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Inside

At Ease



Behind-the-scenes people



Photo by Dean Saito

Sen. Edmund Muskie, left, and Dr. Jeane J. Kirkpatrick share a few words just moments after the press conference held Wednesday afternoon. The two were on campus for the 1987 Wiley Lecture Series, "Constitution and Foreign Policy: A Question of Control," in Rudder Auditorium.

Wiley speakers analyze results of Iran arms deal

Kirkpatrick, Muskie: Lessons to be learned

By Olivier Uyttebrouck
Senior Staff Writer

Tower commission member Sen. Edmund Muskie said that he did not think the U.S. government was ever in touch with genuinely moderate elements in the Iran government, but he wouldn't speculate whether the Ayatollah Khomeini knew about the arms transfers as they happened, as the ayatollah recently claimed.

"No, we never felt that there was such a thing as a moderate group" within the Iranian government, Muskie said at a press conference Wednesday afternoon. "And whether or not the Ayatollah was aware of these activities, I wouldn't be prepared to swear to that."

Muskie and Dr. Jeane Kirkpatrick found a small patch of common ground Wednesday, agreeing that the harm caused by the Iran-Contra scandal is in large part the result of casual, informal procedure and lack of strong authority from the top.

Muskie, a member of the Tower commission that investigated the Iran-Contra affair and Kirkpatrick, former U.S. ambassador to the United Nations and a member of Ronald Reagan's cabinet, participated in the MSC Wiley lecture series Wednesday night. Journalist Howard K. Smith moderated the event.

At the press conference, Kirkpatrick said that "the formation of an orderly, formal process" is the most important lesson to be learned from the affair.

"I think we had that (a formal process) most of the time during the first term," she said of her years in

the Reagan administration. "I say most of the time, not all of it."

"I understand the pressures to make oral decisions and face-to-face decisions . . . but there are a lot of very good reasons why that is a bad idea."

Several times during the day Muskie reiterated one of the key findings of the Tower commission report — that many of the Iran initiative's

released," he said. "In fact, it would be seven months before a single hostage was released. However, the president was not informed of this failure," and negotiations continued.

Had the CIA been in charge of the transfer, the director of the CIA, the president and the entire National Security Council immediately would have been privy to the operation's breakdown, Muskie said.

The Tower commission report points to this first transfer of 1,000 TOWs as the watershed event of the Iran-Contra affair because it marks the first direct U.S. involvement in the initiative.

"One thing I am sure about is that whatever was done with regard to the Iran-Contra affair, it did not shock our allies."
— Dr. Jeane J. Kirkpatrick

At the main Wiley Lecture Series event, Kirkpatrick suggested that the strong restraints "imperial Congress" has placed on the president's foreign-policy capabilities forced the Reagan administration to use the NSC staff to perform covert operations.

At the press conference, Kirkpatrick was asked how the Iran-Contra scandal has colored the United States in the eyes of foreign countries.

problems would have been avoided had the Central Intelligence Agency conducted the operation rather than the National Security Council staff, (i.e. Lt. Col. Oliver North and Vice Adm. John Poindexter).

"One thing I am sure about is that whatever was done with regard to the Iran-Contra affair, it did not shock our allies," she said. "This is a widespread misconception. I think a lot of damage has been done and I deeply regret it . . . but not because it shocked our allies."

Muskie said, "If this had been operated by the CIA, then automatically the director of the CIA would have been in a position to keep the president informed." This is because the director of the CIA, together with the president, the vice-president and the secretaries of state and war, is a member of the National Security Council per se.

"For one thing, virtually all of our best friends had decided before we did to open a channel of communication to Iran. Second, a good number of our good friends were already engaged in supplying arms and parts to Iran — some to Iraq."

Muskie used the example of the 1,000 TOW anti-tank weapons shipped to Iran in Feb. 1986 — the first arms shipment handled directly by the U.S. government. Muskie said it was the explicit understanding of "the principals" — Reagan, Bush and other key members of the administration — that all U.S. hostages would be released following the transfer of the initial 1,000 TOWs.

Muskie added that most of our allies remained silent on the Iran-Contra affair, not wanting to exacerbate the problems Reagan was having and fearful that the United States would become too preoccupied with the scandal to deal effectively with foreign policy.

"The 1,000 TOWs were in fact sent to Iran, but no hostages were

Senate to repeat vote on highway bill in political showdown with Reagan

WASHINGTON (AP) — The Senate tentatively sustained President Reagan's veto of an \$88 billion highway bill on a 65-35 vote on Wednesday, handing him a tenuous victory in a high-stakes political showdown with the Democratic majorities of Congress.

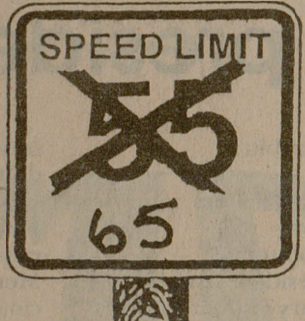
But in a long day of maneuvering on and off the Senate floor, Democrats sounded confident they would succeed in overriding the veto on a repeat roll call scheduled for today.

Reagan issued his veto last week, declaring that the bill was a budget-buster that was larded with wasteful pork barrel projects.

But it was popular with lawmakers, many of whom favored funding for one-of-a-kind highway demonstration projects in their home states.

Western lawmakers were attracted to a provision permitting states to raise the speed limit to 65 mph on most stretches of interstate highway.

And beyond the particulars of the bill, the veto fight became a test of Reagan's standing and prestige after months of political damage caused by the Iran-Contra affair.



Senate Majority Leader Robert Byrd, D-W.Va., said the president "isn't going to rise or fall on this vote," and said that 800,000 construction jobs would be lost if the veto stuck.

Senate GOP Leader Bob Dole conceded that the Democrats probably will succeed in overriding the veto, saying, "there's still some effort being made" to persuade Republican defectors to line up behind the president.

Democratic hopes for victory hinged on Democratic first-termer Terry Sanford of North Carolina, who initially supported the veto, but then said, "I would vote to override" on a second ballot.

Sanford said he was satisfied his first vote had demonstrated the president was still an effective leader.

He added that he was prepared to switch because an alternative highway bill prepared by the White House would mean less funding for his state than the vetoed measure.

White House spokesman Marlin Fitzwater said that Reagan, flying home from Philadelphia, remained aboard Air Force One for about 12 minutes after he landed at Andrews Air Force Base to make calls to senators.

Later, arriving at the White House, the president declined to answer questions about the Senate showdown. He said, "I don't have any answers now."

In the meantime, Vice President George Bush and Transportation Secretary Elizabeth Dole worked in separate offices just off the Senate

floor, seeking converts to Reagan's cause.

Dole said in a final appeal for support before the initial roll call, "It is a very critical vote for Ronald Reagan. This may determine the strength of this presidency for the next 21 months."

The maneuvering only served to heighten the stakes in the politically charged showdown that the GOP sought to turn into a test of Reagan's prestige after months of buffeting by the Iran-Contra affair.

On the initial vote, 52 Democrats and 13 Republicans voted to override Reagan. There were 33 Republicans and Sanford voting to sustain the veto.

Byrd switched his vote at the last minute to sustain the veto in a maneuver that enabled him to demand the second roll call.

It takes a two-thirds vote of both houses to override a veto. The House easily overrode the president on Tuesday, 350-73, but Reagan continues to lobby the Senate.



Photo by Doug La Rue

Students lined up Wednesday to cast their votes in the 1987 Student Government elections. Election commissioners informed *The Battalion* that votes wouldn't be tallied until this morning, so the results won't be published until Friday's edition. The election results will be announced at the Lawrence Sullivan Ross statue today at noon.

Baby M decision to impact state legislatures

HACKENSACK, N.J. (AP) — A judge's upholding of a surrogate parent contract in New Jersey after an Indiana judge ruled one invalid last year heightens the need for laws to clarify the sensitive issue, lawyers said Wednesday.

"Surrogacy has potentially devastating civil liberties implications for all parties involved," said Susan Sangree, an attorney with the American Civil Liberties Union's Reproductive Freedom Project in New York City. "We have to proceed very carefully and very thoughtfully."

Superior Court Judge Harvey R. Sorkow's 121-page decision in the "Baby M" case Tuesday granted custody of the year-old girl known as Baby M to her father, William Stern.

It denied parental rights to Mary Beth Whitehead, who had agreed to bear the child for Stern and his wife, Elizabeth, via artificial insemination. Mrs. Stern adopted the baby Tuesday.

Attorneys for Whitehead, who had changed her mind after agreeing to a \$10,000 surrogate contract, filed for a stay of the decision Tuesday.

They said the case probably will be appealed directly to the New Jersey Supreme Court, and that arguments are expected within four months.

Sorkow's strongest message, legal experts said, was a call for help from the nation's legislatures.

No state regulates surrogate parenting. Sixteen states have delved into the issue, with bills either pending or defeated in their legislatures.

The New Jersey and Indiana rulings set precedents for those states only, but lawyers and judges can refer to them while considering similar cases nationwide.

In the Indiana case, Superior Court Judge Victor S. Pfau invalidated a surrogate contract, saying fees paid to the surrogate mother constitute profiting from adoption, a Class D felony under state law.

He ruled a mother cannot agree to give up her child until after birth.

Nadine Taub, a Rutgers University law professor, said, "I think that there is always going to be a lot of conflicting law out there. This shows we need legislative clarification."

Sorkow called for laws to establish standards for sperm donors, legitimacy of the child, and the rights of the parents' spouses.

He also suggested there should be laws to determine the qualifications of a surrogate, whether payment to the mother should be allowed and remedies if the child is born impaired.

Sorkow said, "It took years of legislative debate and judicial inquiry to define and develop today's laws of abortion and artificial insemination."

"The issues and dimensions of surrogacy are still evolving, but it is necessary that laws be adopted to give our society a sense of definition and direction if the concept is to be allowed to further develop."

Attorneys agreed that most states will likely follow the judge's thinking and pass laws regulating surrogate motherhood, rather than outlawing the practice. They say surrogacy will continue, with or without regulations.

Opinions differed widely, however, on whether legislators should pass laws following Sorkow's decision that mothers should not be allowed to change their minds about surrogate contracts after conception.

Sorkow ruled a married couple's constitutionally guaranteed right to procreate should be extended to alternative means of reproduction, such as surrogacy. He also said laws allowing a man to sell his sperm should apply to women's wombs.

He cited the U.S. Supreme Court ruling in *Roe vs. Wade*, which gave women the right to abort a child in the first trimester of pregnancy, and

Karen Ann Quinlan's right-to-die case.

"If the law of our land sanctions a means to end life, then that same law may be used to create and celebrate life," he said, using legal logic that drew mixed responses from experts.

AUSTIN (AP) — The House Appropriations Committee, heading back to the starting line, might produce a proposed state budget that will show Gov. Bill Clements why his plan won't work, the panel's chairman said Wednesday.

Chairman Jim Rudd said there is "very little fat" in state spending, and Clements' anti-tax stand could force budget cuts that hurt.

"The fact of the matter is, under the governor's stance there is no other solution at this point that we have found other than making the deep cuts he has suggested," Rudd said.

On another front in the battle of the budget, Attorney General Jim Mattox said he would announce today his decision on a crucial question raised by Comptroller Bob Bullock,

Panel to revise budget to avoid tax hike

who wants to know if the state can legally carry forward to next year the \$1 billion deficit Texas will face when the current fiscal year ends Aug. 31.

If Mattox says the Texas Constitution's pay-as-you-go provision bars the carrying forward of deficits, lawmakers could be faced with approving an emergency tax bill to raise that money by Aug. 31.

The appropriations committee was about \$400 million above its target Tuesday when Rudd decided to start over. The second attempt at writing a budget will start Monday. Rudd said it is possible the committee will not be able to write a budget that will not require a tax increase.

"We're not going to set out to just cut to show (Clements) it's not going to work," he said. "That's not the

purpose. The purpose is to see if we can write something we can pass . . . and then show him what that will look like."

But if the committee produces a budget that either cuts too much or won't balance, Rudd said it would be up to House leaders to "show (Clements) why it doesn't work and show him line item by line item why it doesn't work."

"If he says it will work if you change this, that and the other, we'll need to take a look at it and see if we agree with him or disagree," Rudd said.

Clements said Wednesday the break until Monday would be good for the committee.

"You know they've been working so hard I think they need a holiday," he said.