

A 641/95  
MacBride Campaign  
4.6.96



4 June 1996

cc Mrs Campbell (O/R)

TO: 1. Mr Madden  
2. Ms McGivern

FROM: Graeme Houston

**MACBRIDE SITUATION REPORT - 1995**

1. Attached is a copy of the MacBride Situation Report on legislation introduced during 1995.
2. Congress, and a large number of US states, had carry over arrangements for 1995/96 allowing bills introduced in 1995 to remain live into the 1996 session. This has made it more difficult for the Embassy, Consulates and BIS to track and confirm the position on bills where little progress has been made and has led to the delay in producing this report.
3. No new legislation has been introduced since the start of 1996 so these tables also reflect the current position. For this reason I have not produced, at this time, a separate set of tables for 1996.
4. Mrs Campbell had suggested that a MacBride strategy report might be included with the tables (copy of draft at Annex A). However, as Mr Haire has already incorporated this into a submission to the Minister on 13 May 1996 which has been widely circulated, (copy at Annex B), you may wish to consider if this would still be appropriate.
5. A draft submission to Mr Haire is attached for consideration.

**GRAEME HOUSTON**

*Graeme Houston*

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cc Mrs Campbell (O/R)

June 1996

TO: 1. Mr Haire  
2. Mr Gibson

FROM: Clare McGivern

**MACBRIDE CAMPAIGN UPDATE REPORT - 1995**

1. The attached tables show the position on MacBride legislation introduced in the United States during 1995.
2. For Congress, and many States, there was a 1995/96 carry over and a number of bills introduced in 1995 have remained live into 1996.
3. As no new bills have been introduced since the start of 1996 these tables also reflect the up to date position for this year.
4. Information is set out in the following annexes:

Annex A - Federal Legislation

Annex B - State Summary

Annex C - Cities with MacBride Activity

Annex D - List of States and Cities which have adopted MacBride Legislation

Annex E - Companies with MacBride Agreements with New York City Comptrollers Office

**CLARE MCGIVERN**

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	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Federal</b> 2 Jan-11 Nov (95/96 carry over)	-	<p><u>Bill HR 470</u></p> <p>Introduced by Congressman Gilman prohibits the import of goods manufactured in NI unless it can be shown that the producer complied with MacBride at the time of production.</p> <p><u>Bill HR244</u></p> <p>Introduced by Congressman Engel requires certain entities receiving funds from the IFI to comply with MacBride.</p> <p><u>Bill S424</u></p> <p>Introduced by Senator D'Amato it requires adherence to the MacBride Principles by US persons doing business in Northern Ireland.</p> <p><u>Bill HR1561 (Authorisation)</u></p> <p>Introduced by Congressman Gilman, this Bill authorises appropriation for foreign assistance programmes, including the International Fund for Ireland. It also requires that recipients of US money contributed to the International Fund for Ireland must comply with 9 "principles of economic justice". These are</p>	<p>Congressional hearings were held before the Committee of International Relations on 15 March 1995. No further action is scheduled.</p> <p>This Bill was withdrawn and similar provisions incorporated into HR1561.</p> <p>This Bill was assigned to the Senate Finance Committee. However, it has not progressed and is unlikely to do so. No hearings are scheduled.</p> <p>The Bill was introduced on 3 May 1995. On 15 May 1995 the International Relations Committee endorsed the Bill voting 32 to 8. The Bill passed to the House and was included as an amendment in the passage of the American Overseas Interest Act by a</p>



CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
	<p>similar, but not identical to the MacBride Principles. The Bill does not in fact mention MacBride, however, all press coverage refers to it as "MacBride legislation".</p>	<p>vote of 222 to 192 on 8 June 1995. The Senate produced a separate authorisation bill which did not contain any MacBride language. The two bills were referred to Conference from which an agreed bill, including the principles of economic justice, emerged on 7 March 1996. This bill was approved by the House on 12 March 1996 and by the Senate on 28 March 1996. The bill then passed to the President who vetoed it on 12 April 1996. While the administration does not feel the principles are appropriate in this legislation, they have let it be known that they find the principles largely unobjectionable and their inclusion alone would not have been enough to secure the veto which arose because of other issues in the bill. A motion to overturn the veto was unsuccessful on 30 April 1996 and while the bill remains within the system it is unlikely that it will be returned to.</p>

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	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
		<p><u>HR 1563</u></p> <p>This bill was also introduced by Congressman Gilman and contains provisions similar to those in HR1561 applying the 'principles of economic justice' to the International Fund for Ireland.</p>	<p>The bill was referred to the International Relations Committee. The bill has not progressed and further action is unlikely because the Committee decided to mark up HR1561 (the larger bill) which includes the provisions contained in this bill.</p>

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STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Alabama</b> 18 Apr-31 July	-	-	-
<b>Alaska</b> 16 Jan-16 May (95/96 carry over)	-	-	-
<b>Arizona</b> 9 Jan-15 May	-	-	-
<b>Arkansas</b> 1 Jan-15 May	-	-	-
<b>California</b> 5 Dec 94-15 Sept (95/96 carry over)	<u>1990</u>  Survey of fair employment in NI - Report completed December 1990 Legislation has now expired	-	-
<b>Colorado</b> 9 Jan-8 May	-	-	-

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## STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
Connecticut 4 Jan-7 June	<p><u>1987</u></p> <p>Monitoring divestment and shareholder resolutions</p>	<p><u>Bills 5714 and 6396</u></p> <p>Contract compliance prohibiting state purchasers from any corporation doing business in NI unless it has adopted MacBride</p>	<p>Both Bills went before the Government, Administration and Elections Committee. Neither was raised as a formal Committee Bill and both were killed at the end of the session.</p>
		<p><u>Amendment of 1987 Legislation</u></p> <p>Treasury Bill amending the 1987 legislation to allow the State Treasurer to invest in companies that have implemented the MacBride Principles (previously they had to have been adopted). The Treasurer will accept compliance with Northern Ireland Fair Employment Law as implementation of MacBride.</p>	<p>This was successful at the Committee stage and passed to the House which voted 145 to 1 to revoke the Legislation on divestment but to tie investment in companies doing business in Northern Ireland to those adhering to the MacBride Principles. The State Treasurer intends to equate compliance with Fair Employment Legislation with implementation of MacBride. The Bill has become law.</p>

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## STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Delaware</b> 9 Jan-9 June (95/96 carry over)	-	-	-
<b>Florida</b> 2 Feb-7 April	<u>1988</u>  Monitoring and discretionary divestment	-	-
<b>Georgia</b> 9 Jan-3 Mar (95/96 carry over)	-	-	-
<b>Hawaii</b> 18 Jan-1 May (95/96 carry over)	-	-	-
<b>Idaho</b> 9 Jan-1 Apr	-	-	-
<b>Illinois</b> 11 Jan-22 Dec (95/96 carry over)	<u>1988</u>  Survey and report on compliance. Report was completed in 1989. (Legislation now expired.)	<u>House Bill 1686 and Senate Bill 1250</u>  Limit pension fund investment to those companies which have complied with MacBride. Require monitoring and support for shareholder resolutions.	Senate Bill 1250 was introduced in March 1994 and was carried forward to 1995 because 1994 was a 'Rules Year'. The bill was passed to the Revenue Committee and was carried forward again to the 1996 session. No efforts were made to progress it and It died at the end of this session on 22 May 1996.

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# STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
			The House Bill was introduced on 15 May 1995 and assigned to the House Executive Committee. It emerged from this Committee and went into House Rules where it is still sitting. Further progress is unlikely.
<b>Indiana</b> 9 Jan-1 May	-	-	-
<b>Iowa</b> 9 Jan-28 Apr (95/96 carry over)	-	-	-
<b>Kansas</b> 9 Jan-28 Apr (95/96 carry over)	-	-	-
<b>Kentucky</b> No Regular Session	-	-	-
<b>Louisiana</b> 27 Mar-9 June	-	-	-

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## STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Maine</b> 7 Dec 1994-15 June (95/96 carry over)	<u>1988</u>  One-off report and shareholder resolutions  <u>1991</u>  Annual reporting	-	-
<b>Maryland</b> 11 Jan-10 Apr	-	-	-
<b>Massachusetts</b> 4 Jan-2 Jan 96 (95/96 carry over)	<u>1985</u>  Monitoring and shareholder resolutions  <u>1988</u>  1985 Bill applied to pension funds.  <u>1994</u>  Legislation forbidding companies doing business with the State from discriminatory employment practices in Northern Ireland	<u>Bill S1430</u>  This amends the 1994 Legislation but is consistent with the Fair Employment Act and does not mention MacBride	The Bill was assigned to the Committee on Public Service but has not emerged.

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# STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Michigan</b> 11 Jan-29 Dec (95/96 carry over)	<u>1988</u>  Monitoring and shareholder resolutions	-	
<b>Minnesota</b> 3 Jan-22 May (95/96 carry over)	<u>1988</u>  Monitoring and shareholder resolutions	-	-
<b>Mississippi</b> 3 Jan-2 April	-	-	-
<b>Missouri</b> 4 Jan-15 May	<u>1994</u>  Monitoring and shareholder resolutions	-	-
<b>Montana</b> 2 Jan-25 April	-	-	-
<b>Nebraska</b> 4 Jan-6 June (95/96 carry over)	<u>1994</u>  Monitoring and shareholder resolutions	-	-



# STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Nevada</b> 16 Jan-30 June	-	-	-
<b>New Hampshire</b> 4 Jan-20 June (95/96 carry over)	<u>1989</u>  Monitoring, discretionary investment and shareholder resolutions	-	-
<b>New Jersey</b> 10 Jan-9 Jan 96	<u>1987</u>  Monitoring and shareholder resolutions	<u>Senate Bill 311</u>  Contract compliance legislation prohibiting contracts with NI companies unless they have taken steps to conduct business in accordance with the MacBride Principles and allow independent monitoring. Revised wording now includes the Fair Employment Act (1989) and it is compliance with this which the Governor intends to use in determining compliance.	In February 1995 the Bill was passed by the New Jersey Assembly by a vote of 71-1. Governor Whitman conditionally vetoed the Bill amending the wording and reducing its effect. The substitute Bill has now been signed into law.

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## STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>New Mexico</b> 17 Jan-17 March	-	-	-
<b>New York (State)</b> 4 Jan-3 Jan 96 (95/96 carry over)	<u>1986</u>  Discretionary disinvestment monitoring  <u>1992</u>  Contract Compliance	-	Governor Pataki apparently tried to drop MacBride using an amendment "buried" in his 1995 Executive Budget request. Following pressure he vowed to restore MacBride to the Bill during the amendments period. We understand he has asked Governor Weld's office in Massachusetts for details of their amendments. These have been passed with details of the tactics used by Governor Weld. In the end there were no changes in the legislation on the statute books.
<b>North Carolina</b> 23 Jan-4 July (95/96 carry over)	-	-	-
<b>North Dakota</b> 3 Jan-26 April	-	-	-
<b>Ohio</b> 3 Jan-31 Dec (95/96 carry over)	-	-	There was thought to be a strong possibility of the introduction of legislation during 1995 but no bills were introduced.

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# STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Oklahoma</b> 3 Jan-26 May (95/96 carry over)	-	-	-
<b>Oregon</b> 9 Jan-30 June	-	<u>Senate Bill 338</u>  Restriction of investment of state funds to those US companies in NI who adopt MacBride.	The Bill was assigned to the Senate Committee on Labour and Government Relations but did not emerge and died at the end of the 1995 session.
<b>Pennsylvania</b> 3 Jan-30 Nov (95/96 carry over)	<u>1992</u>  Monitoring and divestment	<u>House Bill 1894 and Senate Bill 1036</u>  Companies with operations in Northern Ireland (or with a 10% interest in a company with operations in Northern Ireland) obtaining state contracts must take lawful good faith steps to comply with MacBride. There is provision for the investigation of contractors alleged to be in violation of the Principles and the imposition of penalties.	The House Bill was introduced on 28 June and was referred to the Committee on State Government. It was carried over to 1996.

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# STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
			<p>The Senate Bill was introduced on 23 May and has been referred to the Finance Committee. It was also carried over to 1996.</p> <p>GATT incompatibility arguments have been used against these bills and, as they pose a threat to the Governor's international trade and investment strategy, the Governor's staff and the Commerce Department have told the Chairmen of both Committees that they want to see the bills die in Committee without hearings.</p>
		<p><u>Senate Bills 1040, 1041, 1042, 1043</u></p> <p>These Bills would effectively repeal the current legislation.</p>	<p>The Bills were introduced by Senator Gibson Armstrong and were referred to the Finance Committee. They were carried forward to 1996 but Senator Armstrong has made no efforts to progress them.</p> <p>All of the above bills will die on 30 November 1996 unless acted on.</p>

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## STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Rhode Island</b> 3 Jan-28 June (95/96 carry over)	<u>1987</u>  Monitoring, Shareholder resolutions and discretionary divestment	-	-
<b>South Carolina</b> 10 Jan-3 July (95/96 carry over)	-	-	-
<b>South Dakota</b> 10 Jan-14 Mar	-	-	-
<b>Tennessee</b> 10 Jan-31 Mar (95/96 carry over)	-	-	-
<b>Texas</b> 10 Jan-29 May	-	-	-
<b>Utah</b> 16 Jan-1 Mar	-	-	-
<b>Vermont</b> 4 Jan-19 May (95/96 carry over)	<u>1989</u>  Monitoring and shareholder resolutions	-	-
<b>Virginia</b> 11 Jan-9 Feb	-	<u>House Bill 2264 and Senate Bill 950</u>  Bans on future investment of state funds in companies that have not implemented MacBride.	Both bills were killed by vote in the House Committee on General Laws.

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## STATE LEGISLATION

STATE	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
<b>Washington State</b> 9 Jan-23 Apr (95/96 carry over)	-	-	-
<b>West Virginia</b> 11 Jan-11 Mar	-	-	-
<b>Wisconsin</b> 12 Jan-8 Jan 96 (95/96 carry over)	-	-	-
<b>Wyoming</b> 10 Jan-5 Mar	-	-	-

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## \*CITY LEGISLATION

CITY	CURRENT LEGISLATION	PROPOSED LEGISLATION	LATEST POSITION
New York (City)	<u>1985</u> Adoption of resolutions by various pension funds  <u>1991</u> Monitoring and Contract Compliance	-	New York has been prominent in proposing and supporting shareholder resolutions on MacBride
Philadelphia (Pennsylvania)	<u>1987</u> Divestment bill passed	<u>City Ordinance 574</u> Contract compliance legislation prohibiting new contracts and renewal of contracts with companies in NI who have not adopted MacBride. Monitoring of City Banks on an annual basis through filed statements detailing NI business.	On 16 March 1995 the City Council unanimously passed the Bill. It was signed into law by Mayor Rendell.
Cleveland (Ohio)		Councilman Pat O'Malley tried to introduce a new ordinance on 15 May 1995. The Mayor was able to prevent him tabling the ordinance and met with the Council leadership on to explain how the existing legislation is working and that there is no need for further legislation.	

\*See Annex D for a list of all cities where MacBride legislation has been enacted

# ANNEX D

## STATES/CITIES WHERE MACBRIDE LEGISLATION HAS BEEN ADOPTED

### STATES

### CITIES

Connecticut

Baltimore (Maryland)

New Haven (Connecticut)

Stoney Point (New York)

Florida

Burlington (New York)

New York City

Tucson (Arizona)

Illinois

Boston (Massachusetts)

Omaha (Nebraska)

Washington DC

Maine

Burlington (Vermont)

Painesville (Ohio)

Wilmington (Delaware)

Massachusetts

Chicago (Illinois)

Parma (Ohio)

Yonkers (New York)

Michigan

Cleveland (Ohio)

Philadelphia (Pennsylvania)

Minnesota

Detroit (Michigan)

Pittsburgh (Pennsylvania)

Missouri

Hartford (Connecticut)

Rochester (New York)

Nebraska

Kansas City (Missouri)

Rockland City (New York)

New Hampshire

Lackawanna City (Pennsylvania)

St Louis (Missouri)

New Jersey

Lakewood (Ohio)

St Paul (Minnesota)

New York

Minneapolis (Minnesota)

San Francisco (California)

Pennsylvania

Monroe (New York)

Scranton (Pennsylvania)

Rhode Island

Springfield (Massachusetts)

Vermont

## COMPANIES WITH MACBRIDE AGREEMENTS WITH NEW YORK CITY COMPTROLLERS OFFICE

AES

Alexander &amp; Alexander Services

AM International

American Home Products

American Telephone &amp; Telegraph (AT&amp;T)

Avery Dennison

BCE Corp/Northern Telecom

Dana

Data General

Digital Equipment

Du Pont

Federal Express\*

Fruit of the Loom

GAP

GATX Corp

General Motors

Honeywell

International Business Machines (IBM)

Marsh &amp; McLennan

McDonalds

Nacco Industries

Nynex

Oneida

Philip Morris

Pitney Bowes

Procter &amp; Gamble

Reynolds Metals

Sara Lee\*

Sonoco

Teleflex

Texaco

Tyco International

Unisys

V F Corporation

Westinghouse Electrical

\*Company no longer has operations in Northern Ireland

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## ANNEX A

### THE ANTI MACBRIDE STRATEGY

#### BACKGROUND

Prior to the Spring of 1995, the approach to countering the MacBride campaign was focused on opposing only those Bills most likely to do damage to HMG's and Northern Ireland's political and economic interests. Bills which were less of a threat were also opposed but with less vigour.

Whilst there was a certain degree of selectivity and prioritisation in this approach it was not substantial. Considerable resources in terms of finance and staff, both in the USA and Northern Ireland were deployed to combat the MacBride campaign.

Because of a significant number of developments since 1990, it became necessary to refine this approach. These developments were:

- the 1989 Fair Employment Act was proving to be an effective tool for providing redress for individual complainants and reducing the employment gap between the two communities;
- the peace process and the paramilitary ceasefires provided a new environment within which to operate;
- the "Call" by churchleaders for fair employment linked to investment, was welcomed by HMG, President Clinton, the Irish Government, the trade unions etc and was already making some impact in offsetting some of the damaging effects of the MacBride campaign, and ,
- the announcement that SACHR would take forward the Employment Equality Review, thus assuring all concerned that it would be genuinely open and independent.

#### REVISED STRATEGY

The revised strategy which was developed was as follows:

- |                     |  |
|---------------------|--|
| <b>Monitoring:</b>  | continuous monitoring at Federal and State level to identify potential MacBride legislation  |
| <b>Selectivity:</b> | Bills to be <del>considered</del> on their merits. All Federal legislation to be opposed, together with that at State level calling for contract compliance or penalties against US companies doing business in Northern Ireland |

**Positive views:** increased use of opportunities to convey positive information relating to progress on fair employment

**Tone:** the adoption of a less aggressive/defensive "tone" in relation to the MacBride Principles, focusing instead on the fact that they are unnecessary and unenforceable

**Investment focus** emphasis on the importance of new job creating investment in achieving economic prosperity for both communities. The churchleaders' "Call" is particularly relevant in this context

**Witnesses/lobbyists** a review of the employment of all lobbyists in line with the "selective" approach, and the cessation of the practice of flying out "witnesses" to the USA unless they would make the difference between winning and losing a vital vote

#### IMPLEMENTATION OF REVISED STRATEGY

The revised strategy was agreed with Ministers and with the FCO, in particular, the Washington Embassy. Since its introduction in the Spring of 1995, the strategy has been supported by the following activities:

- monitoring of Federal and State legislation, as well as identification of any potentially harmful legislation at city level;
- consideration of individual Bills to establish those where intervention was required;
- a review and rewrite of all MacBride briefing material and literature to reflect the revised strategy and "tone", including the linking of fair employment to new job creating investment;
- the preparation of detailed positive briefing documents for use by Consular staff, the NI Bureau and the churchleaders' lobbyist in the USA;
- the preparation of a positive briefing booklet for use at the Belfast and Washington Investment Conferences;
- the organisation of a "breakout" session at the Washington Investment Conference, where fair employment, MacBride issues and the churchleaders' "Call" were debated with key players;
- a revision of presentational material used at information sessions;



- promotion of the churchleaders' "Call" as appropriate;
- the review of all lobbyists' contracts to the extent that there are currently no lobbyists employed in the USA. No "witnesses" have been sent to the USA since the introduction of the revised strategy.

#### 1995 MACBRIDE ACTIVITY

There has been less MacBride activity in the United States this year than in any year since the Campaign began. Activity has focused around legislation at Federal level where there was an attempt to tie the allocation of IFI funding to adherence to "principles of economic justice" - a diluted form of the MacBride Principles - in a Bill authorising foreign aid. As a result of FCO/DED/IFI lobbying, this Bill has just been vetoed by the President. Although it remains in the system and technically can be resurrected any time before the end of 1996, this is unlikely to happen.

Other MacBride activity in 1995 has been as follows:

- two contract compliance Bills were defeated in Connecticut. A further Bill was enacted which links State investment to the implementation of the MacBride Principles. Following DED/FCO advice, the State Treasurer stated that he intends to equate compliance with the fair employment legislation with the implementation of the MacBride Principles;
- two "monitoring" Bills were introduced in Illinois, but these were successfully killed off;
- a contract compliance Bill was introduced in New Jersey. It was signed into law by the Governor, but only after she revised the wording, as a result of lobbying by FCO/DED, removing references to the MacBride Principles and substituting fair employment principles;
- two contract compliance Bills introduced in Pennsylvania are still current. The GATT argument is being deployed in opposing these. BIS New York, who are taking the lead in this opposition, supported by DED, is hopeful that these Bills can be defeated, however this is by no means a foregone conclusion;
- two Bills introduced in Virginia were successfully defeated following involvement by FCO/DED, and,
- a city ordinance was introduced in Philadelphia, but this was substantially diluted as a result of debate, primarily with the FCO, and is largely unenforceable.



#### PROSPECTS FOR 1996

The current position is that there is no impending MacBride legislation, (notably not even in California where a Bill has been introduced each year in the past), with the exception of the following:

- two Pennsylvania Bills are still the subject of debate;
- the Federal "authorisation" Bill may be resurrected, but this is unlikely.

The MacBride lobby appears to have recognised the change in the "climate" to the extent that they are adopting a slightly less combative stance. They have publicly acknowledged the need for new investment and have had discussions with SACHR in the context of the Employment Equality Review. Sean McManus of the Irish National Caucus (INC) recently acknowledged the efforts being made by Harland and Wolff to achieve fair employment.

In recent months, MacBride campaigners have directed their fire towards the Ford Motor Company and Old Bushmills Distillery, advocating product boycotts because of alleged discrimination by these companies against Roman Catholics.

The feasibility of the investment bonds proposed by Alan Hevesi, Comptroller of New York City, remain the subject of investigation by the British and Irish Governments.

The latest information from Washington would suggest that the veto of the authorisation Bill is unlikely to sour the Irish American "love affair" with President Clinton. Most Republicans are aware of this and are therefore unlikely to argue in favour of a new Republican enthusiasm for MacBride (except perhaps for Senator Gilman and his associates). It is thought likely that abortion, rather than MacBride, will be the main element in the Republican's pitch for the Catholic vote in November. The INC has already attacked the President for his veto of a recent Bill banning "partial birth" abortions.