedly abused everything from federal laws to common decency — from covering up drug use by staff members to decorating the White House Christmas tree with condoms, pornographic ornaments and sex toys.

"Even now, the Clinton administration lawyers are threatening to tie up all my assets and keep me in court for six years or more," Mr. Aldrich writes in his letter. He says he's already spent nearly \$100,000 in legal fees, exhausting his life savings fighting lawyers from the FBI, Justice Department and White House.

The Southeastern Legal Foundation in Atlanta, which backed the publication of "Unlimited Access," says it will represent the ex-agent in court, but only with continued funding. Mr. Aldrich writes that those who send the foundation \$29 will receive a hardcover copy of the book; \$79 gets donors a copy "that I've personally autographed."

File
Personal

Centrists, go home

Two professors, after analyzing election returns for 1994 and 1996, have concluded that voters tend to reject centrists rather than those with strong liberal or conservative ideologies.

Leonard Williams, professor of political science at Manchester College in Indiana, and Neil Wollman, professor of psychology at Manchester, categorized House incumbents according to ratings by the American Conservative Union and the liberal Americans for Democratic Action.

"In 1994, the conventional wisdom regarding that year's Republican sweep was that voters had decisively rejected old-style liberalism," the professors say. "Upon closer analysis, though, moderate Democratic incumbents were more likely to lose their bids for re-election than were liberal ones," even in marginal districts.

"Over the last two House elections, liberal Democratic incumbents have won 95 percent of their re-election efforts — hardly a rejection of their ideology."

The professors added: "Though less decisively than was the case for liberal Democrats in 1994, conservatives won a full 94 percent of their races" and did better than centrists even in marginal districts. "As with the Democratic incumbents in 1994, the more ideologically extreme Republican incumbents also received a higher percentage of the vote than did their more moderate colleagues."

In short, political pundits have completely misread the last two elections, the professors opine.

"No matter what people may say they want, or what analysts say people want, recent election results suggest that voters have not rewarded ideological moderation. Moreover, even if the electorate desires bipartisanship, they likely have not picked the best people to bring it about. Contrary to today's conventional wisdom, the voters seem more comfortable with those on either side of the street than with those in the middle of the road."

Trust but verify

Senate Majority Leader Trent Lott is happy to see Leon E. Panetta depart as White House chief of staff — along with a number of other high-ranking presidential aides.

Appearing on "Fox News Sunday," Mr. Lott said that "some of the scars that we acquired over the last two years, you know, he [Mr. Panetta] was involved in that. So, without being critical of him, I think Erskine Bowles as the new chief of staff gives us an opportunity to work together in a positive way."

The Mississippi Republican later expanded on that theme during questioning by host Tony Snow.

"Is it trust but verify with this crowd?" Mr. Snow asked.

"Absolutely, trust but verify,"

Inside Politics



Mr. Lott replied. "Actually, I think the president would do more and wants to do more than some of the staff around him would like for him to do. I mean, he's been surrounded by some very liberal people, headed by Leon Panetta, who's been involved with the budget wars for 20 years. And I think he's brought too many scars, too many past memories to really get the job done. And, of course, [George] Stephanopoulos and [Harold] Ickes, I mean a lot of the people..."

At this point Mr. Snow interrupted to ask: "So, you're happy to see all of them..."

"Oh, very pleased," Mr. Lott interjected. "Now, we'll — so now maybe we can see where the president really is, but I — you have to proceed cautiously with him. You've got to be careful not to be charmed by him. But we come from the same neck of the woods. It will be harder for him to charm me, maybe, than some others. I'll be trying to do the same thing to him."

Midlife crisis

The Weekly Standard's Tucker Carlson, in examining James Carville's jihad against independent counsel Kenneth W. Starr, has come up with a new explanation.

"In the end, however, it is hard to escape the feeling that the attacks on Starr have less to do with defending Clinton than with whatever sort of midlife crises affect political consultants," Mr. Carlson writes. "Carville clearly is bored with the lecture and book circuit, and aches to get back into politics. The anti-Starr crusade has afforded him just such an opportunity, and Carville has turned it into a para-political campaign, complete with a saber-sounding name (the Education and Information Project), a war room in his office, endless rounds of frenzied phone calls, and a group of 'well-meaning young people' to help."

Frothing, rabid dog

Mary Matalin, the former Republican political operative, is not easing up on her husband, James Carville, for impugning the motives of Whitewater investigator Kenneth W. Starr.

"It stretches any credulity to believe that the White House

could not stop this rabid dog," Mrs. Matalin said on "Fox News Sunday." "He's not my husband when I speak of him as a frothing, rabid dog. He's clearly a front for the president. ... If anyone is close to obstruction of justice, it's the president of these United States, whose pit bull is out front."

Of polls and partisans

James Carville may be encouraged by a new CBS poll that shows many Americans think independent counsel Kenneth W. Starr is conducting a partisan investigation to damage the president.

Forty-two percent of respondents said Mr. Starr is engaged in a partisan probe while 34 percent said he is impartial. Nearly 25 percent said they do not know.

Sound bite

NBC correspondent Andrea Mitchell does not believe the nomination of Madeleine K. Albright to be secretary of state was "gender politics" by the president to reward women for their election support.

"I think it's sound-bite politics," Miss Mitchell said yesterday on NBC's "Meet the Press."

She said Mrs. Albright has been the "best person out there to carry the water" for the administration in terms of "making the case" for its foreign policy.

Miss Mitchell said it's obvious the White House was not pleased with Secretary of State Warren Christopher's performance as an administration messenger.

She said someone in the White House once asked her about the possibility of getting "television coaching" for Mr. Christopher.

Hayden's challenge

Tom Hayden, the 1960s radical and longtime California state legislator, had no luck running for the U.S. Senate in 1976 or for governor two years ago, but now he has set his sights on another high-profile office — mayor of Los Angeles.

Mr. Hayden told the Los Angeles Times he is "definitely moving in that direction," and several anonymous sources say the former husband of Jane Fonda definitely will challenge Republican Mayor Richard Riordan in the April election.

Fierce Wind and Rain Tear Up Several States, Killing at Least 35

By RICK BRAGG

From Arkansas, where tornadoes devastated a small town, to Ohio and Kentucky, where floods swept cars off the roads and sucked two people down into culverts, a front of deadly storms splintered homes and killed at least 35 people over the weekend.

People who survived Saturday's pounding winds called it the most violent day of weather in memory.

The storm front sent floods, tornadoes and springlike thunderstorms through eight states, as far south as Mississippi and Tennessee and as far north as Ohio, but no state suffered worse than Arkansas. There, the twisting winds of several tornadoes flattened buildings and houses, killed 24 people and injured 200 in a few short hours Saturday night.

Much of the havoc occurred in the college town of Arkadelphia, Ark., where tornadoes leveled most of the downtown, killed six people, buried several of the 83 injured in rubble, and blew the clock and capstone off the Clark County Courthouse.

Judy Slight was found mostly unhurt in the ruins of her shop, Shaw's Garden Florist and Tea Room.

"I heard the storm coming," said Ms. Slight, whose shop was one of more than 100 homes and businesses destroyed in Clark County. "I looked up and saw the glass windows coming at me. I ducked under the counter. That was the last thing I saw, the glass. Then, a few minutes later, I heard voices asking me if I was all right. I said, 'I'm fine.' And I was. The Lord took care of me."

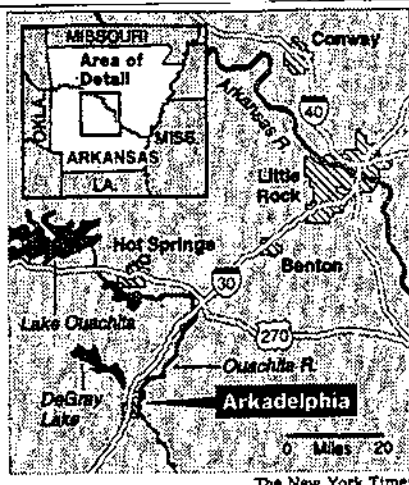
The tornadoes that struck Arkadelphia, a town of some 10,000 people about 70 miles southwest of Little Rock, were part of the wider storm system that, riding on the springlike temperatures of the weekend, spawned dozens of twisters and heavy rains.

As rescue workers in Arkansas picked through piles of wreckage looking for survivors, torrential rains created fast-rising floods that caught both drivers and pedestrians unaware. Seven people drowned in Kentucky and two in Ohio, and hundreds of people had to flee their homes. Yesterday, rescuers used helicopters and boats to search for 11 people still missing in flooded areas of southern Ohio and Kentucky.

Gov. Mike Huckabee of Arkansas warned that the death toll could rise as rescue workers continued to sift through the rubble of homes and businesses.

"This was an absolutely extraordinary event of weather," Mr. Huckabee said as National Guard units helped police officers and firefighters search through the damage. "We had more tornadoes and more damage than in all of last year."

In Arkadelphia, it was the first tornado strike of the season in a state where the twisters are a way of life. A sign on the All-Care Pharmacy said "Open Sunday." Half its roof was gone. A funeral home was in pieces. Cars were smashed. It was



Tornadoes killed six people and injured over 80 in Arkadelphia.

difficult to tell in some places where the wreckage from one building stopped and that of another began.

Clarence Johnson, 70, stood outside the command post for the Clark County Office of Emergency Services drinking coffee with his daughter, Cindy Shepherd, and wondered out loud whether he could repair his wrecked house. Mr. Johnson said he had escaped injury because he was out visiting a friend.

"It's still standing," he said of his house.

But his daughter told him: "Daddy, it can't be saved."

Carol James, 23, of Arkadelphia, was visiting in Hot Springs when the storm hit. Rescue workers would not let her back into her trailer park. "But I hear it's all gone," she said. "Everything."

The stories of destruction were the same elsewhere. In the Sardis community of Saline County, west of Little Rock, the authorities reported that two people had been killed.

In Little Rock, the tornadoes destroyed mobile homes, ripped the roofs off houses and sent trees crashing and power lines to the ground. Three died in a suburb called College Station. The storms also shut down the Little Rock airport on Saturday, after a Continental Airlines passenger jet was struck by flying debris as it prepared to take off.

The warning sirens gave many time to act to save themselves. Neal Wright, 11, heard the warning sirens and alerted his deaf grandfather to the danger by making a swirling motion with his hands. The two hurried from the house just before a massive tree smashed onto it.

One woman heard the sirens, climbed into her bathtub and put a clothes hamper over her head. It shielded her from the flying glass.

The morning after, the path of the

storm seemed to make no sense. It would wreck one house, skip one then wreck the third one.

The line of damaged homes and downed trees was more than 200 miles long. At least eight counties are expected to ask for Federal disaster relief.

"This is as bad as I've seen it," said Lieut. Robert Felcher of the Arkansas State Police.

Arkansas suffers a year's worth of damage, but all in one night.

Farther south, in Randolph, Miss., a tornado killed a 50-year-old man, Huey Totor. His body was found 75 feet from his wrecked mobile home, apparently thrown by the wind.

In Louisville, Ky., where a record 9.6 inches of rain fell, the threat was flooding. A 13-year-old boy drowned when he was swept into a culvert by rushing water just east of Louisville. In the Louisville suburb of Fairdale, rescue workers rescued a bedridden

woman from her basement. The woman, attached to an IV, was floating on her mattress.

The rains caused the Ohio River to rise 19 feet in 24 hours, to a flood stage of 52 feet in Cincinnati yesterday. The Weather Service said the river could crest at 57 feet or more on Tuesday.

In Adams County, Ohio, a 16-year-old boy and a 40-year-old woman drowned in Great Brushy Creek, a tributary of the Ohio River south of Cincinnati.

Several counties in Ohio, Kentucky and West Virginia reported flooded roads and stranded people. No dollar estimate on the damage was available in any of the areas. All resources were being used to search the rising water and comb the damage for survivors.

"I'm calling it apocalyptic," Governor Huckabee said.

There was no shortage of help, however, at least in Arkadelphia. There were more volunteers than Jim Burns, coordinator of the Clark County Office of Emergency Services, could use.

"If you haven't been assigned a task, you can go home," Mr. Burns told volunteers over the public-address system. "Thank you. We love you. But you can go home. We don't need you today. Tomorrow? Yes."

The New York Times

MONDAY, MARCH 3, 1997

File Personal

Judge Acquits Espy's Brother In Loan Case

OXFORD, Miss., March 2 (AP) — A Federal judge has acquitted Henry Espy, brother of the former Agriculture Secretary, Mike Espy, on five of six charges stemming from his failed effort to win a House seat.

Judge L. T. Senter ruled on Friday that there was not enough evidence to convict Mr. Espy on charges that he had lied to the First National Bank of Clarksdale to secure \$75,000 needed to help repay a 1993 campaign debt of more than double that amount.

Mr. Espy, Mayor of Clarksdale, was also cleared of conspiring to defraud the Federal Election Commission.

"The judge threw out 95 percent of the Government's case before we began our defense," said Mr. Espy's lawyer, Abbe Lowell. "That is a good sign."

Mr. Espy must return to court on Tuesday to face the sixth charge, which involves \$20,000 that Crop Growers Insurance Inc. gave to his campaign. Prosecutors allege the company contributed the money to win favor with his brother, while he was Agriculture Secretary.

Mr. Espy ran for the House seat vacated by his brother, who resigned to join President Clinton's Cabinet. Mike Espy resigned in December 1994 because of an investigation into gifts and favors he received from agribusiness firms.

Neither Henry Espy nor the prosecution would comment.

Alvarez Ferrouillet Jr., a New Orleans lawyer who was Henry Espy's campaign manager, and his company, Municipal Healthcare Cooperative Inc., pleaded guilty last Monday to conspiring to make false statements to a bank and the Federal Election Commission. Both pleaded guilty to five counts of making false statements to the First National Bank of Clarksdale to obtain the campaign loan.

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Essay

WILLIAM SAFIRE

Clintons' Data Base

WASHINGTON

You've long heard about "Emily's List" — a legitimate fund-raising operation created to elect women.

You'll soon be hearing more about "Hillary's List" — an unprecedented abuse of Federal power in political fund-raising. Officially called the White House Data Base (WhoDB), this computerized list of 355,000 names was compiled over the past four years at taxpayer expense to help the Clintons raise money to stay in power.

This political cybercorruption was directed from the top: "Both the President and the First Lady have asked me to make this my top priority," wrote White House aide Marsha Scott on Dec. 7, 1993. "Bruce [Lindsey] will be kept fully informed."

Fifteen months later, Mrs. Clinton's personal involvement in building her base is documented in a staff memo to Ms. Scott: "During the demo the First Lady mentioned that she would like to see the Miles Rubin rapid response list in the database."

Everybody who got favors or gave money was inputted. Lincoln bedroom overnights, Democratic National Committee fat cats in the Kennedy Center box, private guests at radio talks — all are still going in at a rate of 10,000 a month, many with children's names, dietary restrictions, special interests, and almost all with Social Security numbers and addresses.

Never has technology been married to power greed to produce such political gain. Despite an early planner's assurance that the data base was "government property and cannot be given to or used by a campaign entity," its central purpose has been fund-raising, and it has been wrongfully used by D.N.C.-paid White House "volunteers" to get payment for Clinton favors bestowed.

Representative David McIntosh told NBC's Lisa Myers "the taxpayer was fleeced"; his committee will focus on how Erskine Bowles built the Mailing List From Hell. But misappropriating \$1.5 million to match donors with favors is not all. What has gone unremarked is the rape of individual privacy.

Coded notations on thousands of files indicate whether somebody on the WhoDB is black, Jewish, Catholic, Hispanic, of Ukrainian or Chinese or other ethnic descent. You want a printout of Italian Jews from California who are gay and got a Clinton

holiday greeting? Just click on the demographic icon and cross the religious and ethnicity fields.

If you are in her data base, you may think that surely your file, containing private information about race and religion that universities and companies are prohibited from collecting about you, will be denied to anybody outside the White House.

You may be mistaken. Clinton lawyers have written Congress repeatedly that "the Privacy Act [5 U.S.C. 552a] does not apply" to the White House Office.

Unless successfully challenged,

Big Sister is watching you.

that means that the data will go on to the Clinton Library in 2001. There it will be available to all.

Think about that. Maybe you don't want everybody to know you're a Buddhist, or that you were in Washington on a certain weekend, or that you could afford a \$100,000 night in Lincoln's bed. Too bad: Hillary's list was created by public money and is a public record.

Think further. Suppose some unscrupulous Republican is elected President next time. He would have, by modem to the library, a vast and instantly retrievable "enemies list" — and know whom not to invite to a state dinner, or whom to solicit for how much to "get well" with him.

Ah, but maybe some upright archivist will insist the vulnerable half-million listees be protected from scholars, journalists, reformers and right-wing kooks.

Too late; I'll bet Hillary's data already have been copied to other CD-ROM's. And some mean hacker is getting set to attack the White House data base to download all the dossiers to the Internet's webhubbelsite.

If you're on Hillary's list, at best you'll be getting legal defense fund solicitations and offers to buy Clinton memoirs at irresistible discounts. At worst you'll be harassed by global telemarketers who will know your political inclinations, children's nicknames and donor history.

Enjoy it. You'll know which First Lady to thank. □

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Abroad at Home

ANTHONY LEWIS

Closure On Vince Foster

BOSTON

Kenneth Starr plans soon, I am told, to file his long-awaited report on the death of Vincent W. Foster Jr. It will conclude that the White House lawyer committed suicide.

Under the rules governing his office, Mr. Starr would file the report with the court that named him as Independent Counsel, a special division of the U.S. Court of Appeals for the District of Columbia Circuit. Because the report is likely to reflect secret grand jury testimony, it would be up to the court to decide whether it may be published.

A decision to report his findings on the Foster case — with a view to publishing them in whole or part — would be a highly significant step for Mr. Starr in both an official and a personal sense. It would be an answer to some criticism that he has not been sufficiently decisive. And it would show that he has the will to stand up to heavy pressure, in this instance from right-wing groups that see a vast political conspiracy in Mr. Foster's death.

Vincent Foster was found dead of a gunshot wound in the head on July 20, 1993, in Fort Marcy Park in Virginia. The U.S. Park Police and the F.B.I. concluded that he had committed suicide. His widow and his son were of the same view.

But that did not settle the issue for some people on the extreme right. They have made the Foster case the centerpiece of an attack on President Clinton for a host of alleged crimes, from drug-smuggling to murder.

Richard Mellon Scaife, a Pittsburgh millionaire, has contributed heavily to something called the West-

Mr. Starr and the conspiracists.

ern Journalism Center, which promotes theories of conspiracy in Mr. Foster's death: that he did not die in the park, that his body was moved and so on. Right-wing authors have told their tales in journals as far away as The Sunday Telegraph and The Times in Britain.

Attorney General Janet Reno originally appointed a special counsel, Robert Fiske, on her own. In June 1994 he issued a report on Vincent Foster, concluding that he committed suicide in the park.

The political right responded with vicious attacks on Mr. Fiske. Talk shows and extremist journals denounced his report. Conservative members of Congress such as Senator Lauch Faircloth lambasted him. The editorial page of The Wall Street Journal called for his replacement.

Meanwhile, Attorney General Reno decided that she should act formally under the Independent Counsel Act. She asked the special court division to name a counsel. It was generally expected that the court would appoint Mr. Fiske, formalizing his position. Instead it appointed Kenneth Starr.

There were charges of impropriety because the senior member of the special division, Judge David Sentelle, had had lunch with Senators Faircloth and Jesse Helms of North Carolina shortly before the change. Whatever the relevance of that lunch, the attack on Mr. Fiske's Foster report may have played a part in his replacement.

Since he took over, Mr. Starr has been denounced by the Foster conspiracists for not following their advice on witnesses and other matters. Mr. Starr is a conservative thinker with strong ties to the conservative movement, and some wondered whether he would take on the conspiracists.

Last Thursday The Arkansas Democrat-Gazette reported that Richard Mellon Scaife had made a contribution of \$250,000 toward the new School of Public Policy at Pepperdine University of which Mr. Starr is to be dean. That seemed to raise a possible conflict of interest. Would Mr. Starr file a report on the Foster case that rejected conspiracy charges heavily backed by Richard Scaife?

Mr. Starr will dispose of that question if and when he moves to file the Foster report. He has had doubts about making reports before the end of his work, as he indicated at his press conference last week. But the desire of the Foster family for closure of the case matters, and there is a particular public interest.

In a larger sense the planned disposition of the Foster inquiry would set a model for the Independent Counsel's office. Mr. Starr said at his press conference that he wanted the office to be a mini-Justice Department. The department's historic aim has been fairness, not prosecution at any cost. On the wall outside the Attorney General's office is written: "The United States wins its point in court when justice is done." □

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