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Gays in the Military

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THE WHITE HOUSE
WASHINGTON

December 21, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN, COUNSEL TO THE PRESIDENT
BILL MARSHALL, DEPUTY COUNSEL TO THE PRESIDENT
EDDIE CORREIA, SPECIAL COUNSEL FOR CIVIL RIGHTS

SUBJECT: DON'T ASK/DON'T TELL

You asked if you can change the Don't Ask/Don't Tell policy by executive order since Congress has enacted it into law. The 1993 statute prohibits gays and lesbians from serving in the military if: 1) they engage in homosexual conduct; 2) they state that they are gay and they cannot rebut the presumption that they will engage in such conduct; or 3) they marry a person of the same sex. As you suggest, you cannot override these basic prohibitions by executive order.

However, there are a number of steps that the Administration can take that will improve the implementation of the policy. For example, the military services have been directed by the Secretary of Defense to develop guidance regarding the prohibition on harassing gay service members. The services can also more effectively enforce the ban on commanding officers asking about sexual orientation. Defense is also exploring the possibility of clarifying the policy to ensure that certain kinds of confidential communications about sexual orientation, e.g., to chaplains and psychotherapists, do not result in the discharge of a gay service member. These kinds of steps will improve the climate for gays and lesbians in the service but do not require a statutory change.

A working group within the White House, including the Counsel's Office, NSC, and the Office of Public Liaison, is developing approaches to improving implementation of the policy. This group will be working with the Department of Defense, which will have ultimate responsibility for carrying out any changes in the current enforcement of the policy. Before putting any significant reforms into effect, Defense will consult with the military services.

PRESS GUIDANCE

1/14/2000

"Don't Ask, Don't Tell"

Jointly prepared by White House Counsel, NSC and OPL

Section A: Britain and NATO

1.) What do you think of the fact that the UK is going to allow gays and lesbians to serve openly in their armed forces?

- That is the position the President advocated for the U.S. military in 1993. It's consistent with the policy that the President pressed for in 1992-93. A future Congress should consider where Europe is headed.

2.) What do you think of Britain's Department of Defense's new code of social conduct affecting gays in the military?

- As I understand it, the code sets standards for proper social interaction between the diverse mix of individuals serving in the military. These standards, much like we have in our own military, will help commanders maintain good order and discipline within their units.

3.) What do you think of the European Court of Human Rights ruling (which led to Britain's change in policy) that the ban on gays serving openly in the military violated the fundamental human right to privacy?

- The European Court's opinion is setting out a standard of equality and human rights that is something we should study and learn from. It's consistent with the policy that the President pressed for in 1992-93. A future Congress should consider where Europe is headed.

4.) Is there a possibility that the US Supreme Court will overturn the DADT law as a ban on human rights similar to the European Court?

- I'm not sure what the Supreme Court would do, but I don't think this is primarily a legal matter. Here in the United States, it's a question of what makes sense for military readiness and what is fair to gays and lesbians who have served honorably in the military services for a long time.

5.) Most NATO countries now allow homosexuals to serve openly in their militaries. Will the effectiveness of joint NATO maneuvers be threatened because of DOD's fear of diminished military unit cohesion with NATO forces who allow gays in the military?

- I am confident that different policies on this issue will not hinder joint NATO maneuvers or any other NATO action.

Section B: On the Barry Winchell trial and DOD's response

Background: The trial of Army Specialist Justin R. Fisher concluded this weekend at Fort Campbell. This is the second court martial stemming from the death of Private First Class Barry Winchell, who was allegedly killed because of his homosexuality. Private Calvin Glover was convicted of murder in a previous court martial. Specialist Fisher was the roommate of Private Winchell and was convicted of obstructing justice, making false statements, and providing alcohol to a minor.

1.) What do you think of DOD's response to the trial at Ft. Campbell.?

- I'm not going to comment about the verdict or sentence in any particular case. This case is in the military justice system, and the legal process is ongoing.
- As a general matter, both the President and the Secretary of Defense have said in the clearest terms that harassment of people based on sexual orientation -- or race and gender for that matter -- is strictly prohibited.
- The Department of Defense is taking a number of actions to review implementation of this policy. The Inspector General of the Department of Defense is conducting an investigation of compliance with our Don't Ask/Don't Tell/Don't Harass policy, and the Army IG is conducting a separate one at Fort Campbell. We are determined to prevent service members from being harassed."

2.) This case raises questions about the safety of servicemen and women on U.S. bases. At Ft. Campbell, for example, underage drinking allegedly contributed to the violence that claimed Private Winchell's life. Are you concerned? If so, what are you willing to do to improve safety?

- Of course, the safety and security of our servicemen and women on our military

installations is a paramount concern.

- The Army has committed to review compliance with policies and procedures that protect the health, safety, and security of its soldiers at Ft. Campbell.
- Specifically, the commanding general at Fort Campbell has asked the Army Inspector General to review whether there were violations of the Department of Defense Homosexual Conduct Policy in the events at Fort Campbell.
- Beyond reviewing the Homosexual Conduct Policy, Fort Campbell will also undertake a review of compliance with applicable policies, procedures and regulations.
- I strongly support any measures that improve the safety of our soldiers.

3.) Doesn't this verdict further demonstrate that your "don't ask, don't tell" policy regarding gays in the military does not work?

- As I have said before, our policy has not had a chance to work because it has not been fully implemented. I am committed to improving implementation of the existing policy rather than changing the statute passed by Congress in 1993.
- Secretary Cohen has already taken a number of steps to improve policy implementation, to include a DOD Inspector General review of the environment at military bases as it relates to the homosexual policy and specific tasking to the services on updated training programs. I refer you to DOD for details.

Section C: Presidential Primary

Background: The Human Rights Campaign, a national Gay and Lesbian equal rights group, is going to air an ad campaign starting this Sunday as a response to the Republican ads against the VP's earlier statements.

1.) What do you think of Vice President Gore's statement on the role of the Joint Chiefs?

- He's made clear that he would want the candid advice of Members of the Joint Chiefs, but that he would expect them to support the policy that the Commander in Chief decided. That is the traditional and appropriate relationship between the President and the Joint Chiefs and certainly the one that this President has followed.

THE WHITE HOUSE

WASHINGTON

December 20, 1999

Dear Representative Frank:

Thank you for your letter to the President expressing your disappointment over White House Counsel Beth Nolan's response to the letter concerning the case of Arizona State Representative Stephen May.

I have shared your concerns with the President and his other advisors, and you will receive a response in the near future. In the meantime, if I can be of assistance to you, please do not hesitate to contact me.

Best wishes.

Sincerely,

Charles M. Brain
Deputy Assistant to the President
and Deputy Director for Legislative
Affairs

The Honorable Barney Frank
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

December 20, 1999

**MEMORANDUM FOR BETH NOLAN
COUNSEL TO THE PRESIDENT**

**FROM: CHARLES M. BRAIN
LEGISLATIVE AFFAIRS**

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Attached please find a copy of a letter sent to the President from Rep. Barney Frank (D-MA).

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to the Office of Records Management, Room 72 Old Executive Office Building.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Courtney Crouch, Office of Legislative Affairs, at 456-7500.

Enclosure

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

ID# 404433
PAGE 1

DATE RECEIVED

NAME OF CORRESPONDENT: THE HONORABLE BARNEY FRANK

SUBJECT: EXPRESSES DISAPPOINTMENT OVER THE RESPONSE HE RECEIVED FROM COUNSEL BETH NOLAN TO THE LETTER SIGNED BY OVER A HUNDRED MEMBER OF CONGRESS URGING THE PRESIDENT NOT TO ALLOW ARIZONA REPRESENTATIVE STEPHEN MAY TO BE DISMISSED FROM THE MILITARY FOR COMMENTS HE

ACTION

DISPOSITION

ROUTE TO OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS	LARRY STEIN	ORG	1999/12/13			

ACTION COMMENTS

Counsel Beth Nolan

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

cc: Broderick Johnson, Chuck Brain

*Counsel
cc: Broderick
cc: Chuck*

ACTION CODES:

A - APPROPRIATE ACTION
C - COMMENT/RECOMMENDATION
D - DRAFT RESPONSE
F - FURNISH FACT SHEET
I - INFO COPY/NO ACT NECESSARY
R - DIRECT REPLY W/ COPY
S - FOR SIGNATURE

DISPOSITION CODES:

A - ANSWERED
B - NON-SEPC-REFERRAL
C - COMPLETED
S - SUSPENDED

OUTGOING CORRESPONDENCE:

TYPE RESP = INITIALS OF SIGNER
CODE = A
COMPLETED = DATE OF OUTGOING

REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

1250
BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

2210 RAYBURN BUILDING
WASHINGTON, DC 20515-2104
(202) 225-5931

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(617) 332-3920

Congress of the United States
House of Representatives
Washington, DC

December 2, 1999

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(508) 674-3551

89 MAIN STREET
BRIDGEWATER, MA 02324
(508) 697-9403

The Honorable William Jefferson Clinton
President
The White House
Washington, D.C. 20500



404433

Dear Mr. President,

I just received from your Counsel, Beth Nolan, a response to the letter that well over a hundred Members of Congress sent to you urging you not to allow Arizona Representative Stephen May to be dismissed from the military for comments he made during his official activities as an Arizona State Representative. I was appalled to receive from Ms. Nolan a letter in which she disclaimed on your behalf any responsibility for this decision, and told me that she had forwarded the letter to Secretary Cohen because he "is responsible for implementing the policy and conducting whatever investigation is appropriate." Heretofore, I had been under the impression that you were the Commander-in-Chief, that the policy of "Don't Ask, Don't Tell" was one that had been promulgated by you, and that you had ultimate responsibility for its enforcement. I well remember the political difficulties that arose and that led to this decision, although I disagreed with it at the time as you will remember. But none of that justifies the brush off that Ms. Nolan has given me. This continues to be your responsibility, and this effort to put that responsibility onto Secretary Cohen is baseless. I am, as I said, deeply disappointed.

BARNEY FRANK

BF/mg

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515-2104

PUBLIC DOCUMENT

OFFICIAL BUSINESS

Address Service Requested

Barney Frank
M.C.



THE PRESIDENT HAS SEEN

12-17-99

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copied
Nolan
Podesta

12-17-99

Richard Cohen

Don't Ask, Take Command

If you read up on the origins of the "don't ask, don't tell" policy, if you review what has happened over the years, then you will also notice the alibi phrase "lack of leadership." It suggests that in some totally unpredictable way a good plan has gone awry. In fact, the opposite is true. The policy is doing precisely what the military intended, keeping gays out of the armed services. Now that, in a way, is leadership.

The result, wholly unintended but wholly predictable, was the murder of Pfc. Barry Winchell on account of his being gay. No one wanted that to happen. But you may ask just exactly what everyone from the president on down thought would happen if gays were treated as aliens—tolerated but hardly welcomed, and then only if they stayed in the closet. This was not a policy. It was a craven accommodation to bigotry.

Now President Clinton has expressed second thoughts about this policy. It's "out of whack now," he said recently. Now his wife, the first lady and Senate candidate from New York, is saying she doesn't like the policy one bit. Now Al Gore, the vice president and a presidential candidate, is saying the same thing. Where have they been since 1993? It's not their minds that have changed, it's their political circumstances. One's a lame duck and the other two are in tight political races.

As for the military, it has much to answer for. If an officer, even one with stars on his shoulders, has an extramarital affair, he could be court-martialed—demoted, fined or passed over for promotion. In the military, your marriage may survive adultery, but your career won't.

But if you harass some poor private for months—if you call him "faggot," "queer" and "homo"—if some noncommissioned officers join in while others just look the other way, then nothing at all happens. Winchell was murdered, beaten to death with a baseball bat, but the Army has tried no one but the killers. Why? What about those noncoms? What about the officers? What about the post commander, for crying out loud? What's he running, a frat house?

Winchell's murder was not akin to a lightning strike, an act of God. It was an act of man. Something like it was bound to happen once the entire military establishment, backed by some yahoos in Congress, stared

down President Clinton in 1998 and compelled him to back away from his campaign promise to lift the ban against homosexuals in the military. Clinton should simply have issued an executive order, acted like the commander in chief for once in his life, and told Colin Powell, who was then the chairman of the Joint Chiefs, to either salute or resign. Powell would have saluted—and implemented the policy (even though he opposed it) until, possibly, it was overturned by Congress.

It's easy enough to blame Clinton, Gore and even Hillary Clinton for doing and saying little as the evidence accumulated that "don't ask, don't tell" was not working. (Among other things, the number of gays being discharged rose by 70 percent from 1993 to 1998.) But Congress, led in recent years by some certified homophobes, was dead set against a more liberal policy.

Even some usually sane senators acted like fools on this issue. Sam Nunn and John Warner went down to the Norfolk Naval Base to see for themselves how cramped conditions are on a submarine. To their mock horror, they discovered that people did indeed live in very close quarters. "The American people have to know," Nunn explained.

"Don't ask, don't tell" was in fact Nunn's bright idea—a compromise, he called it. But it did not compromise at all with the canard that gays are somehow sick, weird, a bit less than human, a menace to children and, often, sexual predators. On the contrary, by yielding to bigotry, the policy endorsed it. It validated the homophobia that is so imbedded in our culture. At the very least it did nothing to contradict it.

In 1948 Harry Truman desegregated the Army by fiat. He did so over the objections of the brass and the secretary of the Army. He did so in an era when blacks still could not vote in the South, when schools were segregated, when blacks and whites even had their own state parks, when whites gave orders to blacks and not the other way around and a black man could be lynched on the whisper of a sexual allegation.

The racial bigotry of that era was ugly, pervasive, pernicious and even supported in law. Yet Truman acted because he thought it was right. President Clinton also knows what's right. He ought to just do it.

The Washington Post

THURSDAY, DECEMBER 16, 1999

Q's and A's: Don't Ask/Don't Tell

Q: How do you feel about the First Lady's views on elimination of the Don't Ask/Don't Tell policy?

A: First of all, I'm quite sympathetic with what she said. That was the position that both of us brought to the White House. I agree with her that the policy has not worked well. We ought to look toward a day when gays and lesbians can serve openly in the military alongside everyone else. The truth is that they have served in the military for a long time and they have made a great contribution to our national security.

Q: How do you feel about the Vice President's views? Was he opposed to the policy from the beginning?

A: Yes, the Vice President argued from the beginning to drop the ban entirely. The reason that I went for don't ask, don't tell is that it's all I could do because I had a clear signal from the Congress that if I implemented my policy, they would reverse it by overwhelming majorities. I thought a compromise with Congress was better for the military services as well as the gay men and women in uniform. I think many of us realize now that the policy has not worked as well as we had hoped.

Q: Should the policy be changed to what you campaigned on? If so why don't you try to change it in the coming year?

For me, what's important is that the policy, as implemented, does not work as I announced it and as the leaders of our military at that time in '93 pledged to implement it. I think it makes more sense to improve the implementation of it rather to spend enormous effort working on changing the statute. We've already taken a number of steps to improve it and I believe it can be implemented even more effectively and fairly. The Pentagon will take the lead in doing that and they will work closely with all the military services and they will consult with Congress as well.

Q: Should the next congress address it?

I think that if there's a sense in the Congress or in the next White House that this policy can be changed for the better, then it will be addressed. We've made great progress in seeing people as individuals in this country and in looking beyond race and religion and gender. We're doing that with sexual orientation, too. We just have to keep working at it.

Q: Who is responsible for implementing the policy?

A: The Pentagon is responsible for implementing the policy and steps are being taken to

improve implementation. For example, the Department of Defense directed the services to issue guidelines against harassment and has required training for service members. It strengthened the confidentiality of communications between service members and health care professionals. At the recommendation of the Department of Defense, I issued an executive order authorizing higher penalties for hate crimes, based on sexual orientation, race and other factors. But there is more to be done, and I know Secretary Cohen is committed to doing it.

Q What is the purpose of the review ordered by Secretary Cohen?

He directed the DOD Inspector General to assess the environment with respect to application of the “don’t ask, don’t tell” policy at representative installations within each of the military departments. That report is due in 90 days. It should provide us with a better picture on how the policy is being implemented.

DON'T ASK, DON'T TELL
December 14, 1999

Background: Secretary of Defense Cohen announced on December 13 that he had directed the DOD Inspector General to assess the environment with respect to application of the "don't ask, don't tell" policy at representative installations within each of the military departments.

Has the "don't ask, don't tell" policy failed to protect gay servicemembers?

- An April 1998 OSD review concluded that the Armed Forces have experienced challenges implementing the "don't ask, don't tell" policy. For the most part the policy has been properly enforced. However, the constrained personal privacy of all servicemembers and a cultural emphasis on enforcing the 1993 law requiring that servicemembers with a propensity or intention to engage in homosexual acts must be separated have created problems in implementing the "don't ask, don't tell" policy.
- Such problems can be seen in the number of annual discharges for homosexual conduct, which has doubled since 1994, and reports from outside groups that incidents of anti-gay harassment have increased significantly since 1997.
- President has expressed his concern about the manner in which the "don't ask, don't tell" policy is being implemented. This is consistent with many of the concerns expressed by Secretary Cohen.
- Yesterday, Secretary of Defense Cohen announced that he had directed the DOD Inspector General to assess the environment with respect to application of the "don't ask, don't tell" policy at representative installations within each of the military departments. That report is due in 90 days.
- The President will review the "don't ask, don't tell" policy after the Inspector General completes the assessment directed by Secretary Cohen.

What have you done to strengthen the "don't ask, don't tell" policy?

- DOD has taken several steps over the past three years to enhance implementation of the "don't ask, don't tell" policy.
- In 1997, DOD issued guidance stating that a report by a servicemember of harassment because he or she is perceived to be gay is not a cause for the commanding officer to investigate the person being harassed. It also ordered prompt investigation of harassment charges made by possibly gay members and ordered training to prevent harassment.

DRAFT

Possible Steps to Improve Implementation of Don't Ask/Don't Tell

Prohibiting Harassment of Service Members. In August 1999, DOD released a memorandum to the services reiterating the Pentagon's policy prohibiting threats or harassment on the basis of alleged homosexuality. The services are to disseminate this guidance to all levels of command and incorporate it into training. Only the Navy has disseminated guidance. The other services should do so as soon as possible.

More Effective Enforcement of the "Don't Ask" Prohibition. One straightforward step that can be taken is for the services to issue guidance to commanding officers reiterating this policy and for commanding officers at each base to make clear the importance of this requirement.

Another effective way to communicate the importance of this policy is to ensure that persons who violate it are held accountable. The record in the Winchell case suggests that there may have been violations of the existing bar on commanding officers asking about sexual orientation. Ft. Campbell has announced that, at the conclusion of the court martial proceedings arising out of the Winchell murder, it will initiate an inquiry regarding compliance with all aspects of the policy, including the bar on these inquiries. Although an investigation of any person must be conducted free of any command influence by the White House, DOD, or military commanders, DOD can conduct additional inquiries where appropriate to more effectively enforce this aspect of the policy.

Pre-trial Agreements. Existing DOD policy is unclear as to when pre-trial agreements in court martial proceedings can be contingent on one service member providing information about the consensual sexual conduct of other service members. There have been discussions within DOD about clarifying the policy to make clear that such agreements should not be contingent on providing such information unless the conduct of the other service member constitutes conduct that warrants a criminal investigation.

Protecting the Confidentiality of Communications. The "Don't Tell" prohibition in the statute does not define prohibited statements. However, the intent of the policy was to protect the confidentiality of service members' sexual orientation but to bar openly gay men and women from remaining in the military. Consequently, there should be sufficient flexibility in the implementation of the policy to recognize a category of confidential statements regarding sexual orientation that do not violate the "Don't Tell" prohibition. For example, these would include confidential statements to counselors and chaplains, etc. DOD has considered expanding confidentiality protections and we can work with them to do so.

Rebutting the Presumption of Homosexual Conduct. The statute provides a service member is separated if he or she makes a statement that he or she is a homosexual and fails to demonstrate "that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts." Consequently, a service member should be given a reasonable opportunity to make this demonstration. For example, if there is no evidence that a service member has engaged in conduct, an affidavit regarding the intent not to engage in conduct in the future should be sufficient. The infrequency with which this rebuttal provision has been used suggests that DOD needs implement this aspect of the policy in a more flexible way.

draft

Starr

Q: Ken Starr says you should put yourself right with the law by accepting Judge Wright's ruling that you lied in your civil deposition in the Jones case. Do you have any reaction to Mr. Starr's advice? Do you believe you told the truth in that deposition?

A: I have said before that there will come a time to discuss these issues at greater length, and it will be after I leave this office. In the meantime, I have a lot of work to do for the people of this country. That's what I'm focusing on.

Q: Now that he's left his position, do you have any view about Mr. Starr's tenure as Independent Counsel, or any opinion about his replacement, Mr. Ray?

A: I have nothing to say about either of them.

Q: Do you have any concern about legal liability for yourself or Mrs. Clinton as Mr. Ray continues to investigate you, or are you at all worried that his final report may find fault with you in any way?

A: Again, I see no value in commenting on those matters. I have plenty on my plate when it comes to the people's business, and that's what is occupying my time and attention.

Q: Mr. Starr says his investigators found Juanita Broadrick to be very credible. Do you want to take this opportunity to finally answer questions about your relationship with her?

A: I have nothing to say about that.

First Lady

Q: Mrs. Clinton has signaled that she intends to scale back her duties as First Lady. What do you say to those who charge that she's abdicating an important responsibility that the American people placed in her?

A: They're wrong. Hillary has devoted her whole life to the cause of children, women, families and public service. As First Lady, she has been an important goodwill ambassador for our country and its interests around the world, and she has traveled this country as well to advocate for children and families, and for preservation of our nation's historic treasures, among many other important causes. I think most Americans are proud of what she's done, and what she stands for.

When mayors run for governor or the Senate, when governors run for President, of course they must cut back some on their duties. So, too, will the First Lady. But just because she is embarking on a new path does not mean she is abdicating her responsibility to this country; her advocacy for the causes she believes in so strongly remains the same, as does her commitment to serving the public interest. Indeed, it is that advocacy and commitment that has inspired her to seek to fight for the people of New York.

I'm proud of her, and all she's done for this country. And I'm proud of what she's seeking to do now.

Q: Mrs. Clinton is cutting back on her duties as First Lady. She is anxious to move into what she calls "my" home in New York. She's reportedly not anxious to have your help in the Senate race. Does all this add up to evidence of problems in your marriage, or simply a desire, like that of Al Gore, to disassociate herself from your negative public image?

A: You've set up a strawman in your question, and I take issue with your presumptions. I've answered the question about her duties as First Lady. As for our home – it is my home, it is her home, it is our home, and I am looking forward to moving in and spending time there. Of necessity, I will not be able to spend as much time there in the coming year, simply because of my work here in the White House. But I'll be joining Mrs. Clinton in New York in the coming year; I share her desire for us to begin moving our things in as soon as the Secret Service gives the green light. That might be before the end of the month, as I understand it.

Q: Have you decided whether you'll be paying taxes in New York State, or voting there?

A: New York will be Hillary's and my primary residence, and we'll sort out all the details that flow from that in the coming months.

Q: Do you have any reaction to claims by Gail Sheehy that Mrs. Clinton may have some kind of addiction to you, and that you may have a multiple personality disorder?

A: Lots of people are writing lots of books these days, and I make it my habit not to pay much attention to any of them, so I'm not going to be commenting on this or any other author's work in the coming months.

Anniversary

Q: Next week marks the first anniversary of your impeachment by the House of Representatives. You've said you believe you defended the Constitution in your fight against impeachment, suggesting you still feel no sense of shame or regret about the actions that led to such a black mark on your presidency. What are your thoughts today as that anniversary looms?

A: I don't think much about what's done and gone. I think more about what's to come and needs to be done on behalf of the people of this country.

Q: Besides the impeachment anniversary, next week will mark the 400 day point of your presidency – 400 days from next Friday until the end of your term. What do you hope to accomplish in that relatively short amount of time? And how do you avoid becoming a lame duck?

A: I think if you look at our accomplishments this year, the second to last of my administration, you'll see that we defied all those who talked earlier this year so negatively about our ability to get things done. On the world scene, we stopped Serbia's aggression in Kosovo, and we're striving mightily to build a stable peace in that land. We've helped push the parties along the path toward peace in both Northern Ireland and the Middle East, two of this century's most bitterly divisive places on Earth. Here at home, we have continued to reduce the federal budget deficit, increase the surplus, hold down interest rates and inflation, cut unemployment and improve our nation's prosperity. We're closing in on achieving the longest economic expansion in our nation's history. Crime is down, thanks in part to more police on the streets. And we're working hard to improve the education of our children with new classrooms and 100,000 new teachers to fill them.

But, as much as has been accomplished, much remains to be done. I look at those 400 days and I think about the watchwords of my first campaign, which was getting under way eight years ago: opportunity, responsibility, community. Here in 1999, we're blessed with more opportunity than ever, but that places on us ever greater responsibility to attend to the concerns of those who haven't shared in the tremendous prosperity so many of us have enjoyed. And out of our shared commitment to our communities, we must work ever harder to achieve the kind of spiritual growth that will mean so much to our children and our nation's future.

That means enacting the kind of hate crimes law that expresses more clearly the values we as a society share with each other – such as our common belief that singling out people because of some characteristic they have and committing acts of violence against them is a terrible wrong that does damage to us all.

It means doing more to talk about and bridge the racial divide that has caused America so much harm throughout much of our existence as a nation.

It means safeguarding Social Security and Medicare so that we can redeem the promise of economic and health security for all our older citizens.

It means continuing the fight to keep guns out of the hands of criminals and kids, to keep kids away from tobacco and drugs and alcohol.

Four hundred days can seem short or long, depending on how you look at it, but I intend to live it with as much energy and ambition and vision as I had when I first walked into the Oval Office on January 20, 1993. We're not looking at the coming year as the end of an Administration. It's the beginning of a new century and a new millennium and that is more than enough to give us energy as we work to fulfill the great responsibilities placed on us by the American people.

Recess Appointments

Q: Senator Inhofe has said he would hold up judicial nominees if you recess appoint people like Bill Lann Lee or several other controversial nominees. Do you take that threat seriously? And what plans do you have to appoint Mr. Lee or others during the congressional recess?

A: First of all, I am not going to say in advance what I will or won't do about various nominations that have been pending before the Senate. We have been talking with the Senate Majority Leader about this issue, however, and those discussions have occurred in good faith. We're complying with the terms of the agreement reached earlier this year regarding Administration appointments.

Under the Constitution, presidents do have the power to appoint certain people to fill positions during times of congressional recess. President Bush made 78 recess appointments during his four years in office. President Reagan made 239 appointments over eight years. In the past seven years, I have made only 60 recess appointments, the most recent being the general counsel for the National Labor Relations Board. So I have not used this power nearly as much as my two immediate predecessors. Whether or how often I will use it in this or future recesses, I am not prepared to say. But I do hope that members of Congress will accept the fact that this is an appropriate and Constitutional power of the President, and it is exercised only in the public interest – to fill positions of responsibility with qualified people.

Now, as for judicial nominations, I hope that no one will block action, for partisan purposes, on the many vacancies that remain on the federal bench. Some of my nominees have been waiting years for Senate action. And the public deserves a fully functioning judicial branch of government to address the tremendous backlog of cases that threatens the administration of justice in this country. Justice delayed is justice denied.

We've had success in putting police on the streets to fight crime. We need to put more judges in the court house to assure that our system of justice can work more smoothly. So I hope that the Senate, when it returns next year, will make judicial nominations a priority.

Miranda

Q: What is your view about whether the Supreme Court should uphold the "Miranda" rights?

A: I support the Attorney General's decision to participate in this case. I share the Department of Justice's view that the Miranda decision is constitutionally based and thus cannot be overturned by an act of Congress.

Library

Q: Mr. President, as you are about to enter the last year of your presidency, can you tell us more about your plans for a presidential library? How far along are you in your fundraising? Do you plan to release the names of donors? And can you tell us any more about how you will be spending your time after the presidency?

A: I have spent some time talking with people about the library. I wish I had more time to devote to it, but I don't. There is so much that goes on every day here that requires my attention. But I've got some good people helping out, and they'll be moving forward with fundraising, architectural plans and all the rest. We haven't yet made any decisions regarding the kind of details you're asking about, so when we do we'll let you know.

Left Field

Q: Do you have any New Millennium resolutions?

A: I have resolved to use every day we have remaining in this Administration to focus on those themes that I campaigned on eight years ago: opportunity, responsibility, community. As I said back in 1992, this isn't about me, it isn't about Washington, DC. It's about the people, and whatever success I have achieved has come about because I have tried to keep the people's concerns first and foremost in my mind. So that's my resolution and my personal commitment -- to keep those concerns on my mind and to keep fighting for the kind of change and progress and peace and prosperity that all Americans want for themselves and their kids.

Q: You have made campaign finance reform a priority for your Administration, and that includes a ban on "soft money." Yet your wife's campaign is benefiting from soft money expenditures by the Democratic Party. In fact, a lot of money came in to the party organization from a union that's supporting Mrs. Clinton just before the party went on the air with ads that help her. If soft money's bad, why use it? And if it's not bad, why ban it?

A: I am not going to get into the details of the situation you're describing, because I am not familiar with them. But what I can say is that it is perfectly appropriate for candidates to choose to live within the rules as they currently exist while, at the same time, arguing that those rules should change. If I think a speed limit on the highway should be lowered, it doesn't mean I have to slow down myself before that change is enacted. In fact, it can be disadvantageous to do so. Unilateral disarmament rarely makes sense in military or political affairs.

When it comes to campaign finance reform, for the most part it is Democrats who favor change and reform, and it is Republicans who oppose it. There are a number of exceptions to that rule, of course, and enough Republicans support reform that we could change the system if a minority in the Senate didn't block it. I don't think voters are looking at who is or is not choosing to abide by rules that do not yet exist. They are looking at who is fighting for change and who can accomplish that change, and who is standing in the way and blocking reform.