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## Counsel to GOP Senator Wrote Memo On Schiavo

Martinez Aide Who Cited Upside For Party Resigns

By Mike Allen  
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The legal counsel to Sen. Mel Martinez (R-Fla.) admitted yesterday that he was the author of a memo citing the political advantage to Republicans of intervening in the case of Terri Schiavo, the senator said in an interview last night.

Brian H. Darling, 39, a former lobbyist for the Alexander Strategy Group on gun rights and other issues, offered his resignation and it was immediately accepted, Martinez said.

Martinez, the GOP's Senate point man on the issue, said he earlier had been assured by aides that his office had nothing to do with producing the memo.

"I never did an investigation, as such," he said. "I just took it for granted that we wouldn't be that stupid. It was never my intention to in any way politicize this issue."

Martinez, a freshman who was secretary of housing and urban development for most of President Bush's first term, said he had not read the one-page memo. He said he inadvertently passed it to Sen. Tom Harkin (D-Iowa), who had worked with him on the issue. After that, officials gave the memo to reporters for ABC News and The Washington Post.

Harkin said in an interview that Martinez handed him the memo on the Senate floor, in hopes of gaining his support for the bill giving federal courts jurisdiction in the Florida case in an effort to restore the brain-damaged Florida woman's feeding tube. "He said these were talking points -- something that we're working on here," Harkin said.

The mystery of the memo's origin had roiled the Capitol, with Republicans accusing Democrats of concocting the document as a dirty trick, and Democrats accusing Republicans of trying to duck responsibility for exploiting the dying days of an incapacitated woman.

Conservative Web logs have challenged the authenticity of the memo, in some cases likening it to the discredited documents about Bush's National Guard service that CBS News reported last fall.

The staff of the Senate Rules and Administration Committee, at the request of a Democrat, spent a week trying to determine the memo's origin and had come up empty, said an official involved in the investigation.

The unsigned memo -- which initially misspells Schiavo's first name and gives the wrong number for the pending bill -- includes eight talking points in support of the legislation and calls the controversy "a great political issue."

"This legislation ensures that individuals like Terri Schiavo are guaranteed the same legal protections as convicted murderers like

— **Schiavo Memo** —  
• [The memo](#) that was circulated among Republican senators on the political advantages of supporting legislation to reinsert the Fla. woman's feeding tube. (PDF)

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Ted Bundy," the memo concludes.

It asserts that the case would appeal to the party's core supporters, saying: "This is an important moral issue and the pro-life base will be excited that the Senate is debating this important issue."

The document was provided to ABC News on March 18 and to The Post on March 19 and was included in news reports about congressional intervention in the Schiavo case. Bush returned from an Easter vacation in Texas and signed the bill shortly after 1 a.m. on March 21.

At the time, other Senate Republican aides claimed to be familiar with the memo but declined to discuss it on the record and gave no information about its origin.

In a statement issued last night, Martinez said that Harkin asked him for background information on the bill and that he gave him what he thought was a routine one-page staff memo on the legislation. "Unbeknownst to me, instead of my one page on the bill, I had given him a copy of the now infamous memo that at some point along the way came into my possession," the statement said.

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Harkin said that when he read the part about the politics of the case he thought that was "rather out of line," but he said he did not discuss the matter with Martinez. Harkin said he has no complaints about Martinez.

"I really worked in good faith with Senator Martinez on this issue and I found him to be a decent, caring person to work with on this, and so I have a lot of respect for him," he said.

Martinez said Harkin called him about 5 p.m. yesterday and told him that the memo had come from his office. Martinez said he then called in his senior staff and said, "Something is wrong here." He said that Darling later confessed to John Little, Martinez's chief of staff, and that he said he did not think he had ever printed the memo.

— **Schiavo Memo** —  
• [The memo](#) that was circulated among Republican senators on the political advantages of supporting legislation to reinsert the Fla. woman's feeding tube. (PDF)

"It was intended to be a working draft," Martinez said. "He doesn't really know how I got it."

Reached by telephone last night, Darling said it would not be appropriate for him to discuss the matter at this time.

Sen. Frank Lautenberg (D-N.J.), a member of the Rules and Administration Committee, wrote to the panel's leaders last week to ask for an investigation into the "document, its source, and how it came to be distributed."

"Those who would attempt to influence debate in the United States Senate should not hide behind anonymous pieces of paper," he said.

A Republican Senate official, who spoke on the condition of anonymity because he is not a committee spokesman, said yesterday that an informal inquiry began almost immediately and is likely to be concluded within a week.

Senate Minority Leader Harry M. Reid (D-Nev.) said in an interview Friday that he considered it "ludicrous" to suggest that his party created the document and said Republicans were using such talk to divert responsibility.

"I guess the best defense is a good offense -- that's their theory," he said.

In interviews at the Capitol yesterday, senators from both sides said they found the case perplexing, and a sign of the intense partisanship that permeates the building. Sen. Orrin G. Hatch (R-Utah) said that the torrent of accusations reflects the bitterness over the life-and-death issues in the Schiavo case, which he said were a proxy on both sides for what provokes "every other ugly political conversation -- that's abortion."

Sen. Joseph R. Biden Jr. (D-Del.) said he believed that the memo originated with the GOP because it is "totally consistent" with how

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the Republicans have operated for the past four years. "They just shouldn't lose their memos," he said.

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