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MM-97-114

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

June 2, 1981

MEMORANDUM

TO: Members, Committee on Foreign Relations

THROUGH: Ed Sanders, Jerry Christianson

FROM: Chuck Berk, Peter Galbraith, David Johnson.

RE: Executive Session hearing with Dr. Ernest Lefever
June 4 at 2:00 PM, Rm. S-116

During the executive session hearing with Dr. Lefever you may wish to explore the following areas of interest.

A. The relationship of Dr. Lefever and the Ethics and Public Policy Center to the Nestle Company.

1. Dr. Lefever's first contact with the Nestle Company concerning his interest in the infant formula controversy, when and with whom he met, and what was discussed.

2. Whether Dr. Lefever held a staff meeting at the Center during the latter part of 1979 at which time he may have discussed a possible infant formula study and possible funding by Nestles to the Center.

3. How Dr. Lefever interpreted his assurance to Herman Nickel that none of the funding of the study would come from the infant food industry, and whether he felt any obligation to Mr. Nickel to inform him that the Center received general purpose funding from a number of infant formula producers while Mr. Nickel was researching the study.

4. Whether Dr. Lefever discussed doing a Center reprint of the Nickel article with any Nestle's company officials or with Thomas Ward, Nestle's Washington, D.C. counsel.

(a) Why Dr. Lefever distinguishes between a general contribution to the Center and a specific contribution for a specific project.

5. Whether Nestle's or Mr. Ward offered to underwrite the cost of the reprint.

6. Whether Dr. Lefever asked Nestle's or Mr. Ward to underwrite the cost of the reprint.

7. Whether Dr. Lefever accepted a mailing list from Nestle's to be used for distributing the Nickel article.

8. Whether Dr. Lefever considered the mailing list to have been an "in-kind contribution" and, if so, whether acceptance of the list violated the Center's Ethical Code.

9. Why Thomas Ward contributed to the Center and whether Dr. Lefever had reason to believe that Ward's contributions may have originated with the Nestle Company.

10. The dates on which Thomas Ward contributed to the Center.

11. The costs to the Center of mailing and printing the Nickel article and the size of the mailing list.

12. Whether Dr. Lefever ever provided a list of corporate contributors to the Center, to Douglas Groner or Tom Ward.

B. Alleged Contributions to the Ethics and Public Policy Center by persons or entities associated with the Government of South Africa or other Foreign Governments.

1. Whether Dr. Lefever ever inquired if the "European Catholic family fund" had any ties to the South African Government or South African nationals.

2. What the objectives of the Center's Pacific Project are and whether, to his knowledge, the government of Taiwan or South Korea have directly or indirectly contributed to the project. Whether such contributions, if made, were earmarked for specific purposes.

C. Possible Conflicts in the Testimony of Dr. Lefever

1. Whether Dr. Lefever was unaware of the Committee's interest in getting complete access to the list of contributors to the Center.

2. Whether Dr. Lefever continues to assert that he did not state the opposition to him was Communist or Marxist inspired.

3. Whether Dr. Lefever considered his first meeting with Douglas Groner of Nestle's not to have been contact with Nestle's prior to the commissioning of the Nickel Study.

NESTLE - LEFEVER: OUTSTANDING ISSUES

1. Did Dr. Lefever violate his own Center's code of ethics or otherwise engage in improper or unethical behavior as a result of the relationship between his Center and Nestlé? (The Center's code of ethics, rather narrowly defined by Dr. Lefever is: "It is the policy of the Center not to accept contributions for specific projects in which a donor has a direct or indirect financial interest. It is the policy of the Center to accept all contributions from all legitimate sources for our general program . . . ")
2. Did Dr. Lefever misrepresent his relationship or that of his Center with the Nestlé Corporation during his sworn testimony before the Senate Foreign Relations Committee?
3. Did the Center's acceptance of the mailing list from Edelman, which appears to constitute a tax-deductible donation from Nestlé, violate any federal regulations such as those of the Internal Revenue Service?