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Dole's Sentencing Before Trial

Surgeon General-designate Henry W. Foster Jr. charges it would be "un-American" for Senate Majority Leader Robert J. Dole (R-Kan.) to prevent a vote on his nomination from reaching the Senate floor.

In the only interview he's granted in the 10 days before this week's confirmation hearings, Foster broke his silence on Dole's threat to deny him the basic fairness of a straight up-or-down vote before the full Senate.

"I don't think Senator Dole would do that . . . because that would be so un-American," Foster told our associate Ed Henry in an interview at the White House. "I just don't think the senator would do that. I think he has too much integrity to do that."

Under Dole's Alice in Wonderland-style justice, Foster is facing sentencing before a trial. Dole has threatened to keep the vote off the Senate's schedule—effectively killing it—even if the nomination is given a favorable recommendation by the Labor and Human Resources Committee.

Foster feels, however, that Dole will back down. "I don't think he's going to go through with it, is what I'm telling you," said Foster. "I think he's a man who believes in the American way. . . . I'm not taking it lightly, but people say things in the heat of battle [like] 'Read my lips!'"

Dole appears less concerned about sinking Foster than shoring up his support with the far-right wing of the GOP. He's not so much battling Foster as he is bowing to the true believers who decide Republican primaries. Dole's accusation that Foster has a "credibility problem" rings hollow in the context of the Kansan's recent kowtowing on issues ranging from taxes to affirmative action.

To be sure, the Clinton administration has supplied enough ammunition to antiabortion conservatives. Early on, officials kept revising the number of abortions Foster performed, prompting Dole to claim that Foster "didn't tell the truth." But since when was lying a disqualifying factor for winning Dole's vote?

Just seven months ago, Dole was posing with a perjurer named Oliver L. North, endorsing North's Senate candidacy and writing out a \$5,000 campaign check. North was convicted of lying to Congress and of two other criminal charges for his role in the Iran-contra scandal. (The three convictions were later overturned on a technicality.)

"I'm very proud of Oliver North and very proud to be here," Dole said at a campaign stop for North in Virginia. "I don't make any bones about that." Dole not only rode to North's rescue from Democratic broadsides, but proclaimed that wounded veterans like he and North "have to swallow hard" to accept President Clinton as their commander-in-chief.

"It's a wild stretch to suggest that support for the North Senate campaign requires support for the Foster nomination," Dole told us in a written statement. "The bottom line is that Dr. Foster has a here-and-now credibility problem, and it has nothing to do with the Republican leader campaigning for a Republican nominee in a political race."

Like Foster, Dole is guilty of flip-flopping. Back in 1988, Dole called North "a loose cannon" who "overstepped his bounds" in the Iran-contra affair, and "is not a hero." But last year, Dole was almost apologizing for North.

"My view is, he made a mistake," Dole said in November. "He's made mistakes. He said so. So, what do you do?"

By that same standard, Dole should be able to judge Foster on his entire 38-year medical career. While Foster is the physician of record on 39 abortions since 1973, he has delivered more than 10,000 babies. And his program to fight teen pregnancy was honored as one of President George Bush's "thousand points of light."

Win or lose, Foster will not heal overnight from charges by Dole and others that he says depict him as a "sleazy sort of person."

"I know what my credibility is," Foster said. "People can find reasons to justify what they want to do. If you really want to know about my credibility, why don't you go to the Nashville Academy of Medicine? Ask them why I am now serving my 10th consecutive year as a member of the ethics board there."

Dole unwittingly made the case for Foster last September, when he was campaigning for North. Besieged with questions by reporters about North's role in the Iran-contra affair, Dole retorted: "Well, I know there are a lot of allegations. But there are probably no perfect senators."

There are probably no perfect surgeons general either.