

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-AUG-1999 10:35:57.00

SUBJECT: Asking, Abuse Pre Army Murder

TO: Leon S. Fuerth (CN=Leon S. Fuerth/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TO: Elizabeth J. Potter (CN=Elizabeth J. Potter/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TO: LEAVY_D@AI@CD@VAXGTWY@EOP (LEAVY_D@AI@CD@VAXGTWY@EOP [UNKNOWN])
(NSC)

READ:UNKNOWN

TO: Mary E. Cahill (CN=Mary E. Cahill/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP@EOP [WHO])

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TO: Monica M. Dixon (CN=Monica M. Dixon/O=OVP@OVP [UNKNOWN])

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TO: Philip G Dufour (CN=Philip G Dufour/O=OVP@OVP [UNKNOWN])

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TO: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP@EOP [OPD])

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TO: Caroline R. Fredrickson (CN=Caroline R. Fredrickson/OU=WHO/O=EOP@EOP [WHO])

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TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

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TO: Laura S. Marcus (CN=Laura S. Marcus/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Asking, Abuse Pre

Army Murder

NewsPlanet Staff

Wednesday, August 11, 1999 / 09:55

PM

SUMMARY: Officers in charge of the slain soldier admit that they did ask (but they thought that was ok) and didn't try to stop the anti-gay taunts (because "everybody was having fun").

Defense attorneys for Private First Class (PFC) Calvin Glover believe that insufficient evidence has been presented for him to face court-martial in the July bashing death of PFC Barry Winchell -- but testimony at a hearing at Fort Campbell, Kentucky on August 10 left no doubt that Winchell was the object of anti-gay abuse, and that his superiors not only made no effort to stop it, they clearly violated the so-called "Don't Ask, Don't Tell" military policy on homosexuality.

The "Article 32" hearing combines some elements of civilian grand jury and preliminary hearings; both sides can present evidence and question witnesses. Winchell's section leader Sergeant Michael Kleifgen said on the witness stand, "Pretty much everybody in the company called him [Winchell] derogatory names. Basically, they called him a 'faggot' and stuff like that. I would say on a daily basis.... A lot of times, he was walking around down in the dumps." Kleifgen testified that even an unidentified first sergeant on one occasion said he was going to "get that little faggot" for an infraction.

Winchell's roommate, Specialist Justin Fisher, who will face a hearing on August 14 as an accomplice to Winchell's murder, appears to have been the root of the rumors that Winchell was gay. That's a particularly interesting revelation since it was Fisher himself who introduced Winchell to Nashville's The Connection gay bar and to pre-operative transsexual drag entertainer Calpernia Addams, who dated Winchell beginning in March. Addams has speculated

that Fisher may have been jealous of the special relationship she developed with Winchell. One soldier testified specifically to Fisher making wisecracks about Winchell being gay, and another soldier's wife testified that Fisher "was just straight-up mean about it. He [Fisher] was just torturing him [Winchell]."

Fisher told Kleifgen in late 1998 that he'd seen a soldier at The Connection. Kleifgen said on the stand, "We figured out it was Winchell. I asked Winchell if he was gay. He said no." Kleifgen went on to say, "I left it at that. The military had a policy of 'don't ask, don't tell,' a policy which Kleifgen didn't seem to see that he had violated.

Staff Sergeant Eric Dubielak also testified that he had asked Winchell if he were gay. He justified his violation of the policy because the rumors "seemed to be affecting the platoon."

Both sergeants testified that no one ordered soldiers to stop the harassment. Kleifgen testified that he didn't intervene himself because soldiers are accustomed to such taunting and "everybody was having fun."

Gay and lesbian activists praised the military for allowing this testimony and the sergeants for their "courage" in providing it.

Investigating officer Major Delbert Hall presided at the hearing and will make a written recommendation within two weeks to Colonel Robert Caslen, 2nd Brigade commander and the Army's special court-martial convening authority. Caslen and Fort Campbell's commanding general, Major General Robert Clark, can decide to dismiss the charges, recommend administrative action or convene a court martial, either on the charges as presented or the charges as they may modify them. A conviction for Glover on the charge of pre-meditated murder could mean a life sentence or even the death penalty.

Despite the defense contention that there were no eyewitnesses to the beating and that the main source connecting Glover to the crime was Fisher, the evidence presented appears damaging to Glover. Two soldiers

saw him running shortly after the attack, apparently to throw clothes in the dumpsters. He was found in his room with a bloodstained shirt and blood smeared on his door. Army investigators reported that he had sworn to others that he would get back at Winchell for having bested him in a fight two days before the assault, reportedly including the statement, "I won't let a faggot kick my ass." A soldier who guarded him while he was initially detained at Fort Campbell testified that Glover had told him that he'd hit Winchell with a baseball bat, and that Glover made anti-gay remarks in conversation with another inmate. Defense attorneys also said the decision whether or not to hold a court-martial should be delayed until lab work on some 60 pieces of evidence is completed.

The defense stated that Fisher could not be trusted, and seemed even to be suggesting that Fisher might be an alternative suspect. There was testimony that Fisher and Winchell were seen sitting together within an hour of the time Winchell was found battered. It was Fisher who told investigators that on the night of the beating, Glover saw Winchell sleeping on a cot in the hall and asked, "What is that faggot doing sleeping there?" (Winchell was looking after the dog who served as area mascot.) It was Fisher who then described Glover as grabbing Fisher's bat and spending several minutes swinging it with a "psychotic" look on his face, leaving for as much as a half-hour, returning with blood on the bat, and telling Fisher that he'd hit Winchell with it. It was Fisher who, hysterical, later roused other soldiers to come help Winchell, eventually pulling a fire alarm. (Fisher did not testify in person at the hearing, but investigators reported on what he had told them.)

Captain Gregg Engler, serving in the role of "trial counsel" or prosecutor, gave a confident summation, saying, "Private Glover murdered Private First Class Barry Winchell and there's no doubt about it."

Attorneys and potential witnesses have been barred by the military from talking with reporters about the case.

Winchell sought to excel at his work, and often did. He was his company's best shot

with a .50-caliber machine gun and was known as "Top Gun" for his prowess with a helicopter, which he hoped to improve still further. While bearing the anti-gay abuse fairly stoically, he feared that it might lose him his job. He was described by friends as quiet, down-to-earth and masculine. He was discovered early July 5 with severe head trauma and was transported to Vanderbilt University Medical Center in Nashville, where he died of his injuries on July 6. An Army investigator who observed the autopsy testified that his skull was cracked "similar to an eggshell."

According to sources cited by the "Washington Post," Winchell's could be the first case of a homophobic murder in the military since the 1994 adoption of "Don't Ask, Don't Tell" -- despite a steady increase in instances of anti-gay harassment recorded by the Servicemembers Legal Defense Network.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-AUG-1999 15:43:26.00

SUBJECT: ARMY SAYS SUSPECT'S COMMENTS ANTI-GAY

TO: Leon S. Fuerth (CN=Leon S. Fuerth/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TO: Elizabeth J. Potter (CN=Elizabeth J. Potter/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TO: LEAVY_D@A1@CD@VAXGTWY@EOP (LEAVY_D@A1@CD@VAXGTWY@EOP [UNKNOWN])
(NSC)

READ:UNKNOWN

TO: Mary E. Cahill (CN=Mary E. Cahill/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])

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TO: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP@EOP [WHO])

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TO: Monica M. Dixon (CN=Monica M. Dixon/O=OVP@OVP [UNKNOWN])

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TO: Philip G Dufour (CN=Philip G Dufour/O=OVP@OVP [UNKNOWN])

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TO: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP@EOP [OPD])

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TO: Caroline R. Fredrickson (CN=Caroline R. Fredrickson/OU=WHO/O=EOP@EOP [WHO])

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TO: Laura S. Marcus (CN=Laura S. Marcus/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:
This gets worse.

Louisville Courier-Journal
August 11, 1999
Louisville, Kentucky, USA

<http://www.courier-journal.com/>

ARMY SAYS SUSPECT'S COMMENTS ANTI-GAY

Slain Fort Campbell soldier's sexuality discussed at hearing

By Chris Poynter, The Courier-Journal

FORT CAMPBELL, Ky.) The Army acknowledged for the first time yesterday that Pfc. Barry Winchell may have been killed by a fellow soldier, in part, because he was gay.

Capt. Gregg Engler) the prosecuting attorney in a hearing that ended yesterday) said Pfc. Calvin Glover, accused of repeatedly striking Winchell with a baseball bat last month, was upset that Winchell had beaten him in a fight two days earlier and had pledged to another soldier that "I won't let a faggot kick my ass."

Engler also said that just minutes before the beating, Glover walked past Winchell's room and noticed him sleeping on a cot. "What is that faggot doing sleeping there?" Glover allegedly asked Spc. Justin Fisher, Winchell's roommate, who is charged as an accessory to the crime. Fisher did not testify at the two-day hearing, but Engler summarized the statements he gave to investigators.

Engler said Winchell, 21, was sleeping on a cot in the hallway because he was keeping the company's mascot, a dog, and didn't want to take it into his room.

An investigating officer) who presided over the two-day Article 32 hearing, the military equivalent of a grand jury) will recommend, probably within two weeks, whether Glover should face a court-martial or some other military action. The final decision will be made by Maj. Gen. Robert Clark, the commanding general at Fort Campbell.

Winchell's death has attracted the attention of national gay-rights organizations, which think his sexuality was a factor in the slaying. "Our concerns that brought us down here were well founded," Kathi Westcott, an attorney for the Servicemembers Legal Defense Network, said yesterday after the hearing.

Engler, in his closing, summarized what the Army thinks occurred inside Winchell's barracks about 3 a.m. July 5:

After seeing Winchell sleeping, Glover and Fisher walked to Fisher's room. Glover grabbed Fisher's bat and walked around for about 10 minutes with a "psychotic" look on his face while making chopping motions with the weapon.

Glover left the room, then returned about 20 to 30 minutes later with the bat bloodied, Fisher told investigators.

"Hey, I got some blood on your bat," Glover said to Fisher, according to Fisher's statements. "Help me clean it."

"How'd you get blood on your bat," Fisher replied.

"I hit Winchell with it."

Engler said earlier that even after Glover was jailed at Fort Campbell, he told a man in the next cell that he hated blacks and homosexuals. The conversation was overheard by a soldier who guarded Glover and testified on Monday.

Glover's two military defense attorneys argued that the prosecution had no eyewitnesses to the killing and that a decision on whether to court-martial their client should be delayed until all the physical evidence has been analyzed. Capt. Thomas Moshang also said that Fisher's statements to investigators "can't be trusted."

Yesterday's hearing also provided a deeper look into the atmosphere inside Winchell's platoon once his fellow soldiers discovered he was gay.

Sgt. Michael Kleifgen, the section leader of Winchell's unit, testified that Winchell was tormented almost daily about being gay.

One of Winchell's superiors, a first sergeant who was never identified in the hearing, even joined in, once saying he was going to "get that little faggot" when Winchell reported for duty one day with alcohol on his breath, Kleifgen testified.

Kleifgen said that he did not attempt to stop the taunting because "everybody was having fun" and that infantrymen are accustomed to vulgar language and being razzed by other soldiers. Kleifgen also admitted under oath to confronting Winchell and asking him directly if he were gay) an apparent violation of the military's "don't ask, don't tell" policy.

Kleifgen said rumors about Winchell's sexuality surfaced four to six months ago after he was seen at The Connections, a gay bar in Nashville, Tenn., about an hour's drive from Fort Campbell.

Kleifgen said he was told by Winchell's roommate, Justin Fisher, that someone in the company was frequenting a gay bar. Fisher didn't mention anyone by name. So, Kleifgen said, he got a list of his soldiers and questioned each about where they had been the prior weekend. He said he eventually figured it was Winchell who visited the bar.

Kleifgen said he asked Winchell if he were gay. Winchell said "no."

"I left it at that," Kleifgen testified. "The military had a policy of 'don't ask, don't tell.'"

Staff Sgt. Eric Dublielak said Winchell was asked about being gay by his superiors because the rumors "seemed to be affecting the platoon."

Other soldiers also testified about the treatment Winchell received because of his sexuality.

Spc. David Long testified that Fisher joked about Winchell being gay.

Spc. Lewis Ruiz testified that Winchell was depressed about the rumors and jokes. "He was really worried about people talking about him being gay," said Ruiz, who in May was transferred from Fort Campbell to a base in California. He testified by phone.

Ruiz's wife, Melaniea, said Winchell was happy with his job in the military, and he was worried about getting thrown out of the Army for being gay. As she spoke, she began to cry, the first time during the two-day hearing that a witness showed emotions.

She said Fisher often taunted Winchell about his sexuality and made sure soldiers in their platoon knew about Winchell being gay. "He was just straight-up mean about it," she testified. "He was just torturing him."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: OLCOTT_E@al.eop.gov (OLCOTT_E@al.eop.gov [UNKNOWN]) (WHO)

CREATION DATE/TIME:13-AUG-1999 13:53:34.00

SUBJECT: 1999-8/13 toiv, leavy briefing

TO: Reuben L. Musgrave Jr (CN=Reuben L. Musgrave Jr/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TO: pcaplan@fbr.com (pcaplan@fbr.com [UNKNOWN])
READ:UNKNOWN

TO: William Hadley (CN=William Hadley/OU=OA/O=EOP [OA])
READ:UNKNOWN

TO: William C. Haymes (CN=William C. Haymes/OU=OA/O=EOP [OA])
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TO: Wayne C. Johnson (CN=Wayne C. Johnson/OU=OA/O=EOP [OA])
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TO: Todd A. Bledsoe (CN=Todd A. Bledsoe/OU=WHO/O=EOP [WHO])
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TO: Toby C. Graff (CN=Toby C. Graff/OU=WHO/O=EOP [WHO])
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TO: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Steven J. Naplan (CN=Steven J. Naplan/OU=NSC/O=EOP [NSC])
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TO: Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
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TO: Francisco J. Sanchez (CN=Francisco J. Sanchez/OU=WHO/O=EOP [WHO])
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TO: Robin J. Bachman (CN=Robin J. Bachman/OU=WHO/O=EOP [WHO])
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TO: Rajiv Y. Mody (CN=Rajiv Y. Mody/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Pub_Arch@eop.eop.gov (Pub_Arch@eop.eop.gov [UNKNOWN])
READ:UNKNOWN

TO: Paul D. Glastris (CN=Paul D. Glastris/OU=WHO/O=EOP [WHO])
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TO: Patrick E. Briggs (CN=Patrick E. Briggs/OU=WHO/O=EOP [WHO])
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TO: Charles J. Payson (CN=Charles J. Payson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: PALMIERI_J@a1.eop.gov (PALMIERI_J@a1.eop.gov [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Noa A. Meyer (CN=Noa A. Meyer/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Neera_Tanden@lgate2.eop.gov (Neera_Tanden@lgate2.eop.gov [UNKNOWN])
READ:UNKNOWN

TO: Nanda Chitre (CN=Nanda Chitre/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP [WHO])
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TO: Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP [WHO])
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TO: Michael V. Terrell (CN=Michael V. Terrell/OU=CEQ/O=EOP [CEQ])
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TO: Mark A. Kitchens (CN=Mark A. Kitchens/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Margaret M. Suntum (CN=Margaret M. Suntum/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: MOFFETT_J@a1.eop.gov (MOFFETT_J@a1.eop.gov [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Leslie Bernstein (CN=Leslie Bernstein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Laura S. Marcus (CN=Laura S. Marcus/OU=WHO/O=EOP [WHO])
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TO: Kris M Balderston (CN=Kris M Balderston/OU=WHO/O=EOP [WHO])
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TO: Kathleen K. Ahn (CN=Kathleen K. Ahn/OU=WHO/O=EOP [WHO])
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TO: Katharine Button (CN=Katharine Button/OU=WHO/O=EOP [WHO])
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TO: Justin L. Coleman (CN=Justin L. Coleman/OU=WHO/O=EOP [WHO])
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TO: Julie E. Mason (CN=Julie E. Mason/OU=WHO/O=EOP [WHO])
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TO: Julia M. Payne (CN=Julia M. Payne/OU=WHO/O=EOP [WHO])
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TO: Joshua S. Gottheimer (CN=Joshua S. Gottheimer/OU=WHO/O=EOP [WHO])
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TO: Joseph P. Lockhart (CN=Joseph P. Lockhart/OU=WHO/O=EOP [WHO])
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TO: Jonathan M. Prince (CN=Jonathan M. Prince/OU=WHO/O=EOP [WHO])
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TO: Jonathan A. Kaplan (CN=Jonathan A. Kaplan/OU=OPD/O=EOP [OPD])
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TO: John A. Gribben (CN=John A. Gribben/OU=WHO/O=EOP [WHO])
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TO: Joel Johnson (CN=Joel Johnson/OU=WHO/O=EOP [WHO])
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TO: Jocelyn A. Bucaro (CN=Jocelyn A. Bucaro/OU=WHO/O=EOP [WHO])
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TO: Jennifer Ferguson (CN=Jennifer Ferguson/OU=OMB/O=EOP [OMB])
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TO: Jeannetta P. Allen (CN=Jeannetta P. Allen/OU=OA/O=EOP [OA])
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READ:UNKNOWN

TO: George G. Caudill (CN=George G. Caudill/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: GRAY_W@a1.eop.gov (GRAY_W@a1.eop.gov [UNKNOWN]) (NSC)
READ:UNKNOWN

TO: Erica S. Lepping (CN=Erica S. Lepping/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP [CEQ])
READ:UNKNOWN

TO: Elizabeth R. Newman (CN=Elizabeth R. Newman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Douglas_R._Matties@lmgate2.eop.gov (Douglas_R._Matties@lmgate2.eop.gov [UNKNOWN])
READ:UNKNOWN

TO: Dorinda A. Salcido (CN=Dorinda A. Salcido/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Dorian V. Weaver (CN=Dorian V. Weaver/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Dominique L. Cano (CN=Dominique L. Cano/OU=WHO/O=EOP [WHO])
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TO: Denver R. Peacock (CN=Denver R. Peacock/OU=WHO/O=EOP [WHO])
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TO: Delia A. Cohen (CN=Delia A. Cohen/OU=WHO/O=EOP [WHO])
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TO: Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP [WHO])
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TO: Deborah Akel (CN=Deborah Akel/OU=WHO/O=EOP [WHO])
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TO: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: David Vandivier (CN=David Vandivier/OU=OMB/O=EOP [OMB])
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TO: David T. Johnson (CN=David T. Johnson/OU=NSC/O=EOP [NSC])
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TO: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP [WHO])
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TO: David E. Kalbaugh (CN=David E. Kalbaugh/OU=WHO/O=EOP [WHO])
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TO: Dario J. Gomez (CN=Dario J. Gomez/OU=WHO/O=EOP [WHO])
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TO: Daniel W. Burkhardt (CN=Daniel W. Burkhardt/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Patrick M. Dorton (CN=Patrick M. Dorton/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: DICKEY_L@a1.eop.gov (DICKEY_L@a1.eop.gov [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Christine N. Macy (CN=Christine N. Macy/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Cheryl D. Mills (CN=Cheryl D. Mills/OU=WHO/O=EOP [WHO])
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TO: Catherine T. Kitchen (CN=Catherine T. Kitchen/OU=WHO/O=EOP [WHO])
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TO: Carmen B. Fowler (CN=Carmen B. Fowler/OU=WHO/O=EOP [WHO])
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TO: Stephanie A. Cutter (CN=Stephanie A. Cutter/OU=WHO/O=EOP [WHO])
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TO: Brian A. Barreto (CN=Brian A. Barreto/OU=OPD/O=EOP [OPD])
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TO: Brenda M. Anders (CN=Brenda M. Anders/OU=WHO/O=EOP [WHO])
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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 13, 1999

PRESS BRIEFING
BY
BARRY TOIV AND DAVID LEAVY

The Briefing Room

12:30 P.M. EDT

MR. TOIV: Good afternoon, everybody. Happy Friday.

Q I don't think everybody's here, Barry.

MR. TOIV: Come on in. We can wait.

Q This is not a comment on your --

MR. TOIV: Well, I'm happy today. I expect all the tough questions to go to David.

Just as I mentioned earlier today, we're going to have a briefing at

2:30 p.m. on the radio address. The subject has to do with clean water, and we'll have Carol Browner here again, making an encore appearance, as well as Elgie Holstein, who is the Associate Director for Natural Resources at OMB. This will take place at 2:30 p.m., but it will be on camera. It will be embargoed until 10:06 a.m. tomorrow, as usual.

Any questions?

MR. LEAVY: All right, thank you very much. Appreciate your coming in.

MR. TOIV: Well, thank you.

Q Well, a couple of them. One about the Pentagon, new policy for "don't ask, don't tell." Any comments on that?

MR. TOIV: Well, as you know, Secretary Cohen has been committed to implementing the "don't ask, don't tell" policy fairly. And the President agrees with him on that. The Pentagon, a little over a year ago, issued a report that said that "don't ask, don't tell" was working, but that there were a couple of areas where improvements needed to be made. I think today, the guidelines that they are issuing today are intended to address those issues. I would suggest you check over there for details of what they are announcing today.

Q I understand that China has not conveyed any explicit threats to the United States in regards to Taiwan. But can you characterize what has changed? Has there been any ratcheting up of the rhetoric of the implied threats, of the indications that you're getting that they may be more bellicose towards Taiwan?

MR. LEAVY: Let me just say, Bill, a couple of things generally. One, the peace and stability in East Asia and the Pacific is a fundamental national interest to the United States. We are certainly watching developments closely, have been in contact with both sides about our concerns and about reiterating our policy of resuming peaceful dialogue.

Just specifically on your question, it is my understanding that the intelligence community has not seen any extraordinary developments or signs that the PRC is mobilizing for military action in the Taiwan Strait.

Q Would you say that there has been a ratcheting up of the rhetoric in diplomatic channels? Are they trying to send signals?

MR. LEAVY: Well, I don't want to characterize, Kevin, other people's rhetoric, other people's statements. I think there has

obviously been some increased tension in the Strait over the last several weeks. That comes as no surprise to any of us or anybody in this room. We've talked about that. But I think what we have to do is look forward, and we have communicated to both sides that there is a danger of escalating tensions, that we have to resume a dialog based on a One China formula. And we're going to continue to do that.

Q Specifically, there was one report that the embassy here had been saying that they are going to take action.

MR. LEAVY: I would steer you away from that report. As I said earlier today, we have not received any threats or ultimatums from the PRC. I checked about that again this afternoon, earlier this afternoon, and that was confirmed. So, I would steer you away from that report.

I would just say, though, generally, that there is nothing new in China's long-standing position. They have made clear that from their point of view Taiwan is an internal matter, and they hope that there is peaceful reunification, but they don't rule out military means. We have a long-standing disagreement on that. So I don't think any -- the context is not new.

Q Does the United States still have a commitment to go to the defense of Taiwan, should there be an unprovoked attack from the mainland?

MR. LEAVY: Our long-standing position -- this goes back many years, both Republican and Democratic administrations -- is that any effort to resolve the issue of Taiwan by other than peaceful means would be considered of grave concern to the United States. That position hasn't changed today.

Q How would you view a Chinese seizure of a small Taiwan-controlled island, or some smaller military action?

MR. LEAVY: See, that's the kind of hypothetical question that I want to avoid getting into. Again, the Taiwan Relations Act has been in place for many years. It has guided our relationship on this issue, our policy on this issue. And I don't want to change, or speculate on hypotheticals today.

Q David, is there concern that the U.S. might get drawn into something because of this rhetoric?

MR. LEAVY: Oh, I think there's concern that the interests of both sides won't be advanced. The One China policy that the President has advocated -- and that has been the foundation of our approach to this issue for many, many years -- has been successful for all sides. Both China and Taiwan have benefited economically. Taiwan's the sixth-largest economy in the world. Chinese economic growth has grown vastly over the last 20 years.

So the formula is a successful one. We don't see the need to change that, and we have no intention of changing that.

Q Let me follow, too. You said no one had contacted the United States with a threat. Has anyone from either side, Taiwan or China, contacted the United States with a concern over the rhetoric, a concern over the threat?

MR. LEAVY: Well, we've had a number of discussions, both at the State Department and with officials in China. As you remember, the State Department sent Assistant Secretary Stanley Roth and Ken Lieberthal from the National Security Council, several weeks ago, to Beijing to discuss our concern about the rising rhetoric, and a need to get back to a dialogue and to get back to the two parties talking about the issues. And so we have been engaged on this issue. And certainly, there is a concern that this kind of thing leads to accidents, leads to misunderstandings, and that we want to focus both parties on getting back to the table.

Q You said -- you made a point of saying that there were no extraordinary signs coming into the intelligence community of --

MR. LEAVY: Extraordinary developments or signs.

Q Right. Does that mean that there is something less than extraordinary -- or you're telling us what hasn't happened. Can you tell us what has happened?

MR. LEAVY: Well, I want to stay away from commenting on intelligence capabilities and what we do and don't know. I think that's a line we haven't crossed, and appropriately so. But, as I said earlier, it's our judgment, the United States government's judgment, that there aren't any extraordinary developments or signs that there is a mobilization on the PRC's part.

Q David, can you clarify just the conversations between the administration and the Taiwan and Chinese government? Have those conversations been stepped up in recent days? And at what level, if you can clarify, have these conversations been going?

MR. LEAVY: I don't think there has been a stepping up over recent days. Since this issue came to the forefront several weeks ago, we've had a number of discussions with the PRC and with people on Taiwan. There is nothing new in the last several days that I'm aware of.

Our general approach hasn't changed, though, and let me just repeat it again. The United States has a One-China policy. Our approach is based on dialogue between the two sides and a peaceful resolution of any differences. We've communicated that and we will continue to do so.

Q Let's put the intelligence community issue aside for a minute. If you look in the newspaper this morning, there are several people quoted on the record saying Chinese government representatives came to speak with them and made bellicose statements that there was some sort of imminent military action likely against Taiwan. Is that troubling -- those facts, which are known facts, are they troubling to the administration?

MR. LEAVY: Well, again, I don't think there is anything new in what we are hearing. China has a longstanding position that any -- that Taiwan is an internal matter, that they want to see it resolved peacefully, but they don't rule out the use of force. We have a disagreement with that. We don't think that's the way to go. We think there has to be a peaceful resolution to this issue. It has to come through dialogue. And so there is nothing new in that articulation of those themes. I don't think anyone from the United States government was quoted in those stories, and as I said earlier, no one from the administration has been approached about any particular threat or ultimatum.

Q But the analysts -- just to follow up -- these analysts who were quoted, who are respected China analysts, say that they did feel that there was something imminent, or that there was something new. The U.S. government just doesn't agree with that?

MR. LEAVY: No, I can't speak to that. As I said, we haven't been approached with any specific threat or any specific warning. And just the general notion that this is a new policy I would just push back on, because this is something that President Jiang and other Chinese leaders have articulated for some time. So the Chinese have not ruled out the use of military force. We disagree with them. We've made that clear. Our policy is peaceful dialogue.

Q The question goes, though, David to whether this is imminent or not. We know that that is their policy, but there seem to be signals that something may happen sooner rather than later.

MR. LEAVY: Well, I don't have any indication of that. And as I said earlier, it's our intelligence community's best judgment that there aren't any signs that there is PRC military activity underway.

Q What kind of activities, if any, is the President himself engaged in relative to this topic?

MR. LEAVY: Well, he hasn't been engaged over the last 24 hours. As you know, we will be seeing President Jiang at APEC in Auckland, New Zealand, the first week of September. That's going to be an important time for the two leaders to engage on this issue and a number of issues, including trade, human rights, non-proliferation, I believe that will be on the margins of the APEC Summit. So I think that will be the next opportunity for

the President to sit down with President Jiang and go over the wide range of bilateral issues.

Q But he hasn't been consulting in recent days with his own advisors and what to do about this?

MR. LEAVY: Well Mr. Berger has kept him up to date. I believe he briefed him this morning, or he will early this afternoon. But he hasn't been engaged personally.

Q David, as far as the policy, how do you respond to Republican allegations that when it comes time to pressuring China and Taiwan on this issue, the Clinton administration has only been putting pressure on Taiwan to ratchet down tensions?

MR. LEAVY: I would reject that. The United States takes actions based on our own interests. We have had a formula that has managed this issue for some time that's been both Republican and Democratic administrations. As I said earlier, it has benefited all the parties -- Taiwan, the PRC, the United States. We're going to continue to do that. I think it's not for us to pressure anybody, but to make clear that both sides -- their agendas can be advanced, their prosperity, their security can be advanced by peaceful dialogue.

Q Last night the President told the Jewish leaders that he agreed that we should do more to start monitoring, if not infiltrating, some hate groups. Do you -- is there anything today? Any directive? Any review of how that would be done? Any stepping up?

MR. TOIV: I don't have any additional information for you on that, no. The Justice Department seeks to do an effective job of dealing with hate crimes, certainly, and they also monitor hate groups. But I don't have any information on additional work that's being done.

Q But Clinton said he would look into it personally, and said that he would do more.

MR. TOIV: And if he said that, he will.

Q Barry, it was a year ago that the President was preparing for his grand jury testimony. Any reflections about the atmosphere then, and how things have changed since then around here, and at the White House?

MR. TOIV: Nope.

Q Barry, I want to go back real quick to David about Ethiopia and Eritrea. What is the new development on the White House side in that conflict?

MR. TOIV: Okay. As you know, the United States has actively worked for a peaceful resolution of the dispute between Ethiopia and Eritrea over the past year, and continues to work in cooperation with the OAU to bring about a peaceful resolution to the conflict.

As you know, Tony Lake was appointed as the President's special envoy to this conflict over a year ago. He has traveled there, I think, close to six times. There has been encouraging movement on the peace process over the last few weeks. At the Organization of African Unity's summit in Algiers in early July, the OAU proposed -- excuse me, the modalities for implementation of the OAU's framework agreement, both Ethiopia and Eritrea have now accepted the framework agreement, and the modalities for its implementation. We will continue to engage to move this process forward.

Q A follow-up. Jesse Jackson has been very pivotal in breaking tensions with other factional peoples on that continent. Is the White House thinking at all of bringing Reverend Jackson into this situation, or is he involved at all?

MR. LEAVY: I don't think so. As you know, Reverend Jackson did extraordinary work to bring about a resolution of the conflict in Sierra Leone. He deserves great credit for that. He saved a lot of lives and prevented a lot more violence. I think Tony Lake has the portfolio on Ethiopia and Eritrea. He as well has spent a considerable amount of his own time traveling there, I think, close to half a dozen times.

So I think between Tony Lake, our team at the State Department, Susan Rice and our team here, led by Gail Smith, have been quite engaged and quite successful. So I don't see any need for Reverend Jackson to come in.

All right. Have a great weekend, everybody.

Q Barry?

Q Hold on.

MR. LEAVY: Oh, Barry, I'm sorry.

Q Week ahead?

Q Barry, I've got one question for you before you go away. Black Navy veterans have asked the President to dismiss mutiny charges against black sailors who refused to load ammo on the ships after the 1944 Port Chicago disaster in California. Does the request have merit and, if so, what is the President doing about it?

MR. TOIV: Well, until recently, there had not been a

request for pardons for any of these individuals. Now, a few months ago, a request -- such a request was made. It's being considered under the usual process at the Justice Department, and obviously the President will give careful consideration to that.

Q Is the President well aware of the situation?

MR. TOIV: I believe he is.

Q Any time frame?

MR. TOIV: I don't have a time frame for you, no.

Q Barry, back on the gays in the military; as a candidate, the President said that he would end discrimination against gays in the military, "don't ask, don't tell" falls far short of that. Has the President given up hope that during his term in office he'll end discrimination against gays?

MR. TOIV: Well the President believes that the "don't ask, don't tell" policy has worked effectively. And I expect that that will be the policy throughout his administration.

Q But you concede it doesn't end discrimination -- that if you admit you're a homosexual in the military, you get thrown out?

MR. TOIV: Well, I will concede that it is a policy that has worked, and is the best policy that can be workable at this time.

Q Yes, but if it's worked, why are they changing it?

MR. TOIV: Well, no, it has worked. As I said before -- I'm not sure if you heard what I had to say about it before, but there have been a couple of areas that improvements were needed. And in fact, that's the work that's been going on that has led to the guidelines that are being issued today. And so -- I said it worked. I didn't say it was working perfectly.

Q Barry, the Arkansas Democrat-Gazette reported this morning that during a fundraiser on Saturday, several members of the Secret Service lined up to obstruct camera view of the President as he greeted Mrs. Arkansas in the ropeline, and that they later apologized for doing that. Do you know if that happened, or if it's common for the Secret Service to be used in that way, to interfere with press coverage of the President?

MR. TOIV: The answer to the second question, which is the fairer question of the two questions to be asking me up here, is I don't believe so.

Q Well, what's the answer to the first one?

MR. TOIV: The answer to the first question, of course, as you know, I've no idea, since that's the first time I'm hearing

of that.

Week ahead?

Q Yes.

MR. TOIV: Let's see. I have to do this one by heart. Monday, the President is traveling to Kansas City, where he will address the annual convention of the Veterans of Foreign Wars. And he will speak about foreign policy issues there, and I think I'll need to leave it at that for now.

MR. LEAVY: I can do a little bit more, but that's fine. I mean, if folks want, I can talk afterward.

MR. TOIV: Yes, David will fill you in a little bit more. I think he's going to focus to some degree on our obligations overseas. And that's the only event planned for that trip. He'll be back late afternoon, I believe, or maybe early evening at the latest.

On Tuesday, the President will announce some new PSAs relating to school violence. With kids starting to come back to school, obviously, this is a subject that is on a lot of people's minds, particularly with the incidents that occurred during the last school year. And there are going to be some new PSAs that are unveiled at that time.

Also on Tuesday, we have the visit from the NCAA champion Tennessee Vols, the football champions. They'll be here on Tuesday.

Wednesday, the President is down. And then Thursday, he heads to Martha's Vineyard for a well-deserved vacation.

Any questions?

Q Is he going to say anything on the way out today?

MR. TOIV: Is he going to say -- no.

Okay, thank you. Have a good weekend, everybody.

END

12:50 P.M. EDT

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TO: Elliot_J._Diringer@lmgate2.eop.gov@INET@LNGTWY (Elliot_J._Diringer@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
READ:UNKNOWN

TO: Eli_G._Attie@lmgate4.eop.gov@INET@LNGTWY (Eli_G._Attie@lmgate4.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Douglas_R._Matties@lmgate2.eop.gov@INET@LNGTWY (Douglas_R._Matties@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Denver_R._Peacock@lmgate2.eop.gov@INET@LNGTWY (Denver_R._Peacock@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Debra_D._Bird@lmgate2.eop.gov@INET@LNGTWY (Debra_D._Bird@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Dawn_M._Chirwa@lmgate2.eop.gov@INET@LNGTWY (Dawn_M._Chirwa@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Daniel_W._Burkhardt@lmgate2.eop.gov@INET@LNGTWY (Daniel_W._Burkhardt@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Brenda_M._Anders@lmgate2.eop.gov@INET@LNGTWY (Brenda_M._Anders@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: William_C._Haymes@lmgate2.eop.gov@INET@LNGTWY (William_C._Haymes@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: TDIXON@PR_LOCATION=AVUOEOb@MRP@LNGTWY (PR_USERNAME=TDIXON@PR_LOCATION=AVUOEOb@MRP@LNGTWY [UNKNOWN])
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TO: Joel_Johnson@lmgate2.eop.gov@INET@LNGTWY (Joel_Johnson@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Deborah_Akel@lmgate2.eop.gov@INET@LNGTWY (Deborah_Akel@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
READ:UNKNOWN

TO: David_Vandivier@omb.eop.gov@INET@LNGTWY (David_Vandivier@omb.eop.gov@INET@LNGTWY [UNKNOWN])
READ:UNKNOWN

TO: David_R._Goodfriend@lmgate2.eop.gov@INET@LNGTWY (David_R._Goodfriend@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Dario_J._Gomez@lmgate2.eop.gov@INET@LNGTWY (Dario_J._Gomez@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Christine_N._Macy@lmgate2.eop.gov@INET@LNGTWY (Christine_N._Macy@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Catherine_T._Kitchen@lmgate2.eop.gov@INET@LNGTWY (Catherine_T._Kitchen@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Brian A. Reich@lmgate4.eop.gov@INET@LNGTWY (Brian A. Reich@lmgate4.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Bradley_M._Campbell@lmgate2.eop.gov@INET@LNGTWY (Bradley_M._Campbell@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Barbara_D._Woolley@lmgate2.eop.gov@INET@LNGTWY (Barbara_D._Woolley@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Anne_M._Edwards@lmgate2.eop.gov@INET@LNGTWY (Anne_M._Edwards@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Ann_F._Lewis@lmgate2.eop.gov@INET@LNGTWY (Ann_F._Lewis@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Andrew_J._Mayock@lmgate2.eop.gov@INET@LNGTWY (Andrew_J._Mayock@lmgate2.eop.gov@INET@LNGTWY [UNKNOWN])
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TO: Francisco J. Sanchez@eop (Francisco J. Sanchez@eop [WHO])
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TEXT:

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 13, 1999

PRESS BRIEFING
BY
BARRY TOIV AND DAVID LEAVY

The Briefing Room

12:30 P.M. EDT

MR. TOIV: Good afternoon, everybody. Happy Friday.

Q I don't think everybody's here, Barry.

MR. TOIV: Come on in. We can wait.

Q This is not a comment on your --

MR. TOIV: Well, I'm happy today. I expect all the tough questions to go to David.

Just as I mentioned earlier today, we're going to have a briefing at 2:30 p.m. on the radio address. The subject has to do with clean water, and we'll have Carol Browner here again, making an encore appearance, as well

as
Elgie Holstein, who is the Associate Director for Natural Resources at
OMB.

This will take place at 2:30 p.m., but it will be on camera. It will be
embargoed until 10:06 a.m. tomorrow, as usual.

Any questions?

MR. LEAVY: All right, thank you very much. Appreciate your
coming in.

MR. TOIV: Well, thank you.

Q Well, a couple of them. One about the Pentagon, new
policy for
"don't ask, don't tell." Any comments on that?

MR. TOIV: Well, as you know, Secretary Cohen has been
committed to implementing the "don't ask, don't tell" policy
fairly. And the President agrees with him on that. The
Pentagon, a little over a year ago, issued a report that said
that "don't ask, don't tell" was working, but that there were a
couple of areas where improvements needed to be made. I think
today, the guidelines that they are issuing today are intended to
address those issues. I would suggest you check over there for
details of what they are announcing today.

Q I understand that China has not conveyed any explicit
threats to the United States in regards to Taiwan. But can you
characterize what has changed? Has there been any ratcheting up
of the rhetoric of the implied threats, of the indications that
you're getting that they may be more bellicose towards Taiwan?

MR. LEAVY: Let me just say, Bill, a couple of things
generally. One, the peace and stability in East Asia and the
Pacific is a fundamental national interest to the United States.
We are certainly watching developments closely, have been in
contact with both sides about our concerns and about reiterating
our policy of resuming peaceful dialogue.

Just specifically on your question, it is my understanding
that the intelligence community has not seen any extraordinary
developments or signs that the PRC is mobilizing for military
action in the Taiwan Strait.

Q Would you say that there has been a ratcheting up of
the rhetoric in diplomatic channels? Are they trying to send
signals?

MR. LEAVY: Well, I don't want to characterize, Kevin, other
people's rhetoric, other people's statements. I think there has
obviously been some increased tension in the Strait over the last

several weeks. That comes as no surprise to any of us or anybody in this room. We've talked about that. But I think what we have to do is look forward, and we have communicated to both sides that there is a danger of escalating tensions, that we have to resume a dialog based on a One China formula. And we're going to continue to do that.

Q Specifically, there was one report that the embassy here had been saying that they are going to take action.

MR. LEAVY: I would steer you away from that report. As I said earlier today, we have not received any threats or ultimatums from the PRC. I checked about that again this afternoon, earlier this afternoon, and that was confirmed. So, I would steer you away from that report.

I would just say, though, generally, that there is nothing new in China's long-standing position. They have made clear that from their point of view Taiwan is an internal matter, and they hope that there is peaceful reunification, but they don't rule out military means. We have a long-standing disagreement on that. So I don't think any -- the context is not new.

Q Does the United States still have a commitment to go to the defense of Taiwan, should there be an unprovoked attack from the mainland?

MR. LEAVY: Our long-standing position -- this goes back many years, both Republican and Democratic administrations -- is that any effort to resolve the issue of Taiwan by other than peaceful means would be considered of grave concern to the United States. That position hasn't changed today.

Q How would you view a Chinese seizure of a small Taiwan-controlled island, or some smaller military action?

MR. LEAVY: See, that's the kind of hypothetical question that I want to avoid getting into. Again, the Taiwan Relations Act has been in place for many years. It has guided our relationship on this issue, our policy on this issue. And I don't want to change, or speculate on hypotheticals today.

Q David, is there concern that the U.S. might get drawn into something because of this rhetoric?

MR. LEAVY: Oh, I think there's concern that the interests of both sides won't be advanced. The One China policy that the President has advocated -- and that has been the foundation of our approach to this issue for many, many years -- has been successful for all sides. Both China and Taiwan have benefited economically. Taiwan's the sixth-largest economy in the world. Chinese economic growth has grown vastly over the last 20 years.

So the formula is a successful one. We don't see the need

to change that, and we have no intention of changing that.

Q Let me follow, too. You said no one had contacted the United States with a threat. Has anyone from either side, Taiwan or China, contacted the United States with a concern over the rhetoric, a concern over the threat?

MR. LEAVY: Well, we've had a number of discussions, both at the State Department and with officials in China. As you remember, the State Department sent Assistant Secretary Stanley Roth and Ken Lieberthal from the National Security Council, several weeks ago, to Beijing to discuss our concern about the rising rhetoric, and a need to get back to a dialogue and to get back to the two parties talking about the issues. And so we have been engaged on this issue. And certainly, there is a concern that this kind of thing leads to accidents, leads to misunderstandings, and that we want to focus both parties on getting back to the table.

Q You said -- you made a point of saying that there were no extraordinary signs coming into the intelligence community of --

MR. LEAVY: Extraordinary developments or signs.

Q Right. Does that mean that there is something less than extraordinary -- or you're telling us what hasn't happened. Can you tell us what has happened?

MR. LEAVY: Well, I want to stay away from commenting on intelligence capabilities and what we do and don't know. I think that's a line we haven't crossed, and appropriately so. But, as I said earlier, it's our judgment, the United States government's judgment, that there aren't any extraordinary developments or signs that there is a mobilization on the PRC's part.

Q David, can you clarify just the conversations between the administration and the Taiwan and Chinese government? Have those conversations been stepped up in recent days? And at what level, if you can clarify, have these conversations been going?

MR. LEAVY: I don't think there has been a stepping up over recent days. Since this issue came to the forefront several weeks ago, we've had a number of discussions with the PRC and with people on Taiwan. There is nothing new in the last several days that I'm aware of.

Our general approach hasn't changed, though, and let me just repeat it again. The United States has a One-China policy. Our approach is based on dialogue between the two sides and a peaceful resolution of any differences. We've communicated that and we will continue to do so.

Q Let's put the intelligence community issue aside for a

minute. If you look in the newspaper this morning, there are several people quoted on the record saying Chinese government representatives came to speak with them and made bellicose statements that there was some sort of imminent military action likely against Taiwan. Is that troubling -- those facts, which are known facts, are they troubling to the administration?

MR. LEAVY: Well, again, I don't think there is anything new in what we are hearing. China has a longstanding position that any -- that Taiwan is an internal matter, that they want to see it resolved peacefully, but they don't rule out the use of force. We have a disagreement with that. We don't think that's the way to go. We think there has to be a peaceful resolution to this issue. It has to come through dialogue. And so there is nothing new in that articulation of those themes. I don't think anyone from the United States government was quoted in those stories, and as I said earlier, no one from the administration has been approached about any particular threat or ultimatum.

Q But the analysts -- just to follow up -- these analysts who were quoted, who are respected China analysts, say that they did feel that there was something imminent, or that there was something new. The U.S. government just doesn't agree with that?

MR. LEAVY: No, I can't speak to that. As I said, we haven't been approached with any specific threat or any specific warning. And just the general notion that this is a new policy I would just push back on, because this is something that President Jiang and other Chinese leaders have articulated for some time. So the Chinese have not ruled out the use of military force. We disagree with them. We've made that clear. Our policy is peaceful dialogue.

Q The question goes, though, David to whether this is imminent or not. We know that that is their policy, but there seem to be signals that something may happen sooner rather than later.

MR. LEAVY: Well, I don't have any indication of that. And as I said earlier, it's our intelligence community's best judgment that there aren't any signs that there is PRC military activity underway.

Q What kind of activities, if any, is the President himself engaged in relative to this topic?

MR. LEAVY: Well, he hasn't been engaged over the last 24 hours. As you know, we will be seeing President Jiang at APEC in Auckland, New Zealand, the first week of September. That's going to be an important time for the two leaders to engage on this issue and a number of issues, including trade, human rights, non-proliferation, I believe that will be on the margins of the APEC Summit. So I think that will be the next opportunity for the President to sit down with President Jiang and go over the

wide range of bilateral issues.

Q But he hasn't been consulting in recent days with his own advisors and what to do about this?

MR. LEAVY: Well Mr. Berger has kept him up to date. I believe he briefed him this morning, or he will early this afternoon. But he hasn't been engaged personally.

Q David, as far as the policy, how do you respond to Republican allegations that when it comes time to pressuring China and Taiwan on this issue, the Clinton administration has only been putting pressure on Taiwan to ratchet down tensions?

MR. LEAVY: I would reject that. The United States takes actions based on our own interests. We have had a formula that has managed this issue for some time that's been both Republican and Democratic administrations. As I said earlier, it has benefited all the parties -- Taiwan, the PRC, the United States. We're going to continue to do that. I think it's not for us to pressure anybody, but to make clear that both sides -- their agendas can be advanced, their prosperity, their security can be advanced by peaceful dialogue.

Q Last night the President told the Jewish leaders that he agreed that we should do more to start monitoring, if not infiltrating, some hate groups. Do you -- is there anything today? Any directive? Any review of how that would be done? Any stepping up?

MR. TOIV: I don't have any additional information for you on that, no. The Justice Department seeks to do an effective job of dealing with hate crimes, certainly, and they also monitor hate groups. But I don't have any information on additional work that's being done.

Q But Clinton said he would look into it personally, and said that he would do more.

MR. TOIV: And if he said that, he will.

Q Barry, it was a year ago that the President was preparing for his grand jury testimony. Any reflections about the atmosphere then, and how things have changed since then around here, and at the White House?

MR. TOIV: Nope.

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Q Barry, I want to go back real quick to David about Ethiopia and Eritrea. What is the new development on the White House side in that conflict?

MR. TOIV: Okay. As you know, the United States has actively worked for a peaceful resolution of the dispute between Ethiopia and Eritrea over the past year, and continues to work in cooperation with the OAU to bring about a peaceful resolution to the conflict.

As you know, Tony Lake was appointed as the President's special envoy to this conflict over a year ago. He has traveled there, I think, close to six times. There has been encouraging movement on the peace process over the last few weeks. At the Organization of African Unity's summit in Algiers in early July, the OAU proposed -- excuse me, the modalities for implementation of the OAU's framework agreement, both Ethiopia and Eritrea have now accepted the framework agreement, and the modalities for its implementation. We will continue to engage to move this process forward.

Q A follow-up. Jesse Jackson has been very pivotal in breaking tensions with other factional peoples on that continent. Is the White House thinking at all of bringing Reverend Jackson into this situation, or is he involved at all?

MR. LEAVY: I don't think so. As you know, Reverend Jackson did extraordinary work to bring about a resolution of the conflict in Sierra Leone. He deserves great credit for that. He saved a lot of lives and prevented a lot more violence. I think Tony Lake has the portfolio on Ethiopia and Eritrea. He as well has spent a considerable amount of his own time traveling there, I think, close to half a dozen times.

So I think between Tony Lake, our team at the State Department, Susan Rice and our team here, led by Gail Smith, have been quite engaged and quite successful. So I don't see any need for Reverend Jackson to come in.

All right. Have a great weekend, everybody.

Q Barry?

Q Hold on.

MR. LEAVY: Oh, Barry, I'm sorry.

Q Week ahead?

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Q Barry, I've got one question for you before you go away. Black Navy veterans have asked the President to dismiss mutiny charges against black sailors who refused to load ammo on the ships after the 1944 Port Chicago disaster in California. Does the request have merit and, if so, what is the President doing about it?

MR. TOIV: Well, until recently, there had not been a request for pardons for any of these individuals. Now, a few months ago, a request -- such a request was made. It's being considered under the usual process at the Justice Department, and obviously the President will give careful consideration to that.

Q Is the President well aware of the situation?

MR. TOIV: I believe he is.

Q Any time frame?

MR. TOIV: I don't have a time frame for you, no.

Q Barry, back on the gays in the military; as a candidate, the President said that he would end discrimination against gays in the military, "don't ask, don't tell" falls far short of that. Has the President given up hope that during his term in office he'll end discrimination against gays?

MR. TOIV: Well the President believes that the "don't ask, don't tell" policy has worked effectively. And I expect that that will be the policy throughout his administration.

Q But you concede it doesn't end discrimination -- that if you admit you're a homosexual in the military, you get thrown out?

MR. TOIV: Well, I will concede that it is a policy that has worked, and is the best policy that can be workable at this time.

Q Yes, but if it's worked, why are they changing it?

MR. TOIV: Well, no, it has worked. As I said before -- I'm not sure if you heard what I had to say about it before, but there have been a couple of areas that improvements were needed. And in fact, that's the work that's been going on that has led to the guidelines that are being issued today. And so -- I said it worked. I didn't say it was working perfectly.

Q Barry, the Arkansas Democrat-Gazette reported this morning that during a fundraiser on Saturday, several members of the Secret Service lined up to obstruct camera view of the President as he greeted Mrs. Arkansas in the ropeline, and that they later apologized for doing that. Do you know if that happened, or if it's common for the Secret Service to be used in that way, to interfere with press coverage of the President?

MR. TOIV: The answer to the second question, which is the fairer question of the two questions to be asking me up here, is I don't believe so.

Q Well, what's the answer to the first one?

MR. TOIV: The answer to the first question, of course, as

you know, I've no idea, since that's the first time I'm hearing of that.

Week ahead?

Q Yes.

MR. TOIV: Let's see. I have to do this one by heart. Monday, the President is traveling to Kansas City, where he will address the annual convention of the Veterans of Foreign Wars. And he will speak about foreign policy issues there, and I think I'll need to leave it at that for now.

MR. LEAVY: I can do a little bit more, but that's fine. I mean, if folks want, I can talk afterward.

MR. TOIV: Yes, David will fill you in a little bit more. I think he's going to focus to some degree on our obligations overseas. And that's the only event planned for that trip. He'll be back late afternoon, I believe, or maybe early evening at the latest.

On Tuesday, the President will announce some new PSAs relating to school violence. With kids starting to come back to school, obviously, this is a subject that is on a lot of people's minds, particularly with the incidents that occurred during the last school year. And there are going to be some new PSAs that are unveiled at that time.

Also on Tuesday, we have the visit from the NCAA champion Tennessee Vols, the football champions. They'll be here on Tuesday.

Wednesday, the President is down. And then Thursday, he heads to Martha's Vineyard for a well-deserved vacation.

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Any questions?

Q Is he going to say anything on the way out today?

MR. TOIV: Is he going to say -- no.

Okay, thank you. Have a good weekend, everybody.

END

12:50 P.M. EDT

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Office of the Press Secretary

For Immediate Release August 13, 1999

PRESS BRIEFING
BY
BARRY TOIV AND DAVID LEAVY

The Briefing Room

12:30 P.M. EDT

MR. TOIV: Good afternoon, everybody. Happy Friday.

Q I don't think everybody's here, Barry.

MR. TOIV: Come on in. We can wait.

Q This is not a comment on your --

MR. TOIV: Well, I'm happy today. I expect all the tough questions to go to David.

Just as I mentioned earlier today, we're going to have a briefing at 2:30 p.m. on the radio address. The subject has to do with clean water, and we'll have Carol Browner here again, making an encore appearance, as well as

Elgie Holstein, who is the Associate Director for Natural Resources at OMB. This will take place at 2:30 p.m., but it will be on camera. It will be embargoed until 10:06 a.m. tomorrow, as usual.

Any questions?

MR. LEAVY: All right, thank you very much. Appreciate your coming in.

MR. TOIV: Well, thank you.

Q Well, a couple of them. One about the Pentagon, new policy for "don't ask, don't tell." Any comments on that?

BOTTOM EVEN

-MORE-

MR. TOIV: Well, as you know, Secretary Cohen has been committed to implementing the "don't ask, don't tell" policy fairly. And the President agrees with him on that. The Pentagon, a little over a year ago, issued a report that said that "don't ask, don't tell" was working, but that there were a couple of areas where improvements needed to be made. I think today, the guidelines that they are issuing today are intended to address those issues. I would suggest you check over there for details of what they are announcing today.

Q I understand that China has not conveyed any explicit threats to the United States in regards to Taiwan. But can you characterize what has changed? Has there been any ratcheting up of the rhetoric of the implied threats, of the indications that you're getting that they may be more bellicose towards Taiwan?

MR. LEAVY: Let me just say, Bill, a couple of things generally. One, the peace and stability in East Asia and the Pacific is a fundamental national interest to the United States. We are certainly watching developments closely, have been in contact with both sides about our concerns and about reiterating our policy of resuming peaceful dialogue.

Just specifically on your question, it is my understanding that the intelligence community has not seen any extraordinary developments or signs that the PRC is mobilizing for military action in the Taiwan Strait.

Q Would you say that there has been a ratcheting up of the rhetoric in diplomatic channels? Are they trying to send signals?

MR. LEAVY: Well, I don't want to characterize, Kevin, other people's rhetoric, other people's statements. I think there has obviously been some increased tension in the Strait over the last several weeks. That comes as no surprise to any of us or anybody in this room. We've talked about that. But I think what we have to do is look forward, and we have communicated to both sides that there is a danger of escalating tensions, that we have to resume a dialog based on a One China formula. And we're going to continue to do that.

Q Specifically, there was one report that the embassy here had been saying that they are going to take action.

MR. LEAVY: I would steer you away from that report. As I said earlier today, we have not received any threats or ultimatums from the PRC. I checked about that again this

afternoon, earlier this afternoon, and that was confirmed. So, I would steer you away from that report.

I would just say, though, generally, that there is nothing new in China's long

-standing position. They have made clear that from their point of view Taiwan is an internal matter, and they hope that there is peaceful reunification, but they don't rule out military means. We have a long

-standing disagreement on that. So I don't think any -- the context is not new.

Q Does the United States still have a commitment to go to the defense of Taiwan, should there be an unprovoked attack from the mainland?

MR. LEAVY: Our long

-standing position -- this goes back many years, both Republican and Democratic administrations -- is that any effort to resolve the issue of Taiwan by other than peaceful means would be considered of grave concern to the United States. That position hasn't changed today.

Q How would you view a Chinese seizure of a small Taiwan

-controlled island, or some smaller military action?

MR. LEAVY: See, that's the kind of hypothetical question that I want to avoid getting into. Again, the Taiwan Relations Act has been in place for many years. It has guided our relationship on this issue, our policy on this issue. And I don't want to change, or speculate on hypotheticals today.

Q David, is there concern that the U.S. might get drawn into something because of this rhetoric?

MR. LEAVY: Oh, I think there's concern that the interests of both sides won't be advanced. The One China policy that the President has advocated -- and that has been the foundation of our approach to this issue for many, many years -- has been successful for all sides. Both China and Taiwan have benefited economically. Taiwan's the sixth

-largest economy in the world. Chinese economic growth has grown vastly over the last 20 years.

So the formula is a successful one. We don't see the need to change that, and we have no intention of changing that.

Q Let me follow, too. You said no one had contacted the United States with a threat. Has anyone from either side, Taiwan or China, contacted the United States with a concern over the rhetoric, a concern over the threat?

MR. LEAVY: Well, we've had a number of discussions, both at the State Department and with officials in China. As you remember, the State Department sent Assistant Secretary Stanley Roth and Ken Lieberthal from the National Security Council, several weeks ago, to Beijing to discuss our concern about the rising rhetoric, and a need to get back to a dialogue and to get

back to the two parties talking about the issues. And so we have been engaged on this issue. And certainly, there is a concern that this kind of thing leads to accidents, leads to misunderstandings, and that we want to focus both parties on getting back to the table.

Q You said -- you made a point of saying that there were no extraordinary signs coming into the intelligence community of

--

MR. LEAVY: Extraordinary developments or signs.

Q Right. Does that mean that there is something less than extraordinary -- or you're telling us what hasn't happened. Can you tell us what has happened?

MR. LEAVY: Well, I want to stay away from commenting on intelligence capabilities and what we do and don't know. I think that's a line we haven't crossed, and appropriately so. But, as I said earlier, it's our judgment, the United States government's judgment, that there aren't any extraordinary developments or signs that there is a mobilization on the PRC's part.

Q David, can you clarify just the conversations between the administration and the Taiwan and Chinese government? Have those conversations been stepped up in recent days? And at what level, if you can clarify, have these conversations been going?

MR. LEAVY: I don't think there has been a stepping up over recent days. Since this issue came to the forefront several weeks ago, we've had a number of discussions with the PRC and with people on Taiwan. There is nothing new in the last several days that I'm aware of.

Our general approach hasn't changed, though, and let me just repeat it again. The United States has a One

-China policy. Our approach is based on dialogue between the two sides and a peaceful resolution of any differences. We've communicated that and we will continue to do so.

Q Let's put the intelligence community issue aside for a minute. If you look in the newspaper this morning, there are several people quoted on the record saying Chinese government representatives came to speak with them and made bellicose statements that there was some sort of imminent military action likely against Taiwan. Is that troubling -- those facts, which are known facts, are they troubling to the administration?

MR. LEAVY: Well, again, I don't think there is anything new in what we are hearing. China has a longstanding position that any -- that Taiwan is an internal matter, that they want to see it resolved peacefully, but they don't rule out the use of force. We have a disagreement with that. We don't think that's the way to go. We think there has to be a peaceful resolution to this issue. It has to come through dialogue. And so there is nothing new in that articulation of those themes. I don't think anyone from the United States government was quoted in those stories, and as I said earlier, no one from the administration has been approached about any particular threat or ultimatum.

Q But the analysts -- just to follow up -- these analysts who were quoted, who are respected China analysts, say that they

did feel that there was something imminent, or that there was something new. The U.S. government just doesn't agree with that?

MR. LEAVY: No, I can't speak to that. As I said, we haven't been approached with any specific threat or any specific warning. And just the general notion that this is a new policy I would just push back on, because this is something that President Jiang and other Chinese leaders have articulated for some time. So the Chinese have not ruled out the use of military force. We disagree with them. We've made that clear. Our policy is peaceful dialogue.

Q The question goes, though, David to whether this is imminent or not. We know that that is their policy, but there seem to be signals that something may happen sooner rather than later.

MR. LEAVY: Well, I don't have any indication of that. And as I said earlier, it's our intelligence community's best judgment that there aren't any signs that there is PRC military activity underway.

Q What kind of activities, if any, is the President himself engaged in relative to this topic?

MR. LEAVY: Well, he hasn't been engaged over the last 24 hours. As you know, we will be seeing President Jiang at APEC in Auckland, New Zealand, the first week of September. That's going to be an important time for the two leaders to engage on this issue and a number of issues, including trade, human rights, non

-proliferation, I believe that will be on the margins of the APEC Summit. So I think that will be the next opportunity for the President to sit down with President Jiang and go over the wide range of bilateral issues.

Q But he hasn't been consulting in recent days with his own advisors and what to do about this?

MR. LEAVY: Well Mr. Berger has kept him up to date. I believe he briefed him this morning, or he will early this afternoon. But he hasn't been engaged personally.

Q David, as far as the policy, how do you respond to Republican allegations that when it comes time to pressuring China and Taiwan on this issue, the Clinton administration has only been putting pressure on Taiwan to ratchet down tensions?

MR. LEAVY: I would reject that. The United States takes actions based on our own interests. We have had a formula that has managed this issue for some time that's been both Republican and Democratic administrations. As I said earlier, it has benefited all the parties -- Taiwan, the PRC, the United States. We're going to continue to do that. I think it's not for us to pressure anybody, but to make clear that both sides -- their agendas can be advanced, their prosperity, their security can be advanced by peaceful dialogue.

Q Last night the President told the Jewish leaders that he agreed that we should do more to start monitoring, if not infiltrating, some hate groups. Do you -- is there anything today? Any directive? Any review of how that would be done? Any stepping up?

MR. TOIV: I don't have any additional information for you on that, no. The Justice Department seeks to do an effective job of dealing with hate crimes, certainly, and they also monitor hate groups. But I don't have any information on additional work that's being done.

Q But Clinton said he would look into it personally, and said that he would do more.

MR. TOIV: And if he said that, he will.

Q Barry, it was a year ago that the President was preparing for his grand jury testimony. Any reflections about the atmosphere then, and how things have changed since then around here, and at the White House?

MR. TOIV: Nope.

Q Barry, I want to go back real quick to David about Ethiopia and Eritrea. What is the new development on the White House side in that conflict?

MR. TOIV: Okay. As you know, the United States has actively worked for a peaceful resolution of the dispute between Ethiopia and Eritrea over the past year, and continues to work in cooperation with the OAU to bring about a peaceful resolution to the conflict.

As you know, Tony Lake was appointed as the President's special envoy to this conflict over a year ago. He has traveled there, I think, close to six times. There has been encouraging movement on the peace process over the last few weeks. At the Organization of African Unity's summit in Algiers in early July, the OAU proposed -- excuse me, the modalities for implementation of the OAU's framework agreement, both Ethiopia and Eritrea have now accepted the framework agreement, and the modalities for its implementation. We will continue to engage to move this process forward.

Q A follow

-up. Jesse Jackson has been very pivotal in breaking tensions with other factional peoples on that continent. Is the White House thinking at all of bringing Reverend Jackson into this situation, or is he involved at all?

MR. LEAVY: I don't think so. As you know, Reverend Jackson did extraordinary work to bring about a resolution of the conflict in Sierra Leone. He deserves great credit for that. He saved a lot of lives and prevented a lot more violence. I think Tony Lake has the portfolio on Ethiopia and Eritrea. He as well has spent a considerable amount of his own time traveling there, I think, close to half a dozen times.

So I think between Tony Lake, our team at the State Department, Susan Rice and our team here, led by Gail Smith, have been quite engaged and quite successful. So I don't see any need for Reverend Jackson to come in.

All right. Have a great weekend, everybody.

Q Barry?

Q Hold on.

MR. LEAVY: Oh, Barry, I'm sorry.

Q Week ahead?

Q Barry, I've got one question for you before you go away. Black Navy veterans have asked the President to dismiss mutiny charges against black sailors who refused to load ammo on the ships after the 1944 Port Chicago disaster in California. Does the request have merit and, if so, what is the President doing about it?

MR. TOIV: Well, until recently, there had not been a request for pardons for any of these individuals. Now, a few months ago, a request -- such a request was made. It's being considered under the usual process at the Justice Department, and obviously the President will give careful consideration to that.

Q Is the President well aware of the situation?

MR. TOIV: I believe he is.

Q Any time frame?

MR. TOIV: I don't have a time frame for you, no.

Q Barry, back on the gays in the military; as a candidate, the President said that he would end discrimination against gays in the military, "don't ask, don't tell" falls far short of that. Has the President given up hope that during his term in office he'll end discrimination against gays?

MR. TOIV: Well the President believes that the "don't ask, don't tell" policy has worked effectively. And I expect that that will be the policy throughout his administration.

Q But you concede it doesn't end discrimination -- that if you admit you're a homosexual in the military, you get thrown out?

MR. TOIV: Well, I will concede that it is a policy that has worked, and is the best policy that can be workable at this time.

Q Yes, but if it's worked, why are they changing it?

MR. TOIV: Well, no, it has worked. As I said before -- I'm not sure if you heard what I had to say about it before, but there have been a couple of areas that improvements were needed. And in fact, that's the work that's been going on that has led to the guidelines that are being issued today. And so -- I said it worked. I didn't say it was working perfectly.

Q Barry, the Arkansas Democrat

-Gazette reported this morning that during a fundraiser on Saturday, several members of the Secret Service lined up to obstruct camera view of the President as he greeted Mrs. Arkansas in the ropeline, and that they later apologized for doing that. Do you know if that happened, or if it's common for the Secret Service to be used in that way, to interfere with press coverage of the President?

MR. TOIV: The answer to the second question, which is the fairer question of the two questions to be asking me up here, is I don't believe so.

Q Well, what's the answer to the first one?

MR. TOIV: The answer to the first question, of course, as you know, I've no idea, since that's the first time I'm hearing of that.

Week ahead?

Q Yes.

MR. TOIV: Let's see. I have to do this one by heart.

Monday, the President is traveling to Kansas City, where he will address the annual convention of the Veterans of Foreign Wars. And he will speak about foreign policy issues there, and I think I'll need to leave it at that for now.

MR. LEAVY: I can do a little bit more, but that's fine. I mean, if folks want, I can talk afterward.

MR. TOIV: Yes, David will fill you in a little bit more. I think he's going to focus to some degree on our obligations overseas. And that's the only event planned for that trip. He'll be back late afternoon, I believe, or maybe early evening at the latest.

On Tuesday, the President will announce some new PSAs relating to school violence. With kids starting to come back to school, obviously, this is a subject that is on a lot of people's minds, particularly with the incidents that occurred during the last school year. And there are going to be some new PSAs that are unveiled at that time.

Also on Tuesday, we have the visit from the NCAA champion Tennessee Vols, the football champions. They'll be here on Tuesday.

Wednesday, the President is down. And then Thursday, he heads to Martha's Vineyard for a well

-deserved vacation.

Any questions?

Q Is he going to say anything on the way out today?

MR. TOIV: Is he going to say -- no.

Okay, thank you. Have a good weekend, everybody.

END

12:50 P.M. EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-AUG-1999 12:57:55.00

SUBJECT: Interesting. Military inquiry targets AZ lawmaker

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Thomas L. Freedman/OPD/EOP on 08/16/99
12:56 PM -----

Richard Socarides 08/16/99 12:54:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Military inquiry targets AZ lawmaker

----- Forwarded by Richard Socarides/WHO/EOP on 08/16/99
12:53 PM -----

Doug.Case@sdsu.edu

08/13/99 09:54:00 PM

Record Type: Record

To: Richard Socarides@EOP

cc:

Subject: Military inquiry targets AZ lawmaker

ARIZONA REPUBLIC, August 13, 1999

(<http://www.azcentral.com/>)

Military inquiry targets lawmaker

Reservist Steve May focus of gay-policy rule

Steve May made comments this year to newspapers in response to an anti-gay bill in the Arizona Legislature

By Chris Moeser, The Arizona Republic

As a kid, Steve May was inspired to join the military after talking with

John McCain about his experience as a prisoner of war in Vietnam.

Like McCain, May chose the Navy, at least initially. And like the U.S.

senator from Arizona, May later entered politics.

But May, a state representative from east Phoenix, is gay.

And now, his dual careers as a military reservist and lawmaker have collided with President Clinton's "don't ask, don't tell" policy for gays in the military.

Army Reserve officials are investigating May after learning of statements he made to the press during the 1999 legislative session indicating he was gay. In college, May transferred to the Army ROTC after briefly serving in the Navy ROTC; and after graduation, he went into the Army.

But May says he wasn't subject to Defense Department regulations when he spoke to the press because he was not an active reservist. He wasn't recalled to active duty until February, after the comments were made to local newspapers in response to an anti-gay bill in the Legislature.

May says he has never discussed the issue with Army colleagues or while on active duty, which means he hasn't violated the policy. Others, including advocacy attorneys for gays in the military, aren't so sure.

May believes the case could present an interesting legal dilemma for the military, pitting his First Amendment rights as a lawmaker against a military policy he calls destructive.

"My case shows the silliness of the 'don't ask, don't tell' policy," he said. "I'm trained and qualified to serve the military. The military has chosen to exclude trained and qualified people simply because of a stated sexual preference."

May, a lieutenant trained in nuclear, chemical and biological warfare defense, also is qualified as a paratrooper. He is second-in-command in the 348th Transportation Company.

Maj. Eileen Norton, commander of the 484th Transportation Battalion, confirmed that an investigation is under way, but she provided no other details.

The "don't ask, don't tell" policy, adopted in 1993, allows commanders to investigate a subordinate's sexual orientation in one of three scenarios: when there is "credible information" to believe the subordinate is gay; the soldier has engaged in homosexual conduct; or the person has attempted to marry someone of the same gender.

May's case focuses on whether there's "credible information."

Stacey Sobel, senior attorney with the Washington, D.C.-based Service Members Legal Defense Network, said the fact that May's comments came before he was recalled into active duty may not make a difference. The network represents military employees who are involved in "don't ask, don't tell" cases.

"If he has made a statement in the past . . . they can try to pursue a discharge," said Sobel. "We've had cases where third parties have turned people in." But May says it's unfair that he should be required to stay silent as a lawmaker.

In early February, May denounced a bill proposed by Rep. Karen Johnson,

R-Mesa, that would have prohibited the use of public money to pay for benefits for same-sex couples. Johnson also made disparaging comments about gays in the hearing.

"Does this mean that every time that Karen Johnson pulls her crazy antics that I have to keep my mouth shut?" May asked.

May argues that the policy is hurting the military by discharging qualified people. Military retention recently has dropped significantly, so much so that some members of Congress are calling for a reinstatement of the draft.

In 1998, there were 1,145 gay people discharged from the military, up from 997 in 1997, according to Defense Department figures. Sobel expects the trend to continue.

"We definitely see quite a number of cases where highly qualified men and women who have served with distinction are being forced out of the military because of sexual preference," she said.

May, who was up for a promotion to captain this fall, said he's frustrated that he once again is forced to fight a gay-rights issue, which was not his motivation for entering public life. A Republican, he has been criticized by some in the gay community for not being vocal enough on gay-rights issues.

May is more interested in talking about about tax cuts, education or conservative economic policy.

"I resent being forced into this," he said. "It's an awkward situation, one I didn't want to be in. I'm not trying to make a gay-rights issue out of it. Service isn't a right. This is an obligation. Why do gay people have less of an obligation to defend the nation?"

The case could take months to resolve. In the meantime, May said he will keep working weekends, training soldiers. He says he has a great working relationship with both his soldiers and the officers he serves.

He says his commanders don't want to pursue the case, but they're stuck with the policy. Ultimately, he says he'll follow his orders.

"When I got called back to the military, I went," he said. "If they want to kick me out. . . . I'm trying to do the right and honorable thing."

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Message Sent

To:

Karen Tramontano/WHO/EOP@EOP
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Barry J. Toiv/WHO/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-AUG-1999 16:05:10.00

SUBJECT: Action Alerts fro SLDN

TO: Leon S. Fuerth (CN=Leon S. Fuerth/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TO: Elizabeth J. Potter (CN=Elizabeth J. Potter/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TO: LEAVY_D@AI@CD@VAXGTWY@EOP (LEAVY_D@AI@CD@VAXGTWY@EOP [UNKNOWN])
(NSC)
READ:UNKNOWN

TO: Mary E. Cahill (CN=Mary E. Cahill/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Monica M. Dixon (CN=Monica M. Dixon/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TO: Philip G Dufour (CN=Philip G Dufour/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TO: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Caroline R. Fredrickson (CN=Caroline R. Fredrickson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Laura S. Marcus (CN=Laura S. Marcus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 08/25/99
04:04 PM -----

Doug.Case@sdsu.edu

08/22/99 11:30:00 PM

Record Type: Record

To: Richard Socarides@EOP

cc:

Subject: Action Alerts fro SLDN

ATTENTION SERVICE MEMBERS: Under Article 31 of the Uniform Code of Military

Justice, you have the right to remain silent and to consult with a defense attorney if you are investigated. Say nothing. Sign nothing. Get legal help. Call SLDN at 202.328.FAIR (3247).

=====

SLDN Action Alert (1 of 2)

Testimony on Anti-Gay Harassment in Fort Campbell Murder Case

Update: An Article 32 hearing for one of the accused in PFC Barry Winchell's

murder case was held on August 9th and 10th. One statement mentioned during

the hearing, if true, links anti-gay bias to the motive for the crime, among

other factors. Testimony was also presented showing: (1) PFC Winchell faced

daily harassment for four to six months prior to his murder because of his perceived sexual orientation; (2) even though superiors knew about the harassment, they did not take steps to stop it; (3) based on a report that

a soldier from the company had gone to a gay bar, two sergeants launched an investigation to determine if a soldier in the company was gay and determined

that it must have been PFC Winchell; and (4) the two sergeants asked PFC Winchell if he were gay.

WHAT YOU CAN DO TO HELP:

(1) Contact the Secretary of the Army: If true, the testimony presented last week shows very clear violations of Don't Ask, Don't Pursue and Don't Harass. Please contact the Secretary of the Army, Louis Caldera and ask:

* What steps is he taking to look into "Don't Ask, Don't Tell, Don't Pursue" violations that were testified to last week at Ft. Campbell, KY?

* What steps is he taking to hold leaders responsible for the "Don't Ask, Don't Tell, Don't Pursue" violations that were testified to last week at Ft. Campbell?

* What is he doing to see if other violations of "Don't Ask, Don't Tell, Don't Pursue" occurred in PFC Winchell's unit and in other units at Ft. Campbell?

* If, as Pentagon officials maintain, leaders like him are committed to proper enforcement of investigative limits, how could such basic violations still occur nearly six years into the policy?

Write:

The Honorable Louis Caldera
Secretary of the Army
101 Army Pentagon
Washington DC 20310-0101

Call: 703.695.3211

Fax: 703.697.8036

Comment via the Army's web site: www.dtic.mil/armylink/comment.html

(2) Send Condolences: SLDN thanks those of you who have wanted to send condolences to PFC Winchell's family. You may contact them via PFCBW@aol.com
or:

Family of PFC Barry Winchell
PO Box 233
Grandview MO 64030.

The family may not be able to respond personally at this time, but expresses its gratitude in advance.

=====

SLDN Action Alert (2 of 2)

Pentagon's Release of "Don't Ask, Don't Tell, Don't Pursue" Recommendations

On April 13, Pentagon officials released new recommendations on anti-gay harassment and investigations. The recommendations respond to some of SLDN's concerns, but are too little, too late. They do not give any specific guidelines on how the services should implement them. Secretary of Defense Cohen failed to distribute similar guidance more than two years ago, despite SLDN's repeated warnings that steps were needed to stop anti-gay violence and harassment. In the meantime, anti-gay harassment rose 120 percent.

The recommendations state, among other things, that: reports of anti-gay harassment or threats must be investigated promptly; service members reporting anti-gay harassment should not be investigated under "Don't Ask, Don't Tell, Don't Pursue" or retaliated against because they report the harassment; anti-gay harassment training be instituted; and it is recommended that military lawyers consult with senior attorneys before investigating a service member under the policy. The guidelines do not address investigative limits. Nothing in the recommendations tell commanders what the rules are or how to implement them.

STEPS YOU CAN TAKE:

Ask President Clinton and Vice President Gore to:

- * Denounce "Don't Ask, Don't Tell, Don't Pursue." When President Clinton took office he said he would end the ban on gays in the military. Instead, a law was passed codifying the military's double standard. It is clear that the policy is not working - gay discharges are at their highest level since 1987 and reports of asking, pursuing and harassment have increased dramatically since the policy went into affect.
- * Sign the hate crimes sentence enhancement guidelines for the military. More than two years ago, a proposed amendment to the Manual for Courts-Martial allowing sentence enhancement in anti-gay hate crimes was sent to President Clinton by the Joint Services Committee on Military Justice. The proposal was submitted to the White House as an Executive Order and President Clinton has not signed it yet.
- * Ask Secretary of Defense Cohen to do his job or resign. The "Don't Ask, Don't Tell, Don't Pursue" policy is not being implemented properly after more than five years. It is Secretary Cohen's job to make sure military leaders stop harassment and follow the policy's investigative limits. If Secretary Cohen cannot do this he needs to step aside.

Write to:

President William Jefferson Clinton
The White House
1600 Pennsylvania Ave NW
Washington DC 20500

Call: 202-456-1111

E-mail: PRESIDENT@whitehouse.gov

Write to:

Vice President Albert Gore
The White House
1600 Pennsylvania Ave NW
Washington DC 20500

Call: 202-456-1111

E-mail: vice-president@whitehouse.gov

Ask Secretary Cohen to:

- * Implement the new guidelines. Secretary Cohen needs to release information on how and when the military branches plan on putting the guidelines into action.
- * Distribute an investigative limits memo telling commanders what they can and can't do under the policy. Despite the fact that the policy has been in place for more than 5 years, most commanders and service members do not know the limits to gay investigations.
- * Hold military leaders accountable for anti-gay harassment and other violations.
- * Do his job or resign. See above.

Write to:

Secretary of Defense William Cohen
1000 Defense Pentagon
Washington DC 20301-1000

Call: 703-692-7100

Comment via DoD web page: www.defenselink.mil/faq/comment.html

Organize Locally. There are some steps you can take on a local level:

- * Write a letter to the editor of your local paper letting them know the problems with the policy.
- * Meet with local military base commanders to ask what steps they will take to stop anti-gay harassment.
- * Other steps, as appropriate for your community.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: zguerra@MIT.EDU@INET@LNGTWY (zguerra@MIT.EDU@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:26-AUG-1999 10:39:47.00

SUBJECT: - no subject (01JF7XXC6AHE00E5O3) -

TO: Daniel C. Montoya@eop (Daniel C. Montoya@eop [OPD])

READ:UNKNOWN

TEXT:

Looks like the Inquisition is alive and well. And in our own country, too (except this time, we're talking Cryptic Homosexuals)....

ZAG

New York Times

August 26, 1999

Army May Discharge a Gay Lawmaker

By JAMES STERNGOLD

PHOENIX -- By his own account, Steve May knew from the time he was in his early teens that he wanted to be a politician, specifically a conservative Republican politician. He carefully built his life, he says, to shape an attractive resume, from his decision to enter R.O.T.C. in college and then serve as an Army officer to his efforts at building a track record as a small-business man, helping run his family's herbal-tea and natural-foods company here.

It worked. May served with distinction as a lieutenant on active duty in the Army and then entered the Reserve, and last November he was elected to the State Legislature, to represent the affluent, conservative district where he had grown up.

Everything seemed to be going just right until this winter, when the usually affable and measured 27-year-old May bitterly spoke his mind in the Arizona House, this time not as a Republican legislator, a Mormon or a soldier, but as an openly gay man.

He denounced an ultimately failed bill that would have barred the use of public funds to pay for health benefits of same-sex partners, and also attacked the legislation's conservative sponsor, Representative Karen S. Johnson, a fellow Republican who had condemned homosexuals as immoral.

May's remarks were widely quoted here and were followed by a cover article in Phoenix New Times, an alternative magazine, that discussed

everything from his youthful realization that he is gay to how he had met and dated his companion, who lives with him. The upshot was that he not only angered many conservatives in his party by suggesting that Ms. Johnson was bigoted but also brought on himself one of the more unusual investigations under the Clinton Administration's "don't ask, don't tell" policy toward homosexuals in the military.

Under that policy, recruiters are barred from asking applicants about their sexual orientation, and commanders are forbidden to undertake investigations of suspected homosexuality unless there is significant evidence of homosexual conduct.

On the other hand, homosexuals are forbidden to disclose their orientation in a public setting; indeed, their doing so is considered evidence of at least an intent to engage in homosexual acts.

Col. John R. Hawkins 3d, the spokesman for the Army Reserve, acknowledges that an investigation of May is under way, to determine whether his remarks are grounds for discharge.

Colonel Hawkins says the inquiry should come as no surprise, given the public nature of the case.

"I don't think that the individual has been, shall we say, keeping this under wraps, as to his sexual orientation," the colonel said.

In addition, May, who was first "outed" as gay when he ran unsuccessfully for the State Senate three years ago, faces the possibility that the increased publicity about his homosexuality, as well as his scuffling with party leaders, will hurt his chances of winning re-election next year.

May said he had never hidden his sexual orientation; in fact, he joined the board of the Log Cabin Republicans, a nationwide organization of gay party members, after his State Senate run.

But he always chose to identify himself with other issues, like education, rather than gay rights.

Then, after long doing everything "right," he says, he faced a perhaps inevitable choice when he heard gay men denounced during the health-benefits debate in February as disease-ridden dangers to the family who were doomed to ghastly early deaths.

During his outburst in the House, he acknowledged that it might have been politically wiser to keep quiet.

"But when you attack my family," said May, whose father was once a bishop in the conservative Mormon Church, "and you steal my freedom, I will not sit quietly in my office.

This Legislature takes my gay tax dollars, and my gay tax dollars spend the same as your straight tax dollars. If you're not going to treat me fairly, don't take my money."

That was followed by a string of newspaper articles, and later a confrontation with the Army in which he was informed of the investigation against him.

The sheer volume of May's public remarks on the matter makes this a highly unusual case, said Stacey Sobel, a senior attorney at the Service Members Legal Defense Network, an organization based in Washington that advises troops who are faced with inquiries about their sexual orientation. Ms. Sobel said that in some instances, the "don't ask, don't tell" policy had been pursued so aggressively by commanders that comments made by a soldier in entirely private conversations had, when disclosed, been used as a basis for discharge.

"Because what he's said has been published in newspapers," Ms. Sobel said of May, whom she has been advising, "it can be considered credible information, and that passes their test for what can be used against him."

Other factors that make the case unusual, she said, are that it involves an elected official -- the only one she knows of who is a target of such an investigation -- and that it is aimed at a reservist rather than an active-duty soldier.

May says the absurdity of the policy and his situation is evident in the fact that he was officially told he was under investigation and confronted by a military legal officer right after a three-day exercise earlier this month in Flagstaff. That meeting, he said, came shortly after he had been told that he might be taking command of the transportation company in which he serves.

"This isn't about gay rights," May maintained.

"It's about the security of the nation. The issue for me as a policy maker is I want to make sure the nation is aware of the dangers this policy creates for our military preparedness."

Even as the military faces continuing shortages in personnel, the policy on homosexuals, which was supposed to protect them from harassment, has resulted in growing numbers' being discharged, according to Pentagon figures: last year 1,145 members of the armed services were discharged for homosexuality, up from 997 in 1997 and 617 in 1994, when the "don't ask, don't tell" policy took effect.

Earlier this month the Pentagon, faced with gay rights groups' mounting criticism over those numbers, announced that it was revising the guidelines for carrying out the policy. The guidelines will require that many of the inquiries like the one undertaken against May be conducted by senior officers. Among the other provisions are that troops receive anti-harassment training throughout their careers, beginning with boot camp.

Gay rights groups, and May himself, say the changes do not go

far enough.

"First we're going to indoctrinate our soldiers to believe that homosexuals are inferior and a threat because of this policy, and then we're going to indoctrinate them into believing gays shouldn't be harassed," May said. "It doesn't make any sense."

May said other lawmakers had told him that some of his new political enemies, from the right wing of his own party, had spurred the Army investigation by alerting the service to his public remarks. One Republican, Jeff Groscost, the Speaker of the House, denied that accusation and said May had only his own candor to blame.

"My question was, How could you expect that not to have made it to the Army?" said Groscost, who fought several tough legislative battles against May this spring and has become one of his critics.

The case could well threaten the political career of one of the few openly gay officials in the country elected to state or national positions. There are three openly gay or lesbian members of the United States Congress, and 34 acknowledged gay, lesbian or bisexual officials elected at the state level, according to the Gay and Lesbian Victory Fund, a group that supports homosexual candidates. Of those 34 state officials, the organization says, only one is a Republican, May.

To some members of May's party, the fundamental problem seems to be his sudden outspokenness more than his sexual orientation itself. Although May says he has been open about his sexuality with his family and friends since he was 18, he did not discuss it in public until he was "outed" by another Republican when he ran for the State Senate in 1996.

It is not clear why the Army did not pick up on the issue then.

May says that the episode worried him at the time but that he chose to address his homosexuality only when others raised it. In his campaign last year, he says, he adopted the same policy, never denying his homosexuality but not raising it himself. That seemed to satisfy some party leaders, at least for a time.

"Steve May is a pretty good guy, to tell you the truth," said Mike Minnaugh, the Republican state chairman, who is a resident of May's district, in the wealthy eastern section of Phoenix.

"As an individual, I do not endorse homosexual relationships -- it goes against my beliefs -- but I do respect his rights. As long as he doesn't go and talk a lot about his homosexuality, he can continue to get elected."

Minnaugh added, though, that if a heterosexual Republican candidate with equally conservative credentials were to run against May in the primary next year, "that would be very difficult."

And Speaker Groscost said that "if there's a politically

attractive challenger, Steve could have some trouble."

"I'm not sure that he ran before as an openly gay legislator," the Speaker said. "There's a small chink in that armor."

May says he is concerned that the party may not support his re-election. (He is already working to raise a campaign war chest of \$100,000 on his own, a huge sum for a state race here.) The experience, he says, has shaken his belief in the party machine, though not in the party's traditional values.

"I've always been Republican," May said. "I believe in the core Republican principles. I also happen to be gay. But the party has been hijacked by theocratic fascists."

The only other openly gay member of the Legislature, Representative Ken Cheuvront, a Democrat, says that in this conservative state, he was surprised at May's outspokenness concerning his homosexuality.

"He's young," Cheuvront said. "And all of a sudden he heard this stuff being said about gays. He dealt with it differently than I do."

May says he had no choice.

"The voters want you to be honest," he said. "I'd rather just say, 'It's none of your business.' But you can't get away with that anymore."

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-AUG-1999 09:08:27.00

SUBJECT: Gore Chides Gays in Military Policy

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08/31/99 01:32:00 AM

Record Type: Record

To: Richard Socarides@EOP

cc:

Subject: Gore Chides Gays in Military Policy

Associated Press, August 30, 1999
Gore Chides Gays in Military Policy
By SANDRA SOBIERAJ

WASHINGTON (AP)) Vice President Al Gore criticized the Clinton administration's policy toward gays in the military and said he would implement "don't ask, don't tell" with more compassion.

In an interview published in the September editions of The Advocate, due

on newsstands Tuesday, the vice president also asserted that adoption agencies) not federal or state governments) should decide on a case-by-case basis whether gays and lesbians should adopt children or serve as foster

parents.

"Local adoption officials can evaluate the circumstances of the child and the parenting ability of prospective parents and decide if there's a good match," Gore said.

The vice president, who is on vacation with his family this week, was interviewed in June as he campaigned in California for the Democratic presidential nomination. His comments came before the much-publicized, Aug.

13 announcement by the Pentagon of new, mandatory training on anti-harassment guidelines for all troops.

Last year, 1,145 people were discharged from the armed forces for homosexuality, the Pentagon reported. In 1997, the total was 997, the highest number since 1987. The number of discharges hit a low of 617 in 1994, the year that President Clinton effected his "don't ask, don't tell" policy, which allows gays to serve in the military as long as their sexual orientation is not discovered.

"The statistics may be reflecting some phenomenon I don't understand, but the easiest explanation is that it's not being implemented in a way that fully reflects the spirit of the policy," Gore told The Advocate.

"I would implement the policy with more compassion," Gore said. He added that he would work with military leaders on developing "an implementation strategy that's fairer," but did offer specifics.

Asked if gays and lesbians were, by their nature, antithetical to "family values," the vice president replied: "I believe that God makes us in different ways. I don't believe that having made us, God intends us to suffer discrimination and prejudice.

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CREATION DATE/TIME:31-AUG-1999 12:44:08.00

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TEXT:
CNN Larry King Live
Aired August 30, 1999 - 9:00 p.m. ET

Should the Military's Abandon Its 'Don't Ask/Don't Tell' Policy

LARRY KING, HOST: Tonight, the military's
don't-ask/don't-tell policy is
under the gun again. Joining us from Washington, Arizona
State
Representative Steve May. His openness about his sexual
orientation may get
him kicked out of the Army Reserve. In Aspen, retired
tennis star Martina
Navratilova. In Louisville, Kentucky, the Reverend
Albert Mohler Jr.,
president of the Southern Baptist Theological Seminary.
In Madison,
Wisconsin, Democratic Congresswoman Tammy Baldwin, a
member of the
House Judiciary Committee, who is gay. And in Columbus,
Georgia,
Republican Congressman Bob Barr, also a member of
Judiciary.

They're all next on LARRY KING LIVE.

Good evening from Washington. The issue of gays in the United States military has been in the news again recently. Arizona State Representative Steve May, who is also in the Army Reserves, is under investigation by the Army, could be discharged for violating the don't-ask/don't-tell policy.

Steve May is openly gay, but the Army didn't even start to look into that orientation until it got word of remarks he'd made on the floor of the Arizona legislature way back in February.

Ironically, while he's being investigated, May is also being considered for a promotion in the Reserves.

He spoke about his predicament last Friday.

(BEGIN VIDEO CLIP)

STEVE MAY (R), ARIZONA STATE HOUSE: I'm a soldier. I'm a legislator. I have chosen to live my life with integrity. Because of the legislature, I'm visible. Because of my integrity, I have created a conflict.

That doesn't make me a gay activist. That makes me an honest soldier and a good legislator.

(END VIDEO CLIP)

KING: Steve May joins us here in Washington. We'll have a panel, as we told you, join us later. This got a lot of nationwide, international attention with a front-page story last week in The New York Times. And in today's "New York Times," on the editorial page, a major editorial, is bigotry in the military.

And about this case, it says: "But better training will not prevent absurd outcomes. The case of Steve May, a Republican state legislator, shows how irrational the policy is. Mr. May is gay and made reference to his own orientation when debating a bill about health insures. He is now under investigation and may be discharged from the military."

Are you shocked by all this?

MAY: Larry, the story is really absurd, and I think my case does show uniquely how absurd the policy is. Don't-ask/don't-tell simply doesn't work.

KING: Was it well-known that you were gay?

MAY: I have been open about my sexual orientation with my constituents for three years. I ran for office first in 1996.

KING: So you were elected to the legislature with the constituency knowing you were gay?

MAY: Absolutely.

KING: And that is a conservative Republican (UNINTELLIGIBLE)?

MAY: Correct.

KING: I mean, what's that? Scottsdale?

MAY: Scottsdale, Paradise Valley, East Phoenix, the Biltmore- Arcadia (ph) area.

KING: Are you basically a conservative Republican?

MAY: Absolutely. In fact, no one has ever challenged those credentials at all.

KING: What was the debate about in February that caused you to mention it on the floor of the House?

MAY: One of the other representatives had offered a bill which would have prevented cities from implementing domestic partnership benefits. These were cities whose voters had already decided to offer these benefits to their own city employees, and she basically wanted to prevent the cities from implementing the voter-approved plan.

KING: So you got up and spoke against her and the plan, right?

MAY: Correct.

KING: And blasted the -- some of the conservatives in
your own party as
well?

MAY: Well, just the particular ones who use very ugly
personal attacks
against me, my family and my constituents.

KING: They were saying it on the floor of the House?

MAY: Oh, yes. It was offensive.

KING: Like what?

MAY: That homosexuals -- excuse me. That homosexuals
were at the lower
end of the behavior spectrum, that homosexuality leads
to bestiality, animal
sacrifice and cannibalism -- just amazingly disgusting
terms.

KING: By the way, we have invited -- had invited
representatives from the
United States military to appear with us tonight and
they declined. When were
you in active duty?

MAY: I was active-duty for two years, three months and
eight days.

KING: When?

MAY: From May of 1993 to August of 1995. And then I was
on an inactive
status, not at all involved in the military.

KING: Are you an officer?

MAY: I'm an officer. I'm a first lieutenant.

KING: Why don't you just quit?

MAY: Well, it's not that easy. I was not in the
military, of course, for 3 1/2
years. And then when the Kosovo crisis heated up, I was
sent orders to report
for duty and I did. That was my obligation as a soldier.
I can't refuse orders
when the nation's at war.

KING: Did you go?

MAY: So I did. I pulled my uniform out of the attic and
went back to an active

Reserve unit. And that's what I've been doing now since April.

KING: Well, if it's don't-ask/don't-tell and you'd already told, how did they not know?

MAY: That's the great -- I'm confused too, Larry. When I first got orders to report back in for duty, I was confused. And every month that I went there and served -- April, May, June and July -- prior to them conducting their investigation, I was confused, because I had been open and honest about my life publicly now for three years.

KING: So did someone contact the Army to say you should be tossed out and used as an example your speech on the House floor? MAY: My commander told me that she had received a complaint -- and she wouldn't tell me who it came from -- but a complaint with a copy of a newspaper article that talked about my sexual orientation.

KING: That domestic thing calls for what? If two homosexual partners are living together, one gets the benefits of hospitalization and the like?

MAY: Well, it would have allowed employees...

KING: Like a married couple?

MAY: It would have allowed employees of the state to access the health insurance benefits on even keel, so equally with those who are married. That's correct. And it's not just for homosexuals. It's for domestic partners, whether they be homosexual or heterosexual.

KING: There are many, many, many gay conservatives, right?

MAY: There are very many. In fact, I just returned from a Log Cabin convention, which is a convention of gay conservatives.

KING: Gay conservatives. And is it disturbing to you that most of the constituency against you in the Senate and the House is

conservative?

MAY: It is disturbing, because really sexual orientation is irrelevant. It's irrelevant for military service and it's irrelevant for political service.

My constituents elected me knowing my sexual orientation, knowing my military background, because they care about the same issues that I care about: public education. I worked very hard to improve our public schools in Arizona, cutting taxes, stopping corporate welfare, which runs rampant through the Arizona legislature.

KING: But does it disturb you when someone says that politician is anti-gay, their thinking is it's a Republican conservative?

MAY: Yes.

KING: If I gave you the-hypothetic, they are -- coming into this door now is an anti-gay person and he's elected to office, you would guess he's a Republican conservative, right?

MAY: Well, I think that's an unfair stereotype, but certainly many people hold that stereotype. But there are certainly Democrats also who are anti-gay.

KING: So you felt this all your life?

MAY: That I was Republican, yes.

KING: And anti-gay, and you felt both the hits and the misses of this.

MAY: Absolutely.

KING: Why do you want to stay in the service? Why at this point would you care?

MAY: Well, it's my obligation. When the nation called me back into service in February of 1999 as the Kosovo crisis was heating up, I didn't have a choice.

KING: But why now do you want -- I mean, they may dismiss you, right?

Where does it stand now? You're up for promotion and dismissal?

MAY: I'm up for promotion to captain, right, and my captain's board meets in November. And I'm also under investigation for dismissal under a violation of the don't-ask/don't-tell policy.

KING: If they dismiss you, is that appealable?

MAY: No. I don't -- no, it's not.

KING: Would it disturb you if you were dismissed?

MAY: Well, it disturbs me that my otherwise spotless record would be -- would end this way.

KING: More with state representative Steve May of Arizona. We'll spend another section with him and then bring in our entire panel.

This is LARRY KING LIVE. Don't go away.

(BEGIN VIDEO CLIP)

WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES: 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.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: We're back with Arizona State Representative Steve May. He's up for re-election again next year. And he has been elected already with his constituency knowing of his -- well, I would say sexual choice. It's not your choice. You don't know why you're gay, do you?

MAY: No. It was not a choice I made at all. I did choose to serve my constituents in the legislature. I did choose to serve my country in uniform. And I also made a choice to live my life with integrity,

and that's what's
caused this conflict.

KING: Do you -- how many -- do you know how many people
-- men and
women -- have been tossed out of service since
don't-ask/don't- tell, who told
and got tossed?

MAY: I don't know how many since the beginning, but I
know that the
statistics today are that three to four service members
are discharged every
day. Those service members are otherwise qualified, they
perform well in
their job duties. They're discharged simply because of
their sexual orientation.

KING: And how does it come out, usually? Is there an
usual pattern? Did they
tell someone? Is that the usual way?

MAY: There are any number of ways this could happen.
Perhaps they made
a statement to friends. The policy as it stands now says
that you can't even tell
your mother, your brother, your sister, your best
friend.

KING: What if I tell on you? Does that dismiss you?

MAY: That would cause an investigation, absolutely.

KING: It does, even though you never said it to
anybody..

MAY: Absolutely, absolutely. It would cause an
investigation. And the same
-- you'd be in the same situation I am now.

KING: Are you supporting your senator, McCain, for the
presidency?

MAY: I have endorsed Senator McCain. I want him to be
president.

KING: Do you know where he stands on this?

MAY: I have heard comments that he's made in the press,
but ultimately this..

KING: What has he said?

MAY: Well, he says that he supports me and opposes

discrimination against
gays and lesbians. But he supports don't ask, don't
tell. That's really an issue
that...

KING: Is that a conflict, do you think?

MAY: Well...

KING: Is it to you?

MAY: Well, I'm not a single-issue voter. I think most
Americans are not
single-issue voters, but really this is about soldiers
serving with integrity in the
military. And that's what this issue needs to come back
to is that I served my
country in uniform because I want to serve my country in
uniform.

KING: When you were in the military -- we had a soldier
killed last year,
didn't we? Fort Campbell?

MAY: We had a soldier killed this year.

KING: This year. When you were in the military, did you
see much anti-gay
against you or others?

MAY: Not me, personally.

KING: Never saw it?

MAY: No, not at all. In fact, since all the recent
publicity I have received
e-mails from all over the world from people I served
with back at Fort Riley.
I've gotten nothing but support from them, from soldiers
past and present. It's
really been very -- very gratifying.

KING: And other armies around the world don't even deal
with it, right? They
don't discuss it..

MAY: No, absolutely not. In Israel, one of the finest
fighting forces in the
world, everyone serves, regardless of sexual
orientation. So they have soldiers
serving openly gay in Israel and in many, many services
across the world.

KING: How did the bill come out in the legislature?

MAY: It died. It really was an ugly bill. And there was so much hate-filled rhetoric, I think most of the members of the House were embarrassed. Even those who supported the issue were embarrassed by the rhetoric from my opponent.

KING: So what is the law now in communities in Arizona regarding gays and health benefits and the like?

MAY: Well, cities and counties are allowed to choose whether or not they extend health benefits to domestic partners of their employees, just like many Fortune 500 companies now offer the exact same benefit.

KING: That's right. Does Phoenix do it?

MAY: Phoenix does not. Tempe just implemented that program, Tucson and also Pima County.

KING: Phoenix does not.

MAY: Phoenix does not. I understand they're considering it.

KING: How do you feel, Steve, about all of this? I mean the way it's hit you now. And then you made the speech in February. You figured it went away, right? You knew you were up made for the captaincy, and suddenly they're investigating you on the front page of "The New York Times," you're on a worldwide program tonight. How you react to all of this?

MAY: Well, it's all very confusing because all I am trying to do is serve my constituents in the legislature. That's where my focus has been, that's where it will continue to be. That's my agenda. I also responded to the call that my nation sent to me by certified mail in February of 1999. That's my obligation. And I want to live my life with integrity.

KING: Do the Log Cabin Republicans question their party a lot, because you're at odds with, often, planks in your party's platform, aren't you?

MAY: Right, but we agree with the core values of the Republican Party.

KING: You are a conservative?

MAY: Correct. But we believe in the core values of the Republican Party: a limited government, a strong national defense, individual liberty, economic freedom. Those are the core values of the Republican Party.

Now there have been histories in our party where the far right, really theocrats, have taken over our party. Well that's not who I am. That's not who most Republicans are. We want more freedom for people. We want less government for people. That's the Republican Party I belong to.

KING: Libertarian Republican.

MAY: Well, that's the party of Barry Goldwater.

KING: Yes. You lambasted someone in particular -- did you not? -- in the legislature. I mean, opponents but there was one person in particular you really took on, wasn't there?

MAY: Well, the particular sponsor of the bill, who said that homosexuality was at the lower end of the behavioral spectrum and basically condemned me to an early death because of my sexual orientation, I responded to her that she was ill-informed.

KING: Do you converse with her in the halls? Do you...

MAY: You know, in politics...

KING: ... ever sit down to lunch together?

MAY: Sure -- well, sure. You know, in politics...

KING: Strange...

MAY: Well, you can be best friends on one issue and bitter enemies on the next. And so...

KING: You probably supported the same issue in many times on other...

MAY: And many times we did. As a matter of fact, a newspaper did a study and found that I voted with her 70 percent of the time over the course of the legislative session this past time. There are many issues where we're strong allies.

KING: Isn't it painful to you personally, emotionally painful?

MAY: Well...

KING: A member of your party, you agree with her 70 percent of the time and she thinks you're vermin.

MAY: I think it's unfortunate that some people believe that way, but you know in this country we have a long history of recognizing that we have differences of opinion, differences in our lives, but still we all have to work together as Americans. We can't divide our nation over small differences of opinion.

KING: We will meet a panel to discuss this. We'll be taking your calls as well.

This is LARRY KING LIVE.

David Frost tomorrow night.

Don't go away.

(BEGIN VIDEO CLIP, AUGUST 14, 1999, "EVANS NOVAK HUNT & SHIELDS")

ROWLAND EVANS, CO-HOST: As president, Governor Bush, would you go back to the pre-Clinton era when gays were not admitted to the military?

GEORGE W. BUSH (R-TX), PRESIDENTIAL CANDIDATE: I'm for don't ask, don't tell. This is a policy that Colin Powell thoughtfully put in place.

EVANS: That's Clinton policy.

BUSH: well, if that's the Clinton policy I support that.

But I think it's up to the
military to make sure we enforce it.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: Welcome back. We're discussing gays in the
military, the don't
ask-don't tell policy, and now a whole broader
discussion of gay rights.

Our panel: Here in Washington, Arizona State
Representative Steve May,
being investigated by the Army reserve, may be
discharged because of his
orientation, may be promoted; in Aspen, Colorado,
retired tennis star Martina
Navratilova; in Louisville, Kentucky, the Reverend
Albert Mohler Jr.,
president of the Southern Baptist Theological Seminary;
in Madison,
Wisconsin, Democratic Representative Tammy Baldwin, a
member of the
House Judiciary Committee, who is also, like our guest
in the studio in
Washington, openly gay; and in Columbus, Georgia,
Republican Bob Barr of
Georgia, also a member of the Judiciary Committee. Let's
get our panel's
thoughts.

First on the May case, Martina, what do you make of all
of this regarding the
legislator?

MARTINA NAVRATILOVA, FORMER PROFESSIONAL TENNIS
PLAYER: Well, I just can't -- the don't ask, don't tell
cannot work because
you have to be able to tell the truth. I mean, morality
is about telling the truth.
So how can you tell the truth and then pretend you're
not who you are?

KING: So you think there should be -- the policy should
be if you're fit to
serve, you're fit to serve, no matter what you are?

NAVRATILOVA: I think it's been proven that sexuality has
nothing to do
with one's ability to serve the country. I would love to
be able to serve the
country, but right now I couldn't.

KING: Congressman Mohler -- I mean, Reverend Mohler, where do you stand on this particular issue regarding Steve May?

REVEREND STEVE MOHLER, SOUTHERN BAPTIST THEOLOGICAL SEMINARY: Well, the one thing I would be in agreement with Representative May is that the don't ask-don't tell policy doesn't work. It is inherently wrong. And the American people believe the homosexual behavior is a legitimate issue. And the federal courts have affirmed that indeed it is a legitimate military issue for our armed forces. And so I'm in agreement that the don't ask-don't tell policy doesn't work, but on the most fundamental issue of homosexuality, there is widespread belief among Americans that it is fundamentally wrong and has no place in the military.

KING: So, therefore, you don't think -- you think if you're gay you should not be in military service?

MOHLER: Yes.

KING: OK.

MOHLER: And I believe that that is exactly what the armed forces have said by this policy.

KING: Congresswoman Baldwin, your thoughts on the May case.

REP. TAMMY BALDWIN (D), WISCONSIN: Well, I think that Representative May puts a face on this issue. A capable young man dedicated to his country ought to be able to serve with pride. And we shouldn't have a policy that forces him to be dishonest in any way. And he's made that point very well.

I think beyond that the policy of don't-ask/don't-tell has proven a failure.

We've seen the amount of harassment against gays in the military increase.

We've seen the number of discharges increase under a policy that was supposed to have the opposite effect. And I really think that Steve's case in so many poignant ways means that we need to re-examine this

policy. KING:

And Bob Barr of Georgia, nice to see you again,
Congressman. Your
thoughts?

REP. BOB BARR (R), GEORGIA: Thank you very much, Larry. I
appreciate being a part of this very distinguished
panel.

The issue, despite what Lieutenant May kept saying over
and over and over
again, that it's so confusing for him, is not confusing
at all. It's not complex at
all. As the pastor has said, there is very sound
military policy at stake here by
such a -- enunciated by such very distinguished modern
generals as General
Norman Schwarzkopf, who has said that homosexuality is
incompatible with
good order of the military. That being the case, that is
what our military has
said. That is what this Congress and previous Congresses
have stated very
clearly in the law. Whether George Bush feels otherwise
or not,
homosexuality is incompatible with military service.

KING: So Congressman Barr, you also -- you also disagree
with don't-ask --
everybody on the panel then doesn't like
don't-ask/don't-tell, but you and...

BARR: I guess it's unanimous.

KING: ... and Reverend Mohler for different reasons. You
would not have
any gay in the military whether they tell or don't tell,
right?

BARR: No. I would uphold the federal law passed in 1994
before the
Republican majority that says that homosexuality is
incompatible with the
military and should not be allowed.

KING: Your party, Representative May, passed that law?

MAY: Yes, Larry, of course, that's true. But the issue
really isn't about gays
in the military. Gays have always been in the military.
I am in the military.
Gays will always be in the military.

The issue is about discrimination in the military. And

the issue is also about
asking soldiers to violate the basic military code of
honor: duty, honor, country.

KING: Reverend Mohler, what is your problem with Steve
May being in the
military? Steve May is sitting right here. What's your
problem with him? You
have a problem with him being in the military. It is
what?

MOHLER: It is his homosexual behavior. And this, again,
is one more
example of how the homosexual agenda has been literally
intrusive into almost
every dimension of American life. And here the military,
which is supposed to
be about defending our country and to be about military
goals and military
means, is having to deal with an issue where there are
some whose agenda
has tried to force the armed services into being about
social work and social
change. And we have really a pretty fundamental
consensus in this country
that this is wrong...

KING: Let me get -- let me get...

MOHLER: ... a popular (ph) consensus and a legal
consensus.

KING: Let me get a break. Our panel will be with us all
the way. We'll also
be including your phone calls. Don't go away.

(COMMERCIAL BREAK)

KING: Just so we understand where everybody stands,
Congressman Barr, do
you take it beyond the military? Are you opposed to the
bill to eliminate
discrimination in hiring, firing on the basis of sexual
orientation?

BARR: Oh, I think that if we try to get into that
federally, Larry, whether it's
the employment, Nondiscrimination Act or so-called "hate
crimes," we're
opening a can of worms that I don't think we'd ever see
the last of.

KING: So you would be against the bills? Or for...

BARR: Yes, against both -- I would be against -- against the hate crime bill, because it leaves these -- these terms very ill-defined. It doesn't define sexual orientation, yet it tries to enforce people who don't like somebody's sexual orientation...

KING: But you don't disagree -- you don't disagree with there should be no discrimination against hiring someone because of their sexual orientation, do you?

BARR: Yes, I do disagree with that.

KING: You do?

BARR: Yes, absolutely. There are some professions, such as the Boy Scouts, where I think here also homosexuality is incompatible with the goals of the organization itself. I think in teaching -- and there may be others as well.

The pastor may very well like to address that in terms of...

KING: I will get to that. Martina, are you surprised that this -- as a gay person, we seemingly -- some people say they have come a -- Are you surprised this is still apparently a very major issue in this country?

NAVRATILOVA: I am, you know, because I mean, I came to live in this country -- I lived in -- under a communist system in Czechoslovakia. And I left that country so I would be free. I thought this was the land of the free. I didn't think it meant land of the free as long as you're heterosexual.

Now the Czech Republic -- they're having domestic partnerships. They're having relationships that are -- recognized homosexual relationships that are recognized as much as heterosexual ones. And I feel like, what do I need to do now? Go back? I don't want to.

I am surprised at the rhetoric and the misinformation that still exists to this day

among very well-educated people.

KING: Reverend Mohler, it would seem that you feel that sexuality is a choice. Did you choose heterosexuality by choice?

MOHLER: Well, first of all, I don't believe anyone is born a homosexual. I believe that God's creative intention was that we be created man and woman and to be related to each other in a heterosexual fashion.

KING: So then homosexual -- so a homosexual chose to be homosexual by an intellectual decision?

MOHLER: Absolutely...

KING: Why?

MOHLER: ... and certainly chose a homosexual activity.

KING: Why?

NAVRATILOVA: How do you know? How do you know? I didn't choose this.

MOHLER: Well, I know any act is chosen. I will deal with...

NAVRATILOVA: Feelings.

MOHLER: ... it, just the level right now. The act -- the act is chosen.

I believe the feelings are the result also of a sinful inclination. And that's something I know that some persons have to really struggle with to overcome, but I also believe in God's grace, that can and is overcome.

NAVRATILOVA: But why should I overcome something that I am very happy with? How is sinful -- how is loving another individual sinful when that individual loves you back? Where is the wrong -- what is wrong with that?

MOHLER: Well, the first issue is I believe God has clearly revealed that it's wrong. Almost every civilization -- virtually every

civilization throughout time
has ruled that it's wrong. We rightly privilege
heterosexual relationships. And it
has been that way throughout human civilization.

The result of embracing the homosexual lifestyle is
cultural chaos, the
breakdown of our entire moral order.

It may be popular, but it is not going to work.

KING: Congresswoman Baldwin, are you surprised that this
is still a major
issue?

BALDWIN: Well, I actually don't know that our panel this
evening is
necessarily reflective of thought throughout the nation
anymore. I think that
people like Steve May and others who have become the
subject of public
discussion have brought us a long way in recognizing
that there are honest,
hardworking, committed citizens who are engaged in
public service. And I
think that people are beginning to say enough with the
discrimination, both in
the civilian job force as well as the military job
force.

KING: We'll pick up with Steve May and the panel. And
Steve may want to
cross-examine some of the panel as well, and the panel
may wish to ask
questions of him or Martina or Congresswoman Baldwin.
They're are guests
for the full hour. Your calls will be included. I'm
Larry King. Don't go away.

(BEGIN VIDEO CLIP, DECEMBER 19, 1997)

REV. JERRY FALWELL, LIBERTY UNIVERSITY: As a minister of
the
gospel of Jesus Christ who believes the Bible to be the
word of God, of
course, I believe that homosexuality is wrong. It's
moral perversion.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP, APRIL 22)

ELLEN DEGENERES, ACTRESS: You know, I think that people
are just

scared and have been conditioned to think that we're
some kind of freaks, that
we live -- I hate the term "lifestyle." We don't live a
lifestyle. We live a life.

And it's -- it's -- it's the same as anybody else.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: We're back with our panel.

And I know that Representative May has been champing at
the bit to say
something to Reverend Mohler and possibly Congressman
Barr, and we'll pick
it up from there, but, Steve?

MAY: Well, Larry, I'd have to agree with something
Representative Barr said
and that is this is about military readiness. This is
about defending our nation.
When I received those orders from the Pentagon in
February of 1999, I knew
that I was at risk for being activated for duty in
Kosovo. I knew that I was at
risk for coming home in a body bag. My mother knew that,
my partner knew
that. It was something I considered very seriously. But
that's my job. That's
what I'm trained to do. Gay and lesbian soldiers across
the country in our
services risk their lives every day in training as well
as in actual combat.

KING: Do you disagree -- we'll go back to -- we'll have
Mr. Barr respond in a
minute -- but do you disagree with Reverend Mohler, who
he said that most of
the country agrees with him?

MAY: Oh, he's absolutely incorrect. I don't know which
polls he's reading, but
all the polls that I've seen show that almost 80 percent
of Americans support
employment and non-discrimination so that gays and
lesbians aren't fired
simply on the basis of their sexual orientation.

KING: Congressman Barr, this man was willing to die for
you recently.

BARR: Well, first of all, I would hate for this to

degenerate into a battle of
statistics. I mean, people use statistics...

KING: But he -- no, he's not a statistic. He's Steve
May, and he was willing to
go to Kosovo...

BARR: Well, that may very well...

KING: He was willing. He's sitting here. It's not a
statistic. It's him.

BARR: Well, but he's throwing around statistics and
other people are. This is
a very real issue. It has nothing to do with statistics.

You're right, Larry. It has to do with military
readiness. And while Mr. May
may pat himself on the back and think he's a great
legislator -- I think he said
that -- the fact of the matter is that I think military
leaders like General
Norman Schwarzkopf know an awful lot more about military
readiness and
what happens in units in the Army when the homosexual
element is introduced
into it than he does. And they say it is incompatible.
That has been consistent
military doctrine throughout our nation's history. It
has served us well and we
ought to continue it.

KING: How, then, has America done so well at work since
everyone admits
there's a lot of gays that have served over the years?
Barry Goldwater said
many are buried at Normandy.

BARR: Well, that's not really the point, Larry. The fact
of the matter is you
set a policy and you try to adhere to it. There will
always be exceptions to
every single rule. That's not the point. The point is
you establish a policy based
on the guidance of your military leaders, not a
particular individual member
with an ax to grind. If you start doing that, then you
might as well not have
military discipline in order to begin with.

KING: Steve, did you want to say something to the
congressman or to
Reverend Mohler.

MAY: Larry, I've been given instructions by my commanders to continue serving in my position as the executive officer of the 348th Transportation Company in Phoenix, Arizona. On September 10th, I'll go back and train my soldiers. We're going to conduct a truck rodeo...

KING: Unless they throw you out.

MAY: They won't do it that quickly. I'll continue to serve probably for six months to a year before action is taken. We're going to do a truck rodeo to train my soldiers to be better drivers, and I'm going to train my headquarters personnel to receive and issue missions.

KING: And who...

MAY: And that's my job.

KING: And who, Reverend Mohler, is he harming?

MOHLER: Well, I think it is the larger picture of the military. And who he's harming personalizes it in a way that we probably can't even get at here because it's 250 million Americans.

We have to take this issue seriously. In 1991, candidate Bill Clinton said that if elected he would be for homosexuals what Harry Truman was in terms of the race issue. The only reason we have a don't ask-don't tell policy is because President Clinton was unable, given the opposition in the armed forces and in the population at large, to push through his first agenda. So what we have now is a lowest Clinton denominator policy of don't ask, don't tell. It is sound military policy. It is sound moral policy that homosexuals should not serve in the military.

KING: Congresswoman Baldwin, how would you respond to that?

BALDWIN: Well, precisely the same arguments that the congressman and the reverend are making right now were used before the military integrated along racial lines. These arguments have been used to

hold women from all
positions of responsibility in the military
historically, and of course women have
made some tremendous advances.

We've heard these arguments time and time again about
incompatibility for
military service, and we've proven them wrong time and
time again. And I
think this case and the many other cases that are out
there continue to erode
the wisdom of don't ask, don't tell. It makes no sense.

KING: Martina, when you started to feel this affection
for the same sex, did
you think to yourself, is this wrong? I mean, when you
have a feeling...

NAVRATILOVA: Well, I knew it wasn't exactly popular.

KING: But obviously, did you start to examine your --
did you say, why is this?
Did you ever examine the choice? If it wasn't a choice,
why it happened to
you?

NAVRATILOVA: It wasn't a choice. It was like this --
this is who I am. And
this is what -- this is what is going to complete my
life. It was not anything that
I thought about ahead of time. But when it happened, I
was like, oh, that's
what it's about.

KING: All right. And are you shocked to hear...

NAVRATILOVA: Absolutely not a choice. KING: Are you
shocked to hear
what you hear here tonight? In other words...

NAVRATILOVA: I've heard it all before. I am just, again,
surprised that
educated people keep making these statements.

I would like to ask Steve May a question. Isn't it true
that the reason
homosexuality is supposedly not compatible with military
service is because it
makes the heterosexual soldiers very uncomfortable
because of comments like
these that we've been hearing tonight?

BARR: That's not true.

MAY: That is...

BARR: That's not the reason.

KING: Well, you were in -- Steve, you're the gay person in the military. Do you think that's the reason? Because it makes heterosexuals uncomfortable?

MAY: Well, it may make some heterosexuals uncomfortable, but frankly, Larry, some white people are uncomfortable living and sleeping with black people and vice versa. We continue...

KING: Still?

NAVRATILOVA: Exactly. That doesn't make it right.

MAY: We continue to have race problems in the military, but the military has a culture which has worked very hard to prevent or try to mitigate the problems of race and gender integration. However, the military has worked very hard to promote the problems dealing with homosexuals in the service, to promote homophobia, harassment and even violence against gay service members.

KING: You certainly don't support violence, Congressman Barr, against gays because they're gay?

BARR: No, that's...

KING: What do you think happens to -- what would happen to Steve in the military that concerns you about readiness and Steve? What could happen to him that would make you concerned?

BARR: No, none of us on this problem condone violence. And that's not the issue here at all. That's a red herring. What concerns me is the same thing that concerns our military leaders like General Schwarzkopf. And that is that in the military you have to have absolute, strict, immediate adherence to commands. You can't have loyalties from one soldier to another, whereas homosexuals...

KING: All right, but gays -- gays would not respond to commands? Is that the point? I don't understand.

MAY: My soldiers obey my commands, and I follow those of my commanders.

BARR: The point is when you have a homosexual officer or a homosexual enlisted man and you interject them into a small cohesive military unit, they begin to either develop bonds or animosities with other soldiers. That is a proven fact. General Norman Schwarzkopf, who is from West Point and led this nation to victory in Desert Storm, is not lying when he says that. He knows what he's talking about, Larry...

KING: Don't...

BARR: Lieutenant May has an ax to grind...

KING: Forgive...

BARR: ... He doesn't know.

KING: Forgive my ignorance. Don't bonds and animosities develop among heterosexual soldiers?

BARR: Well, there are always going to be bonds and animosities...

KING: So?

BARR: ... but history has proved that it accelerates and it expands...

KING: You mean...

BARR: ... with the homosexual element.

KING: ... gays bond more and are more demonstrative. This is a fact?

BARR: Well, now that -- yes, that is. That is what -- and they have testified, Larry, these generals have testified before Congress to that. They have brought experts in. And I agree with the pastor...

KING: How do you...

BARR: ... It's ridiculous that we have these arguments,
but they have proven
it to me.

KING: All right, how do you respond, Steve, to his --
Schwarzkopf is a military
hero. He's certainly not a regressive man. Colin Powell
-- how do you
respond?

MAY: Well, the issue is, again -- in militaries across
the world and in history
since -- all recorded history, gays have served in the
military. Ultimately this is
about...

KING: Now how do you respond to respected generals who
are opposed to
your position? MAY: They've never done studies. The
generals haven't
worked with contemporary American soldiers in maybe 30
years. I work with
troops. I work in the trenches with the troops, and I've
been doing it since
1993.

BARR: Norman Schwarzkopf hasn't worked with contemporary
soldiers?
What nonsense is that?

MAY: Well I don't know when the last time you were in
the service was,
Representative, but I serve with soldiers today. And
soldiers support me and I
support them. And that -- the real issue here is
asking...

BARR: No, you just tried to say that General Schwarzkopf
hadn't worked with
real soldiers. What are you talking about?

KING: Yes, you said that...

MAY: No, he...

BALDWIN: I'd like to interject.

KING: All right, go ahead. Tammy, go ahead.

BALDWIN: Yes, actually, when the policy was brought into
question back in
1993, the Pentagon, the Congress did look to some

research on whether a
policy change would be in order and actually conducted a
study act -- asked
the Rand Corporation to look at this issue. And they
came out resoundingly
with their conclusions and recommendations to Congress
and the military that
the policy, the prohibition on gays in the military be
stricken. And it was
ignored by the body that examined those results, but
they in fact did ask for
research, and they did ask for recommendations.

KING: All right, I've got to...

BALDWIN: And it was pretty strong.

KING: I got to get a break here. We'll come back. We'll
include your phone
calls.

Don't go away.

(COMMERCIAL BREAK)

KING: We'll include some phone calls. Hanover, Germany,
hello.

CALLER: Yes. Hello, Larry.

KING: Hi.

CALLER: Thank you for taking my call.

KING: Sure.

CALLER: My question is for Representative May. Now, I
was discharged in
1984 after 18 years, 364 days, which is one day before
presidential
intervention would have been required.

KING: What's your question?

CALLER: Basically because I was homosexual. I was on the
list for E-8...

KING: What's the question?

CALLER: ... with a special recommendation as first
sergeant.

KING: What's the question?

CALLER: And my question to Representative May is, what would you do in this case? You would be discharged. And we're setting here, all of us...

KING: What is your question!

(CROSSTALK)

CALLER: and condemned.

KING: OK. If you're discharged.

MAY: Well, I think this is, again, it's about living your life with integrity. And that's the situation I'm in, and this gentleman...

(CROSSTALK)

KING: He's saying you may be discharged.

MAY: He's saying I'll also be discharged and so I will.
But my...

KING: Would it be dishonorably discharged?

MAY: I don't know if I would be dishonorably discharged.
Most service members now who are prosecuted under don't-ask/don't-tell are discharged honorably.

But you know, the issue is I was called back into active service by my country during the crisis in Kosovo and I responded to the orders.

KING: Do you get mad then when you hear Congressman Barr or Reverend Mohler?

MAY: Well, I think it's offensive. I think it's a poor choice of words.

I was called back by my country. I didn't ask to go back in. I'm not trying to make a statement. I have work to do back in my district.

I was called to serve in uniform and I was willing to die for my country. I do not have an ax to grind.

KING: Reverend Mohler, don't you appreciate that on Mr. May's part?

MOHLER: Well, without any doubt. Just talking to him here by means of this program, I can see much in Representative May that is very honorable and that would be admirable, certainly his willingness to serve his country. That really isn't the issue here. Not everyone who's willing to serve or even demonstrates that kind of courage under fire should serve the country. There are other issues involved here.

The military has said that there is the priority of unit cohesion, which is absolutely essential in warfare. It is the generals -- just as Representative Barr has said -- the consensus of military authorities who have said that homosexuality intrudes into that and violates that in a way that they feel would hamper our military effectiveness.

But this is an agenda, Larry, that is being pushed by activists. It is being pushed on the Boy Scouts, as we have seen just recently, and being pushed here in the military.

KING: By whom? By whom?

MOHLER: This is just a part of the picture.

Well, the homosexual movement. And that's not a conspiracy theory. They're very public about the demands they are now making for special rights, for what is called the nondiscrimination rights. But basically, homosexuality...

KING: By the way, you don't...

MOHLER: is not a favorable characteristic.

KING: You don't favor discrimination, do you, Reverend?

MOHLER: Well, we all favor some kind of moral discrimination. The question is what kind...

KING: You do?

MOHLER: ... of discrimination. Well, certainly. There are different levels of

that. You certainly would want to discriminate against
child molesters working
at a preschool.

The real issues is all of us discriminate in some sense.
Where should we
discriminate and on what issues?

As a Christian minister, I have to go by the holy
scriptures. And on this issue, I
believe the vast majority of Americans clearly are in
agreement, we should
discriminate.

NAVRATILOVA: OK. How -- how -- I would like to ask the
reverend, how
would you discriminate against me? What's OK to
discriminate against me?

Tell me please. MOHLER: Well, I don't know what exactly
you would wish to
do, but you mentioned privileging your partnership as
marriage and that just
simply should not happen. No civilized society can
recognize homosexual
partnerships on a par with heterosexual marriage. That
is just impossible.

KING: I have got to get a break. We'll be right back
with more calls. Don't go
away.

(BEGIN VIDEO CLIP, DECEMBER 16, 1997)

CHASTITY BONO, GAY-LESBIAN ACTIVIST: When you're
promoting
this anti-gay agenda, you are literally killing people.
We have three times
higher rate of suicide for gay youth. It encourages gay
bashing. It has an
effect on people's lives.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP, MAY 7, 1997)

CALLER: What is your view on homosexuality and the
impact it has on
society, especially with TV promoting it with the new
"Ellen" episode?

KING: Do you have a problem with that, Billy?

REV. BILLY GRAHAM: I think everybody has a problem with
that. The

Bible calls it a sin, but the Bible also calls jealousy or pride a sin. And there are many, many sins, but there's only one sin. And the real sin that we have is in our hearts and it produces all kinds of effects. And that is one of the sins.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: Toronto, hello.

CALLER: Hi. As an outsider, this discussion is odd and somewhat humorous.

For me, I see the U.S.A. has fought in wars and protected human rights for years, and I'm sure that included gay men and women. My question is for Mr.

May. Why are you a member of a party, the Republican Party, which generally does not generally support gay rights issues?

KING: Mr. Barr and you are in the same party.

MAY: Yes, and I'm sure Mr. Barr and I agree on many, many issues, primarily, of course, fiscal issues. But the Republican Party isn't the party of homophobia. It's not the party that opposes gay people in American society.

Yes, there are some people like Representative Barr and some others who have really hijacked our party and gotten us away from our mainstream values that made our party great...

BARR: Oh, come on now Mr. May. MAY: We're the party of Lincoln, the party of Roosevelt. We believe in limited government, not more government. So there's

BARR: I know you think you're a great legislator and a great military strategist, but the fact of the matter is...

KING: He didn't say that.

MAY: I never said that.

BARR: ... you know -- well, you complemented yourself extensively at the beginning. But be that as it may, the fact of the matter

is this is not a matter of
your great integrity. If you were so full of integrity,
you would recognize that
the federal law prohibits the practice of homosexuality
in the military, and it
prohibits homosexuals in the military. That is the law.
It was passed in 1994...

MAY: Well...

BARR: ... So if you were so full of this...

MAY: Congressman...

BARR: ... almighty integrity that you keep talking
about, you would the resign
out of the military if you want to protect your
integrity. Otherwise you're
violating the law.

MAY: Congressman, my nation called me when we were at
war in Kosovo.

BARR: You've told us that 15 times already.

MAY: And I reported for duty as ordered.

This issue really is about honesty and integrity, Larry,
and this is the problem in
America today. There aren't many politicians who have
honesty and integrity.

But I was trained, I was taught these values as an Eagle
Scout...

BARR: Only you do, of course.

MAY: ... I was taught these values as an Eagle Scout --
I hope you would too
-- as a member of my church, by my parents. These are
values that I hold
very dear: honesty, integrity, duty, honor, country. And
I will not surrender
those values.

KING: We'll take a break, be back with our remaining
moments. We'll get a
comment from everyone on the panel.

Don't go away.

This week on LARRY KING LIVE, tomorrow night it's been
two years since
the unexpected death of Princess Diana shocked world.
I'll talk to David Frost

about her life and legacy. And on Thursday night, she's one of the funniest and most outspoken women around. Joan Rivers will be our guest for the hour and take your calls.

All ahead on LARRY KING LIVE, 9:00 Eastern on CNN.

(COMMERCIAL BREAK)

KING: Get a closing comment from everybody but first a quick call from Atlanta -- hello.

CALLER: Hello.

KING: Yes.

CALLER: I'd like to get a response from Mr. Barr. Why -- why do you believe that -- what is the basic fundamental reason that we don't allow gays in the military?

BARR: Well, I...

KING: Is there a fundamental reason?

BARR: The fundamental reason is that when you interject homosexuality, which creates bonds between men that can be very, very strong, you interject an element that interferes with the chain of command and the absolute adherence to orders that might contradict a personal relationship that's developed.

KING: Martina, as we approach the year 2000, from your standpoint, do you think things are going to get better or worse?

NAVRATILOVA: Things are going to get better. Just because some things are law doesn't make them right. We have to remember that interracial marriage was illegal in the country until 1967. That's not so long ago.

This is about social change. It's going to happen. The question is whether the military is going to lead the way or is going to follow.

KING: Reverend Mohler, your final thoughts?

MOHLER: Well, Larry, I believe that homosexuality is one of the great moral challenges facing this nation. The decisions we make on this issue are going to shape the future of our country. We will either order our society by God's law or contravene that law and face the consequences.

But the last word has to be that in the grace of the Lord Jesus Christ there is the means of overcoming all sin, including the sin of homosexuality. And so that last word has to be a word of grace and hope.

KING: And you do love the homosexual, do you not?

MOHLER: Yes, we're told to love the sinner and to hate the sin. And the first act of really loving someone is to tell them the truth. And we believe that scripture reveals the truth about homosexuality, and it is an act of love to tell people what God has said about that sin.

KING: Congresswoman Baldwin, is Congress going to pass or defeat the hate crime and employment discrimination legislation?

BALDWIN: Well, I certainly think that we're making some strong progress and that it's high time, especially after recent hearings in the House and Senate Judiciary committees, to pass the Hate Crimes Prevention Act.

I'm encouraged. I believe that we are seeing a time in our nation where people, you know, they've heard these arguments that we've heard tonight recycled when we had racial segregation. We've heard it time and time again in our country, and people are saying discrimination is wrong and it's time that we ended it in all employment.

KING: Congressman Barr, when there were laws against interracial marriage, were you opposed to them?

BARR: Absolutely, because that is a very clear unconstitutional limitation. The Supreme Court has...

KING: But there were laws?

BARR: Pardon?

KING: States had laws that...

BARR: But I was opposed to those laws and in support of laws that overturned them because it represents a fundamental rejection of constitutional principles.

There is no fundamental constitutional principle or right to homosexual activity.

The Supreme Court has said that...

KING: Well said.

BARR: ... consistently, the military has maintained it, and Lieutenant May notwithstanding and Miss Baldwin notwithstanding, that remains the law of the land.

KING: Only have ten seconds. Everybody has been well-spoken.

Representative May, do you think they're going to toss you out?

MAY: Larry, I don't know what they're going to do, but I'm proud to serve my country. I'll keep doing my job until they discharge me. The choice is really up to the Army. I made my choice. That is to serve my country in uniform as I was ordered to do so.

KING: Thank you, Steve. MAY: Thanks, Larry.

KING: Thanks to all our guests.

David Frost tomorrow. Thanks for joining us from Washington.

Good-night.

END

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SUBJECT: SLATE NEWS: Tues., Aug. 31, 1999

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TEXT:
SLATE NEWS: Tues., Aug. 31, 1999

--today's papers: Pop Culture

today's papers

Pop Culture

By Scott Shuger

The newest statistics on the spread and lethality of AIDS lead at the WP, LAT and USAT. The NYT fronts the story but goes instead with AT&T's decision to respond to MCI's and Sprint's recent 5 cents/minute (plus monthly fee) plans with a 7 cents/minute (plus monthly fee) option. The phone news is on nobody else's front page.

The multiple AIDS stories are prompted by the government's release of new numbers at a national HIV conference in Atlanta. Every paper's main takeaway is the same: the steep decline in new AIDS cases and in AIDS deaths that began three years ago, and which is associated with the emergence of the multiple medication anti-AIDS "cocktails," has leveled off appreciably. New AIDS cases declined 18 percent in 1997, but only 11 percent last year. AIDS deaths, which dropped 42 percent in 1997, declined just 20 percent last year.

This means that, in the words of the top HIV official at the CDC, quoted by USAT, "There is no magic bullet." Prevention, she says, is turning out to be more important for controlling the spread of the disease than treatment.

The papers pass along the experts' consensus for why anti-AIDS success is flattening out: There is a saturation effect in which most people who know they're infected with HIV are already taking the more powerful cocktail therapies; HIV seems to be gaining some resistance to the therapies; and the strict regimen that optimizes

their effectiveness is hard to stick to. Another factor that the WP emphasizes more than the others and high up to boot is that excessive confidence in the therapies may be prompting people to practice more unsafe sex. The Post, NYT and WSJ note that drug users and black people account for higher rates of infection. In 1998, note the two Times, blacks, who represent 13 percent of the population, accounted for 49 percent of all AIDS deaths. The WSJ is alone in mentioning the strikingly good news about infantile AIDS--there were only 242 cases last year, down 73 percent from 1992.

The USAT off-lead reports that senior U.S. law enforcement officials now say that Bank of New York records that would have served as evidence of the laundering of billions in Russian mob money have been tampered with or destroyed. An inside story at the NYT reports that on Russian television Monday night, a Russian investigator said that he had evidence of bribes paid to Kremlin officials and members of Boris Yeltsin's family by Mabetex, a Swiss-based construction company.

A NYT front-pager reviews the blooming of open "God-talk" among presidential hopefuls, seeing in it an efficient way to flash distance from the squalor of the Clinton scandals. The story notes that the new public piety seems to have unwritten rules: it's apparently a political plus for Protestants only. And just having opinions about religious matters isn't enough--an atheist, no matter how earnest, would, says a historian quoted in the piece, still get slaughtered.

A story on page 15 of the LAT reports that Al Gore has given an interview to the gay-oriented magazine The Advocate in which he says the "don't ask, don't tell" rules in the military governing the service of gays "aren't working the way they were intended to work," and that he would work with military leaders to bring about an implementation strategy that's "fairer." The story reminds that the policy was a major headache for the Clinton administration in its earliest days. And that until now, Republican candidates have largely ignored it. In addition, the paper reports, Bill Bradley has responded to Gore's interview by taking a position "aggressively to Gore's left," expressing grave doubts about the current policy, and saying that we ought to move toward a time "when gays can serve openly in the military."

The NYT and WP go inside with a new survey of teenagers indicating that low paternal involvement with a teen is a key determinant of adolescent substance abuse. A teenager with an excellent relationship with a single mom, the study says, has a far better chance of avoiding drug abuse than does one living in a two-parent household including a diffident father.

The WSJ reports on a new version of SAT scoring being developed by the ETS folks. The idea is to incorporate certain sociological background factors-- such as English isn't his/her first language, he/she went to a crappy high school, is from a poor family

etc.--about the student, to come up with a likely score range for him or her, and if the person's actual score exceeds the likely one by at least 200 points, then the applicant is identified by admissions personnel as in the valued category of "Striver." The ETS is preparing race-blind and race-sensitive versions. The idea is that this would enable the identification of talented minority students in a way that will survive the recent negative rulings about affirmative action in admissions. But the piece isn't too clear on why this would work. Doesn't it just transfer the legally dubious extra-academic evaluations from the admissions committee to the test designers?

Sometimes you just know the editors are messin' with ya. The WP's "Names and Faces" column reports that Monica Lewinsky would like to launch her own lipstick line and recently tested the staying power of various lipsticks. She says, according to the Post, "the secret is opening your mouth 'really wide' when eating."

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[continued from Part 1]

KING: Reverend Mohler, it would seem that you feel that sexuality is a choice. Did you choose heterosexuality by choice?

MOHLER: Well, first of all, I don't believe anyone is born a homosexual. I believe that God's creative intention was that we be created man and woman and to be related to each other in a heterosexual fashion.

KING: So then homosexual) so a homosexual chose to be homosexual by an intellectual decision?

MOHLER: Absolutely...

KING: Why?

MOHLER: ... and certainly chose a homosexual activity.

KING: Why?

NAVRATILOVA: How do you know? How do you know? I didn't choose this.

MOHLER: Well, I know any act is chosen. I will deal with...

NAVRATILOVA: Feelings.

MOHLER: ... it, just the level right now. The act -- the act is chosen.

I believe the feelings are the result also of a sinful inclination.

And that's something I know that some persons have to really struggle with to overcome, but I also believe in God's grace, that can and is overcome.

NAVRATILOVA: But why should I overcome something that I am very happy with? How is sinful) how is loving another individual sinful when that

individual loves you back? Where is the wrong) what is wrong with that?

MOHLER: Well, the first issue is I believe God has clearly revealed that it's wrong. Almost every civilization) virtually every civilization throughout time has ruled that it's wrong. We rightly privilege heterosexual relationships. And it has been that way throughout human civilization.

The result of embracing the homosexual lifestyle is cultural chaos, the breakdown of our entire moral order.

It may be popular, but it is not going to work.

KING: Congresswoman Baldwin, are you surprised that this is still a major issue?

BALDWIN: Well, I actually don't know that our panel this evening is necessarily reflective of thought throughout the nation anymore. I think that people like Steve May and others who have become the subject of public discussion have brought us a long way in recognizing that there are honest, hardworking, committed citizens who are engaged in public service. And I think that people are beginning to say enough with the discrimination, both in the civilian job force as well as the military job force.

KING: We'll pick up with Steve May and the panel. And Steve may want to cross-examine some of the panel as well, and the panel may wish to ask questions of him or Martina or Congresswoman Baldwin. They're our guests for the full hour. Your calls will be included. I'm Larry King. Don't go away.

(BEGIN VIDEO CLIP, DECEMBER 19, 1997)

REV. JERRY FALWELL, LIBERTY UNIVERSITY: As a minister of the gospel of Jesus Christ who believes the Bible to be the word of God, of course, I believe that homosexuality is wrong. It's moral perversion.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP, APRIL 22)

ELLEN DEGENERES, ACTRESS: You know, I think that people are just scared and have been conditioned to think that we're some kind of freaks, that we live) I hate the term "lifestyle." We don't live a lifestyle. We live a life.

And it's) it's) it's the same as anybody else.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: We're back with our panel.

And I know that Representative May has been chomping at the bit to say something to Reverend Mohler and possibly Congressman Barr, and we'll pick it up from there, but, Steve?

MAY: Well, Larry, I'd have to agree with something Representative Barr said and that is this is about military readiness. This is about defending our nation. When I received those orders from the Pentagon in February of 1999, I knew that I was at risk for being activated for duty in Kosovo. I knew that I was at risk for coming home in a body bag. My mother knew that, my partner knew that. It was something I considered very seriously. But that's my job. That's what I'm trained to do. Gay and lesbian soldiers across the country in our services risk their lives every day in training as well as in actual combat.

KING: Do you disagree) we'll go back to) we'll have Mr. Barr respond in a minute -- but do you disagree with Reverend Mohler, who he said that most of the country agrees with him?

MAY: Oh, he's absolutely incorrect. I don't know which polls he's

reading, but all the polls that I've seen show that almost 80 percent of Americans support employment and non-discrimination so that gays and lesbians aren't fired simply on the basis of their sexual orientation.

KING: Congressman Barr, this man was willing to die for you recently.

BARR: Well, first of all, I would hate for this to degenerate into a battle of statistics. I mean, people use statistics...

KING: But he) no, he's not a statistic. He's Steve May, and he was willing to go to Kosovo...

BARR: Well, that may very well...

KING: He was willing. He's sitting here. It's not a statistic. It's him.

BARR: Well, but he's throwing around statistics and other people are. This is a very real issue. It has nothing to do with statistics.

You're right, Larry. It has to do with military readiness. And while Mr. May may pat himself on the back and think he's a great legislator) I think he said that) the fact of the matter is that I think military leaders like General Norman Schwarzkopf know an awful lot more about military readiness and what happens in units in the Army when the homosexual element is introduced into it than he does. And they say it is incompatible. That has been consistent military doctrine throughout our nation's history. It has served us well and we ought to continue it.

KING: How, then, has America done so well at work since everyone admits there's a lot of gays that have served over the years? Barry Goldwater said many are buried at Normandy.

BARR: Well, that's not really the point, Larry. The fact of the matter is you set a policy and you try to adhere to it. There will always be exceptions to every single rule. That's not the point. The point is you establish a policy based on the guidance of your military leaders, not a particular individual member with an ax to grind. If you start doing that, then you might as well not have military discipline in order to begin with.

KING: Steve, did you want to say something to the congressman or to Reverend Mohler.

MAY: Larry, I've been given instructions by my commanders to continue serving in my position as the executive officer of the 348th Transportation Company in Phoenix, Arizona. On September 10th, I'll go back and train my soldiers. We're going to conduct a truck rodeo...

KING: Unless they throw you out.

MAY: They won't do it that quickly. I'll continue to serve probably for six months to a year before action is taken. We're going to do a truck rodeo to train my soldiers to be better drivers, and I'm going to train my headquarters personnel to receive and issue missions.

KING: And who...

MAY: And that's my job.

KING: And who, Reverend Mohler, is he harming?

MOHLER: Well, I think it is the larger picture of the military. And who he's harming personalizes it in a way that we probably can't even get at here because it's 250 million Americans.

We have to take this issue seriously. In 1991, candidate Bill Clinton said that if elected he would be for homosexuals what Harry Truman was in terms of the race issue. The only reason we have a don't ask-don't tell policy is because President Clinton was unable, given the opposition in the armed forces and in the population at large, to push through his first agenda. So what we have now is a lowest Clinton denominator policy of

don't ask, don't tell. It is sound military policy. It is sound moral policy that homosexuals should not serve in the military.

KING: Congresswoman Baldwin, how would you respond to that?

BALDWIN: Well, precisely the same arguments that the congressman and the reverend are making right now were used before the military integrated along racial lines. These arguments have been used to hold women from all positions of responsibility in the military historically, and of course women have made some tremendous advances.

We've heard these arguments time and time again about incompatibility for military service, and we've proven them wrong time and time again. And I think this case and the many other cases that are out there continue to erode the wisdom of don't ask, don't tell. It makes no sense.

KING: Martina, when you started to feel this affection for the same sex, did you think to yourself, is this wrong? I mean, when you have a feeling...

NAVRATILOVA: Well, I knew it wasn't exactly popular.

KING: But obviously, did you start to examine your) did you say, why is this? Did you ever examine the choice? If it wasn't a choice, why it happened to you?

NAVRATILOVA: It wasn't a choice. It was like this) this is who I am. And this is what) this is what is going to complete my life. It was not anything that I thought about ahead of time. But when it happened, I was like, oh, that's what it's about.

KING: All right. And are you shocked to hear...

NAVRATILOVA: Absolutely not a choice.

KING: Are you shocked to hear what you hear here tonight? In other words...

NAVRATILOVA: I've heard it all before. I am just, again, surprised that educated people keep making these statements.

I would like to ask Steve May a question. Isn't it true that the reason homosexuality is supposedly not compatible with military service is because it makes the heterosexual soldiers very uncomfortable because of comments like these that we've been hearing tonight?

BARR: That's not true.

MAY: That is...

BARR: That's not the reason.

KING: Well, you were in) Steve, you're the gay person in the military. Do you think that's the reason? Because it makes heterosexuals uncomfortable?

MAY: Well, it may make some heterosexuals uncomfortable, but frankly, Larry, some white people are uncomfortable living and sleeping with black people and vice versa. We continue...

KING: Still?

NAVRATILOVA: Exactly. That doesn't make it right.

MAY: We continue to have race problems in the military, but the military has a culture which has worked very hard to prevent or try to mitigate the problems of race and gender integration. However, the military has worked very hard to promote the problems dealing with homosexuals in the service, to promote homophobia, harassment and even violence against gay service members.

KING: You certainly don't support violence, Congressman Barr, against gays because they're gay?

BARR: No, that's...

KING: What do you think happens to) what would happen to Steve in

the military that concerns you about readiness and Steve? What could happen to him that would make you concerned?

BARR: No, none of us on this problem condone violence. And that's not the issue here at all. That's a red herring. What concerns me is the same thing that concerns our military leaders like General Schwarzkopf. And that is that in the military you have to have absolute, strict, immediate adherence to commands. You can't have loyalties from one soldier to another, whereas homosexuals...

KING: All right, but gays) gays would not respond to commands? Is that the point? I don't understand.

MAY: My soldiers obey my commands, and I follow those of my commanders.

BARR: The point is when you have a homosexual officer or a homosexual enlisted man and you interject them into a small cohesive military unit, they begin to either develop bonds or animosities with other soldiers. That is a proven fact. General Norman Schwarzkopf, who is from West Point and led this nation to victory in Desert Storm, is not lying when he says that. He know knows what he's talking about, Larry...

KING: Don't...

BARR: Lieutenant May has an ax to grind...

KING: Forgive...

BARR: ... He doesn't know.

KING: Forgive my ignorance. Don't bonds and animosities develop among heterosexual soldiers?

BARR: Well, there are always going to be bonds and animosities...

KING: So?

BARR: ...but history has proved that it accelerates and it expands...

KING: You mean...

BARR: ... with the homosexual element.

KING: ... gays bond more and are more demonstrative. This is a fact?

BARR: Well, now that) yes, that is. That is what) and they have testified, Larry, these generals have testified before Congress to that. They have brought experts in. And I agree with the pastor...

KING: How do you...

BARR: ... It's ridiculous that we have these arguments, but they have proven it to me.

KING: All right, how do you respond, Steve, to his) Schwarzkopf is a military hero. He's certainly not a regressive man. Colin Powell) how do you respond?

MAY: Well, the issue is, again) in militaries across the world and in history since) all recorded history, gays have served in the military. Ultimately this is about...

KING: Now how do you respond to respected generals who are opposed to your position?

MAY: They've never done studies. The generals haven't worked with contemporary American soldiers in maybe 30 years. I work with troops. I work in the trenches with the troops, and I've been doing it since 1993.

BARR: Norman Schwarzkopf hasn't worked with contemporary soldiers? What nonsense is that?

MAY: Well I don't know when the last time you were in the service was, Representative, but I serve with soldiers today. And soldiers support me and I support them. And that) the real issue here is asking...

BARR: No, you just tried to say that General Schwarzkopf hadn't worked with real soldiers. What are you talking about?

KING: Yes, you said that...

MAY: No, he...

BALDWIN: I'd like to interject.

KING: All right, go ahead. Tammy, go ahead.

BALDWIN: Yes, actually, when the policy was brought into question back in 1993, the Pentagon, the Congress did look to some research on whether a policy change would be in order and actually conducted a study act) asked the Rand Corporation to look at this issue. And they came out resoundingly with their conclusions and recommendations to Congress and the military that the policy, the prohibition on gays in the military be stricken. And it was ignored by the body that examined those results, but they in fact did ask for research, and they did ask for recommendations.

KING: All right, I've got to...

BALDWIN: And it was pretty strong.

KING: I got to get a break here. We'll come back. We'll include your phone calls.

Don't go away.

(COMMERCIAL BREAK)

KING: We'll include some phone calls. Hanover, Germany, hello.

CALLER: Yes. Hello, Larry.

KING: Hi.

CALLER: Thank you for taking my call.

KING: Sure.

CALLER: My question is for Representative May. Now, I was discharged in 1984 after 18 years, 364 days, which is one day before presidential intervention would have been required.

KING: What's your question?

CALLER: Basically because I was homosexual. I was on the list for E-8...

KING: What's the question?

CALLER: ... with a special recommendation as first sergeant.

KING: What's the question?

CALLER: And my question to Representative May is, what would you do in this case? You would be discharged. And we're sitting here, all of us...

KING: What is your question!

(CROSSTALK)

CALLER: and condemned.

KING: OK. If you're discharged.

MAY: Well, I think this is, again, it's about living your life with integrity. And that's the situation I'm in, and this gentleman...

(CROSSTALK)

KING: He's saying you may be discharged.

MAY: He's saying I'll also be discharged and so I will. But my...

KING: Would it be dishonorably discharged?

MAY: I don't know if I would be dishonorably discharged. Most service members now who are prosecuted under don't-ask/don't-tell are discharged honorably.

But you know, the issue is I was called back into active service by my country during the crisis in Kosovo and I responded to the orders.

KING: Do you get mad then when you hear Congressman Barr or Reverend Mohler?

MAY: Well, I think it's offensive. I think it's a poor choice of words.

I was called back by my country. I didn't ask to go back in. I'm not trying to make a statement. I have work to do back in my district.

I was called to serve in uniform and I was willing to die for my country.

I do not have an ax to grind.

KING: Reverend Mohler, don't you appreciate that on Mr. May's part?

MOHLER: Well, without any doubt. Just talking to him here by means of this program, I can see much in Representative May that is very honorable and that would be admirable, certainly his willingness to serve his country. That really isn't the issue here. Not everyone who's willing to serve or even demonstrates that kind of courage under fire should serve the country. There are other issues involved here.

The military has said that there is the priority of unit cohesion, which is absolutely essential in warfare. It is the generals) just as Representative Barr has said) the consensus of military authorities who have said that homosexuality intrudes into that and violates that in a way that they feel would hamper our military effectiveness.

But this is an agenda, Larry, that is being pushed by activists. It is being pushed on the Boy Scouts, as we have seen just recently, and being pushed here in the military.

KING: By whom? By whom?

MOHLER: This is just a part of the picture.

Well, the homosexual movement. And that's not a conspiracy theory. They're very public about the demands they are now making for special rights, for what is called the nondiscrimination rights. But basically, homosexuality...

KING: By the way, you don't...

MOHLER: is not a favorable characteristic.

KING: You don't favor discrimination, do you, Reverend?

MOHLER: Well, we all favor some kind of moral discrimination. The question is what kind...

KING: You do?

MOHLER: ... of discrimination. Well, certainly. There are different levels of that. You certainly would want to discriminate against child molesters working at a preschool.

The real issues is all of us discriminate in some sense. Where should we discriminate and on what issues?

As a Christian minister, I have to go by the holy scriptures. And on this issue, I believe the vast majority of Americans clearly are in agreement, we should discriminate.

NAVRATILOVA: OK. How) how) I would like to ask the reverend, how would you discriminate against me? What's OK to discriminate against me? Tell me please.

MOHLER: Well, I don't know what exactly you would wish to do, but you mentioned privileging your partnership as marriage and that just simply should not happen. No civilized society can recognize homosexual partnerships on a par with heterosexual marriage. That is just impossible.

KING: I have got to get a break. We'll be right back with more calls. Don't go away.

(BEGIN VIDEO CLIP, DECEMBER 16, 1997)

CHASTITY BONO, GAY-LESBIAN ACTIVIST: When you're promoting this

anti-gay agenda, you are literally killing people. We have three times higher rate of suicide for gay youth. It encourages gay bashing. It has an effect on people's lives.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP, MAY 7, 1997)

CALLER: What is your view on homosexuality and the impact it has on society, especially with TV promoting it with the new "Ellen" episode?

KING: Do you have a problem with that, Billy?

REV. BILLY GRAHAM: I think everybody has a problem with that. The Bible calls it a sin, but the Bible also calls jealousy or pride a sin. And there are many, many sins, but there's only one sin. And the real sin that we have is in our hearts and it produces all kinds of effects. And that is one of the sins.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: Toronto, hello.

CALLER: Hi. As an outsider, this discussion is odd and somewhat humorous. For me, I see the U.S.A. has fought in wars and protected human rights for years, and I'm sure that included gay men and women. My question is for Mr. May. Why are you a member of a party, the Republican Party, which generally does not generally support gay rights issues?

KING: Mr. Barr and you are in the same party.

MAY: Yes, and I'm sure Mr. Barr and I agree on many, many issues, primarily, of course, fiscal issues. But the Republican Party isn't the party of homophobia. It's not the party that opposes gay people in American society. Yes, there are some people like Representative Barr and some others who have really hijacked our party and gotten us away from our mainstream values that made our party great...

BARR: Oh, come on now Mr. May.

MAY: We're the party of Lincoln, the party of Roosevelt. We believe in limited government, not more government. So there's

BARR: I know you think you're a great legislator and a great military strategist, but the fact of the matter is...

KING: He didn't say that.

MAY: I never said that.

BARR: ... you know) well, you complimented yourself extensively at the beginning. But be that as it may, the fact of the matter is this is not a matter of your great integrity. If you were so full of integrity, you would recognize that the federal law prohibits the practice of homosexuality in the military, and it prohibits homosexuals in the military. That is the law. It was passed in 1994...

MAY: Well...

BARR: ... So if you were so full of this...

MAY: Congressman...

BARR: ... almighty integrity that you keep talking about, you would then resign out of the military if you want to protect your integrity. Otherwise you're violating the law.

MAY: Congressman, my nation called me when we were at war in Kosovo.

BARR: You've told us that 15 times already.

MAY: And I reported for duty as ordered.

This issue really is about honesty and integrity, Larry, and this is the problem in America today. There aren't many politicians who have honesty and integrity. But I was trained, I was taught these values as an Eagle Scout...

BARR: Only you do, of course.

MAY: ... I was taught these values as an Eagle Scout) I hope you would too) as a member of my church, by my parents. These are values that I hold very dear: honesty, integrity, duty, honor, country. And I will not surrender those values.

KING: We'll take a break, be back with our remaining moments. We'll get a comment from everyone on the panel.

Don't go away.

(COMMERCIAL BREAK)

KING: Get a closing comment from everybody but first a quick call from Atlanta) hello.

CALLER: Hello.

KING: Yes.

CALLER: I'd like to get a response from Mr. Barr. Why) why do you believe that -- what is the basic fundamental reason that we don't allow gays in the military?

BARR: Well, I...

KING: Is there a fundamental reason?

BARR: The fundamental reason is that when you interject homosexuality, which creates bonds between men that can be very, very strong, you interject an element that interferes with the chain of command and the absolute adherence to orders that might contradict a personal relationship that's developed.

KING: Martina, as we approach the year 2000, from your standpoint, do you think things are going to get better or worse?

NAVRATILOVA: Things are going to get better. Just because some things are law doesn't make them right. We have to remember that interracial marriage was illegal in the country until 1967. That's not so long ago.

This is about social change. It's going to happen. The question is whether the military is going to lead the way or is going to follow.

KING: Reverend Mohler, your final thoughts?

MOHLER: Well, Larry, I believe that homosexuality is one of the great moral challenges facing this nation. The decisions we make on this issue are going to shape the future of our country. We will either order our society by God's law or contravene that law and face the consequences.

But the last word has to be that in the grace of the Lord Jesus Christ there is the means of overcoming all sin, including the sin of homosexuality.

And so that last word has to be a word of grace and hope.

KING: And you do love the homosexual, do you not?

MOHLER: Yes, we're told to love the sinner and to hate the sin. And the first act of really loving someone is to tell them the truth. And we believe that scripture reveals the truth about homosexuality, and it is an act of love to tell people what God has said about that sin.

KING: Congresswoman Baldwin, is Congress going to pass or defeat the hate crime and employment discrimination legislation?

BALDWIN: Well, I certainly think that we're making some strong progress and that it's high time, especially after recent hearings in the House and Senate Judiciary committees, to pass the Hate Crimes Prevention Act.

I'm encouraged. I believe that we are seeing a time in our nation where people, you know, they've heard these arguments that we've heard tonight recycled when we had racial segregation. We've heard it time and

time again in our country, and people are saying discrimination is wrong and it's time that we ended it in all employment.

KING: Congressman Barr, when there were laws against interracial marriage, were you opposed to them?

BARR: Absolutely, because that is a very clear unconstitutional limitation. The Supreme Court has...

KING: But there were laws?

BARR: Pardon?

KING: States had laws that...

BARR: But I was opposed to those laws and in support of laws that overturned them because it represents a fundamental rejection of constitutional principles.

There is no fundamental constitutional principle or right to homosexual activity. The Supreme Court has said that...

KING: Well said.

BARR: ... consistently, the military has maintained it, and Lieutenant May notwithstanding and Miss Baldwin notwithstanding, that remains the law of the land.

KING: Only have ten seconds. Everybody has been well-spoken.

Representative May, do you think they're going to toss you out?

MAY: Larry, I don't know what they're going to do, but I'm proud to serve my country. I'll keep doing my job until they discharge me. The choice is really up to the Army. I made my choice. That is to serve my country in uniform as I was ordered to do so.

KING: Thank you, Steve.

MAY: Thanks, Larry.

KING: Thanks to all our guests.

David Frost tomorrow. Thanks for joining us from Washington. Good night.

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Cable News Network
Transcript of LARRY KING LIVE
August 30, 1999
part 1

<http://cnn.com/TRANSCRIPTS/9908/30/lkl.00.html>

Should the Military Abandon Its 'Don't Ask/Don't Tell' Policy?
Aired August 30, 1999 - 9:00 p.m. ET

LARRY KING, HOST: Tonight, the military's don't-ask/don't-tell policy is under the gun again. Joining us from Washington, Arizona State Representative Steve May. His openness about his sexual orientation may get him kicked out of the Army Reserve. In Aspen, retired tennis star Martina Navratilova. In Louisville, Kentucky, the Reverend Albert Mohler Jr., president of the Southern Baptist Theological Seminary. In Madison, Wisconsin, Democratic Congresswoman Tammy Baldwin, a member of the House Judiciary Committee, who is gay. And in Columbus, Georgia, Republican Congressman Bob Barr, also a member of Judiciary.

They're all next on LARRY KING LIVE.

Good evening from Washington. The issue of gays in the United States military has been in the news again recently. Arizona State Representative Steve May, who is also in the Army Reserves, is under investigation by the Army, could be discharged for violating the don't-ask/don't-tell policy.

Steve May is openly gay, but the Army didn't even start to look into that orientation until it got word of remarks he'd made on the floor of the Arizona legislature way back in February.

Ironically, while he's being investigated, May is also being considered for a promotion in the Reserves.

He spoke about his predicament last Friday.

(BEGIN VIDEO CLIP)

STEVE MAY (R), ARIZONA STATE HOUSE: I'm a soldier. I'm a legislator.

I have chosen to live my life with integrity. Because of the legislature, I'm visible. Because of my integrity, I have created a conflict.

That doesn't make me a gay activist. That makes me an honest soldier and a good legislator.

(END VIDEO CLIP)

KING: Steve May joins us here in Washington. We'll have a panel, as we told you, join us later. This got a lot of nationwide, international attention with a front-page story last week in The New York Times. And in today's "New York Times," on the editorial page, a major editorial, is bigotry in the military.

And about this case, it says: "But better training will not prevent absurd outcomes. The case of Steve May, a Republican state legislator, shows how irrational the policy is. Mr. May is gay and made reference to his own orientation when debating a bill about health insures. He is now under investigation and may be discharged from the military."

Are you shocked by all this?

MAY: Larry, the story is really absurd, and I think my case does show uniquely how absurd the policy is. Don't-ask/don't-tell simply doesn't work.

KING: Was it well-known that you were gay?

MAY: I have been open about my sexual orientation with my constituents for three years. I ran for office first in 1996.

KING: So you were elected to the legislature with the constituency knowing you were gay?

MAY: Absolutely.

KING: And that is a conservative Republican (UNINTELLIGIBLE)?

MAY: Correct.

KING: I mean, what's that? Scottsdale?

MAY: Scottsdale, Paradise Valley, East Phoenix, the Biltmore-Arcadia area.

KING: Are you basically a conservative Republican?

MAY: Absolutely. In fact, no one has ever challenged those credentials at all.

KING: What was the debate about in February that caused you to mention it on the floor of the House?

MAY: One of the other representatives had offered a bill which would have prevented cities from implementing domestic partnership benefits. These were cities whose voters had already decided to offer these benefits to their own city employees, and she basically wanted to prevent the cities from implementing the voter-approved plan.

KING: So you got up and spoke against her and the plan, right?

MAY: Correct.

KING: And blasted the) some of the conservatives in your own party as well?

MAY: Well, just the particular ones who use very ugly personal attacks against me, my family and my constituents.

KING: They were saying it on the floor of the House?

MAY: Oh, yes. It was offensive.

KING: Like what?

MAY: That homosexuals) excuse me. That homosexuals were at the lower end of the behavior spectrum, that homosexuality leads to bestiality, animal sacrifice and cannibalism) just amazingly disgusting terms.

KING: By the way, we have invited) had invited representatives from

the United States military to appear with us tonight and they declined.

When were you in active duty?

MAY: I was active-duty for two years, three months and eight days.

KING: When?

MAY: From May of 1993 to August of 1995. And then I was on an inactive status, not at all involved in the military.

KING: Are you an officer?

MAY: I'm an officer. I'm a first lieutenant.

KING: Why don't you just quit?

MAY: Well, it's not that easy. I was not in the military, of course, for 3 1/2 years. And then when the Kosovo crisis heated up, I was sent orders to report for duty and I did. That was my obligation as a soldier. I can't refuse orders when the nation's at war.

KING: Did you go?

MAY: So I did. I pulled my uniform out of the attic and went back to an active Reserve unit. And that's what I've been doing now since April.

KING: Well, if it's don't-ask/don't-tell and you'd already told, how did they not know?

MAY: That's the great) I'm confused too, Larry. When I first got orders to report back in for duty, I was confused. And every month that I went there and served) April, May, June and July) prior to them conducting their investigation, I was confused, because I had been open and honest about my life publicly now for three years.

KING: So did someone contact the Army to say you should be tossed out and used as an example your speech on the House floor?

MAY: My commander told me that she had received a complaint) and she wouldn't tell me who it came from) but a complaint with a copy of a newspaper article that talked about my sexual orientation.

KING: That domestic thing calls for what? If two homosexual partners are living together, one gets the benefits of hospitalization and the like?

MAY: Well, it would have allowed employees...

KING: Like a married couple?

MAY: It would have allowed employees of the state to access the health insurance benefits on even keel, so equally with those who are married. That's correct. And it's not just for homosexuals. It's for domestic partners, whether they be homosexual or heterosexual.

KING: There are many, many, many gay conservatives, right?

MAY: There are very many. In fact, I just returned from a Log Cabin convention, which is a convention of gay conservatives.

KING: Gay conservatives. And is it disturbing to you that most of the constituency against you in the Senate and the House is conservative?

MAY: It is disturbing, because really sexual orientation is irrelevant. It's irrelevant for military service and it's irrelevant for political service.

My constituents elected me knowing my sexual orientation, knowing my military background, because they care about the same issues that I care about: public education. I worked very hard to improve our public schools in Arizona, cutting taxes, stopping corporate welfare, which runs rampant through the Arizona legislature.

KING: But does it disturb you when someone says that politician is anti-gay, their thinking is it's a Republican conservative?

MAY: Yes.

KING: If I gave you the hypothetical, they are) coming into this door

now is an anti-gay person and he's elected to office, you would guess he's a Republican conservative, right?

MAY: Well, I think that's an unfair stereotype, but certainly many people hold that stereotype. But there are certainly Democrats also who are anti-gay.

KING: So you felt this all your life?

MAY: That I was Republican, yes.

KING: And anti-gay, and you felt both the hits and the misses of this.

MAY: Absolutely.

KING: Why do you want to stay in the service? Why at this point would you care?

MAY: Well, it's my obligation. When the nation called me back into service in February of 1999 as the Kosovo crisis was heating up, I didn't have a choice.

KING: But why now do you want) I mean, they may dismiss you, right? Where does it stand now? You're up for promotion and dismissal?

MAY: I'm up for promotion to captain, right, and my captain's board meets in November. And I'm also under investigation for dismissal under a violation of the don't-ask/don't-tell policy.

KING: If they dismiss you, is that appealable?

MAY: No. I don't) no, it's not.

KING: Would it disturb you if you were dismissed?

MAY: Well, it disturbs me that my otherwise spotless record would be) would end this way.

KING: More with state representative Steve May of Arizona. We'll spend another section with him and then bring in our entire panel.

This is LARRY KING LIVE. Don't go away.

(BEGIN VIDEO CLIP)

WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES: 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.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: We're back with Arizona State Representative Steve May. He's up for re-election again next year. And he has been elected already with his constituency knowing of his) well, I would say sexual choice. It's not your choice. You don't know why you're gay, do you?

MAY: No. It was not a choice I made at all. I did choose to serve my constituents in the legislature. I did choose to serve my country in uniform. And I also made a choice to live my life with integrity, and that's what's caused this conflict.

KING: Do you) how many) do you know how many people) men and women -- have been tossed out of service since don't-ask/don't-tell, who told and got tossed?

MAY: I don't know how many since the beginning, but I know that the statistics today are that three to four service members are discharged every day. Those service members are otherwise qualified, they perform well in their job duties. They're discharged simply because of their sexual orientation.

KING: And how does it come out, usually? Is there a usual pattern? Did they tell someone? Is that the usual way?

MAY: There are any number of ways this could happen. Perhaps they made a statement to friends. The policy as it stands now says that you can't even tell your mother, your brother, your sister, your best friend.

KING: What if I tell on you? Does that dismiss you?

MAY: That would cause an investigation, absolutely.

KING: It does, even though you never said it to anybody..

MAY: Absolutely, absolutely. It would cause an investigation. And the same) you'd be in the same situation I am now.

KING: Are you supporting your senator, McCain, for the presidency?

MAY: I have endorsed Senator McCain. I want him to be president.

KING: Do you know where he stands on this?

MAY: I have heard comments that he's made in the press, but ultimately this..

KING: What has he said?

MAY: Well, he says that he supports me and opposes discrimination against gays and lesbians. But he supports don't ask, don't tell. That's really an issue that...

KING: Is that a conflict, do you think?

MAY: Well...

KING: Is it to you?

MAY: Well, I'm not a single-issue voter. I think most Americans are not single-issue voters, but really this is about soldiers serving with integrity in the military. And that's what this issue needs to come back to is that I served my country in uniform because I want to serve my country in uniform.

KING: When you were in the military) we had a soldier killed last year, didn't we? Fort Campbell?

MAY: We had a soldier killed this year.

KING: This year. When you were in the military, did you see much anti-gay against you or others?

MAY: Not me, personally.

KING: Never saw it?

MAY: No, not at all. In fact, since all the recent publicity I have received e-mails from all over the world from people I served with back at Fort Riley. I've gotten nothing but support from them, from soldiers past and present. It's really been very) very gratifying.

KING: And other armies around the world don't even deal with it, right? They don't discuss it..

MAY: No, absolutely not. In Israel, one of the finest fighting forces in the world, everyone serves, regardless of sexual orientation. So they have soldiers serving openly gay in Israel and in many, many services across the world.

KING: How did the bill come out in the legislature?

MAY: It died. It really was an ugly bill. And there was so much hate-filled rhetoric, I think most of the members of the House were embarrassed. Even those who supported the issue were embarrassed by the rhetoric from my opponent.

KING: So what is the law now in communities in Arizona regarding gays and health benefits and the like?

MAY: Well, cities and counties are allowed to choose whether or not they extend health benefits to domestic partners of their employees, just like many Fortune 500 companies now offer the exact same benefit.

KING: That's right. Does Phoenix do it?

MAY: Phoenix does not. Tempe just implemented that program, Tucson

and also Pima County.

KING: Phoenix does not.

MAY: Phoenix does not. I understand they're considering it.

KING: How do you feel, Steve, about all of this? I mean the way it's hit you now. And then you made the speech in February. You figured it went away, right? You knew you were up made for the captaincy, and suddenly they're investigating you on the front page of "The New York Times," you're on a worldwide program tonight. How you react to all of this?

MAY: Well, it's all very confusing because all I am trying to do is serve my constituents in the legislature. That's where my focus has been, that's where it will continue to be. That's my agenda. I also responded to the call that my nation sent to me by certified mail in February of 1999. That's my obligation. And I want to live my life with integrity.

KING: Do the Log Cabin Republicans question their party a lot, because you're at odds with, often, planks in your party's platform, aren't you?

MAY: Right, but we agree with the core values of the Republican Party.

KING: You are a conservative?

MAY: Correct. But we believe in the core values of the Republican Party: a limited government, a strong national defense, individual liberty, economic freedom. Those are the core values of the Republican Party.

Now there have been histories in our party where the far right, really theocrats, have taken over our party. Well that's not who I am. That's not who most Republicans are. We want more freedom for people. We want less government for people. That's the Republican Party I belong to.

KING: Libertarian Republican.

MAY: Well, that's the party of Barry Goldwater.

KING: Yes. You lambasted someone in particular) did you not?) in the legislature. I mean, opponents but there was one person in particular you really took on, wasn't there?

MAY: Well, the particular sponsor of the bill, who said that homosexuality was at the lower end of the behavioral spectrum and basically condemned me to an early death because of my sexual orientation, I responded to her that she was ill-informed.

KING: Do you converse with her in the halls? Do you...

MAY: You know, in politics...

KING: ... ever sit down to lunch together?

MAY: Sure) well, sure. You know, in politics...

KING: Strange...

MAY: Well, you can be best friends on one issue and bitter enemies on the next. And so...

KING: You probably supported the same issue in many times on other...

MAY: And many times we did. As a matter of fact, a newspaper did a study and found that I voted with her 70 percent of the time over the course of the legislative session this past time. There are many issues where we're strong allies.

KING: Isn't it painful to you personally, emotionally painful?

MAY: Well...

KING: A member of your party, you agree with her 70 percent of the time and she thinks you're vermin.

MAY: I think it's unfortunate that some people believe that way, but

you know in this country we have a long history of recognizing that we have differences of opinion, differences in our lives, but still we all have to work together as Americans. We can't divide our nation over small differences of opinion.

KING: We will meet a panel to discuss this. We'll be taking your calls as well.

This is LARRY KING LIVE.

David Frost tomorrow night.

Don't go away.

(BEGIN VIDEO CLIP, AUGUST 14, 1999, "EVANS NOVAK HUNT & SHIELDS")

ROWLAND EVANS, CO-HOST: As president, Governor Bush, would you go back to the pre-Clinton era when gays were not admitted to the military?

GEORGE W. BUSH (R-TX), PRESIDENTIAL CANDIDATE: I'm for don't ask, don't tell. This is a policy that Colin Powell thoughtfully put in place.

EVANS: That's Clinton policy.

BUSH: Well, if that's the Clinton policy I support that. But I think it's up to the military to make sure we enforce it.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

KING: Welcome back. We're discussing gays in the military, the don't ask-don't tell policy, and now a whole broader discussion of gay rights.

Our panel: Here in Washington, Arizona State Representative Steve May, being investigated by the Army reserve, may be discharged because of his orientation, may be promoted; in Aspen, Colorado, retired tennis star Martina Navratilova; in Louisville, Kentucky, the Reverend Albert Mohler Jr., president of the Southern Baptist Theological Seminary; in Madison, Wisconsin, Democratic Representative Tammy Baldwin, a member of the House Judiciary Committee, who is also, like our guest in the studio in Washington, openly gay; and in Columbus, Georgia, Republican Bob Barr of Georgia, also a member of the Judiciary Committee. Let's get our panel's thoughts.

First on the May case, Martina, what do you make of all of this regarding the legislator?

MARTINA NAVRATILOVA, FORMER PROFESSIONAL TENNIS PLAYER: Well, I just can't) the don't ask, don't tell cannot work because you have to be able to tell the truth. I mean, morality is about telling the truth. So how can you tell the truth and then pretend you're not who you are?

KING: So you think there should be) the policy should be if you're fit to serve, you're fit to serve, no matter what you are?

NAVRATILOVA: I think it's been proven that sexuality has nothing to do with one's ability to serve the country. I would love to be able to serve the country, but right now I couldn't.

KING: Congressman Mohler) I mean, Reverend Mohler, where do you stand on this particular issue regarding Steve May?

REVEREND STEVE MOHLER, SOUTHERN BAPTIST THEOLOGICAL SEMINARY: Well, the one thing I would be in agreement with Representative May is that the don't ask-don't tell policy doesn't work. It is inherently wrong. And the American people believe the homosexual behavior is a legitimate issue. And the federal courts have affirmed that indeed it is a legitimate military issue for our armed forces. And so I'm in agreement that the don't ask-don't tell policy doesn't work, but on the most fundamental issue of homosexuality, there is widespread belief among Americans that it is fundamentally wrong and has no place in the military.

KING: So, therefore, you don't think) you think if you're gay you

should not be in military service?

MOHLER: Yes.

KING: OK.

MOHLER: And I believe that that is exactly what the armed forces have said by this policy.

KING: Congresswoman Baldwin, your thoughts on the May case.

REP. TAMMY BALDWIN (D), WISCONSIN: Well, I think that Representative May puts a face on this issue. A capable young man dedicated to his country ought to be able to serve with pride. And we shouldn't have a policy that forces him to be dishonest in any way. And he's made that point very well.

I think beyond that the policy of don't-ask/don't-tell has proven a failure. We've seen the amount of harassment against gays in the military increase. We've seen the number of discharges increase under a policy that was supposed to have the opposite effect. And I really think that Steve's case in so many poignant ways means that we need to re-examine this policy.

KING: And Bob Barr of Georgia, nice to see you again, Congressman. Your thoughts?

REP. BOB BARR (R), GEORGIA: Thank you very much, Larry. I appreciate being a part of this very distinguished panel.

The issue, despite what Lieutenant May kept saying over and over and over again, that it's so confusing for him, is not confusing at all. It's not complex at all. As the pastor has said, there is very sound military policy at stake here by such a) enunciated by such very distinguished modern generals as General Norman Schwarzkopf, who has said that homosexuality is incompatible with good order of the military. That being the case, that is what our military has said. That is what this Congress and previous Congresses have stated very clearly in the law. Whether George Bush feels otherwise or not, homosexuality is incompatible with military service.

KING: So Congressman Barr, you also) you also disagree with don't-ask) everybody on the panel then doesn't like don't-ask/don't-tell, but you and...

BARR: I guess it's unanimous.

KING: ... and Reverend Mohler for different reasons. You would not have any gay in the military whether they tell or don't tell, right?

BARR: No. I would uphold the federal law passed in 1994 before the Republican majority that says that homosexuality is incompatible with the military and should not be allowed.

KING: Your party, Representative May, passed that law?

MAY: Yes, Larry, of course, that's true. But the issue really isn't about gays in the military. Gays have always been in the military. I am in the military. Gays will always be in the military.

The issue is about discrimination in the military. And the issue is also about asking soldiers to violate the basic military code of honor: duty, honor, country.

KING: Reverend Mohler, what is your problem with Steve May being in the military? Steve May is sitting right here. What's your problem with him? You have a problem with him being in the military. It is what?

MOHLER: It is his homosexual behavior. And this, again, is one more example of how the homosexual agenda has been literally intrusive into almost every dimension of American life. And here the military, which is supposed to be about defending our country and to be about military goals

and military means, is having to deal with an issue where there are some whose agenda has tried to force the armed services into being about social work and social change. And we have really a pretty fundamental consensus in this country that this is wrong...

KING: Let me get) let me get...

MOHLER: ... a popular consensus and a legal consensus.

KING: Let me get a break. Our panel will be with us all the way. We'll also be including your phone calls. Don't go away.

(COMMERCIAL BREAK)

KING: Just so we understand where everybody stands, Congressman Barr, do you take it beyond the military? Are you opposed to the bill to eliminate discrimination in hiring, firing on the basis of sexual orientation?

BARR: Oh, I think that if we try to get into that federally, Larry, whether it's the Employment Nondiscrimination Act or so-called "hate crimes," we're opening a can of worms that I don't think we'd ever see the last of.

KING: So you would be against the bills? Or for...

BARR: Yes, against both) I would be against) against the hate crime bill, because it leaves these) these terms very ill-defined. It doesn't define sexual orientation, yet it tries to enforce people who don't like somebody's sexual orientation...

KING: But you don't disagree) you don't disagree with there should be no discrimination against hiring someone because of their sexual orientation, do you?

BARR: Yes, I do disagree with that.

KING: You do?

BARR: Yes, absolutely. There are some professions, such as the Boy Scouts, where I think here also homosexuality is incompatible with the goals of the organization itself. I think in teaching) and there may be others as well.

The pastor may very well like to address that in terms of...

KING: I will get to that. Martina, are you surprised that this) as a gay person, we seemingly) some people say they have come a) Are you surprised this is still apparently a very major issue in this country?

NAVRATILOVA: I am, you know, because I mean, I came to live in this country) I lived in) under a communist system in Czechoslovakia. And I left that country so I would be free. I thought this was the land of the free. I didn't think it meant land of the free as long as you're heterosexual.

Now the Czech Republic) they're having domestic partnerships. They're having relationships that are) recognized homosexual relationships that are recognized as much as heterosexual ones. And I feel like, what do I need to do now? Go back? I don't want to.

I am surprised at the rhetoric and the misinformation that still exists to this day among very well-educated people.

[continued]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-SEP-1999 09:21:05.00

SUBJECT: NC10956: More Winchell updates

TO: Leon S. Fuerth (CN=Leon S. Fuerth/O=OVP@OVP [UNKNOWN])

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Aug. 31, 1999

Lead story, page A-1 top

He Had "Raccoon Eyes' and Was Covered in Blood

By Chris Poynter, The Courier-Journal

FORT CAMPBELL, Ky. -- As Pfc. Barry Winchell's mother and stepfather sat in a military courtroom yesterday, a sergeant described how their son was so badly beaten that he gurgled on his own blood, struggling to breathe while unconscious.

"He had raccoon eyes, and both eyes were black," Staff Sgt. Bradley Hardin testified yesterday at a hearing for Spc. Justin Fisher, accused of acting as an accomplice in the beating death of the gay soldier earlier this summer.

Winchell's mother, Patricia Kutteles of Kansas City, Mo., sat quietly, at times taking notes on a pad of paper. Her husband, Wally Kutteles, hugged her and rubbed her arm as they listened to eight witnesses who took the stand yesterday in the Article 32 hearing, the military equivalent of a grand jury and preliminary hearing. The hearing continues this morning at Fort Campbell.

Winchell's mother and stepfather declined to comment after leaving the courtroom.

Hardin said he was on duty the morning of July 5 and rushed to the scene outside Winchell's barracks to find the 21-year-old near death after being struck several times with a wooden baseball bat. He testified blood coated the cot where Winchell was sleeping, as well as his comforter and the walls. Winchell was taken to a hospital in Nashville, Tenn., where he died the next day.

Pfc. Calvin Glover is accused of premeditated murder and, at his Article 32 earlier this month, the Army acknowledged that the killing was

motivated, in part, because Winchell was gay. Investigators also say Glover killed Winchell as revenge because Winchell beat Glover in a fight two days earlier.

The case outraged homosexuals and gay-rights organizations across the nation and, in part, led the military to announce revisions to its "don't ask, don't tell" policy on gays in the military.

Fisher, Winchell's roommate, is accused of encouraging Glover to strike Winchell. The Lincoln, Neb., native is also charged with making false statements to Army investigators and obstructing the investigation.

No testimony surfaced yesterday about the role Fisher may have played in the killing. The circumstances could surface today or when military prosecutors summarize their case for an investigating officer, who will recommend if the case should proceed to a court martial. The commanding general at Fort Campbell will eventually decide if Glover and Fisher face a court martial. No decision has been made in either case.

Testimony yesterday revealed Glover attempted to blame Fisher, saying Fisher hatched the plan to kill Winchell, then dump his body into a river. Sgt. Carlos Rodriguez testified Glover described such a plot after he had been arrested. The comments surfaced as Rodriguez was guarding Glover at a jail cell at Fort Campbell, the sergeant testified. Glover also made similar comments to another soldier who was guarding him, according to yesterday's hearing.

The most graphic testimony of the day came from the last witness, Staff Sgt. Hardin, who said he realized something was wrong when he heard Fisher yelling, "Oh, God, help me, I think he's dying."

Hardin said he rushed to Winchell's barracks and saw Fisher covered in blood, holding Winchell under his arms and trying to drag him down a flight of stairs to get help. Hardin said Winchell was bleeding from his left ear. Hardin and another soldier tried to stop the bleeding by applying pressure and placing a field dressing on the wound.

Hardin testified Fisher was visibly upset and "freaking out." Other soldiers testified Fisher was running around the barracks, screaming for help and asking people to hope that Winchell would pull through.

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CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-SEP-1999 12:23:29.00

SUBJECT: very tough stuff here -- da/dt

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TEXT:

Wednesday, September 1, 1999 Copyright , 1999, Arkansas
Democrat-Gazette, Inc.

Don't ask, don't tell: And don't
make sense

IT HAD TO happen, given this administration's perverse
policy toward
homosexuals in the armed forces: A legislator in Arizona
who's also an
officer in the Reserves spoke up in defense of
homosexuals--indeed, state
Representative Steve May never made a secret of his own
homosexuality--and now he may be kicked out of the
service because he
did. That'll teach him to discuss a public issue in
public.

This may be the clearest example yet of how the new
"Don't Ask, Don't
Tell" policy conflicts with an American's freedom of
speech. And with
common sense.

This confusing new policy is also supposed to
include "Don't Pursue," but
who can blame Mr. May for feeling hunted? Agree or
disagree with his
opinions as a state legislator, doesn't he have a right
to express them without
being deemed unworthy of wearing his country's uniform?

Nobody has expressed any dissatisfaction with Steve
May's military
service, only with his sexual orientation. Or maybe just
with his talking about
it. It's all as confusing as it is unsatisfactory, like
so many of this
administration's ways.

Lieutenant May's treatment is only one of the
strange results of a policy
that increasingly eludes understanding, and always
defied reason. It seems
the armed forces are still supposed to discharge
homosexuals but not to
seek them out. ("Don't ask.") For their part,
homosexuals are not supposed
to say they are, or even hint they are, in public.
("Don't tell.") In short, the
administration will defend the right of homosexuals to
serve their country
right up to the minute they're found out and
court-martialed.

As if this policy weren't sufficiently ambiguous,
homosexuals also aren't
supposed to be harassed because of their sexual
orientation. Expelling them
from the military because of it evidently isn't
considered harassment. You
explain it.

HERE IS a policy that was supposed to make it easier
for homosexuals
to serve their country. Instead, military discharges for
homosexuality have
increased under the new policy. The number of servicemen
discharged for
homosexuality had been declining steadily--from 1,998 in
1982 to 617 in
1994. But the number has increased steadily since the
new policy went into
confused effect. Last year the number of such discharges
was the highest it's
been since 1987: 1,145. The less people ask, and the
less people tell, it
seems the more people are discharged.

In a typical clintonesque compromise, a once clear
choice (let
homosexuals wear the uniform or don't) has been turned
into an
indecipherable legal muddle: Members of the armed
services aren't
supposed to be punished because of their sexual
orientation, but may be
discharged because of an unapproved sexual "propensity."
Even if they
haven't acted on it. You figure it out; we'd rather not.

These rarefied
distinctions used to be left to psychiatrists instead of
commanding officers.

It was clear where all this was going back in 1993,
when the new
president was going to eliminate discrimination against
homosexuals in the
armed forces, another promise he didn't keep. Because
instead of this
commander-in-chief simply issuing an order and having
the generals execute
it, he started bargaining with the Joint Chiefs of
Staff, the Senate Armed
Services Committee, and everybody else in sight--as if
command were just
another form of negotiation.

The result is a policy that avoids the issue instead
of solving it. Naturally
so vague a system has to be constantly explained,
amended, and "clarified,"
and just as naturally it grows more confusing. Because

the whole aim of this
muddle of a policy was to avoid a clear choice and
please all sides. What it
seems to have done is confuse and irritate all sides,
when it isn't
embarrassing them.

Or at least all sides should be embarrassed. Where
we were headed
should have been painfully clear when this new system
was first explained by
Jamie Gorelick in 1993, when she was general counsel and
a general source
of bewilderment for the Department of Defense. At one
point, when she was
asked how someone accused of homosexuality might offer a
defense, Ms.
Gorelick gamely replied:
"In one instance a woman was alleged to have said
that she was a lesbian.
She came in and said essentially that the statement had
been misunderstood.
. . . And actually, she introduced evidence--she brought
in boyfriends who
testified essentially that she was heterosexual--and the
conclusion was
reached that she would be retained."
Goodness gracious. And essentially the supposed
adults on the
congressional committee she was addressing just sat
there, as if it were the
most natural thing in the world for a military court to
be asking these
questions and staging this kind of peep show. We don't
want to think about
any part of it, let alone the supposed efficacy of the
questions asked in this
oh-so-scientific investigation. This must have been a
bizarre undertaking for
even what has always been laughingly known as military
"justice." The real
corruption, it seems to us, is that the civilians on
that House committee just
sat there and listened to Jamie Gorelick as if she were
making perfect sense.

But given the administration's new policy, such
scenes have become
unavoidable and, soon enough, accepted, normal, just
part of American life.

As unavoidable as kicking a state legislator out of the
Reserves because of
something he said in public debate. This is how the
clintonesque becomes
part of the normal thought process of a whole society,
if you could call it

thought.

Why is it that other countries don't seem to have
this hang-up with
homosexuals in their armies? Belgium, Canada, Denmark,
Finland,
Germany, Israel, the Netherlands, Norway, Spain,
Switzerland, Sweden . . .

None of those nations find it necessary to tie
themselves in legal and political
knots over this oh-so-crucial question. For that matter,
it's common
knowledge that any number of homosexuals have served
honorably in, yes,
the armed forces of the United States.

TO SUM up, this is a very queer policy, and the
results are anything but
gay. (We try not to miss any opportunity to use those
adjectives in the
old-style way, before they were expropriated by today's
language police for
their own narrow purposes.) What should have remained a
private matter in

any decent, neo-Victorian society now has become an
excuse for a lot of
public spin by our always nimble pols, with the result
that neither justice nor
reason has been advanced. And certainly not the language.

Instead, we get spectacles like the vice president's
complaining the other
day that the spirit of "Don't Ask, Don't Tell" had been
ignored. Al Gore was
prudent enough not to say which administration was
responsible for ignoring
it, or how a policy so contradictory in its aims (punish
but tolerate) could
have any spirit to ignore.

Isn't it time to simply expect all members of the
armed services--
homosexual, heterosexual or neither--to conduct
themselves as ladies and
gentlemen, and leave it at that?

Surely, lewd behavior can be punished and propriety
insisted upon
regardless of sexual orientation. Instead, we seem to
have substituted a kind
of legalized haze for what was once an unfair but at
least a clear, simple
prejudice. Now we seem to have instituted the worst of
both worlds:

injustice and confusion. Could we please just Get Over
It?