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MEMORANDUM

JANUARY 29, 1993

TO: SENATOR DOLE

FROM: MIRA BARATTA

SUBJECT: VANCE AND OWEN ATTEMPTING TO FORCE AGREEMENTS AND
MAPS ON BOSNIAN GOVERNMENT

I have learned from a State Department staff person that Vance and Owen are planning to hold a plenary session tomorrow in Geneva with the Bosnians, Croats and Serbs, at which time they will ask all parties to sign the three relevant documents (including the map dividing Bosnia) of the Vance plan or face sanctions from the U.N. Security Council. If Vance goes forward -- you'll need to check the newspapers before Meet the Press on Sunday -- this is a very disturbing development; it amounts to blackmail and a virtual sell-out of the Bosnian government. It seems that Vance wants the Bosnian government to give up and surrender before the Clinton administration makes a decision on possible military action against the Serbs.

TALKING POINTS:

THERE IS LITTLE IF ANY RELATIONSHIP BETWEEN "PROGRESS" IN GENEVA ON THE VANCE PLAN AND THE REAL SITUATION ON THE GROUND IN BOSNIA.

APPROVAL BY THE SO-CALLED BOSNIAN SERB "ASSEMBLY" HAS NOT LED TO A DECREASE IN FIGHTING; THIS SHOULD BE NO SURPRISE SINCE THE SERBS TO DATE HAVE SIGNED MANY AGREEMENTS AND BROKEN THEM.

WOULD LIKE TO SEE NEGOTIATIONS SUCCEED, BUT THE VANCE/OWEN PLAN IS FLAWED; IT DOES NOT REVERSE ETHNIC CLEANSING, IT LEGITIMIZES SERB TERRITORIAL GAINS.

THE U.N. HAS BEEN INEFFECTIVE IN THE BALKANS (UNLIKE IN THE CASE OF IRAQ); IT HAS BEEN UNABLE TO IMPLEMENT THE PEACE PLAN IN CROATIA -- WHICH WAS PROBABLY A KEY FACTOR IN CROATIA'S DECISION TO TAKE MILITARY ACTION TO REGAIN CONTROL OF ITS TERRITORY. THEY HAVE BEEN UNABLE TO DELIVER FOOD TO ALL THOSE WHO NEED IT IN BOSNIA.

THE CASE IS CLEAR FOR U.S. LEADERSHIP. SO, I AM ENCOURAGED BY THE NEWS REPORTS THAT THE NATIONAL SECURITY COUNCIL IS WORKING ON OPTIONS TO ADDRESS THE BOSNIAN CONFLICT; ACCORDING TO ADMINISTRATION OFFICIALS, BOSNIA WILL BE THE HIGHEST PRIORITY ON THE NATIONAL SECURITY AGENDA.

THE CASE FOR U.S. INTERESTS IS CLEAR, TOO. STRATEGICALLY, WE NEED TO DO WHAT WE CAN TO PREVENT THE SPREAD OF WAR INTO KOSOVA WHICH WILL SPARK A REGIONAL WAR. MORALLY, WE NEED TO TRY TO END THE GENOCIDE TAKING PLACE UNDER THE STRATEGY OF ETHNIC CLEANSING.

TO THIS END, U.N. RESOLUTIONS MUST BE IMPLEMENTED; THE NO-FLY ZONE MUST BE ENFORCED AND THE U.N. MUST TAKE ALL NECESSARY MEASURES TO GET HUMANITARIAN AID TO THE PEOPLE WHO NEED IT. FURTHERMORE, THE ARMS EMBARGO MUST BE LIFTED AGAINST THE BOSNIAN GOVERNMENT AND SERB FORCES SHOULD BE THREATENED WITH NATO AIR STRIKES IF THEY DO NOT COME INTO COMPLIANCE WITH U.N. RESOLUTIONS AND AGREEMENTS.

DEFICIT

January 29, 1993

MEMORANDUM TO THE REPUBLICAN LEADER

FROM:

David Taylor *David*

SUBJECT: Talking Points on the Deficit

While I remain more convinced than ever that Clinton will manipulate the Gramm-Rudman deficit targets for 1994 and 1995 to make his new "goal" of reducing the deficit by \$145 billion in four years more attainable, we will not have any proof until Clinton's first budget is released in March.

Yesterday, you signed the attached letter to Leon Panetta. Domenici has signed the letter and is circulating it among Republicans on the Budget Committee. Senator Gramm has now decided that he will not sign the letter. The letter states Republican concerns about a possible return to smoke and mirror budgeting.

Some talking points are listed below:

- o Republicans were pleased with the nomination of Lloyd Bentsen and Leon Panetta because of their longstanding interest in and commitment to honesty in budgeting.
- o On his first full day in office, President Clinton notified Congress of his intention to raise the Gramm-Rudman targets for 1994 and 1995.
- o CBO's most recent deficit forecast projected a 1994 deficit that was only \$5 billion higher than what OMB projected last August. These numbers should have come as no surprise to President Clinton or his budget director, Leon Panetta.
- o Republicans are concerned that the President and OMB may use this opportunity to return to blue smoke and mirror budgeting. We will be looking closely at the President's 1994 Budget submission for signs of budget gimmickry.

ATTACHMENT

BOB DOLE
KANSAS

United States Senate

OFFICE OF THE REPUBLICAN LEADER

WASHINGTON, DC 20510-7020

January 29, 1993

The Honorable Leon Panetta
Director
Office of Management and Budget
Old Executive Office Building
Washington, D.C. 20503

Dear Director Panetta:

Congratulations on your confirmation as Director of OMB. Republicans in the Senate applaud your commitment to deficit reduction and your longstanding interest in honest budgeting. We look forward to working with you and the other members of the President's economic team to cut the deficit in half over the next four years.

On January 21st, President Clinton notified Congress of his intention to relax the maximum deficit amount (MDA) targets for FY 1994 and FY 1995 in his upcoming Budget. We are concerned that this decision may signal a reluctance on the part of the President to take on the special interests and fulfill his 4-year deficit reduction commitment.

As you prepare the President's FY 1994 Budget, there may be those within the Administration who urge you to manipulate the numbers for political advantage. The Congressional Budget Office's (CBO's) most recent forecast projects a 1994 deficit that is only \$5 billion higher than OMB projected last July. We will be interested to see if the President's Budget forecast is consistent with these estimates.

During your confirmation hearings, you indicated that reducing the deficit was critical to improving America's long-term economic competitiveness. We could not agree more.

Republicans stand ready to work with you to control Federal spending and reduce the deficit. The President's first Budget is an opportunity, an opportunity for Bill Clinton to show the American people that he is serious about fulfilling his commitments with credibility and integrity. We urge you to stand firm and ensure that President Clinton's first Budget meets the same high standards you demanded as Chairman of the House Budget Committee.

Respectfully,

Signed _____

ECONOMIC OVERVIEW

January 29, 1993

ECONOMIC OVERVIEW
TALKING POINTS FOR MEET THE PRESS

- o We heard a lot of talk during the campaign about the importance of the economy -- of stimulating investment and creating jobs -- and improving America's long-term competitiveness. Republicans stand ready to work with President Clinton to achieve those goals.
- o The economy is now showing real signs of life -- Growth was up 3.8 percent in the fourth quarter of 1992. Inflation is down. Retail sales and housing starts are up. Consumer confidence is up. The list goes on and on.
- o By all accounts, President Clinton and his advisers are hard at work on an economic package which is due out on February 17th. To date, Republicans have not been part of the discussions, but we are hopeful that will change in the months to come.
- o We are 10 days into the Clinton Administration, and what do we know?
 - His promise to cut the deficit in half in 4 years is now just a "goal".
 - The \$80 billion stimulus package has shrunk to between \$20 billion.
 - The President's own experts are telling that his health care package will not help reduce the deficit.
 - The tax proposal that has gotten the most attention within the Administration is a regressive, broad-based energy tax increase that will end up costing jobs.
- o President Clinton has stumbled out of the blocks, but this is just the beginning. I am looking forward to working with the President on an economic plan that builds on the momentum we have seen in the economy in recent months, creates jobs, and improves our long-term competitiveness.

FAMILY LEAVE

M E M O R A N D U M

January 29, 1993

TO: SENATOR DOLE
FROM: JIM MCMILLAN
RE: FAMILY LEAVE LEGISLATION AND DEBATE

General. Senate consideration of S. 5, the Family and Medical Leave Act of 1993, is scheduled for Tuesday; House floor action is scheduled for Wednesday. Aside from the debate of gays in the military, Sens. Craig and Dole are expected to offer the Republican tax credit alternative (either with or without the revenue portion of the bill if constitutional point of order is raised). In addition, Sen. Kassebaum will offer an amendment exempting companies from S. 5, if they offer a cafeteria benefit plan which includes family leave on the menu of available benefits. Finally, several Members have indicated interest in offering some amendments which tighten up some of the loopholes of S. 5. In this connection, I will have two amendments for you dealing with the definition of serious health condition and a limit on the cost to the business of complying with the legislation.

Craig/Dole bill. S. 10, the Flexible Family Leave Tax Credit Act of 1993, provides for refundable tax credits for businesses that establish non-discriminatory parental leave policies. The credit is available for all businesses with under 500 employees and amounts to a maximum of \$1,200 per employee for the maximum 12 week period of leave. It provides for the same types of leave (birth, adoption or foster care of child or in the case of a serious health condition of a child, parent, spouse or employee) and the same types of protections (maintenance of health insurance and reinstatement to same or similar position) as the Dodd bill. The big difference is that it is not a mandate and creates an incentive through tax credits for employers to offer family leave.

Dodd bill. S. 5 mandates that employers with 50 or more employees provide 12 weeks of family and medical leave during any 12 month period and maintain health insurance coverage during the period of leave. The bill is virtually the same as the legislation vetoed by President Bush last fall (except for one "technical" change which eliminates the requirement that the employer consent to leave taken pursuant to a reduced work schedule -- i.e., in effect, working a shorter day or modified schedule because of treatments or other justifiable reason).

Kassebaum Amendment. Sen. Kassebaum is planning on offering one amendment during the debate. It provides that as long as the employer offers a family and medical leave benefit as one choice within the cafeteria plan that is at least as generous as the Dodd bill, then the Dodd bill's mandate would be deemed satisfied.

TALKING POINTS
FLEXIBLE FAMILY LEAVE TAX CREDIT ACT OF 1993
JANUARY 29, 1993

- NEXT TUESDAY THE SENATE TAKES UP FAMILY LEAVE LEGISLATION. THE HOUSE HAS FLOOR ACTION SCHEDULED FOR WEDNESDAY. [SEE SEPARATE TALKING POINTS ON GAYS IN MILITARY.]
- THERE IS NO CONTROVERSY OVER THE NEED FOR FAMILY LEAVE LEGISLATION. WITH MORE AND MORE HOUSEHOLDS WHERE BOTH PARENTS ARE WORKING AND MORE AND MORE HOUSEHOLDS RUN BY SINGLE PARENTS, AMERICANS NEED GREATER FLEXIBILITY TO DEAL WITH THE COMPETING INTERESTS OF JOB AND FAMILY.
- THE QUESTION IS HOW DO WE DO IT WITHOUT HURTING THE ECONOMY AND CREATING JOB LOSS.
- THE DEMOCRATS WANT TO DO IT BY A MANDATE. A MANDATE IS JUST ANOTHER WORD FOR A TAX ON BUSINESS. THEY BELIEVE THAT WASHINGTON, D.C. KNOWS BEST AND SHOULD REACH INTO EVERY COMMUNITY, EVERY OFFICE, AND EVERY FACTORY AND TELL THE AMERICAN PEOPLE WHAT IS BEST FOR THEM.
- WHILE THE APPROACH MAY BE WELL-INTENTIONED, IT IS A BAD APPROACH THAT I HAVE OPPOSED AND WILL CONTINUE TO OPPOSE.
- ESTIMATES FOR THE COST OF SUCH MANDATES ARE IN THE BILLIONS OF DOLLARS.
- WHILE SOME ECONOMIC NEWS IS GOOD, WE STILL HAVE A VERY UNSETTLED EMPLOYMENT PICTURE WITH A NEW ROUND OF JOB CUTS JUST ANNOUNCED AT MAJOR CORPORATIONS SUCH AS BOEING AND SEARS.
- THE DEPARTMENT OF LABOR ANNOUNCED THAT INITIAL CLAIMS FOR THE WEEK ENDING JANUARY 16 WERE 364,000 -- A NUMBER THAT IS DISTURBINGLY HIGH.
- AND JUST WHEN THE NEED TO CREATE NEW JOBS IS GREATER THAN EVER, WE ARE GOING TO SAY TO BUSINESS: "WE IN WASHINGTON WANT YOU TO PAY FOR THIS GREAT PROGRAM WE THOUGHT OF THAT WILL COST BILLIONS OF DOLLARS."
- IT DOESN'T MAKE SENSE AND WILL FORCE EMPLOYERS TO CUT JOBS OR OTHER MORE DESIRABLE EMPLOYEE BENEFITS TO PAY FOR THIS HIDDEN TAX.
- THE APPROACH OF MYSELF AND OTHER REPUBLICANS IS TO PROVIDE AN INCENTIVE TO BUSINESS TO ESTABLISH FAMILY LEAVE PROGRAMS THROUGH REFUNDABLE TAX CREDITS. THE LEGISLATION PROVIDES FOR THE SAME TYPES OF LEAVE (UP TO 12 WEEKS FOR BIRTH, ADOPTION, FOSTER CARE OR SERIOUS HEALTH CONDITION) AND THE SAME TYPES OF JOB PROTECTIONS AS THE LEGISLATION INTRODUCED BY THE DEMOCRATS.

FOREIGN POL./TRADE

1/29/93

"MEET THE PRESS" TALKING POINTS/FOREIGN POLICY AND TRADE**Foreign Policy:**

-- Israel: The Israeli Supreme Court has upheld the expulsion of the Palestinians to Lebanon. The Bush Administration signed onto the UN Resolution condemning the expulsion and calling for the return of the deportees. Now another resolution is circulating in draft at the UN calling for sanctions on Israel and the Administration will probably veto it if the wording can't be changed.

The issue here is fairness. If the Administration vetoes the Resolution, it will be accused of hypocrisy, calling for action against Moslems in Somalia and Iraq and ignoring them in Israel and Bosnia. On the other hand, the previous Resolution said nothing about the violence that prompted the Israelis to act and took no note of Arab governments -- Kuwait, Jordan, Egypt, etc. -- which have expelled Palestinians and Moslem fundamentalists when necessary.

-- Haiti: The Haitian Government did not cooperate with the plan to send human rights observers which hurts the Clinton effort to convince Haitians to stay put. Meanwhile, Father Aristide got the endorsement he was seeking from Jesse Jackson and from some Clinton officials although there were a number of human rights abuses in Haiti during the brief time Aristide was President.

-- Somalia: The text of the Resolution which you and Senator Mitchell have sent out is in the book. So far we have six Republican cosponsors. The Resolution is a straightforward statement of what Bush did and why but Senator Brown says he has two amendments and there may be other amendments in which case we may have to take the Resolution down.

Trade:

-- Steel/autos: The extra tariffs put on foreign steel imports as retaliation against dumping will mean eventual higher prices for cars, refrigerators, stoves, etc. Car prices will go higher still if the domestic auto manufacturers are successful in their plan to file dumping cases against imported cars.

-- GATT: Both Baucus and Moynihan have called for an extension of fast track authority for the Uruguay Round of GATT talks. Under current law the Administration would have to present an agreement by March 1 to make the 90-day notification period before fast track expires June 1. To be successful, the

Administration would have to get Congressional leadership approval for a clean fast track vote with no amendments otherwise GATT opponents and protectionists of all sorts could tie it up indefinitely.

GAYS IN MILITARY

for them, and no one else's business. And that's the way I see the civilian side of the Pentagon. In the military, though—

KING: Where gays worked, we presume.

Mr. CHENEY: I assume so

KING: Yes.

Mr. CHENEY: I never asked. On the military side, though, you can't pursue that policy, because there is no privacy in the military. And the fact of the matter is that you have to, I think, judge policy changes with respect to the uniformed military based on how it affects your basic mission, your fundamental purpose. And we have to remember why we have a military. It's to fight and to win. That's the only reason they're there. And anything you do that detracts from that capability places at risk those who put on the uniform and go in harm's way for the nation.

And I've reviewed the policy with respect to gays. I, basically, don't believe in discrimination, but I did conclude, as Secretary of Defense, that the ban on gays in uniform was appropriate. It was the best advice I could get from our military commanders, and it clearly reflected the majority sentiment of those who were serving in uniform, and I felt it was sound policy. I think it's inappropriate to want to repeal it.

I guess the thing I find strangest about this past week is that, somehow, President Clinton's gotten himself into a position where the dominant issue of his new administration isn't the economy, it isn't the many crises that exist around the world. When he meets with the chiefs, it's not to sit down and talk about Yugoslavia or the disintegrating Soviet Union or troops in Somalia. It's all on his effort to try to repeal this 50-year-old ban on gays in the military.

KING: President Carter, sitting there, said — and this was before he took office — that he should have signed that right off. He made a promise. Sign it; let the Joint Chiefs deal with it; let Congress deal with it; put it away. Politically, should he have?

Mr. CHENEY: Well, you might be able to argue that politically, but this is an enormously complicated problem. If he's going to carry through on his commitment and change the policy, then an awful lot of things have to be addressed inside the military that you don't have to address now.

You've got to deal with such things, for example, as same-sex relationships. Now the Uniform Code of Military Justice, which applies to all uniform personnel, prohibits sodomy. It's a crime, a felony offense. Now you're going to have to change that, if you're going to allow those kinds of relationships in the military.

reflect an understanding
KING: And one other thing that have them and never have problems?

Mr. CHENEY: Well, I studied all those other countries in the world today that can't do it. It is the best, I think, that we have — an all-professional force.

And again, I come back to the fact that we are the Commander in Chief of the States — or the Secretary of Defense — and we are in the chain of responsibility for that force, for its care and feeding.

And changes in an offhanded way to make life more difficult.

KING: So you, finally, says to you, "I'd like to see you do that."

Mr. CHENEY: A lot of people are serving in the combat zone, and one of them.

We discriminate against women to serve in our combat zone. We're too old. We have a specific purpose of winning the war. We have to impose conditions on one else in the society.

KING: Are you surprised that I mean that it's the number one issue?

Mr. CHENEY: Well, I'm not surprised. It is such an emotional issue about it on both sides of the aisle, because I sense that we're on a tangent here on this issue. There are more important issues that we have to deal with.

KING: Foreign policy — that's a campaign. I think in Bill Clinton's Democratic convention minutes on it. Yet, it seems to me it's wrong?

Mr. CHENEY: I think we're not just a problem of the military, it's a problem of the public — If you asked them in the year's campaign, foreign policy is still a very dangerous problem out there.

Page Two

* Cases involving acknowledged homosexual status being contested by the individual will be processed through all applicable stages, including notice of the basis for separation, hearing before a board of officers, review of the board's recommendations by the separation authority, and action by the separation authority to discharge the person. If directed by the Attorney General, the final discharge in the cases based only on status will be suspended until the President acts on the recommendations of the Secretary of Defense with respect to current policy. A member whose discharge has been suspended by the Attorney General will be separated from active duty and placed in the standby reserve. Individuals in the standby reserve would have the option to return, upon request, to active duty should the current policy be changed. Those personnel whose cases have not been suspended will be discharged.

* Commanding officers may, in the interests of the individual of the unit concerned, direct changes in the assignment of personnel during the course of separation proceedings.

-30-

MIRA:

MEET THE PRESS: BAN ON GAYS IN THE MILITARY

SUMMARY OF CLINTON'S ANNOUNCEMENT:

By July 15, the Secretary of Defense will draft an executive order to end the present policy of exclusion solely on basis of sexual orientation. During the next six months, a study on the "real, practical problems" involved in this policy decision will be conducted. The JCS and the President have agreed to do the following over the next six months: (1) remove the question about homosexuality from the enlistment interview process; (2) maintain high standards of conduct; (3) suspend those actions against homosexuals which may be in process; (4) separation actions will be stayed by the Justice Department until July 15. The President said he and the JCS still disagree on whether someone should be able to stay in the military if they say they are homosexuals, but don't do anything, i.e., if they don't violate the standards of conduct. Clinton added that he expected the ban to be lifted by July 15, regardless of what the study's findings or conclusions.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release:

January 29, 1993

STATEMENT OF DEPARTMENT OF DEFENSE POLICY REGARDING HOMOSEXUALS
IN THE MILITARY

The President has directed the Secretary of Defense to conduct a review of the current Department of Defense policy that excludes homosexuals from military service and prepare a draft executive order based upon that review by July 15, 1993.

Current Department of Defense personnel policies related to this issue will remain in effect at least through July 15, 1993 while the Department of Defense is conducting the review directed by the President, subject to the following guidance:

First, question regarding sexual orientation will be removed from future versions of the induction application, and will not be asked in the interim. The briefings on military justice which all recruits are required to receive upon entry to military service and periodically thereafter under Article 137 of the Uniform Code of Military Justice will include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed services.

Second, the Department of Justice is seeking continuances in pending court-cases involving former service members who have been discharged on the basis of homosexuality and who are seeking reinstatement into military service. The continuances would freeze those cases pending the completion of the review directed by the President.

Third, commanding officers will continue to process cases under the current cases and regulations related to homosexuality.

* Cases involving homosexual conduct will be processed through actual separation and discharge in accordance with current policy.

* When a case involves only homosexual status and the person involved requests a discharge, the person will be released from active duty.

(MORE)

The Rule Behind the Ban

A directive drafted in 1983 by the Reagan Administration explicitly bans homosexuals from military service and defines what the military means by "homosexual" and "homosexual behavior." This is an excerpt.

- a. Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the Military Services to maintain discipline, good order and morale; to foster mutual trust and confidence among service members; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Military Services; to maintain the public acceptability of military service.
- b. As used in this section:
- (1) Homosexual means a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts;
 - (2) Bisexual means a person who engages in, desires to engage in, or intends to engage in homosexual and heterosexual acts and,
 - (3) A homosexual act means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.
- c. The basis for separation may include preservice, prior service or current service conduct or statements. A member shall be separated under this section if one or more of the following approved findings is made:
- (1) The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are approved further findings that:
 - (a) Such conduct is a departure from the member's usual and customary behavior;
 - (b) Such conduct under all the circumstances is unlikely to recur;
 - (c) Such conduct was not accomplished by use of force, coercion or intimidation by the member during a period of military service;
 - (d) Under the particular circumstances of the case, the member's continued presence in the Service is consistent with the interest of the Service in proper discipline, good order and morale, and
 - (e) The member does not desire to engage in or intend to engage in homosexual acts.
 - (2) The member has stated that he or she is a homosexual or bisexual unless there is a further finding that the member is not a homosexual or bisexual.
 - (3) The member has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved) unless there are further findings that the member is not a homosexual or bisexual and that the purpose of the marriage or attempt was the avoidance or termination of military service.

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

FOR IMMEDIATE RELEASE
JANUARY 29, 1993

CONTACT: WALT RIKER
(202) 224-5358

GAYS IN THE MILITARY

CLINTON "COMPROMISE" IS JUST DAMAGE CONTROL: A BIG MISTAKE.

ST. LOUIS, MO -- Senate Republican Leader Bob Dole, in St. Louis to address the Winter Meeting of the Republican National Committee, today issued the following statement regarding President Clinton's announcement on gays in the military:

The so-called Clinton compromise is nothing more than political damage control for a besieged White House.

Regrettably, President Clinton has decided to ignore the overwhelming majority of the American people, military experts, veteran groups and the advice of Senate Republicans and many Democrats on the gay issue.

It's a big mistake. He should have called for a 6-month time-out to truly study this controversy so Congressional hearings could proceed. For some reason, however, Bill Clinton is determined to make gays in the military a top priority, and his determination will force Congressional action next week, notwithstanding last night's limited court ruling which applies only to part of California.

After campaigning almost exclusively on the economy, it's ironic that Bill Clinton's first public address to the nation as President is on lifting the ban on gays in the military.

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BOB DOLE

BUILDING

, 224-8521

COMMITTEE
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
RULES

United States Senate

WASHINGTON, DC 20510-1001

JANUARY 29, 1003

TO: SENATOR DOLE

FROM: DAN STANLEY

SUBJECT: GAY BAN -- TALKING POINTS

COURT DECISION

- I'm not sure that one judge's opinion decides this issue. Previous court rulings over the past twenty years have consistently sustained the military's policy.
- This particular ruling applies to a single jurisdiction in California. In my view, the preponderance of case law supports our current military policy.

EXECUTIVE ORDER

- In my view, you don't conduct social experiments with our national security just to keep a campaign promise to one group or another. This is a matter that has profound implications and I believe that it must be given careful study before there is any change in policy.

GAYS IN OTHER COUNTRIES' MILITARY

- I think the fact that Gays are allowed in other militaries misses the point. Without question, America has the finest military in the world. I don't believe we should threaten the morale and discipline of our forces in order to achieve some sort of social equivalent with the French or Dutch.
- I think the Congress should have the final say.

COMPROMISE

- It seems the Democrats have found a compromise amongst themselves, but I wouldn't say the issue is settled. Putting a six month delay doesn't mean we should lift the ban. I agree there should be hearings and we should study the facts.



GAYS IN THE MILITARY: RHETORIC

- ◆ THIS IS A CLASSIC CASE OF "SHOOT FIRST AND ASK QUESTIONS LATER." IT'S OBVIOUS PRESIDENT CLINTON HAS PREDETERMINED THE OUTCOME, REGARDLESS OF THE EVIDENCE PRESENTED AT THE HEARINGS.
- ◆ I DON'T REGARD THIS AS A PARTISAN ISSUE, BUT APPARENTLY PRESIDENT CLINTON DOES. WE HEAR LOTS OF TALK ABOUT A "COMPROMISE," BUT THE ONLY PEOPLE HE NEGOTIATED WITH ALL WEEK WERE DEMOCRATS; AND THEN HE TELLS THE PRESS THE REPUBLICANS MADE HIM DO IT.
- ◆ OF ALL THE CAMPAIGN PROMISES TO KEEP, I'M SURPRISED HE WOULD WANT TO KEEP THIS ONE, INSTEAD OF FOCUSING HIS "LASER BEAM" ON THE ECONOMY AND DEFICIT REDUCTION.
- ◆ OVERLOOKED IN ALL THE MEDIA HYPE IS AN IMPORTANT FACT: THE MILITARY EXCLUDES LOTS OF PEOPLE FROM THE MILITARY, ON THE BASIS OF AGE, HEALTH, MENTAL STABILITY, CRIMINAL RECORD, AND SEX (FOR COMBAT). THEY ALSO ASK ABOUT YOUR MARITAL STATUS, RELIGIOUS BELIEFS, CREDIT STATUS, DRUG USE, AND A HOST OF OTHER PERSONAL QUESTIONS. MILITARY SERVICE IS A PRIVILEGE, NOT A RIGHT. IF GAYS WISH TO SERVE THEIR COUNTRY, THERE ARE MANY OTHER WAYS THEY CAN DO IT.
- ◆ IT'S REGRETTABLE PRESIDENT CLINTON REJECTED THE ADVICE OF SENATE REPUBLICANS WHO SUGGESTED A SIX-MONTH TIME-OUT FOR A REAL STUDY OF THE ISSUE. SENATE REPUBLICANS HAD MEANINGFUL CONSULTATIONS WITH REPRESENTATIVES OF MORE THAN 20 VETERANS GROUPS, REPRESENTING MILLIONS OF AMERICAN MEN AND WOMEN. THEY SAID "GO SLOW, LISTEN TO OUR ARGUMENTS" -- THEY FEEL VERY STRONGLY ABOUT THIS ISSUE, AND APPARENTLY THEIR VALID ARGUMENTS HAVE BEEN IGNORED.

AMONG THE ISSUES THEY RAISED, MOST OF WHICH HAVEN'T BEEN CONSIDERED BY MOST AMERICANS BUT WILL DIRECTLY AFFECT THEM:

- G.I. BENEFITS -- WILL GAY "SPOUSES" BE ENTITLED TO TAXPAYER FUNDED HEALTH CARE BENEFITS? TAXPAYER FUNDED MILITARY RETIREMENT? TAXPAYER FUNDED HOUSING?
- GAY MARRIAGES -- WILL MILITARY CHAPLAINS BE REQUIRED TO MARRY GAY COUPLES IN MILITARY CHAPELS?
- COMBAT WOUNDS & AIDS -- ON THE FRONTLINES, THE BLOOD SUPPLY IS A "WALKING BLOOD BANK."
- RECRUITING -- WILL THERE BE A CHILLING EFFECT ON THE ALL-VOLUNTEER ARMY?
- RETENTION -- WILL IT FORCE STRAIGHTS OUT OF THE MILITARY?

PRESIDENT CLINTON ANNOUNCEMENT ON HIS PROPOSED POLICY
REGARDING HOMOSEXUALS IN THE MILITARY

Time: 1:43 p.m.
Location: White House briefing room
January 29, 1993
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PRESIDENT BILL CLINTON: Good afternoon, ladies and gentlemen.

I'm sorry, we had a last minute delay occasioned by another issue--not this one.

The debate over whether to lift the ban on homosexuals in the military has, to put it mildly, sparked a great deal of interest over the last few days.

Today, as you know, I have reached an agreement, at least with Senator Nunn and Senator Mitchell, about how we will proceed in the next few days.

But first I'd like to explain what I believe about this issue and why, and what I have decided to do, after a long conversation, and a very good one with the Joint Chiefs of Staff, and discussions with several members of Congress.

The issue is not whether there should be homosexuals in the military. Everyone concedes that there are. The issue is whether men and women who can and have served with real distinction should be excluded from military service solely on the basis of their status.

And I believe they should not. The principle on which I base this position is this. I believe that American citizens who want to serve their country should be able to do so unless their conduct disqualifies them from doing so.

Military life is fundamentally different from civilian society. It necessarily has a different and stricter code of conduct, even a different code of justice.

Nonetheless, individuals who are prepared to accept all necessary restrictions on their behavior, many of which would be intolerable in civilian society, should be able to serve their country honorably and well.

I have asked the secretary of defense to submit by July the 15th a draft executive order, after full consultation with military and congressional leaders, and concerned individuals outside of the government, which would end the present policy solely on the basis of--excuse me--of exclusion from military service solely on the basis of sexual orientation.

And at the same time establish rigorous standards regarding sexual conduct to be applied to all military personnel.

This draft order will be accompanied by a study conducted during the next six months on the real practical problems that would be involved in this revision of policy, so that we will have a practical, realistic approach consistent with the high standards of combat effectiveness and unit cohesion that our armed services must maintain.

I agree with the joint chiefs that the highest standards of conduct must be required. The change cannot and should not be accomplished overnight. It does require extensive consultation with the joint chiefs, experts in the Congress and in the legal community, joined by my administration and others. We've consulted closely to date and will do so in the future. During that process, interim measures will be placed into effect, which I hope again sharpen the focus of this debate.

The joint chiefs of staff have agreed to remove the question regarding one's sexual orientation from future version of the enlistment application and it will not be asked in the interim.

We also all agree that a very high standard of conduct can and must be applied. So the single area of disagreement is this. Should someone be able to serve their country in uniform if they say they are homosexual but they do nothing which violates the code of conduct, undermines unit cohesion or morale apart from that statement?

That is what the furor of the last few days has been about. And the practical and not insignificant issues raised by that issue are what will be studied in the next six months.

Through this period ending July 15th, the Department of Justice will seek continuances in pending court cases

involving reinstatement and administrative separation under current Department of Defense policies based on status alone will be stayed, pending completion of this review.

The final discharge in cases based only on status will be suspended until the president has an opportunity to review and act upon the final recommendations of the secretary of Defense with respect to the current policy.

In the meantime, a member who's discharge has been suspended by the attorney general will be separated from active duty and placed in stand-by reserve until the final report of the secretary of Defense and the final action of the president.

This is the agreement that I have reached with Senator Nunn and Senator Mitchell. During this review process, I will work with the Congress and I believe the compromise announced today by the senators and by me shows that we can work together to end the gridlock that has plagued our city for too long. This compromise is not everything I would have hoped for, or everything that I have stood for, but it is plainly a substantial step in the right direction.

And it will allow us to move forward on other terribly important issues affecting far more Americans. My administration came to this city with a mission--to bring critical issues of reform and renewal, and economic revitalization to the public debate--issues that are central to the lives of all Americans.

We are working on an economic reform agenda that will begin with an address to the joint session of Congress on February 17th.

In the coming months the White House Task Force on Health Care, chaired by the first lady, will complete work on a comprehensive health care reform proposal to be submitted to Congress within a 100 days of the commencement of this administration.

We will be designing a system of national service, to begin a season of service in which our nation's unmet needs are addressed, and we provide more young people the opportunity to go to college.

We will be proposing comprehensive welfare reform legislation, and other important initiatives.

I applaud the work that has been done in the last two or three days by Senator Nunn, Senator Mitchell and others, to enable us to move forward on a principle that is important to me, without shutting the government down and running the risk of not even addressing the family and medical leave issue which is so important to America's families, before Congress goes into its recess.

I am looking forward to getting on with this issue over the next six months, and with these other issues which were so central to the campaign, and far more importantly, are so important to the lives of all the American people.

Q: Mr. President (inaudible)--
(Simultaneous talking.)

Q: (inaudible) yesterday a federal court in California said that the military ban on homosexuals was unconstitutional.

Will you direct the Navy and the Justice Department not to appeal that decision, and how does that ruling strengthen your hand in this case?

PRESIDENT CLINTON: Well, it makes one point--I think it strengthens my hand, if you will, in two ways.

One, I agree with the principle embodied in the case. As I understand--I've not read the opinion--but as I understand, the opinion draws the distinction that I seek to draw between conduct and status.

And secondly, it makes the practical point I have been making all along, which is that there is a not insignificant chance that this matter would ultimately be resolved in the courts in a way that would open admission into the military, without the opportunity to deal with this whole range of practical issues which everyone who's ever thought about it, or talked it through, concedes are there.

So I think it strengthens my hand on the principle as well as on the process.

Q: Mr. President, there's a glass of water (inaudible) while I ask a question. Do you think, since you promised during the campaign, your literature put out, very first statement--lift the ban on homosexuals in the military immediately.

Do you think you didn't think through these practical problems?

What have you learned from this experience in dealing with powerful members of the Senate and the Joint Chiefs?

And how much of a problem is this for you, to accept a compromise which doesn't meet your real goals immediately?

PRESIDENT CLINTON: Well, I haven't given up on my real goals. I think this is a dramatic step forward. Normally, in the history of civil rights, the advancements of presidents have not necessarily been in the forefront in the beginning.

And so I think the fact that we actually have the Joint Chiefs of Staff agreeing that it's time to take this question off the, off the enlistment form, that there ought to be a serious examination of how this would be done, even though they haven't agreed that it should be done.

That the Senate, if they vote for the motion advocated by Senators Nunn and Mitchell, will agree--senators who don't agree that the policy should be changed are agreeing that we ought to have a chance to work through this for six months, and to persuade them of that I think is very, very significant.

Now, I would remind you that any president's executive order can be overturned by an act of Congress. The president can then veto the act of Congress and try to have his veto sustained if the act stands on its own. As a simple issue that could always be vetoed.

But I always knew that there was a chance that the Congress would disagree with my position. I can only tell you that I still think I'm right, I feel comfortable about the way we have done this, and I'm going to maintain the commitment that I have.

Q: (inaudible) practical problems--just answer that part of the question.

Q: Obviously you didn't intend the first--I'm sorry.

PRESIDENT CLINTON: No, I had always planned--I had always planned to allow some period of time during which policies would be developed to deal with what I think are the significant tactical problems.

This in effect may reverse the process over what I intended to do, but there has to be a time at which these issues, these practical issues are developed, and policies are developed to deal with them.

Q: Obviously you didn't intend the first week of your administration giving your promise to have the laser focus on the economy to be seen around the country as military gay rights week.

I wonder if, in retrospect, you think you could have done things differently to avoid that happening?

PRESIDENT CLINTON: I don't know how I could have done that. The Joint Chiefs asked for a meeting about a number of issues of which this was only one. We spent a lot of time talking about other things. This issue was not put forward in this context by me, it was put forward by those in the United States Senate who sought to make it an issue early on.

Q: Well, I wonder if--

PRESIDENT CLINTON: And I don't know how I could have stopped them from doing that.

Q: You don't think that in making the promise, and then in promising to follow through on it early, that you might have given rise to this, do you, sir?

PRESIDENT CLINTON: Well, I think it was pretty clear to me that we were talking about some sort of six month process days and days ago, and the people who wanted it debated now were not deterred by that, and probably won't--a lot of them won't be deterred by the agreement announced today.

* I think that we must--they have the perfect right to do this, but the timing of this whole issue was clearly forced by the people in the Senate who are opposed to any change of the policy no matter what the facts are, and I think that was their right to do.

But they controlled the timing of this, not me.

Q: Two questions. First of all, just to make sure that we're clear on this. July 15th, this happens, period, regardless of what comes out at these hearings, is that correct? The ban will be issued--or will be lifted, rather?

PRESIDENT CLINTON: That is my position. My position is that I still embrace the principle and I think it should be done.

The position of those who are opposed to me is that they think the problems will be so overwhelming everybody with good sense will change their position. I don't expect to do that.

Q: You definitely expect to do it. And secondly--

PRESIDENT CLINTON: I don't expect to change my position.

Q: --what do you think is going to happen in the military? There have been all sorts of dire predictions, of violence, of, you know, mass comings out, whatever. What do you think the impact of this is going--

PRESIDENT CLINTON: Well, for one thing, I think if the--if you look at the last ten years of experience here, according to the reports we have this country spent \$500 million in tax dollars to separate something under 16,500 homosexuals from the service and has dealt with complaints, at least, of sexual abuse--heterosexual abuse, largely against women--of far greater volumes. But during this period we have plainly had the best educated, best trained, most cohesive military force in the history of the United States and everybody--ask anybody and the joint chiefs will tell you that.

They agreed that we should stop asking the question--this single thing that is dividing people on this debate. I want to make it very clear--this is a very narrow issue. It is whether a person, in the absence of any other disqualifying conduct, can simply say that he or she is homosexual and stay in the service. I do not expect that to spark this kind of problem and I certainly think in the next six months as people start to work it through and talk it through, a lot of the legitimate practical issues will be raised and dealt with in a more rational environment that is less charged. That is certainly what I hope will happen.

Thank you.

END REMARKS

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The Reuter Transcript Report

President Clinton/Gays in the military (first and final add)

January 29, 1993

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HC-TEXT-MITCHELL/NUNN-MULTITAKES

SENATE MAJORITY LEADER GEORGE MITCHELL (D-MAINE) AND SEN. SAM
NUNN (D-GA.) NEWS CONFERENCE

Topic: Gays in the military

Time: 2:23 p.m.

Location: Senate Radio-TV Gallery

January 29, 1993

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SENATOR GEORGE MITCHELL (D-Maine): Good afternoon ladies and gentlemen. Thank you for your courtesy in joining us today. I will make a brief statement. Senator Nunn will have a statement. And then we both will be pleased to respond to your questions.

President Clinton has instructed Secretary of Defense Aspin to undertake a full scale review and consultation with the leaders of the military services on the current implementation of policy with respect to the retention of acknowledge homosexual service men and women. I applaud President Clinton for his consultation on this matter with leaders in Congress, in particular with Senator Nunn, the chairman of the Senate Armed Services Committee, as well as with officials in the defense department; military and civilian.

The president has demonstrated strong leadership and a firm commitment to principle. He said today that this directive is not everything he hoped for, but it is an important step in the right direction. I agree.

I also strongly commend Senator Nunn. He has acted solely on the basis of his conscience and conviction. His support for this directive is crucial. As with the president and with me, it is not all he hoped for. But in this matter, as he always does, Senator Nunn has placed the national interest first.

I believe this directive is an appropriate way to assure that the policy can be reviewed and proposals formulated in a way that preserves military discipline and effectiveness, while protecting the rights of all our military service men and women regardless of sexual orientation.

SENATOR SAM NUNN (D-Georgia): Thank you very much, Mr. Leader, and thank you for all of your splendid support which is not unusual. In fact I get that on every matter that comes up that's controversial, where we have some real feelings on it and where the Senate of the United States is closely divided. And you and I have been through many of those over the years. And I thank you for your superb leadership.

I support the compromise announced today regarding the defense department's policy excluding homosexuals from military service. The steps announced by President Clinton and I'm sure that Secretary of Defense Aspin will be making statements and issuing directives pursuant to this at some later point, allow for a six month period during which both the executive branch and the Congress can carefully review the basis for the current policy and the potential consequences of a change in that current policy.

As I've said on a number of occasions on the floor of the United States Senate and other places, I agree with the current policy. If there is one thing I've learned on military matters in my 20 years of serving in the United States Senate and working with the military virtually every day, is that our armed forces function well if we respect and support their basic requirements for cohesion and effectiveness. Resolving this conflict between individual rights and the basic needs of our military is always difficult. But our nation has had an effective military because we have achieved an acceptable balance over the years. This balance must be maintained.

I also believe however that our country is changing and we have to listen to other points of view. The armed services committee will begin a series of comprehensive hearings in the next several months on the issue of homosexuals in the

military services. We will hear from a broad range of views on this question; the civilian and military leadership of the department of defense, the men and women currently serving in uniform in ranks of the military service; both enlisted, young officers as well as the high ranking officials, and persons from the civilian community with expertise and interests in this issue.

I want to commend President Clinton and Secretary Aspin for working with those of us in the Congress to develop the framework that has been announced that will allow careful consideration of this matter in the weeks and months ahead.

I understand and respect the president's views on this matter. Persistent media reports that I am somehow irritated over not being consulted on this issue by the administration are totally false. I have never said that, and it is not true.

I had the opportunity to discuss on a number of occasions with President Clinton himself, beginning in August of last year, and continuing in at least four or five occasions I've discussed this issue as well as many other issues. I'm confident that President Clinton understand my own personal views on this issue, and I'm also very confident that he understands the constitutional responsibilities of the Congress in raising armies and maintaining our military forces.

In the discussions over the past week on how to resolve the current issue, I emphasized over and over again that I believed that it was essential to maintain the current department of defense policy that excluded homosexuals from military service, and that that remain in effect during the period of review by the Congress and the executive branch. I also emphasized in my discussions with President Clinton, and I submitted some proposals to them last evening, along with Senator Mitchell. I emphasized that the following additional points were necessary in my view to reach a consensus on this issue before we go into the six month period of intentional and careful study:

The first point, if the department eliminates the pre-enlistment question on sexual orientation, which has been agreed to by the Joint Chiefs, as the president reflected in his news conference, the department should also provide every recruit with a clear explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces.

The uniform code of military justice is the conduct code of the military, and I want to make sure, and I believe this directive has done that, that they understand that when they enter the military.

Commanding officers should be allowed to continue to process cases for discharge under the current laws and regulations relating to homosexuality. That's point two.

Cases involving homosexual conduct should be processed through actual separation and discharge in accordance with current policy. That's for conduct. And everyone agrees with that. The president, Joint Chiefs and others.

With respect to any guidance that would be used for cases involving only homosexual status, the cases should be processed through all administrative proceedings and the persons should be separated from active duty. A member who's discharge has been suspended by the attorney general will be separated from active duty and placed in the stand-by reserve.

Individuals in the stand-by reserve would have the option to return upon request to active duty should the policy be changed. If the policy is not changed, those persons would be discharged.

The stand-by reserve included individuals in a non-pay status who are not affiliated with a unit or position designated for mobilization in the ready reserve.

The final point, which is in the directive that has been given out by the White House today, part of the president's announcement. The final point that I had felt was essential and it has been incorporated is the commanding officers may, in the interest of the individual or the unit concerned direct changes in the assignment of personnel during the course of separation proceedings.

The policies announced by the administration today incorporates each of these points. This is a very difficult and a very emotional issue as we've found out in the last few days. In the coming months, I hope that all interested parties will participate in a constructive, deliberate discussion of all the questions raised by the potential changes to the current defense department policy excluding homosexuals from military service.
Thank you.

Q: Senator Mitchell, how do you see the vote coming-- the key votes coming down in this issue if Republicans as they have previously said will attempt to force an amendment to codify the existing ban? How do you see this playing out on what legislation (inaudible)? Where would the key vote occur?

SENATOR MITCHELL: The decision as to what amendment to offer and what legislation to offer it to will of course be made by the opponents and perhaps there'll be some indication of that today. I believe that given this directive and the support for it announced here today by Senator Nunn that a majority of the Senate will reject an effort to immediately codify by statute the existing policy.

Q: That was not your view earlier this week? Was it your opinion earlier this week that a majority of the Senate would vote to codify? Is this a change in your view as a result of this?

SENATOR MITCHELL: No, it's not a change in my view. It's consistent with what I've said publicly and privately since this matter first arose.

Q: Senator Nunn, the (inaudible) today indicates that following a six month review period he is going to see when this executive order will allow gays in the military. If he does go ahead with that, will you then bring legislation (inaudible) to them?

SENATOR NUNN: Well, let me put it this way. I think the president will listen to what has developed in the hearings. I know he has already talked to the joint chiefs and he has invited them to give him their views and I'm sure they're going to do that. I'm certain he's going to listen to the men and women in the military. He has a position which he bases on principle. He feels deeply about it. I don't think he intends to change his mind. I have a feeling on the subject and I don't have any present intention of changing my mind. But I'm going to listen carefully to the testimony. I'm going to hear all points of view and my final judgment will be based on all of that testimony and what we learn between now and the time we actually see what the president does.

If the president goes forward with the executive order then I will have to make a decision then what I do. I wasn't leading the charge for legislation on this matter. My first statement and clear statement was that I hope that there would not be legislation on this matter. I hope the president would not change the current policy during the interim period. I said that last week. You'll have to talk to other people who were leading the charge and may still, for legislation, to determine that.

Q: Senator Nunn, the (inaudible) decision in California had to do with (inaudible) your view?

SENATOR NUNN: The court decision is a district court decision, as I understand it. I haven't read the case but that district court decision can be appealed. There was a similar case in 1989 on I believe very similar circumstances. A district court also ruled the current policy unconstitutional in 1989. That was appealed to the seventh circuit. The seventh circuit reversed that case and upheld the current policy.

So in court cases, we all have to wait until the

appeals take place to determine what may happen.

I think there's a serious question on the district court decision that goes far beyond this issue, and that is, whether the commander in chief and the Congress will set the rules for the military or whether the federal courts will set the rules for the military. I have always felt that the rules for the military ought to be set by the commander in chief, the president and the Congress. That goes far beyond this issue and is not necessarily related to this issue exclusively.

SENATOR MITCHELL: Do you mind if I make a comment on that? She asked both of us. As the only former federal district judge in the Congress I am inclined to give greater weight to the opinions of such courts, especially when they are consistent with my views on the issue.

(Laughter)

SENATOR NUNN: I've never had life tenure, myself.

SENATOR MITCHELL: And I had it for a relatively brief period of time. I've not yet read the opinion. I've read the press reports of it. I look forward to reading the entire opinion. Obviously I favor lifting the ban and while I agree with Senator Nunn that policies with respect to the military ought to be set by the president and Congress, it is also true, as I'm sure he will agree, that the definition of the constitutional rights of all American citizens is an appropriate subject for determination by the federal courts. And so it is correct of course that this decision is subject to appeal and the ultimate decision will have to be rendered by the highest court in the land.

But so far, based on what I've heard, I like the opinion.

Q: Do you have any indication that (inaudible)?

SENATOR MITCHELL: I have no knowledge of that. I have no knowledge, one way or the other.

SENATOR NUNN: No, I'm certain the administration will take some time to look at the case and determine. I doubt very seriously if they've had a chance to do that. They're going to have to have an attorney general at some point get involved here, too.

SENATOR MITCHELL: You know, when I was, when I was a federal judge I tended to not look kindly upon people who commented on my opinions before reading them, and I followed a rule which I know is quaint in some circles, that I actually read court decisions before commenting in detail on them, and I would recommend that to everyone and I think that's clearly, as Senator Nunn indicated, what the administration must do.

Q: If the Republicans try to proceed, as they said yesterday they would proceed (inaudible) will you introduce a second (inaudible) and does this require--this announcement today, your announcement, require any legislation (inaudible)?

SENATOR MITCHELL: Implementation of the directive does not require legislation.

Q: Right, but yours--

SENATOR MITCHELL: And we will await such action as those who have a contrary view take before attempting to respond to it. We will be prepared, I hope, for every eventuality. And I believe, as I said earlier--I'm now repeating--that a majority of the Senate will reject any effort to place, by statute, the current or the policy prior to the issuance of this directive into law at this time.

Q: Senator Nunn, the president said today that it was

members of the Senate who made this such an issue, not--that he didn't make it an issue, that members of the Senate made it an issue.

Do you have any second thoughts on your role in this at all?

SENATOR NUNN: I'm sure he wasn't talking about me. I wasn't, I wasn't threatening to introduce legislation. I urged both sides to not take final decisive action. I urged the president not to, and I urged there to be no legislation on this issue.

My position had to be determined by what the executive branch did. If the executive branch had changed current policy in a significant way, that was a de facto implementation of the policy change the president advocated, then I very likely would have voted on legislation that was presented, and I probably would not have voted with the president on that.

But the president did not do that. I think we have a very sensible policy here that's going to govern during the interim and I support that policy. So I don't think he was talking about me.

Q: Was it your idea about putting gays who are simply--who announce their sexual preference in the ready reserve?

SENATOR NUNN: Standby, standby reserve.

Q: Standby reserve?

SENATOR NUNN: Yes, that was my suggestion; that was my suggestion. Every one of the points I just made very carefully here were the suggestions I made.

The president made it very clear that he didn't get everything he wanted. There are some things in here that he would have preferred not to have.

I would have preferred just purely the current policy. But I think this is a reasonable compromise and I think it takes into account the viewpoint of the president, and I believe that it, hopefully will get 50 percent of the senators--

SENATOR MITCHELL: Given the--if I may add just a brief comment to that. Given the controversial and highly publicized nature of this issue, and the unrestricted right of amendment in the Senate in which any individual member of the Senate can offer any amendment at any time, I believe it was reasonable, prudent and correct for the president to anticipate that action would have been initiated in the president, whatever he did or did not do.

Q: Can I ask what was the last sticking point or sticking points in reaching a decision over the last 24-36 hours?

What was the hardest (inaudible)?

SENATOR NUNN: The hardest part was what to do during this six month period, and that's the key and the hardest part of that was what to do with individuals who were not charged with conduct but were charged with the status, and the hard part of that was whether you could--one thing that I felt very strongly about, it is now part of this policy, is that a unit commander would have the right to reassign to protect the individual, if necessary, or to protect the unit.

I think that's enormously important. And the other thing that I believe was important was that the discharge procedures go forward and that the individuals be separated from active duty, but they also be put in standby reserve and they'd have the right to re-enter depending on the ultimate outcome of the policy.

Those were all among the final issues to be, to be decided. One other issue that was important, and this again is what we talked about, was that the Uniform Code of Military

Justice be clearly explained to people who are recruits, because they're coming in without full knowledge of what may happen in six months.

But the Uniform Code of Military Justice is the law. It cannot be changed by executive order. That law governs the conduct of the military and I think it's very important that they be given a clear explanation of that including the provisions on sexual behavior.

SENATOR MITCHELL: If I may just make one comment on that.

(Laughter.)

I--

Q: Feel free. (inaudible)

SENATOR MITCHELL: I do thank you very much.

I believe the president correctly identified the principal issue at stake and in controversy here and that is the distinction between disciplinary action taken on the basis of conduct as opposed to disciplinary action taken on the basis of status.

That is, what a person does as opposed to what a person is. From the president's standpoint this directive establishes that principle and it is very important that everybody understand that.

A distinction is made in this directive on the procedures which will be utilized for those persons with respect to whom action is taken on the basis of conduct, what they do as opposed to the action which will be taken with respect to those based upon their status.

Q: (inaudible)

SENATOR MITCHELL: They are, and so I think Senator Nunn is quite correct--this is a compromise. But I think the importance, from the president's standpoint--and it is a significant one--is that that distinction is established, and this is during the interim period.

As Senator Nunn has so correctly stated on several occasions, we're talking about during this time when this will be thoroughly explored. I--the fact is of course, as you know, Senator Nunn and I do not agree on that ultimate issue. We do agree that these hearings will be instructive and informative for all, for those legislators who will have to vote on this issue, and for the American people.

And I want to conclude by saying I am pleased that Senator Nunn will be conducting those hearings, because there is not a more thorough and intelligent and effective legislator in this Senate than Senator Nunn.

And I'm confident that although he has stated his view very clearly on the subject, that he will conduct these hearings in a fair, thorough and appropriate manner, with a view toward eliciting the best kind of and most thorough information on the subject as possible.

SENATOR NUNN: Senator Glenn will be helping as the manpower chairman.

SENATOR MITCHELL: We look forward to that.

Q: Senator, during this six month period they're going to be separate anyway, aren't they? They're going to be put in (inaudible) but they're going to be separated?

SENATOR NUNN: It's all very clear there.

END NEWS CONFERENCE

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The Reuter Transcript Report

HEALTH CARE

TALKING POINTS ON
HEALTH CARE REFORM
JANUARY 29, 1993

- PRESIDENT CLINTON HAS SAID HE IS STRONGLY COMMITTED HIMSELF TO REFORMING AMERICA'S HEALTH CARE SYSTEM. HE WILL SUFFER NO SHORTAGE OF ADVICE IN THIS MISSION. LAST YEAR THERE WERE MORE THAN THIRTY HEALTH REFORM PROPOSALS IN CONGRESS, NONE OF THEM HAD ENOUGH SUPPORT NECESSARY TO PASS.
 - THE INABILITY TO REACH CONSENSUS SEEMS TO BE TRUE WITHIN THE PRESIDENT'S TEAM AS WELL. SO FAR, HIS HEALTH CARE ADVISORS HAVE NOT FOUND A RATIONAL AND AFFORDABLE WAY TO EXPAND HEALTH CARE COVERAGE TO ALL AMERICANS. SO HE HAS TURNED TO HIS WIFE, HILLARY, TO HELP DEVELOP A PLAN.
 - AS A KEY ADVISOR ON HEALTH CARE, I AM HOPEFUL MRS. CLINTON WILL BE WILLING TO WORK WITH ME AND MY COLLEAGUES ON CAPITOL HILL. IF SHE IS WILLING TO MAKE HERSELF AVAILABLE TO US, THEN I AM HAPPY TO HAVE HER BECOME ACTIVE IN THE ISSUE AND I LOOK FORWARD TO WORKING WITH HER.
 - NO DOUBT ABOUT IT HEALTH CARE IS AN ISSUE THAT CRIES OUT FOR A BIPARTISAN COOPERATION. IT WILL BE DIFFICULT TO PASS ANY MAJOR REFORM WITHOUT IT.
 - THE ISSUES ARE NOT SIMPLE NOR INEXPENSIVE BUT THEY MUST BE ADDRESSED.
 - FOR TOO LONG WE HAVE EXPENDED ENORMOUS RESOURCES TO BUILD THE FINEST HEALTH CARE DELIVERY SYSTEM IN THE WORLD -- UNFORTUNATELY, MANY IN OUR COUNTRY, OFTEN THOSE MOST IN NEED -- DO NOT HAVE ADEQUATE ACCESS TO THE SYSTEM.
 - MY REPUBLICAN COLLEAGUES AND I HAVE WORKED ON THIS ISSUE FOR MANY YEARS. WE HAVE A NUMBER OF CONCRETE PROPOSALS AND SUGGESTIONS WHICH WE BELIEVE WILL IMPROVE THE SYSTEM. BUT, WE DO NOT HAVE ALL THE ANSWERS. ANYONE WHO HAS ATTEMPTED TO WORK THROUGH HEALTH CARE REFORM HAS QUICKLY COME TO REALIZE THE COMPLEXITY OF THIS ISSUE.
 - HOWEVER, WHILE ANXIOUS TO ADDRESS THE REAL PROBLEM WITH THE SYSTEM, LET'S NOT DESTROY WHAT WE KNOW TO BE GOOD OR IGNORE THE REALITIES OF THE NEEDS OF A DIVERSE POPULATION IN A COUNTRY THE SIZE OF THE U.S.
- AS A GROUP, REPUBLICANS CONTINUE TO BE FULLY COMMITTED TO REFORMING OUR HEALTH CARE DELIVERY SYSTEM. WE CONTINUE TO MEET CONSISTENTLY ON A WEEKLY BASIS AND WILL WORK TO STRENGTHEN OUR PROPOSAL UNTIL HEALTH CARE COSTS ARE CONTAINED AND ALL AMERICANS HAVE ACCESS TO THE SYSTEM.

PRINCIPLES OF HEALTH CARE REFORM

- HEALTH CARE MUST BE MADE AVAILABLE TO ALL AMERICANS THROUGH A COMPETITIVE PRIVATE SECTOR HEALTH CARE SYSTEM -- WITH THE GOVERNMENT SERVING AS A BACK UP FOR THOSE WHO HAVE NO ACCESS TO PRIVATE INSURANCE.
- THE COST OF HEALTH CARE MUST BE REDUCED BY REFORMING THE HEALTH CARE MARKET PLACE NOT THROUGH ARBITRARY PRICE CONTROLS.
- AT A MINIMUM, THE QUALITY OF CARE TO WHICH MANY HAVE BECOME ACCUSTOMED MUST BE RETAINED AS WELL AS SOME ELEMENTS OF CONSUMER CHOICE.
- STATES SHOULD CONTINUE TO HAVE THE OPPORTUNITY TO TEST OUT VARYING METHODS OF REFORM--THEY ARE TERRIFIC LABORATORIES.
- WHATEVER SOLUTION WE AGREE TO, BE IT "MANAGED COMPETITION" OR SOME OTHER METHOD OF REFORM MUST BE FLEXIBLE ENOUGH TO ADDRESS THE NEEDS OF NOT ONLY NEW YORK CITY, AND RUSSELL, KANSAS. THE SPECIAL PROBLEMS FACED BY RURAL AMERICA CANNOT BE IGNORED, OR LEFT TO BE AN AFTERTHOUGHT.
- THE SURVIVAL OF AN ORGANIZED SYSTEM OF PUBLIC HEALTH, WHICH IS OFTEN THE SOLE SOURCE OF CARE FOR MANY IN BOTH URBAN AND RURAL AREAS, MUST BE ASSURED.
- FINALLY, LETS NOT FORGET THE VERY IMPORTANT ROLE OF THE TEACHING HOSPITALS IN THIS COUNTRY. THEIR DUTY IS TO NOT ONLY CARE FOR THE SICK -- BUT ALSO TO TRAIN THOSE WHO WILL CARE FOR OUR CHILDREN AND GRANDCHILDREN IN THE YEARS TO COME.

LAYOFFS

MEMORANDUM

TO: SENATOR DOLE
FR: GREG SCHNACKE
DA: JANUARY 27, 1992
RE: BEECH, BOEING & SEARS LAYOFFS

AS YOU KNOW, THESE THREE COMPANIES ANNOUNCED CUTBACK PLANS THIS WEEK. SUMMARIES ARE AS FOLLOWS:

BOEING -- 35 PERCENT REDUCTION IN COMMERCIAL WORK BY MID-1994 AFFECTING 737, 747, 757, & 767 MODELS. THEY ARE DOING THIS BECAUSE THEIR CUSTOMERS ARE DELAYING DELIVERIES, ORDERS AND NOT PLACING NEW ORDERS. OF 20,000 EMPLOYEES IN WICHITA, 18,000 ARE WORKING ON COMMERCIAL AIRCRAFT PROGRAMS. THE PUGET SOUND, WASHINGTON WORK FORCE IS 98,000. BOEING EMPLOYMENT WORLD WIDE IS 143,000.

LAST YEAR BOEING LAID OFF 6,000 COMPANYWIDE -- APPROXIMATELY 2,000 IN WICHITA. BOEING DOES NOT HAVE A FIRM NUMBER THEY CAN GIVE US AS TO HOW MANY WORKERS IN KANSAS WILL LOSE THEIR JOBS -- THEY ARE WORKING ON PROJECTIONS AND HOPE TO HAVE SOMETHING WE CAN USE SOON -- PERHAPS 10-14 DAYS. ANALYSTS ARE ESTIMATING THE CUTS COULD BE AS MANY AS 20,000 WORKERS TOTAL FOR THE COMPANY. WE HAVE BEEN IN CONSTANT CONTACT WITH THE BOEING WASHINGTON, D.C. STAFF WHO PRIVATELY, BUT NOT OFFICIALLY, TELL ME WE ARE LOOKING AT 6,000 JOBS IN WICHITA.

I EXPRESSED CONCERN THAT MEDIA REPORTS INDICATED BOEING HAD NO PLANS TO BOLSTER JOB-CHANGE SERVICES AT THE CAREER TRANSITION CENTER. I TOLD THEM THAT TYPE OF STATEMENT SENDS THE WRONG SIGNAL. I EXPECT THEY WILL BE GIVING US AN IDEA OF WHAT THEY WILL DO IN THIS AREA LATER TODAY IN ADVANCE OF YOUR TRIP. THIS IS SOMETHING YOU MAY WANT TO CALL FOR, HOWEVER, KEEP IN MIND THEY WILL RESPOND THEY DON'T HAVE THE MONEY TO RETRAIN, THEY HAVE REACHED A SATURATION LEVEL OF WHO THEY CAN RETRAIN AND PLACE WITHIN THE COMPANY -- THEY WOULD ARGUE SPENDING RESOURCES TO DO THIS WILL END UP COSTING MORE JOBS.

I ALSO UNDERSTAND THAT GOVERNOR FINNEY, WHO WILL BE HERE NEXT WEEK? FOR THE NATIONAL GOVERNORS CONFERENCE HAS EXPRESSED HER DESIRE AT A CABINET MEETING A COUPLE OF DAYS AGO TO MEET WITH YOU ON THIS SUBJECT. SO FAR, I AM ADVISED SHE HAS NOT CONTACTED THE OFFICE FOR AN APPOINTMENT.

BOEING HAS EXPRESSED HOPE THAT THESE AIRCRAFT DELIVERIES WILL RESUME IN 18 MONTHS. WHAT THE LAID-OFF WORKFORCE DOES IN THE MEANTIME, OF COURSE, IS THE BIG QUESTION. SO FAR, THEY HAVE BEEN SUCCESSFUL IN DEFERRING THE VAST MAJORITY OF ORDERS RATHER THAN OUTRIGHT CANCELLATIONS. THE BIGGEST COMPETITOR IS "OLD AIRCRAFT" -- THE NEED IS STILL THERE TO REPLACE AGING FLEETS.

I AM ALSO ADVISED THAT BOEING CHAIRMAN FRANK SCHRONTZ HAS NO PLANS TO COME TO WASHINGTON TO DISCUSS THIS.

WHAT IS ON THE HORIZON AS FAR AS FEDERAL INVOLVEMENT IS ANYBODY'S GUESS. BOEING ISN'T ALONE AS FAR AS LAYOFFS GO -- SEARS, BEECH, IBM, PRATT & WHITNEY -- THIS WOULD BE A HUGE RELIEF PACKAGE IF IT EVER GOT ROLLING. MAJOR AIRLINES HAVE LOST MORE MONEY IN THE PAST YEAR THAN THEY HAVE MADE IN THEIR ENTIRE HISTORY. THE SUBSIDIZED AIRBUS PROGRAM IS BIG COMPETITION FOR BOEING.

OTHER ISSUES ALSO COME BACK FOR DISCUSSION -- FOREIGN OWNERSHIP OF U.S. AIRLINES, CURRENTLY LIMITED TO 25 PERCENT, COULD PROVIDE ADDITIONAL CAPITAL (ALTHOUGH IT STRIKES A NEGATIVE POLITICAL CORD WITH MOST PEOPLE). FURTHER DEFENSE CUTS, AIRLINES THAT ARE OPERATING UNDER BANKRUPTCY PROTECTION, AIRBUS SUBSIDIES, ETC.

SEARS

- CLOSING TELECATALOG CENTER - WICHITA - 1700 PART-TIME JOBS
- CLOSING CATALOG DISTRIBUTION CENTER - KC, MO - 850 JOBS
- CLOSING STORES IN KCK, JOHNSON COUNTY, GREAT BEND, WAKEFENEY, AND GARDEN CITY -- NUMBER OF JOBS UNKNOWN

BEECH

ANNOUNCED TUESDAY IT WOULD FURLOUGH 325 EMPLOYEES IN WICHITA AND 50 IN SALINA BEFORE THE END OF NEXT MONTH BECAUSE A PLANNED EXPANSION OF THE BEECHJET PROGRAM WILL NOT BE CARRIED OUT.

TAX INCREASES

REPUBLICAN PARTY LEADERSHIP

Who is now leader of the GOP?

BOB DOLE	24%
JACK KEMP	9%
NONE	7%
JAMES BAKER	4%
GEORGE BUSH	4%
DAN QUAYLE	2%
PAT BUCHANAN	1%
RONALD REAGAN	.5%
RUSH LIMBAUGH	.4%
PHIL GRAMM	.4%

	Favorable	Unfavorable
BOB DOLE	62%	10%
DAN QUAYLE	60%	25%
ROSS PEROT	45%	32%
JACK KEMP	45%	10%
RUSH LIMBAUGH	34%	17%
PAT BUCHANAN	33%	35%
PHIL GRAMM	22%	11%
BILL BENNETT	17%	7%

**** 800 registered Republican voters surveyed January 4 – January 7 by
Fabrizio, McLaughlin & Associates. Margin of error +/- 3.5%**

108th CONGRESS
1ST SESSION**S. J. RES.** _____

IN THE SENATE OF THE UNITED STATES

Mr. MITCHELL (for himself, Mr. DOLK, Mr. PELL, and Mr. HELMS) introduced the following joint resolution; which was read twice and referred to the Committee on _____

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

Whereas an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January 1991;

Whereas international relief agencies had been unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas Congress has expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Resolutions 258 and 132 and House of Representatives Resolution 870;

Armed Forces in Somalia: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This joint resolution may be cited as the "Authoriza-
5 tion for Use of United States Armed Forces in Somalia".

1 SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES
2 ARMED FORCES.

3 (a) AUTHORIZATION.—The President is authorized to
4 use United States Armed Forces pursuant to United Na-
5 tions Security Council Resolution 794 in order to imple-
6 ment the Resolution, which authorizes the use of "all nec-
7 essary means to establish as soon as possible a secure en-
8 vironment for humanitarian relief operations in Somalia".

9 (b) WAR POWERS RESOLUTION REQUIREMENTS.—
10 Consistent with section 8(a)(1) of the War Powers Resolu-
11 tion, the Congress declares that this section is intended
12 to constitute specific statutory authorization within the
13 meaning of section 5(b) of the War Powers Resolution.

14 SEC. 3. SENSE OF CONGRESS.

15 It is the sense of Congress that the President should
16 consult with the Secretary General of the United Nations
17 and with the other member countries of the United Na-
18 tions Security Council to ensure that peacekeeping forces
19 from other countries of the United Nations are deployed
20 to Somalia to maintain a secure environment and to allow
21 United States Armed Forces to be withdrawn from Soma-
22 lia at the earliest possible date.

115 AP / 01-29-93 17:14 EST 107 Lines. Copyright 1993. All rights reserved.

AM-Gays-Military, Bjt,930<

Clinton Takes First Steps Toward Revoking Military Gay Ban<

AP Photos<

By TERENCE HUNT=

AP White House Correspondent=

WASHINGTON (AP) President Clinton took the first steps toward revoking the 50-year ban on homosexuals in the military Friday, throwing his administration into a risky battle with Congress and sharpening a national debate over gay rights.

After intense negotiations to strike a compromise with Democratic leaders, Clinton announced he was ordering the drafting of a formal order by July 15 to revoke the ban.

In the meantime, he said, military recruits no longer will be asked about their sexual orientation in effect letting them enlist if they do not openly declare their status.

This is a dramatic step forward, Clinton said at brief news conference at the White House. Normally in the history of civil rights advancements, presidents have not necessarily been in the forefront in the beginning.

Republicans bitterly denounced Clinton's action and promised to fight it. Senate Majority Leader George Mitchell said he believed he had the votes to defeat them.

Sen. Sam Nunn, D-Ga., the influential chairman of the Armed Services Committee, extracted major concessions from Clinton about how to treat homosexuals already in the military. And he said he still opposes lifting the ban.

I don't have any present intention of changing my mind, Nunn said. However, he agreed not to vote for legislation concerning the ban until after he holds extensive hearings on gays in the military.

Gay rights groups praised Clinton's resolve even while expressing disappointment that political pressures allowed only halfway steps.

His action came one day after a federal judge in California ruled that the military's ban on homosexuals was unconstitutional.

White House communications director George Stephanopoulos said it was the initial judgment of the White House counsel that that decision had nationwide effect, but that the ruling was being studied.

Clinton said the ruling "strengthens my hand" to admit acknowledged homosexuals to the military.

The president's action fell far short of his promise to eliminate the ban. Faced with opposition from the Pentagon and Republicans, and divisions within his own party, Clinton deemed it was as far as he could go.

This compromise is not everything I would have hoped for or everything that I have stood for but it is plainly a substantial step in the right direction," Clinton said.

Republicans said they would press for a vote next week to lock the ban into law, seeking to attach an amendment to a family leave bill Clinton strongly supports.

Regrettably, President Clinton has decided to ignore the overwhelming majority of the American people, military experts,

veteran groups and the advice of Senate Republicans and many Democrats on the gay issue," Senate Minority Leader Bob Dole, R-Kan., said.

"It's a big mistake," he said.

Vowing to fight Clinton, Sen. Strom Thurmond, R-S.C., said, "There is no alternative left to us. Win or lose, it's the right position to take. There's no question where the American people stand.

Gay rights leaders said Clinton did as much as he could.

"The president was forced by political realities to accept something he didn't want to accept," said Tim McFeeley, executive director of the Human Rights Campaign Fund, the nation's largest gay rights organization. "I think within six months we're going to get this behind us and we're going to be done with the ban on gays in the military."

Jonathan Katz of the Department of Gay-Lesbian Studies at City College of San Francisco said, "I would have preferred a unilateral and immediate lifting of the ban but it shows his intent is there."

Gilbert Baker, an organizer of San Francisco's annual Lesbian-Gay Freedom Parade, said of Clinton: "I think he did a brilliant thing. I think he's watching out for us and considering how this is going to work."

Clinton said the delay until July 15 would allow time for consultation, study and preparation of "rigorous standards regarding sexual conduct to be applied to all military personnel."

Stephanopoulos said "it's not impossible there would be different sets of rules" for heterosexuals and homosexuals.

Clinton said the biggest area of disagreement was how to treat declared homosexuals who already are in the military but have committed no transgressions.

The president suspended any discharges of homosexuals from the military based solely on their sexual orientation.

However, in those cases, the serviceman or woman would be separated from active duty and put in the standby reserve with the chance to return if the ban were revoked.

Stephanopoulos said that as a practical matter, he did not think there would be many new proceedings against homosexuals because it was unlikely that many would announce their status and risk discharge during the six-month period.

Clinton said the Justice Department would seek delays in current court cases where homosexuals are seeking reinstatement in the military.

However, commanders were given the right to reassign homosexual personnel. Proceedings against gays for homosexual conduct would continue to be processed.

The president said the question facing Congress and the nation was not whether there should be homosexuals in the military, because everyone knows there are.

"The issue is whether men and women, who can and have served with real distinction, should be excluded from military service solely on the basis of their status," Clinton said. "And I believe they should not."

GAYS IN THE MILITARY: RHETORIC

- ◆ THIS IS A CLASSIC CASE OF "SHOOT FIRST AND ASK QUESTIONS LATER." IT'S OBVIOUS PRESIDENT CLINTON HAS PREDETERMINED THE OUTCOME, REGARDLESS OF THE EVIDENCE PRESENTED AT THE HEARINGS.
- ◆ I DON'T REGARD THIS AS A PARTISAN ISSUE, BUT APPARENTLY PRESIDENT CLINTON DOES. WE HEAR LOTS OF TALK ABOUT A "COMPROMISE," BUT THE ONLY PEOPLE HE NEGOTIATED WITH ALL WEEK WERE DEMOCRATS; AND THEN HE TELLS THE PRESS THE REPUBLICANS MADE HIM DO IT.
- ◆ OF ALL THE CAMPAIGN PROMISES TO KEEP, I'M SURPRISED HE WOULD WANT TO KEEP THIS ONE, INSTEAD OF FOCUSING HIS "LASER BEAM" ON THE ECONOMY AND DEFICIT REDUCTION.
- ◆ OVERLOOKED IN ALL THE MEDIA HYPE IS AN IMPORTANT FACT: THE MILITARY EXCLUDES LOTS OF PEOPLE FROM THE MILITARY, ON THE BASIS OF AGE, HEALTH, MENTAL STABILITY, CRIMINAL RECORD, AND SEX (FOR COMBAT). THEY ALSO ASK ABOUT YOUR MARITAL STATUS, RELIGIOUS BELIEFS, CREDIT STATUS, DRUG USE, AND A HOST OF OTHER PERSONAL QUESTIONS. MILITARY SERVICE IS A PRIVILEGE, NOT A RIGHT. IF GAYS WISH TO SERVE THEIR COUNTRY, THERE ARE MANY OTHER WAYS THEY CAN DO IT.
- ◆ IT'S REGRETTABLE PRESIDENT CLINTON REJECTED THE ADVICE OF SENATE REPUBLICANS WHO SUGGESTED A SIX-MONTH TIME-OUT FOR A REAL STUDY OF THE ISSUE. SENATE REPUBLICANS HAD MEANINGFUL CONSULTATIONS WITH REPRESENTATIVES OF MORE THAN 20 VETERANS GROUPS, REPRESENTING MILLIONS OF AMERICAN MEN AND WOMEN. THEY SAID "GO SLOW, LISTEN TO OUR ARGUMENTS" -- THEY FEEL VERY STRONGLY ABOUT THIS ISSUE, AND APPARENTLY THEIR VALID ARGUMENTS HAVE BEEN IGNORED.

AMONG THE ISSUES THEY RAISED, MOST OF WHICH HAVEN'T BEEN CONSIDERED BY MOST AMERICANS BUT WILL DIRECTLY AFFECT THEM:

● G.I. BENEFITS -- WILL GAY "SPOUSES" BE ENTITLED TO TAXPAYER FUNDED HEALTH CARE BENEFITS? TAXPAYER FUNDED MILITARY RETIREMENT? TAXPAYER FUNDED HOUSING?

● GAY MARRIAGES -- WILL MILITARY CHAPLAINS BE REQUIRED TO MARRY GAY COUPLES IN MILITARY CHAPELS?

● COMBAT WOUNDS & AIDS -- ON THE FRONTLINES, THE BLOOD SUPPLY IS A "WALKING BLOOD BANK."

● RECRUITING -- WILL THERE BE A CHILLING EFFECT ON THE ALL-VOLUNTEER ARMY?

● RETENTION -- WILL IT FORCE STRAIGHTS OUT OF THE MILITARY?

###

BOB DOLE

BUILDING

334-8831

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
RULES

United States Senate

WASHINGTON, DC 20510-1801

JANUARY 29, 1003

TO: SENATOR DOLE
FROM: DAN STANLEY
SUBJECT: GAY BAN -- TALKING POINTS

COURT DECISION

- I'm not sure that one judge's opinion decides this issue. Previous court rulings over the past twenty years have consistently sustained the military's policy.
- This particular ruling applies to a single jurisdiction in California. In my view, the preponderance of case law supports our current military policy.

EXECUTIVE ORDER

- In my view, you don't conduct social experiments with our national security just to keep a campaign promise to one group or another. This is a matter that has profound implications and I believe that it must be given careful study ~~before~~ there is any change in policy.

GAYS IN OTHER COUNTRIES' MILITARY

- I think the fact that Gays are allowed in other militaries misses the point. Without question, America has the finest military in the world. I don't believe we should threaten the morale and discipline of our forces in order to achieve some sort of social equivalent with the French or Dutch.
- I think the Congress should have the final say.

COMPROMISE

- It seems the Democrats have found a compromise amongst themselves, but I wouldn't say the issue is settled. Putting a six month delay doesn't mean we should lift the ban. I agree there should be hearings and we should study the facts.





NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

FOR IMMEDIATE RELEASE
JANUARY 29, 1993CONTACT: WALT RIKER
(202) 224-5358

GAYS IN THE MILITARY

CLINTON "COMPROMISE" IS JUST DAMAGE CONTROL; A BIG MISTAKE.

ST. LOUIS, MO -- Senate Republican Leader Bob Dole, in St. Louis to address the Winter Meeting of the Republican National Committee, today issued the following statement regarding President Clinton's announcement on gays in the military:

The so-called Clinton compromise is nothing more than political damage control for a besieged White House.

Regrettably, President Clinton has decided to ignore the overwhelming majority of the American people, military experts, veteran groups and the advice of Senate Republicans and many Democrats on the gay issue.

It's a big mistake. He should have called for a 6-month time-out to truly study this controversy so Congressional hearings could proceed. For some reason, however, Bill Clinton is determined to make gays in the military a top priority, and his determination will force Congressional action next week, notwithstanding last night's limited court ruling which applies only to part of California.

After campaigning almost exclusively on the economy, it's ironic that Bill Clinton's first public address to the nation as President is on lifting the ban on gays in the military.

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The Rule Behind the Ban

A directive drafted in 1982 by the Reagan Administration explicitly bans homosexuals from military service and defines what the military means by "homosexual" and "homosexual behavior." This is an excerpt.

- a. Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the Military Services to maintain discipline, good order and morale; to foster mutual trust and confidence among service members; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Military Services; to maintain the public acceptability of military service.
- b. As used in this section:
 - (1) Homosexual means a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts;
 - (2) Bisexual means a person who engages in, desires to engage in, or intends to engage in homosexual and heterosexual acts and,
 - (3) A homosexual act means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.
- c. The basis for separation may include preservice, prior service or current service conduct or statements. A member shall be separated under this section if one or more of the following approved findings is made:
 - (1) The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are approved further findings that:
 - (a) Such conduct is a departure from the member's usual and customary behavior;
 - (b) Such conduct under all the circumstances is unlikely to recur;
 - (c) Such conduct was not accomplished by use of force, coercion or intimidation by the member during a period of military service;
 - (d) Under the particular circumstances of the case, the member's continued presence in the Service is consistent with the interest of the Service in proper discipline, good order and morale, and
 - (e) The member does not desire to engage in or intend to engage in homosexual acts.
 - (2) The member has stated that he or she is a homosexual or bisexual unless there is a further finding that the member is not a homosexual or bisexual.
 - (3) The member has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved) unless there are further findings that the member is not a homosexual or bisexual and that the purpose of the marriage or attempt was the avoidance or termination of military service.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release:

January 29, 1993

STATEMENT OF DEPARTMENT OF DEFENSE POLICY REGARDING HOMOSEXUALS
IN THE MILITARY

The President has directed the Secretary of Defense to conduct a review of the current Department of Defense policy that excludes homosexuals from military service and prepare a draft executive order based upon that review by July 15, 1993.

Current Department of Defense personnel policies related to this issue will remain in effect at least through July 15, 1993 while the Department of Defense is conducting the review directed by the President, subject to the following guidance:

First, question regarding sexual orientation will be removed from future versions of the induction application, and will not be asked in the interim. The briefings on military justice which all recruits are required to receive upon entry to military service and periodically thereafter under Article 137 of the Uniform Code of Military Justice will include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed services.

Second, the Department of Justice is seeking continuances in pending court-cases involving former service members who have been discharged on the basis of homosexuality and who are seeking reinstatement into military service. The continuances would freeze those cases pending the completion of the review directed by the President.

Third, commanding officers will continue to process cases under the current cases and regulations related to homosexuality.

* Cases involving homosexual conduct will be processed through actual separation and discharge in accordance with current policy.

* When a case involves only homosexual status and the person involved requests a discharge, the person will be released from active duty.

(MORE)

Page Two

* Cases involving acknowledged homosexual status being contested by the individual will be processed through all applicable stages, including notice of the basis for separation, hearing before a board of officers, review of the board's recommendations by the separation authority, and action by the separation authority to discharge the person. If directed by the Attorney General, the final discharge in the cases based only on status will be suspended until the President acts on the recommendations of the Secretary of Defense with respect to current policy. A member whose discharge has been suspended by the Attorney General will be separated from active duty and placed in the standby reserve. Individuals in the standby reserve would have the option to return, upon request, to active duty should the current policy be changed. Those personnel whose cases have not been suspended will be discharged.

* Commanding officers may, in the interests of the individual of the unit concerned, direct changes in the assignment of personnel during the course of separation proceedings.

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MIRA:

MEET THE PRESS: BAN ON GAYS IN THE MILITARY

SUMMARY OF CLINTON'S ANNOUNCEMENT:

By July 15, the Secretary of Defense will draft an executive order to end the present policy of exclusion solely on basis of sexual orientation. During the next six months, a study on the "real, practical problems" involved in this policy decision will be conducted. The JCS and the President have agreed to do the following over the next six months: (1) remove the question about homosexuality from the enlistment interview process; (2) maintain high standards of conduct; (3) suspend those actions against homosexuals which may be in process; (4) separation actions will be stayed by the Justice Department until July 15. The President said he and the JCS still disagree on whether someone should be able to stay in the military if they say they are homosexuals, but don't do anything, i.e., if they don't violate the standards of conduct. Clinton added that he expected the ban to be lifted by July 15, regardless of what the study's findings or conclusions.

sodomy. It's a crime, a felony offense. Now you're going to have to change that, if you're going to allow these kinds of relationships in the military. Or you're going to have to say, "Well, we'll have gays in the military, but they have to be celibate." Now are you

year's campaign, foreign pol. the world will be very different problems out there. Peace or are dependent on U.S. leader depends on maintaining a st

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PRESIDENT CLINTON ANNOUNCEMENT ON HIS PROPOSED POLICY
REGARDING HOMOSEXUALS IN THE MILITARY

Time: 1:43 p.m.

Location: White House briefing room

January 29, 1993

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PRESIDENT BILL CLINTON: Good afternoon, ladies and gentlemen.

I'm sorry, we had a last minute delay occasioned by another issue--not this one.

The debate over whether to lift the ban on homosexuals in the military has, to put it mildly, sparked a great deal of interest over the last few days.

Today, as you know, I have reached an agreement, at least with Senator Nunn and Senator Mitchell, about how we will proceed in the next few days.

But first I'd like to explain what I believe about this issue and why, and what I have decided to do, after a long conversation, and a very good one with the Joint Chiefs of Staff, and discussions with several members of Congress.

The issue is not whether there should be homosexuals in the military. Everyone concedes that there are. The issue is whether men and women who can and have served with real distinction should be excluded from military service solely on the basis of their status.

And I believe they should not. The principle on which I base this position is this. I believe that American citizens who want to serve their country should be able to do so unless their conduct disqualifies them from doing so.

Military life is fundamentally different from civilian society. It necessarily has a different and stricter code of conduct, even a different code of justice.

Nonetheless, individuals who are prepared to accept all necessary restrictions on their behavior, many of which would be intolerable in civilian society, should be able to serve their country honorably and well.

I have asked the secretary of defense to submit by July the 15th a draft executive order, after full consultation with military and congressional leaders, and concerned individuals outside of the government, which would end the present policy solely on the basis of--excuse me--of exclusion from military service solely on the basis of sexual orientation.

And at the same time establish rigorous standards regarding sexual conduct to be applied to all military personnel.

This draft order will be accompanied by a study conducted during the next six months on the real practical problems that would be involved in this revision of policy, so that we will have a practical, realistic approach consistent with the high standards of combat effectiveness and unit cohesion that our armed services must maintain.

I agree with the joint chiefs that the highest standards of conduct must be required. The change cannot and should not be accomplished overnight. It does require extensive consultation with the joint chiefs, experts in the Congress and in the legal community, joined by my administration and others. We've consulted closely to date and will do so in the future. During that process, interim measures will be placed into effect, which I hope again sharpen the focus of this debate.

The joint chiefs of staff have agreed to remove the question regarding one's sexual orientation from future version of the enlistment application and it will not be asked in the interim.

We also all agree that a very high standard of conduct can and must be applied. So the single area of disagreement is this. Should someone be able to serve their country in uniform if they say they are homosexual but they do nothing which violates the code of conduct, undermines unit cohesion or morale apart from that statement?

That is what the furor of the last few days has been about. And the practical and not insignificant issues raised by that issue are what will be studied in the next six months.

Through this period ending July 15th, the Department of Justice will seek continuances in pending court cases

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involving reinstatement and administrative separation under current Department of Defense policies based on status alone will be stayed, pending completion of this review.

The final discharge in cases based only on status will be suspended until the president has an opportunity to review and act upon the final recommendations of the secretary of Defense with respect to the current policy.

In the meantime, a member who's discharge has been suspended by the attorney general will be separated from active duty and placed in stand-by reserve until the final report of the secretary of Defense and the final action of the president.

This is the agreement that I have reached with Senator Nunn and Senator Mitchell. During this review process, I will work with the Congress and I believe the compromise announced today by the senators and by me shows that we can work together to end the gridlock that has plagued our city for too long. This compromise is not everything I would have hoped for, or everything that I have stood for, but it is plainly a substantial step in the right direction.

And it will allow us to move forward on other terribly important issues affecting far more Americans. My administration came to this city with a mission--to bring critical issues of reform and renewal, and economic revitalization to the public debate--issues that are central to the lives of all Americans.

We are working on an economic reform agenda that will begin with an address to the joint session of Congress on February 17th.

In the coming months the White House Task Force on Health Care, chaired by the first lady, will complete work on a comprehensive health care reform proposal to be submitted to Congress within a 100 days of the commencement of this administration.

We will be designing a system of national service, to begin a season of service in which our nation's unmet needs are addressed, and we provide more young people the opportunity to go to college.

We will be proposing comprehensive welfare reform legislation, and other important initiatives.

I applaud the work that has been done in the last two or three days by Senator Nunn, Senator Mitchell and others, to enable us to move forward on a principle that is important to me, without shutting the government down and running the risk of not even addressing the family and medical leave issue which is so important to America's families, before Congress goes into its recess.

I am looking forward to getting on with this issue over the next six months, and with these other issues which were so central to the campaign, and far more importantly, are so important to the lives of all the American people.

Q: Mr. President (inaudible)--
(Simultaneous talking.)

Q: (inaudible) yesterday a federal court in California said that the military ban on homosexuals was unconstitutional.

Will you direct the Navy and the Justice Department not to appeal that decision, and how does that ruling strengthen your hand in this case?

PRESIDENT CLINTON: Well, it makes one point--I think it strengthens my hand, if you will, in two ways.

One, I agree with the principle embodied in the case. As I understand--I've not read the opinion--but as I understand, the opinion draws the distinction that I seek to draw between conduct and status.

And secondly, it makes the practical point I have been making all along, which is that there is a not insignificant chance that this matter would ultimately be resolved in the courts in a way that would open admission into the military, without the opportunity to deal with this whole range of practical issues which everyone who's ever thought about it, or talked it through, concedes are there.

So I think it strengthens my hand on the principle as well as on the process.

③

Q: Mr. President, there's a glass of water (inaudible) while I ask a question. Do you think, since you promised during the campaign, your literature put out, very first statement--lift the ban on homosexuals in the military immediately.

Do you think you didn't think through these practical problems?

What have you learned from this experience in dealing with powerful members of the Senate and the Joint Chiefs?

And how much of a problem is this for you, to accept a compromise which doesn't meet your real goals immediately?

PRESIDENT CLINTON: Well, I haven't given up on my real goals. I think this is a dramatic step forward. Normally, in the history of civil rights, the advancements of presidents have not necessarily been in the forefront in the beginning.

And so I think the fact that we actually have the Joint Chiefs of Staff agreeing that it's time to take this question off the, off the enlistment form, that there ought to be a serious examination of how this would be done, even though they haven't agreed that it should be done.

That the Senate, if they vote for the motion advocated by Senators Nunn and Mitchell, will agree--senators who don't agree that the policy should be changed are agreeing that we ought to have a chance to work through this for six months, and to persuade them of that I think is very, very significant.

Now, I would remind you that any president's executive order can be overturned by an act of Congress. The president can then veto the act of Congress and try to have his veto sustained if the act stands on its own. As a simple issue that could always be vetoed.

But I always knew that there was a chance that the Congress would disagree with my position. I can only tell you that I still think I'm right, I feel comfortable about the way we have done this, and I'm going to maintain the commitment that I have.

Q: (inaudible) practical problems--just answer that part of the question.

Q: Obviously you didn't intend the first--I'm sorry.

PRESIDENT CLINTON: No, I had always planned--I had always planned to allow some period of time during which policies would be developed to deal with what I think are the significant tactical problems.

This in effect may reverse the process over what I intended to do, but there has to be a time at which these issues, these practical issues are developed, and policies are developed to deal with them.

Q: Obviously you didn't intend the first week of your administration giving your promise to have the laser focus on the economy to be seen around the country as military gay rights week.

I wonder if, in retrospect, you think you could have done things differently to avoid that happening?

PRESIDENT CLINTON: I don't know how I could have done that. The Joint Chiefs asked for a meeting about a number of issues of which this was only one. We spent a lot of time talking about other things. This issue was not put forward in this context by me, it was put forward by those in the United States Senate who sought to make it an issue early on.

Q: Well, I wonder if--

PRESIDENT CLINTON: And I don't know how I could have stopped them from doing that.

Q: You don't think that in making the promise, and then in promising to follow through on it early, that you might have given rise to this, do you, sir?

④

PRESIDENT CLINTON: Well, I think it was pretty clear to me that we were talking about some sort of six month process days and days ago, and the people who wanted it debated now were not deterred by that, and probably won't--a lot of them won't be deterred by the agreement announced today.

* I think that we must--they have the perfect right to do this, but the timing of this whole issue was clearly forced by the people in the senate who are opposed to any change of the policy no matter what the facts are, and I think that was their right to do.

But they controlled the timing of this, not me.

Q: Two questions. First of all, just to make sure that we're clear on this. July 15th, this happens, period, regardless of what comes out at these hearings, is that correct? The ban will be issued--or will be lifted, rather?

PRESIDENT CLINTON: That is my position. My position is that I still embrace the principle and I think it should be done.

The position of those who are opposed to me is that they think the problems will be so overwhelming everybody with good sense will change their position. I don't expect to do that.

Q: You definitely expect to do it. And secondly--

PRESIDENT CLINTON: I don't expect to change my position.

Q: --what do you think is going to happen in the military? There have been all sorts of dire predictions, of violence, of, you know, mass comings out, whatever. What do you think the impact of this is going--

PRESIDENT CLINTON: Well, for one thing, I think if the--if you look at the last ten years of experience here, according to the reports we have this country spent \$500 million in tax dollars to separate something under 16,500 homosexuals from the service and has dealt with complaints, at least, of sexual abuse--heterosexual abuse, largely against women--of far greater volumes. But during this period we have plainly had the best educated, best trained, most cohesive military force in the history of the United States and everybody--ask anybody and the joint chiefs will tell you that.

They agreed that we should stop asking the question--this single thing that is dividing people on this debate. I want to make it very clear--this is a very narrow issue. It is whether a person, in the absence of any other disqualifying conduct, can simply say that he or she is homosexual and stay in the service. I do not expect that to spark this kind of problem and I certainly think in the next six months as people start to work it through and talk it through, a lot of the legitimate practical issues will be raised and dealt with in a more rational environment that is less charged. That is certainly what I hope will happen.

Thank you.

END REMARKS

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The Reuter Transcript Report

President Clinton/Gays in the military (first and final add)

January 29, 1993

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BC-PEKT-MITCHELL/NUNN-MULTITAKES

SENATE MAJORITY LEADER GEORGE MITCHELL (D-MAINE) AND SEN. SAM
NUNN (D-GA.) NEWS CONFERENCE

Topic: Gays in the military

Time: 2:23 p.m.

Location: Senate Radio-TV Gallery

January 29, 1993

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SENATOR GEORGE MITCHELL (D-Maine): Good afternoon ladies and gentlemen. Thank you for your courtesy in joining us today. I will make a brief statement. Senator Nunn will have a statement. And then we both will be pleased to respond to your questions.

President Clinton has instructed Secretary of Defense Aspin to undertake a full scale review and consultation with the leaders of the military services on the current implementation of policy with respect to the retention of acknowledge homosexual service men and women. I applaud President Clinton for his consultation on this matter with leaders in Congress, in particular with Senator Nunn, the chairman of the Senate Armed Services Committee, as well as with officials in the defense department; military and civilian.

The president has demonstrated strong leadership and a firm commitment to principle. He said today that this directive is not everything he hoped for, but it is an important step in the right direction. I agree.

I also strongly commend Senator Nunn. He has acted solely on the basis of his conscience and conviction. His support for this directive is crucial. As with the president and with me, it is not all he hoped for. But in this matter, as he always does, Senator Nunn has placed the national interest first.

I believe this directive is an appropriate way to assure that the policy can be reviewed and proposals formulated in a way that preserves military discipline and effectiveness, while protecting the rights of all our military service men and women regardless of sexual orientation.

SENATOR SAM NUNN (D-Georgia): Thank you very much, Mr. Leader, and thank you for all of your splendid support which is not unusual. In fact I get that on every matter that comes up that's controversial, where we have some real feelings on it and where the Senate of the United States is closely divided. And you and I have been through many of those over the years. And I thank you for your superb leadership.

I support the compromise announced today regarding the defense department's policy excluding homosexuals from military service. The steps announced by President Clinton and I'm sure that Secretary of Defense Aspin will be making statements and issuing directives pursuant to this at some later point, allow for a six month period during which both the executive branch and the Congress can carefully review the basis for the current policy and the potential consequences of a change in that current policy.

As I've said on a number of occasions on the floor of the United States Senate and other places, I agree with the current policy. If there is one thing I've learned on military matters in my 20 years of serving in the United States Senate and working with the military virtually every day, is that our armed forces function well if we respect and support their basic requirements for cohesion and effectiveness. Resolving this conflict between individual rights and the basic needs of our military is always difficult. But our nation has had an effective military because we have achieved an acceptable balance over the years. This balance must be maintained.

I also believe however that our country is changing and we have to listen to other points of view. The armed services committee will begin a series of comprehensive hearings in the next several months on the issue of homosexuals in the

military services. We will hear from a broad range of views on this question; the civilian and military leadership of the department of defense, the men and women currently serving in uniform in ranks of the military service; both enlisted, young officers as well as the high ranking officials, and persons from the civilian community with expertise and interests in this issue.

I want to commend President Clinton and Secretary Aspin for working with those of us in the Congress to develop the framework that has been announced that will allow careful consideration of this matter in the weeks and months ahead.

I understand and respect the president's views on this matter. Persistent media reports that I am somehow irritated over not being consulted on this issue by the administration are totally false. I have never said that, and it is not true.

I had the opportunity to discuss on a number of occasions with President Clinton himself, beginning in August of last year, and continuing in at least four or five occasions I've discussed this issue as well as many other issues. I'm confident that President Clinton understand my own personal views on this issue, and I'm also very confident that he understands the constitutional responsibilities of the Congress in raising armies and maintaining our military forces.

In the discussions over the past week on how to resolve the current issue, I emphasized over and over again that I believed that it was essential to maintain the current department of defense policy that excluded homosexuals from military service, and that that remain in effect during the period of review by the Congress and the executive branch. I also emphasized in my discussions with President Clinton, and I submitted some proposals to them last evening, along with Senator Mitchell. I emphasized that the following additional points were necessary in my view to reach a consensus on this issue before we go into the six month period of intentional and careful study:

The first point, if the department eliminates the pre-enlistment question on sexual orientation, which has been agreed to by the Joint Chiefs, as the president reflected in his news conference, the department should also provide every recruit with a clear explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces.

The uniform code of military justice is the conduct code of the military, and I want to make sure, and I believe this directive has done that, that they understand that when they enter the military.

Commanding officers should be allowed to continue to process cases for discharge under the current laws and regulations relating to homosexuality. That's point two.

Cases involving homosexual conduct should be processed through actual separation and discharge in accordance with current policy. That's for conduct. And everyone agrees with that. The president, Joint Chiefs and others.

With respect to any guidance that would be used for cases involving only homosexual status, the cases should be processed through all administrative proceedings and the persons should be separated from active duty. A member who's discharge has been suspended by the attorney general will be separated from active duty and placed in the stand-by reserve.

Individuals in the stand-by reserve would have the option to return upon request to active duty should the policy be changed. If the policy is not changed, those persons would be discharged.

The stand-by reserve included individuals in a non-pay status who are not affiliated with a unit or position designated for mobilization in the ready reserve.

The final point, which is in the directive that has been given out by the White House today, part of the president's announcement. The final point that I had felt was essential and it has been incorporated is the commanding officers may, in the interest of the individual or the unit concerned direct changes in the assignment of personnel during the course of separation proceedings.

The policies announced by the administration today incorporates each of these points. This is a very difficult and a very emotional issue as we've found out in the last few days. In the coming months, I hope that all interested parties will participate in a constructive, deliberate discussion of all the questions raised by the potential changes to the current defense department policy excluding homosexuals from military service.

Thank you.

Q: Senator Mitchell, how do you see the vote coming-- the key votes coming down in this issue if Republicans as they have previously said will attempt to force an amendment to codify the existing ban? How do you see this playing out on what legislation (inaudible)? Where would the key vote occur?

SENATOR MITCHELL: The decision as to what amendment to offer and what legislation to offer it to will of course be made by the opponents and perhaps there'll be some indication of that today. I believe that given this directive and the support for it announced here today by Senator Nunn that a majority of the Senate will reject an effort to immediately codify by statute the existing policy.

Q: That was not your view earlier this week? Was it your opinion earlier this week that a majority of the Senate would vote to codify? Is this a change in your view as a result of this?

SENATOR MITCHELL: No, it's not a change in my view. It's consistent with what I've said publicly and privately since this matter first arose.

Q: Senator Nunn, the (inaudible) today indicates that following a six month review period he is going to see when this executive order will allow gays in the military. If he does go ahead with that, will you then bring legislation (inaudible) to them?

SENATOR NUNN: Well, let me put it this way. I think the president will listen to what has developed in the hearings. I know he has already talked to the joint chiefs and he has invited them to give him their views and I'm sure they're going to do that. I'm certain he's going to listen to the men and women in the military. He has a position which he bases on principle. He feels deeply about it. I don't think he intends to change his mind. I have a feeling on the subject and I don't have any present intention of changing my mind. But I'm going to listen carefully to the testimony. I'm going to hear all points of view and my final judgment will be based on all of that testimony and what we learn between now and the time we actually see what the president does.

If the president goes forward with the executive order then I will have to make a decision then what I do. I wasn't leading the charge for legislation on this matter. My first statement and clear statement was that I hope that there would not be legislation on this matter. I hope the president would not change the current policy during the interim period. I said that last week. You'll have to talk to other people who were leading the charge and may still, for legislation, to determine that.

Q: Senator Nunn, the (inaudible) decision in California had to do with (inaudible) your view?

SENATOR NUNN: The court decision is a district court decision, as I understand it. I haven't read the case but that district court decision can be appealed. There was a similar case in 1989 on I believe very similar circumstances. A district court also ruled the current policy unconstitutional in 1989. That was appealed to the seventh circuit. The seventh circuit reversed that case and upheld the current policy.

So in court cases, we all have to wait until the

appeals take place to determine what may happen.

I think there's a serious question on the district court decision that goes far beyond this issue, and that is, whether the commander in chief and the Congress will set the rules for the military or whether the federal courts will set the rules for the military. I have always felt that the rules for the military ought to be set by the commander in chief, the president and the Congress. That goes far beyond this issue and is not necessarily related to this issue exclusively.

SENATOR MITCHELL: Do you mind if I make a comment on that? She asked both of us. As the only former federal district judge in the Congress I am inclined to give greater weight to the opinions of such courts, especially when they are consistent with my views on the issue.

(Laughter)

SENATOR NUNN: I've never had life tenure, myself.

SENATOR MITCHELL: And I had it for a relatively brief period of time. I've not yet read the opinion. I've read the press reports of it. I look forward to reading the entire opinion. Obviously I favor lifting the ban and while I agree with Senator Nunn that policies with respect to the military ought to be set by the president and Congress, it is also true, as I'm sure he will agree, that the definition of the constitutional rights of all American citizens is an appropriate subject for determination by the federal courts. And so it is correct of course that this decision is subject to appeal and the ultimate decision will have to be rendered by the highest court in the land.

But so far, based on what I've heard, I like the opinion.

Q: Do you have any indication that (inaudible)?

SENATOR MITCHELL: I have no knowledge of that. I have no knowledge, one way or the other.

SENATOR NUNN: No, I'm certain the administration will take some time to look at the case and determine. I doubt very seriously if they've had a chance to do that. They're going to have to have an attorney general at some point get involved here, too.

SENATOR MITCHELL: You know, when I was, when I was a federal judge I tended to not look kindly upon people who commented on my opinions before reading them, and I followed a rule which I know is quaint in some circles, that I actually read court decisions before commenting in detail on them, and I would recommend that to everyone and I think that's clearly, as Senator Nunn indicated, what the administration must do.

Q: If the Republicans try to proceed, as they said yesterday they would proceed (inaudible) will you introduce a second (inaudible) and does this require--this announcement today, your announcement, require any legislation (inaudible)?

SENATOR MITCHELL: Implementation of the directive does not require legislation.

Q: Right, but yours--

SENATOR MITCHELL: And we will await such action as those who have a contrary view take before attempting to respond to it. We will be prepared, I hope, for every eventuality. And I believe, as I said earlier--I'm now repeating--that a majority of the Senate will reject any effort to place, by statute, the current or the policy prior to the issuance of this directive into law at this time.

Q: Senator Nunn, the president said today that it was

members of the Senate who made this such an issue, not--that he didn't make it an issue, that members of the Senate made it an issue.

Do you have any second thoughts on your role in this at all?

SENATOR NUNN: I'm sure he wasn't talking about me. I wasn't, I wasn't threatening to introduce legislation. I urged both sides to not take final decisive action. I urged the president not to, and I urged there to be no legislation on this issue.

My position had to be determined by what the executive branch did. If the executive branch had changed current policy in a significant way, that was a de facto implementation of the policy change the president advocated, then I very likely would have voted on legislation that was presented, and I probably would not have voted with the president on that.

But the president did not do that. I think we have a very sensible policy here that's going to govern during the interim and I support that policy. So I don't think he was talking about me.

Q: Was it your idea about putting gays who are simply--who announce their sexual preference in the ready reserve?

SENATOR NUNN: Standby, standby reserve.

Q: Standby reserve?

SENATOR NUNN: Yes, that was my suggestion; that was my suggestion. Every one of the points I just made very carefully here were the suggestions I made.

The president made it very clear that he didn't get everything he wanted. There are some things in here that he would have preferred not to have.

I would have preferred just purely the current policy. But I think this is a reasonable compromise and I think it takes into account the viewpoint of the president, and I believe that it, hopefully will get 50 percent of the senators--

SENATOR MITCHELL: Given the--if I may add just a brief comment to that. Given the controversial and highly publicized nature of this issue, and the unrestricted right of amendment in the Senate in which any individual member of the Senate can offer any amendment at any time, I believe it was reasonable, prudent and correct for the president to anticipate that action would have been initiated in the president, whatever he did or did not do.

Q: Can I ask what was the last sticking point or sticking points in reaching a decision over the last 24-36 hours?

What was the hardest (inaudible)?

SENATOR NUNN: The hardest part was what to do during this six month period, and that's the key and the hardest part of that was what to do with individuals who were not charged with conduct but were charged with the status, and the hard part of that was whether you could--one thing that I felt very strongly about, it is now part of this policy, is that a unit commander would have the right to reassign to protect the individual, if necessary, or to protect the unit.

I think that's enormously important. And the other thing that I believe was important was that the discharge procedures go forward and that the individuals be separated from active duty, but they also be put in standby reserve and they'd have the right to re-enter depending on the ultimate outcome of the policy.

Those were all among the final issues to be, to be decided. One other issue that was important, and this again is what we talked about, was that the Uniform Code of Military

Justice be clearly explained to people who are recruits, because they're coming in without full knowledge of what may happen in six months.

But the Uniform Code of Military Justice is the law. It cannot be changed by executive order. That law governs the conduct of the military and I think it's very important that they be given a clear explanation of that including the provisions on sexual behavior.

SENATOR MITCHELL: If I may just make one comment on that.

(Laughter.)

I--

Q: Feel free. (inaudible)

SENATOR MITCHELL: I do thank you very much.

I believe the president correctly identified the principal issue at stake and in controversy here and that is the distinction between disciplinary action taken on the basis of conduct as opposed to disciplinary action taken on the basis of status.

That is, what a person does as opposed to what a person is. From the president's standpoint this directive establishes that principle and it is very important that everybody understand that.

A distinction is made in this directive on the procedures which will be utilized for those persons with respect to whom action is taken on the basis of conduct, what they do as opposed to the action which will be taken with respect to those based upon their status.

Q: (inaudible)

SENATOR MITCHELL: They are, and so I think Senator Nunn is quite correct--this is a compromise. But I think the importance, from the president's standpoint--and it is a significant one--is that that distinction is established, and this is during the interim period.

As Senator Nunn has so correctly stated on several occasions, we're talking about during this time when this will be thoroughly explored. I--the fact is of course, as you know, Senator Nunn and I do not agree on that ultimate issue. We do agree that these hearings will be instructive and informative for all, for those legislators who will have to vote on this issue, and for the American people.

And I want to conclude by saying I am pleased that Senator Nunn will be conducting those hearings, because there is not a more thorough and intelligent and effective legislator in this Senate than Senator Nunn.

And I'm confident that although he has stated his view very clearly on the subject, that he will conduct these hearings in a fair, thorough and appropriate manner, with a view toward eliciting the best kind of and most thorough information on the subject as possible.

SENATOR NUNN: Senator Glenn will be helping as the manpower chairman.

SENATOR MITCHELL: We look forward to that.

Q: Senator, during this six month period they're going to be separate anyway, aren't they? They're going to be put in (inaudible) but they're going to be separated?

SENATOR NUNN: It's all very clear there.

END NEWS CONFERENCE

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