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Sides square off over Dr. Henry Foster

Abortion record, ties to Planned Parenthood promise to make nominee's hearings a battle

BY NANCY FRAZIER O'BRIEN
CATHOLIC NEWS SERVICE

WASHINGTON — The White House vowed to stand behind President Clinton's choice for surgeon general, Dr. Henry W. Foster Jr., despite mounting opposition to his record of performing abortions and involuntary sterilizations of retarded women.

"We will fight for this nomination," said Leon Panetta, White House chief of staff, Feb. 12. Meanwhile, Foster attended Sunday services at his home church, First Baptist Church in Nashville, Tenn., and asked the congregation to pray for him.

But prayers might not be enough to assure Foster's confirmation as surgeon general. Even before the Senate Labor and Human Resources Committee set a date for Foster's confirmation hearings, several key senators of each party said they would vote against him — either because of his record or because of the White House failure to thoroughly investigate him before presenting the nomination.

"They should have taken the finest doctor they could find in the country, someone near retirement without any controversy," said Democratic Sen. Joseph Biden of Delaware. "It's not like this is the only doctor in the world."

Among the objections to the 61-year-old Foster were his longstanding ties to Planned Parenthood, the inability of White House officials and Foster himself to pinpoint the number of abortions he had performed, his leadership of an experimental program to test an abortion-inducing drug and his participation in performing hysterectomies on mentally retarded women in the 1960s and 1970s.

Clinton administration officials sought to counter the many reports



DR. HENRY W. FOSTER JR.

about Foster's involvement in abortions or sterilizations by circulating documents meant to show him as a mainstream doctor dedicated to bringing healthy babies into the world.

"The use of abortion solely as a form of contraception, although acceptable in some parts of the world, has not become prevalent in the United States," Foster said in one of the papers distributed by the White House.

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Sen. Joseph Biden
Delaware

Currently on the board of directors of Tennessee Planned Parenthood, Foster was a member of Planned Parenthood's national board in 1978-81 and its national advisory council in 1981-85.

Since 1989, he has served on the National Leadership Committee to Keep Abortion Safe and Legal, a Planned Parenthood affiliate organization.

Since the nomination was announced Feb. 2, Foster or government officials have estimated the number of abortions he performed in his 38 years as an obstetrician and gynecologist at one, fewer than a dozen or 39.

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Proposed surgeon general clashed with priest on ethics

BY NANCY FRAZIER O'BRIEN
CATHOLIC NEWS SERVICE

WASHINGTON — Transcripts of a 1978 hearing of the federal Ethics Advisory Board shows that Dr. Henry W. Foster Jr., President Clinton's choice for surgeon general, sometimes clashed with the board's most prominent Catholic member over the use of fertilized embryos for experimentation.

Jesuit Father Richard A. McCormick was professor of Christian ethics at Georgetown University's Kennedy Institute for the Study of Reproduction and Bioethics in Washington when he served with Foster on the Department of Health, Education and Welfare's Ethics Advisory Board in the late 1970s.

Now a visiting professor of theology

at the University of Notre Dame in Indiana, Father McCormick told Catholic News Service that he did not recall much about his work with Foster in the 1970s and had not spoken to him since the board was dissolved in 1979.

He said he had "no reason to think that Foster wouldn't do a good job" as surgeon general, but that issues of Foster's qualifications "have been dwarfed by the gross incompetence of the (nomination) process."

"The abortion issue is terribly controversial and divisive, and anyone who isn't squeaky clean on the issue" should not have been nominated, Father McCormick said.

The exchange between Foster and the priest in 1978 centered on the morality of using "spare" embryos for experimentation.

"Let's say we have super-ovulated

someone for the purpose of reimplantation," Foster said to Father McCormick at the Nov. 10, 1978, hearing in Seattle.

"Now you want to experiment on them," Father McCormick replied in discussing the hypothetical case.

The dialogue between the two then continued:

Foster: The ones that we don't use, which we can't use anyhow, even if we accept what you said you can live with.

Father McCormick: This gets into a matter, in my judgment, of how you translate what respect means. I tend to agree with (ethicist) Leon Kass that respect would say they have been brought into the world for a good purpose, now let them quietly go; don't use them. Just the way you wouldn't use a baby about to be aborted.

Foster: You don't see that as more

wasteful or worse than —

Father McCormick: It is a waste, yes, but I think from a moral point of view I can't see the justification for doing experimentation on something with no relationship to that something's good.

Foster: Even if it would benefit — OK.

Father McCormick: Yes, even so. Philip Halpern, a legal consultant to board chairman James C. Gaither, a San Francisco attorney, then took up the questioning of Father McCormick.

Halpern: Let me sharpen the question which I think Dr. Foster is asking. Suppose the purpose of this research on the remaining zygotes was to reduce ovum loss in subsequent transfers. Let's suppose when we start off

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