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TRANSCRIPT
CNN EVANS AND NOVAK
AUGUST 31, 1996

SPEAKERS LIST: ROBERT NOVAK, CNN
ROWLAND EVANS, CNN
SCOTT REED, DOLE CAMPAIGN MANAGER

EVANS: A Newsweek poll taken Thursday and Friday night shows Clinton leading Dole by 21 points. Voters approved the president's acceptance speech and were largely unaffected by the involvement of Clinton's campaign strategist Dick Morris in alleged sexual improprieties.

Mr. Reed, 21 points is quite a gap. Harry Truman came back from 16 or 17 in 1948. And Ronald Reagan came back

from maybe eight or nine down in 1980. But nobody has ever done 21 points.

How are you going to do it, sir?

REED: Bob Dole is coming back.

EVANS: Yeah. How?

REED: We -- this poll was taken last week and it was a snapshot in time. The Democrats had just had their week convention in Chicago which looked like a good show, if you believe government has the answers to everything. We don't believe that. We know that this is a tighter race than that. We're going to be in single digits in a couple weeks in the key battleground states that matter. And we've got a plan to go ahead and win this election. Those polls don't matter right now.

EVANS: But Haley Barbour and other Republican leaders were telling me out at the convention in San Diego that what they wanted was to come out of the convention system, that you have for the two conventions, with a rating for Mr. Dole, at least in the low 40s and keeping...

REED: What we learned in San Diego was that when we had the spotlight on us as we did for the week, this is a very competitive race. It was two, three, four, five points. They got their spotlight. We're now Labor Day, the start of the campaign. We're kicking off our campaign in St. Louis on Monday and for the first time we'll be operating on a level playing field where we have the same resources and the good news is the debate about this campaign is on our issues.

We're debating the economic plan. We're debating Clinton's abysmal record on drugs and we're on the offense. Clinton has to debate his record. And that's how we're going to win this race.

NOVAK: Mr. Reed the poll that we just showed, the Newsweek poll, might be an inflated as to the gap, but the internals are interesting because they say that two third of the voters do not believe that the sex scandal involving Dick Morris has any effect on their appreciation of family values as espoused by President Clinton. We were all -- the media in Chicago were all on a true feeding frenzy with Dick Morris. The American really don't care about that, do they?

REED: No, I don't think so. We're not going to base our campaign on Dick Morris and what happened to Dick Morris. I do think it shows a couple things. Dick Morris was the top strategist for this campaign. He is now gone.

That is bound -- with less than 70 days to go before the election -- that is bound to knock their campaign off a little bit. It really raises the question about the type of people that President Clinton has around him. And it raises the ultimate question, is he going to continue to communicate with Dick Morris now that he's in Connecticut and call him on these secret phones and talk in all these code names? And we don't know that yet?

NOVAK: The president said he will talk to him. Do you think that's wrong, that he should ask a old friend and former aid for advice?

REED: Old friend, former aid -- but the fact of what happened this week during the Democratic Convention was appalling, what happened to Dick Morris...

NOVAK: What was appalling?

REED: The fact that somebody did an inside hit job on him in the White House to force him out.

NOVAK: Was it the Republicans that might have done it?

REED: No, Republicans didn't have anything to do with it. We've known for months that the liberals that really run the White House were not happy with Dick Morris and they wanted him out. But put that aside. It's still -- it's the question of the type of people that this president works with...

NOVAK: You know...

REED: ... all across administration.

NOVAK: Isn't he also a very close adviser to the Senate majority leader, the great Republican, Trent Lott?

REED: He may be. I've read that. I'm not sure.

NOVAK: And yet, he is a Republican campaign consultant as well, is he not?

REED: I worked with him in '93-'94 a little, yeah.

NOVAK: So how could you say that has a problem on who he associates with when he is...

REED: I'm talking about the problem that the president has on who he associates with; that he is writing his family values speech during this whole escapade.

EVANS: Mr. Reed, quite seriously, an inside hit job is a very interesting way to look at what's happened to Dick

Morris.

REED: Sure.

EVANS: Could you give us any amplification of that at all? Do you have anything to go on?

REED: No, I don't have anything to go on. I did read this morning that Federal Election Commission will be investigating the expenses paid to Dick Morris and that's their role as FEC should do. That's something to take a look at: Who paid for these hotel rooms, who paid for other expenses? But that's the job of FEC and I'm sure they'll do a good job.

EVANS: Well you know one of his antagonists or adversaries in the White House was Harold Ickes, Jr.

REED: Very smart guy.

EVANS: Everybody is saying now with Dick Morris in Connecticut that Harold Ickes, who is a bonded liberal, will be more important in the campaign. Do you think that's going to make any difference in the actual conduct of Clinton's -- President Clinton's campaign?

REED: I think you have to look back to 1993 and 1994 when Clinton first got elected. When he knew he was going to be running for reelection, what were his policies?

The largest tax increase in history, government-run health care system, the gays in the military process. That's the way he acted in early '93 when he knew he was going to run for reelection. Part of this campaign's job to paint a picture of what a second Clinton term would look like. And it -- of course the liberals are going to be back in charge.

EVANS: So you're saying that with -- if Ickes is in charge with Dick Morris gone, there is going to be a move by this campaign to the left.

REED: I have no doubt about it.

NOVAK: Mr. Reed, you at the age of 36 have survived as Bob Dole's campaign manager longer than anybody in history. I just wondered, I would like to get your comment on something that the senator said on Wednesday night after dinner in Santa Barbara after he heard the vice president's speech and let's take a look at that.

(BEGIN VIDEOTAPE)

DOLE: Apparently he's their hatchet man for the

Democrats. He always has been. It's not unexpected coming from Al Gore.

(END VIDEOTAPE)

NOVAK: Now, was that your advice to call the vice president a hatchet man?

REED: It wasn't mine advice but that's what the senator said and that's fine with me. I mean, look. What Al Gore went through this week in the convention was very painful. For him go up and give another performance and then next day to have to go out to reporters and say, well I did accept tobacco money and I did try to campaign on the tobacco issue in 1988 when I ran. That was appalling and that was typical of this party. When they go out and they perform one day, the next day they turn around and have to clean it up with facts.

NOVAK: President Clinton made an offer -- had an offer -- he made a promise he would not attack Republicans personally. When Senator Dole calls Al Gore a hatchet man does that mean no soap, we're not going to play that game, we're going to make personal attacks?

REED: It doesn't mean we're going too make personal attacks. This campaign is going to be about Dole economic plan versus the Clinton record. Bill Clinton gave us the largest tax increase in history.

REED: He has to defend that. We're going to talk about our economic plan and Bill Clinton has to defend his...

NOVAK: So you won't make any personal attacks?

REED: We'll see. It's too early.

EVANS: Mr. Reed, I was fascinated by one comment in ex-Senator, former Senator Dole's acceptance speech in San Diego which was widely applauded. But at one point he said, he talked about right conduct for Americans and he said, "right conduct means a young man or a young woman serving when called." Was that an oblique dig at President Clinton's draft dodging or draft avoidance in the Vietnam War?

REED: I wouldn't call it a soft dig. Senator Dole is very proud of his career in the military and he's very proud of the military. He supported them when he was a Senator, when he was the majority leader. I think he was just pointing out the fact that it's something he's proud

of and he's proud of as he travels around the country, the way the military performs.

EVANS: But you think he was making the point to the American people that Bill Clinton did avoid the draft. He did not serve.

As he said, a young man or woman should serve when called. He did not...

REED: I wouldn't say he was making a point to Clinton. He was making a point in support of the armed services which we have to remember is something this administration has been abysmal from day one.

NOVAK: Mr. Reed, we're going to take a break but I just want to pin down one thing that you said. You as I understand, you said you were making no promises on personal attacks. When I asked you about that you said, we'll see. Is that right?

REED: I'm not making any promises. I don't have that right. I'm going to go out and win this election.

NOVAK: OK. We're going to take a break and when we come back we'll talk about the drug issue and the 1996 presidential campaign.

(BREAK)

(VIDEOTAPE BEGINS)

ADVERTISEMENT VOICEOVER: Thirty years ago, the biggest threat to her was nuclear war. Today, the threat is drugs. Teenage drug use

has doubled in the last four years. What's been done? Clinton cut the Office of National Drug Control Policy by 83 percent. And his own surgeon general even considered legalizing drugs. Bill Clinton said he'd lead the war on drugs and change America.

All he did was change his mind. America deserves better.

(END VIDEOTAPE)

EVANS: Mr. Reed, Bob Dole has made some very important promises on cleaning up the drugs and particularly the fact that in the last five, four years increased use by teenagers, 104 percent et cetera. How are you going to use the military to stop drugs from coming into this country?

REED: Well, the first thing we're going to do is we're going to make the drug issue an issue that the president talks about and supports. This president in the last two years has given hundreds of speeches and hundreds of

interviews with members of the press and visited with hundreds of foreign leaders and he never once mentioned drugs with foreign leaders. He's mentioned drugs a dozen times with reporters.

So, the first thing President Dole is going to do, he's going to make this a priority again for this country. It was a priority in the '80s under President Reagan and President Bush. We all remember ``Just Say No" with Nancy Reagan. That sunk in throughout the country. Now we're going to take this seriously.

We're going to first beef up the way the National Guard is used and the senator will be giving a big speech on that in the next couple of days.

REED: But he's going to take this on as a moral issue, that this country will now do something about this drug epidemic that is wiping out generations of our kids in school right now. And not ignore it. And that's what the Clinton White House has done -- slashing the budget, slashing interdiction, making it a lower priority...

EVANS: Well, only...

REED: ... having a surgeon general who advocated legalizing drugs.

EVANS: But all the use of the military and the National Guard, which is the military, should I -- am I right in assuming that you could, that the former senator's ideas to use military to try to beef up the Immigration and Naturalization Service along the Mexican border? Is that a possibility?

REED: There's ways to have better coordination between the military and law enforcement and the other federal agencies like the INS and the FBI and Customs. We can do better at this because the President Dole is going to make this a priority. Clinton has ignored it.

NOVAK: Mr. Reed a lot of the politicians that I've talked to, the Republican politicians, really worry that this drug thing -- you're going down a blind alley. Most of the people don't blame President Clinton for the bad stuff on drugs and it's taking you off message away from the tax cut. Is Senator Dole already gotten tired of talking about tax cuts?

REED: No, not at all Bob. We have a Dole message right now. It's the economic plan, a 15 percent across the board tax cut with a balanced budget amendment and the drug issue. And each of those are great issues for this campaign because we compare the issue with Clinton's record. Clinton gave us the largest tax increase in

history and doesn't agree there should be more money given back to people. He thinks the government can make choices better.

We're not off the tax issue at all but we have an opportunity here to with this drug issue when you look at Clinton's record and how they have failed so miserably, we're going to talk about it. In all the speeches we did this week in California were about taxes and drugs.

NOVAK: Let me just pin down. The week before the Republican Convention the Sunday Chicago Tribune had a big story which was the talk of everybody in Chicago that the -- and it was direct, on the

record quotation, Senator Dole said number one, balanced budget; number two tax cuts. So, he has downgraded tax cuts?

REED: No, not at all. I read the story. I think we even talked about the story. And I think that headline was written by some headline writers that were a little different than the reporters that were reporting what Senator Dole said.

Reaching back to 1995, April, when Senator Dole announced his campaign in Topeka, Kansas, his announcement speech, you can cut taxes and balance the budget. And that hasn't changed one iota.
And it won't change.

EVANS: So, they're equal?

REED: Sure, they're equal.

EVANS: Yeah. Well, let me ask you about the nitty gritty. How are you going to put together the electoral votes you need to win this election? California -- start with California. Are you really going to be competitive in California?

REED: Absolutely.

EVANS: No matter what the polls show?

REED: Well the polls are very good in California right now. The field poll shows it's a 10 point race.

NOVAK: That was before the committee (PH).

REED: No, that was right after the convention.

NOVAK: (OFF-MIKE) before this convention.

REED: Yes, before this convention. We had it in single digits before this convention. We had both candidates out in California all last week campaigning. And we dominated the news for the week in central California along the coast, which is an integral part if we're going to win statewide out there.

EVANS: But, sir -- go ahead, excuse me.

REED: I'm just going to say, we're in California for real, we're advertising there, our new flight of advertising that's going to go up next week will be in California, because California is a winnable state. Just because Clinton has flown out there 26 times doesn't mean anything.

EVANS: Let me just follow that up with Florida which should be Republican state. I mean, absolutely on the mark, you can't lose Florida. In fact, Florida is on the table, is it not?

REED: Well it's on our table.

EVANS: Right. No I mean it's highly contested today.

REED: No, I wouldn't say highly contested. We're up in Florida, we're going to win in Florida. The whole Democrat Medi-scare campaign to scare seniors about Medicare has failed miserably. We've been in Florida and we'll be going back this week.

NOVAK: We have just a minute before a break, Mr. Reed, but I want to ask a couple questions about the debates. The Newsweek poll, for what it's worth, has Ross Perot down to 5 percentage points now. Do you think he should be in the debate?

REED: We sent -- I sent a letter yesterday to Peter Knight of Clinton campaign to hope to get together with him this week and start discussing debates. These are things that are going to be discussed between campaigns. I've asked Governor Carroll Campbell of South Carolina to be our debate negotiator and talking about participants from everywhere from the media participants to the participants on stage is something we will discuss.

NOVAK: What about Perot?

REED: Perot is something that we ought to discuss.

NOVAK: You're saying you don't know yet.

REED: I'm not sure yet and I'm going to negotiate that

-- we're going to negotiate that with Clinton people. But there is another part of this debate we need to talk about, too, and it's Ralph Nader's existence in the debates.

NOVAK: ...Ralph Nader in?

REED: I have seen some polls where Ralph Nader is running ahead of Mr. Perot out in some of the western states.

EVANS: In California.

REED: In California Ralph Nader is on the ballot in 17 states. He will probably be on ballot in about 30 states. So that's one of the things Mr. Knight and I will discuss work through.

NOVAK: Now the Democrats would say, Mr. Reed, you are afraid of coming up against Bill Clinton, one-on-one. Is that true?

REED: Of course it's not true. I wouldn't have written Knight a letter yesterday saying let's get together and talk about debates. We want debates because once again Bill Clinton is going to have to defend his record, and it's indefensible

NOVAK: We'll have to take a break and when we come back we'll have the big question for Dole campaign manager Scott Reed.

(BREAK)

NOVAK: The big question for Dole campaign manager Scott Reed. Mr. Reed, the Democrats think they have a real asset in House Speaker Newt Gingrich, probably the most unpopular politician in America. They attack him left and right, talk about the Dole-Gingrich ticket. What are you going to do about it? How are you going to handle it?

REED: Well, something happened in Russell about two weeks ago that changed their whole strategy. When Bob Dole named Jack Kemp to be his running mate, it became the Dole-Kemp ticket. It's no longer the Dole-Gingrich ticket as they've spent millions and millions and millions of dollars running negative ads trying to tie the two together. It is not the way it is going to be. It's Dole-Kemp. Not a problem.

EVANS: But Mr. Reed the fact is that -- as my partner indicates, Newt Gingrich is the skunk at the picnic. And he is the guy that they are centering on. Whether it's Jack Kemp or not on the ticket, everybody is talking about Dole-Gingrich. We just heard in introduction of this show.

The only way to get rid of this is to get rid of Gingrich as Speaker.

EVANS: Why don't you -- have your thought of asking Mr. Gingrich, Speaker Gingrich to make a commitment he will not run for speaker in the next Congress if the Republicans win, keep their control.

Would that not get rid of him as an issue?

REED: Believe it or not Rowlie, we haven't thought of it. And we're not going to think about it.

EVANS: You're not worried about the...

REED: No.

EVANS: ... confidence and such...

REED: It's an insult to the American people to think that Bob Dole is not going to be a presidential candidate with his vice presidential candidate Jack Kemp, and Newt Gingrich adds nothing to do with that ticket.

NOVAK: Let me talk about Senator Dole for moment. Republican politicians note that Senator Dole from the gap, is seven points or 20 points, never gets much above 40 percent. He's losing one out of four Republican votes. In other words, you can't be elected President with 40 percent of the vote.

REED: Look he's getting about 85 percent of the Republican vote right now which what a successful month of August has done for this ticket, with the convention, with the naming of the ticket and with the unveiling of the economic plan which every Republican has embraced around the country and his campaigning on for the fall.

NOVAK: How much of the Republican vote is needed?

REED: We need to get up in the low 90s and we will. We're right on track. But the fact of the matter is it's Labor Day, the campaign has now begun and we're going to go out for independents and conservative Democrats that have taken a look at Bill Clinton for the last three and a half years. Understand 60 percent of the American people think the country is on the wrong track. That's why you heard Clinton talking on the train about the track -- the track, the track. They know what these polls show.

People think the country is on the wrong track.

EVANS: Scott Reed, Mr. Dole's campaign manager, thanks for being with us. We have to take a break for commercial

message. And when we come back my partner and I will have a comment.

(BREAK)

EVANS: Well, Bob there was no commitment not to get into hatchet politics. You gave Scott Reed a chance and he said what I think he should have said. He said we're not going to make any pledge. We don't know what's going to happen in this campaign. But I'm telling you, if they can't start erasing that 21 point deficit, this campaign is going to get, in my opinion, very nasty.

NOVAK: Well, the thing I really wanted out of this conversation was about the debates. Mr. Reed would not say whether or not he wanted Ross Perot in the debates, but as I got it he was telling the Democrats, if you want Ross Perot in this debate we want Ralph Nader. Now I can guarantee you this, the Democrats will never agree to Nader in that debate.

EVANS: Well, the other thing is if Scott Reed says the way to win this election is to keep Clinton on the course of defending his record. He said that's all we have to do. We have to make Bill Clinton defend his record. But you now the Democrats don't see it that way. And he says this is a Dole- Kemp ticket and that's the adversary for the Democrats. But Newt Gingrich, I tell you Bob, is a major, major factor and will remain so.

NOVAK: Scott Reed's been in politics all his life. He's only 36 years old. He's speaks quietly but he has done what a lot of people haven't done, he has stayed the course as Bob Dole's campaign manager which is not a day at the beach. He got in Jack Kemp as his running mate. He pushed him to a tax cut. So, he is a considerable person and I'm very interested to see how he plans to climb this enormous mountain in the 67 days ahead.

I'm Robert Novak.

EVANS: I'm Rowland Evans.

END

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Wifredo Ferrer (CN=Wifredo Ferrer/OU=DOJ/O=GOV [UNKNOWN])

CREATION DATE/TIME:10-OCT-1996 11:52:27.00

SUBJECT: Weekly Report - Oct. 10, 1996

TO: Cabinet Affairs (Cabinet Affairs [UNKNOWN])

READ:UNKNOWN

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

PRINTER FONT 12_POINT_COURIER

October 10, 1996

MEMORANDUM FOR THE OFFICE OF CABINET AFFAIRS, THE WHITE HOUSE

FROM: THE ATTORNEY GENERAL

SUBJECT: THE DEPARTMENT OF JUSTICE WEEKLY REPORT TO THE
PRESIDENT

I. Key Department News

? Eighth Circuit Upholds Military Policy Regarding Service By
Homosexuals: Richenberg v. Perry (8th Cir.; D. Neb.).
Former Air Force Captain Richenberg was ordered discharged
under the statutory "Don't Ask, Don't Tell" policy, based
upon his statement to his commander and fellow officers that
he is homosexual. The district court granted summary
judgment for the government, rejecting Richenberg's
arguments that the military's policy violates the First
Amendment and equal protection. The Eighth Circuit has now
affirmed. The court held that the policy was consistent
with equal protection under rational basis review, since
"Congress and the President may rationally exclude those
with a propensity or intent to engage in homosexual acts."
The court also held that the policy does not violate
Richenberg's speech rights, accepting our argument that the
statement was evidence of propensity to engage in prohibited
conduct.

II. Week in Review

? HUD Seeks To Vacate 1979 Consent Decree: In 1979, HUD
settled a class action suit by agreeing to maintain a
then

-existing mortgage assignment or "equivalent substitute"
program. Ferrell v. Cisneros (N.D. IL) The settlement
agreement did not, however, limit the duration of HUD's
obligations. Legislation enacted in 1996 expressly

prohibits HUD from operating the mortgage assignment program, and HUD has determined that it does not have an available "equivalent substitute" program. HUD's efforts to negotiate with plaintiffs a modification of the consent decree to reflect the change in circumstances were unsuccessful. In the face of a threat by plaintiffs to move for contempt

based on HUD's failure to offer new mortgage assignments, HUD moved for vacation of the decree on September 27. Plaintiffs thereafter moved to have HUD held in contempt. A briefing schedule has yet to be set.

? Sentence Handed Down for Assault on Hispanic in California Park: On September 30, in *United States v. Makowski* (C.D. Cal.), defendant Robert Allen Makowski was sentenced to one year in prison to be followed by three years supervised release stemming from his conviction earlier this year on charges of violating 18 U.S.C. § 245(b)(2)(B) (interference with a federally protected activity). In March 1995, Makowski assaulted an Hispanic man in a public park in Cathedral City, California, uttered racial epithets, and told the victim he should go back to his own country. As a result of the assault, the victim sustained facial lacerations requiring medical treatment.

? Violence Over Mining Operation Averted: *Bad River Band of Lake Superior Tribe of Chippewa Indians v. EPA* (6th Cir.). Three Chippewa Bands have brought a petition for review of EPA's decision not to require a permit for a mining company's pilot

-scale underground injection of sulfuric acid into their copper mine near Lake Superior. This case raises environmental justice concerns, because the leaching of acids and other hazardous substances from the mine into Lake Superior and the surrounding area may disproportionately affect subsistence resources (fishing and wild rice). EPA held public meetings last week near the Bad River and Keweenaw Bay reservations as part of an environmental assessment process considering a full

-scale mining project and rail safety issues. Sources reported to EPA that if steps to address matters were not taken shortly, matters might spin out of control and persons not affiliated with the Tribal government may resort to violence. A mediator from the Department's Community Relations Service went to the Bad River Reservation to facilitate negotiations.

? District Court Victory In Attempt To Turn Airport Into Park: *Aircraft Owners and Pilots Association v. Hinson* (Meigs Field), (7th Cir.). This litigation arose from the proposed closing of Meigs Field, a small airport in downtown Chicago. An association and some individuals sued the City of Chicago to enjoin the closing of the airport, and also sued the FAA for failing to do any National Environmental Policy Act

analysis when it allegedly approved the City's action. The State of Illinois intervened arguing in favor of keeping the airport open. Last week the district court denied the State's and private plaintiffs' motion for a preliminary injunction. The State and private plaintiffs appealed to the Seventh Circuit. Meigs Field closed at 10:00 p.m. on

September 30, and the FAA sent its air traffic controllers home. The City had earlier announced that it planned to commence demolition on October 2. On October 1, the Seventh Circuit on its own motion enjoined the City from demolishing Meigs pending disposition of the motions for emergency relief. That same day, a state appellate court enjoined the City from demolishing Meigs before October 25.

? El Rukn Leaders Convicted, Northern District of Illinois: On September 26, 1996, former Chicago businessman Noah Robinson and four high

-ranking leaders of the El Rukn street gang were convicted of racketeering and narcotics conspiracy, murder, and other violent crimes in aid of racketeering. The El Rukn gang used murder and intimidation to control drug trafficking on Chicago's South Side in the 1970's and 1980's. Four of the five defendants were previously tried and convicted. The fifth defendant, Melvin Mays, who had been a Ten Most Wanted fugitive, was found guilty of conspiring with imprisoned El Rukn leader Jeff Fort to purchase a LAW rocket to commit terrorist acts in the U.S. on behalf of the government of Libya.

? Gang Member Convicted on Murder Charges, District of Kansas: Laotian street gang member Bountaem "Team" Chanthadara, one of five charged in the robbery of a restaurant that resulted in the shooting death of the restaurant's co

-owner, was found guilty of affecting interstate commerce by robbery and murder. Seeking money for drugs, Chanthadara and his accomplices bound the restaurant's owners, a husband and wife, and their two children, and demanded the safe's combination. Chanthadara beat Barbara Sun and then shot and killed her after she claimed there was no money in the safe and denied knowing the combination. The defendants left the restaurant with a cellular phone and a few hundred dollars.

? Former New York City Police Officers Sentenced on Drug Charges, Southern District of New York: On September 26, 1996, two additional New York City police officers were sentenced for distribution of narcotics and conspiracy to violate civil rights laws. This brings the total to 29 officers formerly assigned to the 30th Precinct who have been convicted of various federal and/or state crimes.

? Head of Psychiatric Institute Indicted in Health Care Fraud Case: On September 26, in the Eastern District of Virginia, Gregory Z. Cantrell, former administrator of Springwood Psychiatric Institute (Springwood) and an associate vice

president of Psychiatric Institutes of America (PIA), was indicted on one count of conspiracy to defraud the United States and to commit specific criminal offenses. Cantrell

also was indicted on two counts of bribery of a public official and 175 counts of mail fraud, arising from fraudulent billing claims submitted to health insurers, including Medicare and the Federal Employees Health Benefits Program for 36 patients.

? Defendant Sentenced in Child Pornography Case: On September 27, in the Central District of Illinois, Bruce Black was sentenced to 18 months of imprisonment and forfeiture of his computer equipment. The defendant had previously pleaded guilty to distribution, receipt, and collection of child pornography. This prosecution was one of a large number generated by the FBI investigation entitled "Innocent Images."

? Major Jamaican Drug Fugitive Ruled Extraditable: On September 27, Jamaican authorities found Eric Vassell extraditable to the United States for RICO and other offenses. Vassell is wanted in the Eastern District of New York for his role as the kingpin of a drug enterprise that operated in Brooklyn for several years.

? Liechtenstein to Release Fugitive Contrary to U.S. Efforts: On October 3, the United States rejected conditions imposed by Liechtenstein authorities for the extradition of Martin Bramson, wanted in the Districts of Maryland and New Jersey on charges of fraud and money laundering. The Liechtenstein Supreme Court found Bramson extraditable pending U.S. assurances that he not be sentenced to more than 12 years of imprisonment. Provisional arrest requests are in place in Switzerland, Germany, Austria, and Italy in preparation for Bramson's planned release on October 7.

? Fiscal Year 1996 Bureau of Prisons (BOP) Population Numbers Determined: At the end of Fiscal Year 1995, the BOP released population projections for Fiscal Year 1996. The actual population figures for the end of Fiscal Year 1996 are now available. BOP had projected a population of 105,128 on its own and its contract facilities. The actual number (105,443) almost exactly matches the projection.

? Cocaine Seized in Ireland: On September 30, the Irish National Police reported the largest cocaine seizure to date in the Republic of Ireland. Police seized approximately 640 kilograms of cocaine from a maritime vessel in the harbor of Cork.

? Solicitor General to Argue in Support of Health Care Clinics and Doctors that Provide Abortion Service: On October 16 the Solicitor General will argue, as amicus curiae in

Schenck v. Pro

-Choice Network, in support of respondents who are health care clinics and doctors who provide abortion

services. They brought suit against petitioners and others who had blockaded, and otherwise interfered with access to, their clinics. The district court entered an injunction based on several days' evidence regarding petitioners' obstructive demonstrations, trespass, and intimidation and harassment of patients and clinic employees. The issue before the Court concerns constitutional challenges to two provisions of that injunction which prohibit unlawful obstruction of an interference with access to certain health care clinics at which abortions are performed. We will argue that the two provisions further significant governmental interests and do not burden more speech than necessary to ensure, inter alia, that people have access to respondents' clinics and to abortion services, that they are able to locate the clinics, that they are able to walk away from unwanted speech without interference, and that public safety is maintained. We will emphasize that the injunction does not ban any speech, that sidewalk counseling is permitted even within the 15

-foot area, and that, even if a person rejects counseling, the counselor may continue to address that person from a distance of 15 feet.

III. Department Work on Presidential Initiatives

? COPS MORE: On October 9, the COPS Office announced \$58 million in grants under the COPS MORE program. The grants will result in the redeployment of over 2500 officers in 26 states.

IV. Congress

? 104th Congress Adjourns: The 104th Congress has adjourned sine die. The House Republicans will have orientation on November 15

-19, with leadership elections and chairmanships and committee assignments on November 20

-22. The House Democrats will have orientation on November 15

-17, with leadership elections and chairmanships on November 18

-22 and committee assignments on November 19

-22. The Senate will have orientation on December 3

-4, with leadership elections on the 3rd.

? Economic Espionage Bill Cleared for Presidential Signature: A bill that would make it a federal crime to steal trade

secrets, was passed by the House on September 17 by a vote of 399

-3. An amended version of the measure passed the Senate on September 18. The bill would provide a two

-tier range of penalties, with stiffer fines and prison sentences

for theft on behalf of foreign governments or companies. The House agreed to the Senate amendments on Saturday, September 28, and added the computer security measure which would impose a ten

-year prison penalty on anyone who knowingly uses a computer to access classified government information that could hinder national security. The Senate agreed to the House amendments on October 2, clearing the measure for Presidential signature.

? Alternative Dispute Resolution Legislation Passes Congress: On October 4, the House passed the Administrative Dispute Resolution Act (ADRA), clearing the bill for signature. The bill permanently reauthorizes the ADRA, authorizes government agencies to use binding arbitration to resolve certain disputes, and grants greater confidentiality protection to certain documents generated in ADR. The bill also permanently reauthorizes the negotiated rulemaking act, and grants the Court of Federal Claims concurrent jurisdiction over pre

-award bid protest suits.

? Congress Passes Federal Courts Improvement Act: On October 4, the House passed an amended version of the Federal Courts Improvement Act, clearing the measure for the President's signature. As passed, the bill was stripped of many of its more controversial measures, including a proposal requiring the Department to transfer money to the courts from the asset forfeiture fund, and a proposal to authorize federal judges to carry firearms. The final bill did contain a Department proposal to clarify that federal agencies, as well as federal officers, may remove state court actions to federal court. The provision corrects a problem in federal removal jurisdiction stemming from the decision in *International Primate Protection League v. Administrators of Tulane Educational Fund*, which held that only cases against federal officers, not federal agencies, may be removed.

V. Attorney General's Schedule
THURSDAY, OCTOBER 10, 1996

2:00p Briefing on Asian Organized Crime
3:30p Judge Nies Memorial
U.S. Court of Appeals, Courtroom 1
5:00p Address D.C. Summer PACT Program (Pulling America's

Communities Together)

6th District Police Boys & Girls Club

7:00p Address Rand Corporation Institute for Civil Justice

Annual Dinner; Decatur House

FRIDAY, OCTOBER 11, 1996

8:15a Violence Against Women Prayer Breakfast

Hart SOB

11:45a Address to Hispanic Lawyers re: Hispanic Heritage Month

Library of Congress

12:30p Address Office of Legal Education (OLE) Child

-Proof

Conference; Room 7500, Bicentennial Building

1:15p Address Jefferson Jr. High School Assembly

Jefferson Auditorium

RE: Conflict Resolution

2:15p Address CFC Kickoff

TUESDAY, OCTOBER 15, 1996

10:00a Boys Scouts of America Crime Prevention Merit Badge
Ceremony

THURSDAY, OCTOBER 17, 1996

12:45p Address FCC Luncheon (Telecommunications issues)

FCC Offices

MONDAY, OCTOBER 21, 1996

12:30p NAPO (National Association of Police Officers) Luncheon

AG's Dining Room

TUESDAY, OCTOBER 22, 1996

10:00a Address Department's Lab Day Hammer Awards

2:00p Address Wilson Senior High School Assembly

Wilson Senior High School

RE: Conflict Resolution

VI. Sub

-Cabinet Schedule

Jamie S. Gorelick

Deputy Attorney General

October 11 Council on Foreign Relations Session
concerning Terrorism

October 16 Farewell Reception for Parole Commissioner
Clay

October 22 Remarks to ABA Litigation Section, Warrenton,
VA

October 30 Remarks to National Sheriffs Association
Conference on Support for Cryptologic
Activities

VII. Press/Media Inquiries

- ? The NYT is working on a piece on the civil rights accomplishments of the Clinton Administration. Deval Patrick has been interviewed.
- ? PBS Frontline is working on a story on DNA in the courtroom.
- ? Washington Technology Magazine is working on a story about the six most influential lawyers in high technology, including Jamie Gorelick.
- ? New York Times Magazine is finishing their story on INS Commissioner Doris Meissner.
- ? LATimes is working on a series investigating claims that the CIA was involved in the crack epidemic in inner cities.
- ? The Miami Herald may have a story on the Department's failure to release Inspector General's report on former U.S. Attorney Kendall Coffey.
- ? The Wall Street Journal is working on a piece about a police officer in Miami who was sent to jail for child abuse while AG Reno was state prosecutor.
- ? The Washington Post is working on a story focusing on one city -- Tampa -- that has received federal assistance to fight crime and how it would fare under Dole's crime proposals.
- ? The NYT and Dallas Morning News are working on overviews of the Clinton Administration's immigration programs as part of a larger series on the Administration's initiatives.

? USA Today is developing a story on Rohypnol, the date rape drug.

? USA Weekend is working on a story on domestic violence and prevention in Nashville.

? The Minneapolis Star Tribune is working on a piece on the Administration's anti

-crime efforts.

? The ABA Journal may do a story on the Violence Against Women Act.

? NBC is working on a piece on the 311 initiative.

? CNN is preparing a piece on the rise of weapons use in violent crime.

VIII. FOIA Requests

None to report.

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dag_Vega@oa.eop.gov (Dag_Vega@oa.eop.gov [UNKNOWN])

CREATION DATE/TIME:27-FEB-1997 08:42:24.00

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TO: Megan_C._Moloney@oa.eop.gov (Megan_C._Moloney@oa.eop.gov [UNKNOWN])
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Message Creation Date was at 27-FEB-1997 08:38:00

Thursday, February 27, 1997

Broadcast Date: Wednesday, February 26, 1997

ABC WORLD NEWS TONIGHT

1. Balanced Budget Constitutional Amendment Fails By One Vote.
2. Federal Reserve Chairman Greenspan Rattles Stock Market Again.
3. President Clinton Denies Campaign Finance Wrongdoing In Hosting Supporters.
4. Abortion Rights Backer Admits Lying On Late Term Abortions.
5. Study Says "Don't Ask Don't Tell" Policy Is Often Violated.
6. FBI Director Orders Probe Into Evidence-Manipulating Charges.
7. US-Mexico Showdown Looming Over Drug War.
8. Illegal Chinese Immigrants Finally Freed After Years In Prison.
9. First Lady Wins Grammy Award For Recorded Version Of Her Book.
10. "Memory Molecule" Is Major Discovery In Brain Science.
11. Yellowstone Buffalo Herds Are Being Slaughtered.

CBS EVENING NEWS

1. Federal Reserve Chairman Greenspan Issues Warning About Soaring Stock Market.
2. President Clinton Defends White House Sleep overs.
3. Former DNC Chair Fowler Insists White House Wasn't For Sale.
4. President Clinton Called For Campaign Reform But His Actions Contradict It.
5. With Sales Declining, McDonald's Plans To Cut Prices.
6. Congress Close To Restoring Airline Taxes.
7. Balanced Budget Amendment Dead As Last Undecided Votes No.
8. FDA Proposes Easier-To-Read Drug Labels.
9. Lobbyist Changes Tune And Admits Partial Birth Abortions Not Rare.
10. Vatican Calls For Ban On Human Cloning.
11. First Lady Wins Grammy For Recording Of "It Takes A Village".
12. Free Drug Treatment For Homeless Is Making A Difference.

NBC NIGHTLY NEWS

1. Calls For Special Prosecutor Increase And President Clinton Denies Problem.
2. Former President Bush Had One-Third As Many Guests As

President Clinton.

3. Lobbyist Says He Lied About Rarity Of Partial Birth Abortions.
4. Balanced Budget Amendment Is Dead.
5. FDA Proposes New, Easy-To-Read Drug Labels.
6. Federal Reserve Chairman Greenspan Issues Warning About Soaring Stock Market.
7. President Clinton's Guests Were Awed By Overnights At The White House.
8. First Lady Wins Grammy For Audio Version Of Her Book.
9. Age Discrimination Suits Get Highest Monetary Awards.
10. Illegal Chinese Immigrants Released After 3+ Years In Jail.
11. Decade-Old Lawsuit Continues With No Trial And Large Lawyer Fees.

ABC:

Balanced Budget Constitutional Amendment Fails By One Vote. (1st Story)

Anchor Peter Jennings reported that Sen. Torricelli (D-NJ) will not support the balanced budget bill when it comes to vote next week in the Senate, denying Republicans the two-thirds they need to pass an amendment. Jennings said that Torricelli had serious concerns of how the amendment would affect citizens in the event of an economic or military crisis. Jennings said Torricelli was under substantial pressure from the Clinton administration and that President Clinton was said to have promised Torricelli that a commission would be set up to study the budget issues that may come into play with such an amendment.

Federal Reserve Chairman Greenspan Rattles Stock Market Again. (2nd Story)

Jennings said Greenspan warned the Senate that stocks were in danger of being overvalued. His statement strongly suggests the Fed will raise interest rates at the first sign of over-heated growth in the economy.

President Clinton Denies Campaign Finance Wrongdoing In Hosting Supporters. (3rd Story)

Jennings reported that President Clinton continued to deny any wrong doing related to his inviting friends to stay over at the White House.

Correspondent John Donovan reported that President Clinton was hosting the Chilean President when, at a press conference, he was asked again about possibly illegal solicitations of funds from persons who stayed over at the White House. (VISUAL 1) Donovan said that the increasing number of documents the White House is releasing concerning presidential fund raising is prompting many to request that an independent counsel be named to inquire into the matter. (VISUAL 2) Donovan said that White House staff are already beginning to refer to it as "That damn money." However, as more documents are released detailing the relations between "sleep overs," money requests, and the President's involvement in them, more questions are sure to come.

VISUALS

1. Clip of Clinton at Wednesday press conference, with the Chilean President at his side: "Yes, we hoped that the people who stayed over would support us, but no solicitation were made at the White House."
2. Clip of Attorney General Janet Reno sitting at desk, talking to press: "As we continue our own investigation [into DNC and White House fund raising], if there is an investigative basis for the counsel then I will

request it.

Abortion Rights Backer Admits Lying On Late Term Abortions. (4th Story)
Jennings reported that abortion rights advocate Fitzsimmons admitted lying about how many late term abortions are performed each year and who they are performed on. Correspondent Jackie Judd reported that Fitzsimmons said the abortions are performed much more often than previously stated. They have been performed earlier than the third trimester, and that they are often performed on perfectly healthy fetuses. Judd said President Clinton had campaigned against a bill during 1996 that would have made these abortions illegal.

(VISUAL)

VISUAL

Clip of President Clinton at May 1996 press conference in Oval Office for veto of late-term abortion bill, flanked by supportive couples. No quotes.

Study Says "Don't Ask Don't Tell" Policy Is Often Violated. (5th Story)
Jennings said that the administration's "Don't Ask, Don't Tell" policy concerning gays in the military is routinely flouted and has resulted in more discharges of gays and lesbians since its enactment than before it. Defense Secretary Cohen, however, has promised to take new action to enforce the policy. (VISUAL)

VISUAL

Clip of Secretary Cohen: "We'll do what ever we can to better enforce this policy."

First Lady Wins Grammy Award For Recorded Version Of Her Book. (7th Story)
Jennings reported that the First Lady, to her surprise, won a Grammy in the "other than musical" category for the taped version of her book. Jennings said she was very happy to accept. (VISUAL)

VISUAL

Clip of the First Lady making her acceptance speech. No quotes.

CBS:

Federal Reserve Chairman Greenspan Issues Warning About Soaring Stock Market.

(1st Story)

Dan Rather said that Greenspan told Congress, "History counsels caution."

President Clinton Defends White House Sleep overs. (2nd Story)

Rather reported that President Clinton denies any wrong doing with allowing his friends to sleep over at the White House because no one was ever asked for any money as a result. Correspondent Rita Braver began her report by showing a clip of former First Lady Jacqueline Kennedy, leading a CBS reporter through the White House and pointing out the Lincoln Room that was dedicated by President Truman. Braver said that during President Clinton's time in office, 831 persons have slept over at the White House, many who have given several hundred thousand dollars apiece. Braver mentioned Dirk Ziff who gave \$580,000; Steven Spielberg who gave \$300,000 and Barbara Streisand who gave \$65,000. Braver said that Colorado Governor

on Tuesday joked about how getting to sleep over at the White House was less a perk and more an ordeal. (VISUAL 1) Braver said that today the jokes are fading and the implications are becoming more serious. (VISUAL 2) According to Braver even some presidential advisers are saying that the sleep overs have cheapened the grandeur of the White House. Braver said that former DNC Chairman Dan Fowler came to the President's defense in an interview. (VISUAL 3) Braver said that the President's actions are beginning appear very improper particularly has he had first gone on record saying how he disapproved of similar behavior, then tried to distance himself from errors made by DNC officials, and finally denying anything wrong about the White House's conduct. (VISUAL 4)

VISUALS

1. Clips from yesterday: with President Clinton at his side, Gov. Roemer joked about how the President would never let him go to bed, insisting that he stay up and talk the night away.
2. Clip of President Clinton at press conference: "I don't think that people who help you should be excluded from staying at the White House."
3. Clip of interview with Dan Fowler (not clear who interviewer is). Fowler: "The White House is not for sale. We did not invite anyone to the White House as a quid pro quo for a contribution." Interviewer: "Why then the memos from Clinton and the handwritten notes" Fowler: "This was done to show our appreciation for some who persons who had given."
4. Clip of the President from 1995 press conference: "It is wrong to raise money by offering specific kinds of access." Clip of President Clinton from late 1996: "I'm not trying to disclaim responsibility [from DNC fund raising violations] but there is a difference between what the party does and what the President does." Clip of President Clinton earlier this week: "The Lincoln Bedroom is not for sale. This is another untrue story that we have had to live through."
5. Transcription of words from President Clinton's handwritten responses to McAuliffe memo: "Yes, pursue all three and promptly--and get other names at 100,000 or more, 50,000 or more !,?"

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daryl E. Chubin (CN=Daryl E. Chubin/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:11-MAR-1997 08:13:41.00

SUBJECT: National Internet Testing

TO: nsabelli (nsabelli @ nsf.gov @ inet [UNKNOWN])

READ:UNKNOWN

Daryl E. Chubin (CN=Daryl E. Chubin/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

Nora: Now I need you evaluation of an idea (below) that could be politically appealing but intellectually (and practically) disastrous.

Your reactions would be valuable to me. Thanks, Daryl

----- Forwarded by Daryl E. Chubin/OSTP/EOP on 03/11/97
08:15 AM -----

klein @ rand.org

03/05/97 05:48:00 PM

Record Type: Record

To: Daryl E. Chubin

cc:

Subject: National Internet Testing

Clinton & Gore want to wire all the schools. Clinton's State of the Union speech called for a national test in reading for 4th graders and in math (algebra) for 8th graders. Put the two ideas together and mix in some technical psychometric and computer advances and you get "national internet computer adaptive testing" (and a reason to wire the schools that parents, teachers, district, and state folks would buy into).

In theory, all a school needs for equipment is one computer and a modum. Students could take ("challenge") the test as often as needed, get results instantly, etc. The "test" would actually be a bank of 1,000+ items. A student would take a minitest of 10+ items, computer would calculate the score, and based on this score, send a harder or easier second set of items, and so on until it zeroed in on the student's proficiency level (and along the way picked up diagnostic information about item types where student is having difficulty, pretest new items, etc.). We already know this type of testing takes half the time to get as reliable a score as with the old paper-and-pencil format.

Sounds great in theory, but there are policy and technical issues and concerns. For instance, who gets the scores and how are they used, how many times can a student challenge the test, what types of questions will

be used (only multiple choice or other formats), how will scores be reported, what do you do if a certain percentage of the kids in a class don't pass, what are the technical hardware & software problems, what would it cost to establish and replenish the item bank, what training would students and on-site teachers and other personnel need to implement the system, what are the long term implications for testing in other subjects and grade levels (such a high school graduation test), could the system be used for assessing training outcomes in armed services,...

RAND would like to do a thorough feasibility study of the idea of having computer adaptive, national internet testing through the schools. We have many of the experts in assessment, internet use, economics, and so on. We also would draw heavily on outside sources. We want to put together a high level team in much the same way we did the analysis of Gays in the Military and the California 3-Strikes and You're Out law. We see this culminating in a national conference that brings together interests in technology, schools, and assessment.

The study itself will provide a concrete prism through which to examine the applicability of multiple technologies in the schools. It also would identify the issues that need further study. In short, it would be a model.

We need about \$500k to do it right. RAND may kick in about \$100k from its CTI funding.

Two questions:

- 1) What do you think of the idea of having an independent/objective feasibility study?
- 2) Where can we get the remaining \$400k?

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from gatekeeper.eop.gov by PMDF.EOP.GOV (PMDf V5.0-4 #6879)
id <01IG5HGKFLM8009ZDO@PMDf.EOP.GOV> for Daryl_E._Chubin@oa.eop.gov; Wed,
05 Mar 1997 17:48:39 -0500 (EST)

Received: from mail3.pilot.net by gatekeeper.eop.gov;
(5.65v3.2/1.1.8.2/17Oct95-0424PM) id AA02992; Wed, 05 Mar 1997 17:48:36 -0500

Received: from monty.rand.org (unknown-6-173.rand.org [130.154.6.173])
by mail3.pilot.net with ESMTP id OAA10542 for <"Daryl_E._Chubin"@oa.eop.gov>;

Wed, 05 Mar 1997 14:47:17 -0800 (PST)

Received: from twain.rand.org (twain-b11n.rand.org [130.154.11.152])
by monty.rand.org (8.8.3/8.8.3) with ESMTP id OAA02676; Wed,
05 Mar 1997 14:48:28 -0800 (PST)

Received: from localhost (localhost [127.0.0.1])

by twain.rand.org (8.8.3/8.8.3) with SMTP id OAA09427; Wed,
05 Mar 1997 14:48:26 -0800 (PST)

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daryl E. Chubin (CN=Daryl E. Chubin/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:12-MAR-1997 07:26:00.00

SUBJECT: National Internet Testing

TO: cjdede (cjdede @ nsf.gov @ inet [UNKNOWN])

READ:UNKNOWN

TEXT:

Chris: I asked for Nora's gut reaction to this. I should have also asked for yours. If you have a moment . . . Thanks, D

----- Forwarded by Daryl E. Chubin/OSTP/EOP on 03/12/97
07:28 AM -----

klein @ rand.org

03/05/97 05:48:00 PM

Record Type: Record

To: Daryl E. Chubin

cc:

Subject: National Internet Testing

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Sounds great in theory, but there are policy and technical issues and concerns. For instance, who gets the scores and how are they used, how many times can a student challenge the test, what types of questions will be used (only multiple choice or other formats), how will scores be reported, what do you do if a certain percentage of the kids in a class don't pass, what are the technical hardware & software problems, what would it cost to establish and replenish the item bank, what training

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ATT CREATION TIME/DATE: 0 00:00:00.00

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Received: from gatekeeper.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IG5HGKFLM8009ZDO@PMD.F.EOP.GOV> for Daryl_E._Chubin@oa.eop.gov; Wed,
05 Mar 1997 17:48:39 -0500 (EST)

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(5.65v3.2/1.1.8.2/17Oct95-0424PM) id AA02992; Wed, 05 Mar 1997 17:48:36 -0500

Received: from monty.rand.org (unknown-6-173.rand.org [130.154.6.173])
by mail3.pilot.net with ESMTP id OAA10542 for <"Daryl_E._Chubin"@oa.eop.gov>;

Wed, 05 Mar 1997 14:47:17 -0800 (PST)

Received: from twain.rand.org (twain-b1ln.rand.org [130.154.11.152])
by monty.rand.org (8.8.3/8.8.3) with ESMTP id OAA02676; Wed,
05 Mar 1997 14:48:28 -0800 (PST)

Received: from localhost (localhost [127.0.0.1])
by twain.rand.org (8.8.3/8.8.3) with SMTP id OAA09427; Wed,
05 Mar 1997 14:48:26 -0800 (PST)

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Jennifer J. Kulynych (CN=Jennifer J. Kulynych/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 7-APR-1997 10:34:48.00

SUBJECT: Re: First Amendment

TO: Jonathan Foster (CN=Jonathan Foster/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

Recalling the pearls of wisdom strewn my way by Kathleen Sullivan, I believe that the military gets a lot more latitude (especially recently) on speech issues than the government in general, at least where there is any argument that the speech issue affects unit cohesion/morale (e.g., "don't ask, don't tell policy"). I think the military could almost certainly restrict the conduct of active duty officers (so no attendance at rallies), and could possibly place restrictions (though maybe not a total ban) on political speech.

Jennifer

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dag_Vega@oa.eop.gov (Dag_Vega@oa.eop.gov [UNKNOWN])

CREATION DATE/TIME:29-APR-1997 09:15:47.00

SUBJECT: CNN: Larry King Live, 4/28/97

TO: Beverly_J._Barnes@oa.eop.gov (Beverly_J._Barnes@oa.eop.gov [UNKNOWN])
READ:UNKNOWN

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

TO: Joseph_P._Lockhart@oa.eop.gov (Joseph_P._Lockhart@oa.eop.gov [UNKNOWN])
READ:UNKNOWN

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

TO: Brenda_M._Anders@oa.eop.gov (Brenda_M._Anders@oa.eop.gov [UNKNOWN])
READ:UNKNOWN

TO: VOLES_L@a1.eop.gov (VOLES_L@a1.eop.gov [UNKNOWN]) (VPO)
READ:UNKNOWN

TO: TERZAN_V@a1.eop.gov (TERZAN_V@a1.eop.gov [UNKNOWN]) (VPO)
READ:UNKNOWN

TO: AMAN_S@a1.eop.gov (AMAN_S@a1.eop.gov [UNKNOWN]) (VPO)
READ:UNKNOWN

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

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

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

TO: SCHAEFER_V@a1.eop.gov (SCHAEFER_V@a1.eop.gov [EOP]) (OMB)
READ:UNKNOWN

TO: ROBINSON_C@a1.eop.gov (ROBINSON_C@a1.eop.gov [EOP]) (OPD)
READ:UNKNOWN

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

TO: MORAN_K1@a1.eop.gov (MORAN_K1@a1.eop.gov [UNKNOWN]) (WHO)
READ:UNKNOWN

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

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

TO: MARSHA_T@a1.eop.gov (MARSHA_T@a1.eop.gov [UNKNOWN]) (VPO)
READ:UNKNOWN

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

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

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

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

TO: GUNIA_D@a1.eop.gov (GUNIA_D@a1.eop.gov [OA]) (OA)
READ:UNKNOWN

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

TO: GIBBONS_J@a1.eop.gov (GIBBONS_J@a1.eop.gov [EOP]) (STP)
READ:UNKNOWN

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

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

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

TO: BLICKSTEIN_J@a1.eop.gov (BLICKSTEIN_J@a1.eop.gov [UNKNOWN]) (OMB)
READ:UNKNOWN

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

TO: John_O._Sutton@oa.eop.gov (John_O._Sutton@oa.eop.gov [UNKNOWN])
READ:UNKNOWN

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

TO: Jessica_B._Vogelson@oa.eop.gov (Jessica_B._Vogelson@oa.eop.gov [UNKNOWN])
READ:UNKNOWN

TO: Megan_C._Moloney@oa.eop.gov (Megan_C._Moloney@oa.eop.gov [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TO: SPERLING_G@a1.eop.gov (SPERLING_G@a1.eop.gov [EOP]) (OPD)
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: KUKIS_H@a1.eop.gov (KUKIS_H@a1.eop.gov [UNKNOWN]) (VPO)
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: ABERNATHY_P@a1.eop.gov (ABERNATHY_P@a1.eop.gov [EOP]) (OPD)
READ:UNKNOWN

TEXT:

Message Creation Date was at 29-APR-1997 09:10:00

Larry King Live:

LARRY KING LIVE Welcomes Colin Powell

Aired April 28, 1997 - 9:00 p.m. ET

LARRY KING, HOST: Good evening. Back on May 1, 1957, I started in radio in Miami, Florida. So this Thursday will be 40 years.

We at CNN are going to celebrate it all week long with Colin Powell tonight, Hillary Clinton tomorrow night.

On Wednesday, Bill Cosby will be the special guest. Thursday night, I'll be interviewed by Bryant Gumbel. Friday night, Cal Ripken and then Saturday night a kind of a retrospective of the past 40 years.

Tonight, we are in the City of Brotherly Love. It's beautiful spring night in Philadelphia after a rather ugly day. We're at the historical Bellevue Hotel in downtown Philly. This is now the Park Hyatt. We're in the Founders' Room. When you see the statuary,

you'll see
Ben Franklin and William Penn and all those guys from back
there
when they were, we're not.

Now, we are here with General Colin Powell.

COLIN POWELL, CHAIRMAN, SUMMIT FOR AMERICA'S
FUTURE: Good evening, Larry. It's good to be with you and...

KING: A little much?

POWELL: No. This is fabulous. But let me start out the
evening by
congratulating you and your 40 years of broadcasting service
to the
nation. And I hope you have another 40.

KING: Me too.

POWELL: I may say, you know, even though it's been 40 years, you look
older.

KING: From your lips to God. You have got to understand, for
the
benefit of the audience at home. This is the Bronx. He is the Bronx.
I'm Brooklyn. So there's a natural hostility that could
build through
the entire program.

Is this a success, this summit?

POWELL: So far, the summit itself is a success. But I think
more
importantly as the beginning of a campaign, it's also a
success. The
delegations that are here from around the country have been spending this
afternoon, will spend tomorrow, getting their
plans
together. We have already heard reports of summits that are
going
to be held all over the country. People are excited about
this. I hope
we have turned the country on. It's not so much what happens
here
in Philadelphia and although we appreciate all the
commitments that
are being given. And so far as of today, we have some 1,500 individual
commitments. It's what happens out in every
community.
That's where the real capacity for service that lies.

KING: There will be local -- like a Cleveland Summit, Miami.

POWELL: Cleveland Summit. The Texas delegation that's been working all afternoon, they have already announced the number of city summits in Laredo, Houston. I'll be in St. Louis this coming Saturday with Congressman Dick Gephardt and Senator Chris Bond, the Democrat, the Republican with the mayor. And the citizens of St. Louis will be doing some activity during the day. And I'll join them in the afternoon and participate in their event.

KING: What do you make of the -- some of the negative nabobs -- whatever that was said.

POWELL: Nattering nabobs of negativism.

KING: There are some people saying this is either a plot or it's a socialist or it's a contrived -- if everybody is for it, something is wrong?

POWELL: Well, everybody can take a shot at it. I mean it's a free country. But when the shots have been fired, they're all going to bounce off. Because it's none of those things. It's a simple coming together of Americans across all political boundaries, all racial boundaries, all gender boundaries, all focusing our attention on a massive problem that this nation has. And that's our young people. Not all of our young people, but those of our young people who are trapped in circumstances that are very, very destructive, who do not have a caring adult in their lives and all the other things we have talked about over the last few days.

KING: Is the concept that they're all our children?

POWELL: They are all of our children. It's not a concept. It's a reality. These are our children. If we don't start taking better care of them, then they're going to be a loss to this nation. They're going to be a loss to the next generation. Worse, they're going to be in jail in the next generation.

KING: Quite a few months ago, you told me about this project that you earmarked it for this and picked this date. Did you have any idea it would get this big?

POWELL: No, it's exceeded all of our expectations. It's grown and grown and I'm very, very pleased. It has. But I think it's grown, because it sort of struck some sparks out across heartland. We're getting enormous response to it.

KING: Is this your baby?

POWELL: No. It was the late Governor George Romney of Michigan's baby. He came up with the idea. He looked around the nation and sensed that there was something missing. So it was his idea that we should come together at a summit meeting of some type, with all the presidents, to essentially make it bipartisan, make it across all lines and that we should at that summit recommit ourselves and then go forward with the campaign.

Then last year, it began to take firmer form. And then at the end of the year, in order to focus it so it isn't just a tummy-rubbing, feel-good operation, we decided to focus it on young people and on the five resources we were talking about.

KING: It was Governor...

POWELL: Governor Romney, yes.

KING: Isn't it a service?

POWELL: Yes.

KING: They do it as a part of the faith?

POWELL: They do it. Many of the our religions do it as a part of the faith. In fact, unless I am mistaken, it comes from the Bible, suffer children ...

KING: Those who say it eventually will be another government program. People get days off to do things. We, as the

taxpayers,
will be paying them while they are doing other things. So in
a sense,
it will be a government program.

POWELL: No, I don't see it that way at all. I mean, people
all over
this country, in the tens of millions, volunteer during the
course of the
week, during the course of their daily lives, and all we're
asking is
for many, many more millions of Americans to do likewise and
for
other parts of America to get more deeply involved, such as corporate
America.

We shouldn't see this as it's either the government or
private. We're
all in this together. The government has a role to play. The
American
people don't want their government destroyed. They just want
it sort
of constrained a little bit, in terms of the demand that
government
places on our taxes. And the era of big government is over,
as our
recent political leaders have been telling us. So whatever
level of
support the government decides to give is a matter for debate between the
administration and the legislature at the
federal, state,
and local levels. But whatever they decide to do, the need
is so
great that the private sector has to do a lot more in
partnership with
government, all of us in partnership, government, nonprofit,
profit
making organizations...

KING: Individuals.

POWELL: Individuals especially. All of our institutions
representing
our various religions, they perhaps have to play one of the
most
important roles in restoring a sense of spirituality and
recognition of
why we're here on this earth.

KING: All the living presidents are behind it. But some have mentioned
that Senator Lott and Speaker Gingrich were not
here.
Any particular thing we can read into this?

POWELL: No, I would not read anything into it. They were invited. The congressional leadership was invited. Some of them were able to come. Others were not able to come. But I know that they're all fully supportive. I have talked to them. And they're all supportive of this.

KING: So Gingrich is supportive. Lott is supportive?

POWELL: Yes. No doubt about it. Both sides of the aisle. But they had other things to do. And frankly, we weren't looking for more political leaders at this summit, which would tend to start dividing issues along political lines.

KING: You grew up in a tough -- some would say deprived neighborhood in the South Bronx?

POWELL: Yes.

KING: So might someone say -- did someone volunteer for you? How did you make it? If you could make it, why can't everybody make it?

POWELL: There was a young men's Hebrew Association facility there that I was able to go and be safe and play in. I was in scouting, which volunteers ran in order to give me a healthy alternative to the street. But what I also had in my life was an all-embracing, warm, loving family, two parents united in marriage for life.

And it was out of that marriage that two children came. An extended family of aunts and uncles and cousins who you could turn to at the drop of the hat, if you ever got caught doing something improper on the street. A school system, which at that time in New York City was a terrific public school system. Larry, we all came through it. And a church three blocks away.

You put all the pieces together, loving parents who had a job, rode the subway every morning down to the garment industry. But on Friday night, they came home with a decent wage that allowed them

to provide for their children and bring dignity into the home.

And you had school system that worked, an extended family that was there supporting it all, a church that gave spirituality to it all, and we were all told there was nothing we could not accomplish if our minds to it. It wasn't true at that time, because we were black. But my parents and my relatives didn't find this to be anything other than a challenge, get the kids ready so when the barriers fall, they'll be able to march on through.

KING: You would call this a major problem in America?

POWELL: I think it's a major problem. I think there are too many children who are being raised by children having been born of children. This is a national crisis. I saw a number of them in Philadelphia over the last two days, teenage mothers with no husband, with babies. They love those babies. It's not as if these are mothers who are neglectful. They love those babies.

But they aren't going to be able to provide for those children as well as they might be able to provide if they had a permanent mate in their life. And out of that marriage, out of that union, you had two parents who were able to invest themselves into that child. But more importantly, they need jobs in order to have the money and wherewithal to provide for that child.

KING: We'll be right back with General Colin Powell. Tomorrow night, Hillary Clinton. We will be including your phone calls. The numbers will be flashed the screen. This is LARRY KING LIVE, our 40th anniversary week. Don't go away.

(COMMERCIAL BREAK)

KING: We're surrounded by William Penn, Ben Franklin, David Rittenhouse -- all founders of this great city, where it all started. We're at the Founders Room at the top of the Bellevue Hotel, which is now the Park Hyatt. We're with Colin Powell, the start of our

40th anniversary week, here for this summit.

Now how involved will you be in this? 'Cause we're out on the speaking trail together. we bump into each other alot. You have written books, there might be a political future, we might mention that later. But you and the summit, is this like a year? How long is...

POWELL: I am in for the next several years. My political future won't be taken up any time away from this. So I am still doing a little bit of promotion for my book and out on the speaking circuit. I also speak to lots of schools and youngsters around the country. This is a major investment of time. The way it's expanding, I wouldn't be surprised if this was taking 50 percent of my time, at least, for the next few months.

KING: Are you paid for this?

POWELL: Absolutely not.

KING: Zero?

POWELL: Zero.

KING: You're donating all of this?

POWELL: This is -- it's not -- it's a gift. It's not -- I think I am the one who is benefiting from participating in this.

KING: You mention no political future. Are there any circumstances -- I know you have been asked -- are there any circumstances under which you would consider it? That's a fair question.

POWELL: That's a fair question and the answer is that we looked at all the circumstances that existed in 1995, in the fall. I very carefully examined them all and with my family, we made our decision at that point that we would stay in private life and try to make our contribution in private life. And we said, at my announcement press conference of November 1995, that I would be spending my time in education and charitable activities, and that's exactly what I have done. Nothing has changed.

KING: That was '95. What about '99?

POWELL: Nothing has changed. It is now '97, nothing has changed. I don't expect to be entering political life.

KING: Don't expect. Is it never say never?

POWELL: I don't have any plans for political office.

KING: But you're also very smart and very aware. You have a
73
percent popularity rating. In a poll, today, you lead -- if
you were to
run in the G.O.P. primaries, you lead your good friend Jack
Kemp
29 to 12.

So you know if you were to make a shot, you had a chance to
be
president. Now here's a young black kid, South Bronx, strong family, grows
up, gives back to America. Why not?

POWELL: Because I gave back to America for 35 years, and my family gave to
America for over 30 of those 35 years. And
there are
many ways to serve America. I am trying to do that the best
way I
know how, for me and for my family. It does not include
political
life.

KING: Some of it had to do with Alma, your lovely wife, right?

POWELL: Of course.

KING: Her own admitted discussion about her problems with depression. How,
by the way -- the public is really
interested in this
-- we hope to have her on someday. We're going to have major discussion on
it.

POWELL: She has a wonderful story to tell.

KING: She's ready to come on to talk about it, she told me.

POWELL: You'll have to talk to her about that.

KING: What is it like for the spouse of the depressed
person? And
I imagine -- we could hook this even to volunteerism -- this
society
produces some depression.

POWELL: Well, it was diagnosed in the late '70s. We didn't know what was wrong with Alma and then finally a wonderful doctor at Walter Reed Army Medical Center diagnosed it after we went up there to see him on very short notice, because I was terribly disturbed over Alma's situation and he diagnosed it in about 15 or 20 minutes. He instantly saw there was a chemical imbalance.

KING: Bipolar, is that what they call it? POWELL: Whatever. I don't know the actual terms he used. But it was told to us as a chemical imbalance. And she began treatment immediately. And she is -- she has taken her medication consistently over the past 18 years roughly.

KING: Was she ever suicidal?

POWELL: No.

KING: What was the toughest part of living with it?

POWELL: When you love somebody, there is no toughest part. You just...

KING: Love?

POWELL: You just live and love. And she has been marvelous in handling this. And I think she has given inspiration to a lot of other people since it became a public item, but it was never a secret item. We have talked about her depression many times over the years to many people.

KING: Our guest is General Colin Powell, four-star general, former chairman of the joint chiefs. Our last two chairmen of the joint chiefs, one went to ROTC at CCNY, we'll ask about that. The other was drafted. How about them apples. Don't go away.

(COMMERCIAL BREAK)

KING: What a weekend for him, ex-presidents come to glory in his presence...

POWELL: Note quite.

KING: Come on, you had to feel good with everybody mentioning you, saluting you.

POWELL: Well, I felt great having these wonderful men and ladies join us.

KING: Now back to the depression thing, and this is important. People say if your wife or your husband has kidney disease, you could live with it. Heart disease you can live with it, but mental disease is hard to live with.

POWELL: It's not a mental disease.

KING: But someone bears the brunt of the depression. It usually is the mate.

POWELL: Yes, but we never called it that. In this case it was a type of depression that was treatable by medication. And you have to adjust the dosage over time, but if any -- we have met so many people who were having problems in their lives, and quite don't know what to do with it. There's a wonderful article we came upon years ago: "When You Don't Know What Ails You." And so, if you're having these sorts of problems, problems where you don't think you can cope and you're not sure what ails you, get to a doctor and talk about depression.

KING: Was her fear that something would happen to you, if you were the first black running, paramount in the decision not to run?

POWELL: There were many factors, that was not paramount. She has expressed that fear publicly but I have been subject to being shot at for -- and killed for other reasons. It wasn't a major consideration...

KING: Yeah, but that was war reasons?

POWELL: True. But it was a concern to her. It wasn't the overriding concern in my decision.

KING: Is it ever a concern to you, as the nation's -- well, let's be honest, the most famous and most admired black man -- is it a concern to

you when you walk on the street?

POWELL: No I travel -- I travel widely around this country. I don't do foolish things, but I am also not surrounded by cordons of people, and I have a wonderful time shaking hands, giving out autographs, taking pictures. I have never had an incident that caused me to be the least bit distressed or nervous that I might be in danger.

KING: Miss the service?

POWELL: I love the Army, with all of my heart and soul.

KING: Boy, you did.

POWELL: I really did. But "miss it" is not quite the right word. I sometimes am nostalgic for it, but that door closed. And I had 35 wonderful years, and I have always been of the belief that when a door closes in your life and you move in another direction, look through the other doors that are opening and don't spend a lot of time saying you miss what you used to do.

KING: How about just putting the uniform on in the morning? That you did for 35 years.

POWELL: It's a lot harder now. I have to pick ties. Green was easy. I had a hundred black ties, it was easy.

KING: It was also paid for, right?

POWELL: I paid for it.

KING: You paid for your own uniforms?

POWELL: What are you crazy, of course.

KING: What are you talking about? The army doesn't give you clothes?

POWELL: Not generals.

KING: Tell me this, you're kidding. Generals buy their own clothes?

POWELL: Officers buy their own uniforms.

KING: Shoes?

POWELL: Sure!

KING: i didn't know this.

POWELL: One of the best deals for the government you have ever heard of. No, enlisted men do get a clothing allowance, but career officers -- when I came in anyway -- and I think it's still the case...

KING: We're going to back to the summit and to volunteers...

POWELL: I was just wondering how we go into what I wear. You're not going to ask me about underwear, are you?

KING: No, I wonder about things. This is Brooklyn talking to the Bronx. We'll bow down later.

POWELL: I do miss my uniform. And every now and then I'll go take a look at it.

KING: Wear it? Come on!

POWELL: No.

KING: The four stars?

POWELL: Oh, no I have only had it on one time since I retired. That's when I had to take a picture for the cover of the book. I'm retired and I do not wear the uniform.

KING: What do you make of the trouble the Army is having in these sex concepts in Aberdeen and other places, the charges?

POWELL: It's a very difficult time for the Army. One thing I am absolutely sure of, though, is that the Army will come through it. We have had difficult social problems before. Not knowing the merits of any of the individual cases, I do know that drill sergeants are in a position of absolute trust and confidence with respect to the relationship they have with the recruits under their command, and anything that breaks that bond of trust and confidence is very, very serious and I know that the Army will take care of it.

But to some extent -- not to excuse anything that's happened -- it's something of a reflection of the society from which we draw

our
troops. Sexuality and these types of activities are much more common and
much more encouraged by, you know, the general situation with respect to
morals and entertainment and what
people
seek.

KING: Did -- now, it gets more attention now. Did you have
-- did
you have to face it at times? Did you have to deal with it
with men
under you?

POWELL: Certainly, but there were fewer women in the
military at
that time and therefore it was not likely a problem.

KING: Were we tough on it when that happened?

POWELL: Yes, when I was aware of it, yes. But we also have to face reality
that for most of the history of the armed
forces it was a
macho organization, very male oriented. But as I wrote in my memoirs,
beginning about the mid '70s that all started to
change and
we had to change with what the American people expected of
us,
and we had to begin integrating women as fully as possible
into the
armed forces. There was some difficulties associated with
it. But it's
a much better Army than the Army I joined.

KING: Nancy Reagan was here yesterday, she's a good friend of mine and a
great friend of yours.

POWELL: Yes, sir.

KING: And every time I talk to her, how's Colin, and what's
Colin
going to do? She would like you to be emperor of the world
if she
had her way. Do you ever get to see President Reagan?

POWELL: I haven't seen President Reagan in a couple of
years. I
haven't seen him since he wrote that beautiful letter. I do
stay in
touch with Mrs. Reagan.

KING: He made your career, didn't he? I mean, certainly,
bringing
you into national security made it?

POWELL: Some would say he made a massive change in my career at that point, he and my dear friend Frank Carlucci, who brought me back to the White House to be deputy national security adviser under him. And then my career took an entirely different turn. Up to that point, I was a happy lieutenant general in Germany commanding a corps, trying get back into the mainstream of the Army, and then suddenly I am out of the mainstream and ten months later, I'm national security adviser to President Reagan.

KING: We'll be right back with Colin Powell -- do you have a title with this volunteer movement?

POWELL: General chairman.

KING: You have got to have a "general" -- OK, give it up, but not completely. We'll be right back with the general after this.

(COMMERCIAL BREAK)

KING: We'll be back in Washington tomorrow night with the First Lady of the United States, Hillary Clinton, as we kicking off tonight with Colin Powell our 40th anniversary week. We're on CNN. This is LARRY KING LIVE. We'll be taking your phone calls for the general after this.

(COMMERCIAL BREAK)

KING: We're back on LARRY KING LIVE with Colin Powell in Philadelphia. We're discussing this incredible summit which winds up tomorrow, right?

POWELL: Yes.

KING: And then lots of local summits...

POWELL: Lots of local summits.

KING: ...not just a blast then forget it.

POWELL: No. The work continues. We have a new program that flows from this called America's Promise. I'll be the chairman of that

organization. And the subtitle is the "Alliance for Youth -- America's Promise." We just don't want commitments. We want promises.

KING: Big difference.

POWELL: Look the kids in the face, make a promise you're going to execute. It's an alliance. We're all coming together, all parts of America, an alliance to do something about this danger, the danger of too many youngsters not looking forward to a bright future in America.

KING: The other complaint has been there are some companies that give you money. They write it off. And then they lay off 3,000 employees. And they take an ad in the paper and it looks like they're the do-gooders of the year.

POWELL: Well, I have heard that complaint. I think that American industry is going through a massive transformation right now, downsizing, reshaping. And there are people who are being hurt. I just hope that as we go through this transformation -- every Western nation is going to have to go through it -- jobs will be created.

That'll bring people back into the workforce. What's clear, though, is that the new jobs that will be created and are being created are of a higher skill level than the jobs that are probably in the process of being eliminated now. And the youngsters we're leaving behind, if we don't get them caught up quickly, they'll not be able to enter that more sophisticated job market.

So the problem is even greater than it might appear at first. So I think that these companies are going to do whatever they think they have to do to be successful and profitable. That's what business is all about. If they're also willing to share the welfare generating through the kinds of activities, we're encouraging them to do. That's good.

KING: Let's say I wanted to do something. My girlfriend wanted to do something. My daughter wanted to. Give me an example.

POWELL: Let me start with your network, then I come on down to you.

KING: CNN.

POWELL: CNN.

KING: What can we do?

POWELL: Well, I have talked to Tom Johnson down in Atlanta, president, good friend of mine. And Tom has committed the network to provide public service announcements and to do whatever we may ask them to do with respect to getting the message out.

What I would also like Tom to do, and what I would like Larry to do, and Ted to do, and Valerie to do, and everybody to do to find opportunities within the CNN organization to bring high school students in, trainees in, who could see what the work is...

KING: Do that this summer.

POWELL: ...make sure that they're not just like -- you know...

KING: Go-fers.

POWELL: ...your brother-in-law's kid. No. I want you to get a kid that doesn't look like everybody else at CNN right now and has a longer way to climb up to fit into your organization. So you can learn about the kind of environment that youngster is living in. And that youngster can learn about a world that they cannot even dream about anymore and connect working at a place like CNN with the education they need to be successful at a place like CNN.

Then if CNN would then turn around and go into partnership with some of the schools in Atlanta or whatever else you have, facilities, and get the synergy going where a company adopts a school, makes a commitment to the school. People who work for that company

--

such as Larry King and all the other folks, Larry King's girlfriend -- go and spend a couple of hours a week in that school, perhaps take a kid under your wing, doesn't take you all week, Larry. I mean you sleep all day. You don't have anything to do all day long.

KING: Keep it up. Keep it up!

POWELL: But you can find 30 minutes to a couple of hours a week, or 30 minutes a week to a couple of phone calls a week, to enter the life of a child or several kids, adopt a class.

KING: Adopt a class?

POWELL: You would be surprised what happens when a caring adult just goes into an inner city school and is coming to read once a week on a Wednesday afternoon for an hour, those children light up. They absolutely light up. Somebody wants to help me. And so you can do it. Your girlfriend can do it. KING: My daughter?

POWELL: Absolutely. Your camera operator. Everybody in CNN can do it. You could make it ...

KING: Individual and company?

POWELL: Make an entire family plan. I am not singling out CNN. Any company with these kinds...

KING: You just describe any company could do it.

POWELL: Anybody could do it.

KING: We'll be right back with General Colin Powell after this. Your phone calls will be included. Don't go away.

(COMMERCIAL BREAK)

KING: We are back in Philadelphia with General Colin Powell. We mentioned earlier. She is now on the phone with us from California. Are you there? Nancy Reagan.

NANCY REAGAN, FORMER FIRST LADY: Hi, Larry. Yes, I'm here.

KING: Hi, Nancy. You looked beautiful yesterday.

REAGAN: Oh, thank you.

KING: Was that peach, that the jacket you wore?

REAGAN: Peach? No, it was kind of orange.

KING: Orange? But very, very becoming. Any thing you want to say to your friend, the general, who I know you miss?

REAGAN: Well, I miss him. And I just left him.

KING: Yes.

REAGAN: But it's nice to see him on your show. And I really want to congratulate you, Larry, on your anniversary.

KING: Oh, thank you. Very honored. I am honored to have your friendship. I'm honored by this call.

REAGAN: Well, I'm very glad to be among your many, many, many friends.

KING: What did you make of what Colin did here this weekend?

REAGAN: Oh, Colin was wonderful. He's explained to you better than anybody else could. I couldn't explain any better than he could.

KING: What did you think of getting Nancy to come? POWELL: Nancy, I just want to tell you that it was wonderful of you to come.

We were all so excited to see you. The message you delivered was tremendous. And I hope you will give the president our fondest regards. And just thank you so much, Nancy.

REAGAN: Thank you, Colin.

KING: I like that "just say yes." Was that your idea, Nancy? .

(LAUGHTER)

REAGAN: Well, I just thought I would fool everybody.

KING: Are you well?

REAGAN: I'm fine.

KING: We don't see...

REAGAN: I'm a little tired. It took me six hours to fly home, because we had terrible head winds.

KING: Head winds. We don't see enough of you, Nancy. You are a national

treasure.

REAGAN: Oh, Larry, thank you. You are, too. So is Colin.

KING: Are you sorry he didn't run?

REAGAN: He knows how I feel.

POWELL: She is good. She learned.

KING: All right. One other thing, Nancy.

(LAUGHTER)

REAGAN: Yes, Larry.

KING: If he did, if he ran in 2000, would you support him?

REAGAN: Oh, Larry. Colin and I will talk about that in the
year
2000.

POWELL: See I have some friends, Larry.

KING: Get them all trained.

KING: Thanks, Nancy. I'm really honored.

REAGAN: Happy anniversary.

KING: Thank you.

POWELL: Thank you. Mrs. Reagan.

REAGAN: Alright, bye.

KING: Public doesn't know her, though, not really.

POWELL: I have gotten to know her very, very well, not only during two
years that I served in the Reagan administration,
but in
years afterwards, after the Reagans went back to California.
We
remained in very close touch. And we became very close.

KING: Do you ever get to see -- I know you see President
Bush on
the speaking...

POWELL: I see President Bush all the time. We stay in very
close
touch. We have a lot of fun together. We go off vacations
with
Bushes. And we are very close.

KING: You do?

POWELL: Yes.

KING: Was that some Republican convention? You were there that big night. You spoke and Nancy spoke back-to-back. Was that a -- what was that like to do?

POWELL: It was very exciting. It was the first convention in which I had ever spoken, and only the second convention I had ever attended. So it was a pretty exciting evening for me.

KING: I mean to stand up there, and...

POWELL: To stand up there and see all of the delegates representing the Republican Party, every part of the Republican Party, but also knowing you were speaking to millions of Americans at home. You were trying to convey a message to them as well as to delegates.

KING: Do you feel on outer fringe of that party, with some of your views, like on the right to choice, that kind of...

POWELL: Well, there were some who think I am on outer fringe. But I would submit that I think my views probably represent a larger segment of Republican Party than those who think I'm on the fringe think it represents. I'm very moderate in some of my social views. And I think exceptionally conservative on my views with respect to economic policy, national security and defense. And I find many, many Republicans as I go around the country, who think pretty much like I do.

KING: Some other things in the past, and then we'll take some calls, more on volunteerism. Did -- are you -- when you go to sleep at night and you think about it, were you right on "don't ask, don't tell?"

POWELL: Yes.

KING: No question?

POWELL: No question. KING: No question. Why ?

POWELL: Military service is different than any other form of service. It is a unique institution in American society. We put young people together for the purpose of applying state violence, killing other people -- terrible to say it that cruelly, but I have to say that cruelly -- the purpose of military is to fight and win wars.

We also are reflection of our society. We draw strength from our society. And it was my judgment and the judgment of all of my colleagues on the joint chiefs of staff with whom I consulted, and all senior commanders of the armed forces, is that permitting open acknowledgement of homosexuality was detrimental to good military order and discipline.

It's the only institution we not only tell you who you will work with, we also tell who you will be sleeping with, and whose room you will be sleeping in that night. In close confines of military barracks life and close confines of the battlefield, we did not feel that the nation was ready or that was appropriate for us to put the well-being of the armed forces at risk in order to take this step.

KING: But as one who has seen and felt discrimination, wasn't part of that decision and recommendation to the president painful?

POWELL: Yes. It was something that I had to think about very, very carefully. It was painful sometimes to have that charge shot at me. And I recognize many people feel that way. But my responsibility as chairman of the joint chiefs of staff was to give my best military judgment on what I thought was right for the armed forces of United States at that time. And that was what did. And that is what I always try to do during my career.

KING: Kids from Brooklyn who do well should pinch themselves everyday. And I try to. Do you?

POWELL: I'm from the Bronx. All guys from the Bronx do well.

KING: All guys from the Bronx?

POWELL: Most guys from the Bronx. No, I do pinch myself seriously.

KING: Really? Do you...

POWELL: Yes.

KING: Holy, who figured this?

POWELL: Who knew?

KING: Who knew? Who knew, Larry?

POWELL: But I mean...

KING: Every New Yorker gets... POWELL: What we knew is that we were living in a remarkable country. What we knew is that the road to get ahead was clearly marked in terms of hard work, getting that education, go to school. You know there was never any question in my family as to whether I would finish high school, whether I would go to college. It was ordained. My parents had...

KING: It was a given.

POWELL: It was a given. There was no question in my family. And so even though -- and I tell this all around the country -- even though, that I was, you know, born in Harlem, raised in the Bronx, little black kid, son of immigrants, and at the time that I was being raised, second class citizen, restaurants I couldn't go into -- you know all of that.

And the only institution that would take me in an integrated setting in the mid '50s and allow me to move all the way to the top in an integrated setting was the Armed Forces of the United States. Now, we have come so far in that one generation. But the point is we are not where we have to be yet. It is not a color blind society. There is still a way to go. And it doesn't come just because of the good wishes of majority. It is always come as a result of struggle.

KING: Pre-Harry Truman, wasn't there.

POWELL: Pre-Harry Truman, it wasn't there. If it wasn't for Harry Truman, I don't know when it would have come.

KING: We'll be back with Colin Powell. He is General Chairman -- what's the name of the...

POWELL: General Chairman of America's Promise/Alliance for Youth.

KING: We'll be back with more on that promise and phone calls. Tomorrow night, Hillary Clinton. Cal Ripken on Friday. Don't go away.

(COMMERCIAL BREAK)

KING: We are back in Philadelphia with Colin Powell in this beautiful setting atop the old Bellevue, now Park Hyatt, Hotel. This is the Founders' Room, beautiful spot in downtown Philadelphia. One of the most beautiful downtowns in the world, I think.

POWELL: It is.

KING: Underrated.

POWELL: Beautiful city.

KING: Yes, Houston, Texas as we go to calls for Colin. Hello.

CALLER, TEXAS: Hi, I'm interested in your volunteer program for the kids. My question is what about the kids who are already in their teens, that are already getting in trouble? Or are they still just going to be throwaways?

POWELL: No they are not throwaways.

KING: Already in trouble kids.

POWELL: They're already in trouble, but they are not throwaways. A different set of resources have to be brought to help those youngsters, but there is still a place for them in the Boys and Girls Clubs of America. We try to take care of kids up until their teens.

The real solution to the problem, though, is to catch them long before they become teenaged problems. A number of the

programs
we are working on go after children who are still in
elementary
school and need these resources, that is where they need
them or in
junior high.

One program that my wife is very, very involved in is called
"Best
Friends," and a number of people have heard about it. It was created by
Elaine Bennett, the wife of Bill Bennett, and
what this
program attempts to do is get into lives of young girls,
when they are
in the 6th, 7th, and 8th grades and turn them into young
ladies, have
them believe in themselves, teach them how to stay away from
boys,
start to teach them about their sexuality and how they have
to
protect themselves.

And guess what? It works. All those young ladies were asking
for
was direction from an adult who could tell them how they
should live
their life at these early and tender years. So it can be
done, but it has
to be done as early as possible. By time they are 16, 17,
18-years
old, we've got a problem. The tragic cases we have seen on
our
television sets recently, those two young men in New Jersey
who
just the other day called for a pizza, and two young men
went out
there to deliver the pizza, and were brutally murdered for
no other
reason than the sport of it. Those two young men were 18 and
17
years old. They've ruined their lives and they have brought
tragedy
to two families, killed two men.

KING: How do you explain that?

POWELL: All I know is they came from broken homes, they were misdirected.
They were not being given an education, they had nothing to look forward
to. And if you look at the
television footage
that surrounded that incident, all of the other teens in
that community
are saying "we've got nothing to do, we've got no place to
go." That

is what we have to get inside of and we've got to get inside
of it long
before they become teenagers with no place to go and nothing
to
do, and nothing to think they can do except to bring
violence on to
their fellow citizens.

KING: John Shalikashvili, who was drafted, you were ROTC. How good a
program is ROTC?

POWELL: ROTC is a tremendous program.

KING: You were at a city school, "Lavender My Lavender."

POWELL: City College of New York, "Lavender My Lavender." KING: CCNY. Good
ROTC program.

POWELL: Good ROTC program at that time, it was discontinued at the early
part of the Vietnam War, to my distress, but it
was. The
ROTC is still a vital source of officers for all of the armed forces.

KING: We'll be back with our remaining moments -- I'm getting nervous
around you. I have to make a commitment now and we
will
make it, right after these messages.

(COMMERCIAL BREAK)

KING: I'm going to commit my daughter, my girlfriend, myself
to "A
Place Called Home" in Los Angeles.

POWELL: Terrific.

KING: And "Children Of Mine," in Anacostia, in Washington. These are poor
neighborhood, any facilities, getting in,
working with
them, anything we could do. What do you think of that?

POWELL: I think that's terrific, Larry. You have made a
promise,
everybody's heard it...

KING: "Place Called Home" in L.A., "Children Of Mine" in Anacostia.

POWELL: And you've got to stick with it. I'm proud of you,
Larry,
and if we could only get millions more Americans like you to
do
likewise, we're going to be in great shape.

KING: Why shouldn't everybody who's blessed do it?

POWELL: Everybody who is blessed should do it. Every one of us who is sharing in the wealth of this nation, the treasure of this nation, living the dream of this nation, and the founding fathers who started on road to that dream in this city, should reach down and help somebody who is worried about that dream and whether it is still there for them.

KING: One more quick call. Chicago, for Colin Powell. Hello.

CALLER, ILLINOIS: Hi, Larry, Hi, General Powell. It is a privilege to speak with you. My name's Wendy Fine, and I'm the volunteer coordinator for Chicago Youth Centers. We work with kids in low-income communities in Chicago. And I especially work at Lower North Center, which is in Cabrini-Green. And we have many volunteers who work with kids in after school programs, as tutors, coaches, and club leaders.

POWELL: Does it work, Wendy?

CALLER: It works incredibly well. We have a great time and we have some incredible programs. We work, at that one center, with over 120 kids every single day, and the kids do better and better in school, and they have a lot of fun. KING: We're running close on time. Do you a question, Wendy?

CALLER: Yes I do. The question is it takes experienced staff to develop and maintain these volunteer activities, including recruiting, training, placing and supervising volunteers. Where can this funding for the staff and the resources for the program come from?

POWELL: That is one of the elements we are going to be look at in this program "America's Promise." And we have had some promises, commitments, made already by some of the larger learning institutions in America, that are going to help us provide deliverable packages so that we can get more mentors trained and more volunteers trained so that you're just not going in

cold, not
understanding the commitment they are making, and what it is
going
to take in way of understanding and how to manage their
mentoring
efforts. So it is a good point and it is essential part of
the program
we are putting together.

KING: And now if we don't, who will? If we won't, who will?

POWELL: Who will? We have no choice.

KING: No.

POWELL: Even if this summit hadn't come along. I mean,
listen to
what Wendy just said. They are doing it, long before the
summit
came along. I hope as a result of this summit, Wendy finds
it much
easier to get volunteers. If anybody in Chicago was turned
on by
what they saw over the last 48 hours, call Wendy. Or call
Larry
King at CNN, the number will be given to you later and Larry
will
put you in touch with Wendy.

KING: Or anyone you wish to get in touch with, in any city
you live
in, we'll be happy to cooperate now that we have made this commitment. Now
you make a commitment. If you ever announce -- if ever, who knew? Who
knew? It will be here.

POWELL: Where?

KING: Here.

POWELL: In Philadelphia?

KING: LARRY KING LIVE.

POWELL: Oh, you can be sure it will get the fullest
consideration. I
promise.

KING: Still the general. Who knew, who knew? Thanks for
joining
us. Who knew? Life's little turns. See you tomorrow night
with the
First Lady, Hillary Clinton. Thanks for joining us from the
City of
Brotherly Love, from the Park Hyatt in downtown Philadelphia, from this

lovely Founders' Room. Good night.

POWELL: Congratulations on 40 years, Larry.

KING: Thank you, Colin.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dag_Vega@oa.eop.gov (Dag_Vega@oa.eop.gov [UNKNOWN])

CREATION DATE/TIME: 2-MAY-1997 08:57:11.00

SUBJECT: CNN: Inside Politics, 5/1/97

TO: Susanne Bachtel (CN=Susanne Bachtel/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

Message Creation Date was

Inside Politics:

A Possible Agreement On A Balanced Budget Deal Between
The President And Republicans Has Democratic Leaders
Upset At Being Left Out; It's Election Day In Britain; Theory
That Republicans Dropped Dole To Focus On Winning The
House; Helms In 2002; Dole Finds Work As An Attorney

Aired May 1, 1997 - 4:00 p.m. ET

(BEGIN VIDEO CLIP)

JOHN A. BOEHNER, (R) CONGRESSMAN, OHIO, GOP

CONFERENCE CHAIRMAN: After two and a half years, we've finally gotten
there, we think and we hope.

(END VIDEO CLIP)

JUDY WOODRUFF, CNN ANCHOR: Republicans are upbeat
about the prospects for a budget accord with the president,
but a
number of Democrats are down and feeling left out. It is
election
day in Britain, and a huge power shift may be in the offing.
Our Bill
Schneider is on the scene in London.

WILLIAM SCHNEIDER, CNN POLITICAL ANALYST: British
voters are sick and tired of the conservatives. They have
been in too
long, there's too much sleaze. It's time for a change.

ANNOUNCER: From Washington, this is INSIDE POLITICS
with Judy Woodruff.

WOODRUFF: Thanks for joining us. Well, after a great deal of wheeling,
dealing, and dickering, President Clinton and congressional Republicans
are, evidently, on the verge of announcing a balanced budget agreement.
Our senior White
House

correspondent Wolf Blitzer joins us with the latest. Wolf?

WOLF BLITZER, CNN CORRESPONDENT: Judy, the White House says they are very close to a budget deal, but not they're not there yet. Press secretary Mike McCurry says the talks are likely to continue tonight and perhaps even tomorrow.

(BEGIN VIDEOTAPE)

MIKE MCCURRY, PRESS SECRETARY, WHITE HOUSE:
There's no done deal. They are, obviously, closing in on the structure of something that looks like it might have some possibilities, but there's a lot of hard work ahead.

BLITZER (voice-over): The emerging deal includes tax cuts, Medicare savings, and some technical adjustments in both the Consumer Price Index and the Congressional Budget Office economic forecast, that would make billions of dollars available to balance the budget. On taxes, sources say the package would consist of about \$150 billion in new taxes, offset by \$50 billion in so-called revenue raisers, consisting of \$30 billion in a continued surcharge on airline tickets, and about \$20 billion in the elimination of some tax benefits for corporations.

That would result in approximately \$100 billion in net tax cuts. White House officials say they understand the Republicans' need for a capital gains tax cut and estate tax relief. The latter would raise the tax-free exemption well above the current \$600,000 limit.

This budget deal would go beyond the president's earlier proposed tax cut package, that includes college education deductions and credits, a \$500-per-child tax credit, and the elimination of capital gains taxes, but only on home sales up to \$500,000.

(END VIDEOTAPE)

So what does the president get from all of this? in exchange for the deeper tax cuts, he gets a commitment from the Republicans to support increased spending for his high priority education, environmental, and jobs-creation programs. He also gets a big piece of the historic legacy he wants, becoming the president who

finally
balanced the budget. Judy?

WOODRUFF: Wolf, if those are the points being agreed on, what are the sticking points that remain?

BLITZER: By most accounts, even over here at the White House, Judy, while there are some technical disagreements on still crossing some t's, doting some i's on taxes, Medicare, and a few other problems, by and large, the big sticking point, right now, is that the president does not have a majority of his own party in the House of Representatives, including the leadership on board. Most of his aides are spending the entire day today and probably tonight, trying to convince the Democrats in the House and the Senate to support this package. It's a tough sell.

WOODRUFF: All right, Wolf Blitzer at the White House. And a shift of budget focus now to the other end of Pennsylvania Avenue. Our CNN's Bob Franken joins us with the latest from Capitol Hill. Bob?

BOB FRANKEN, CNN CORRESPONDENT: And, Judy, consistent with what Wolf just said, the White House chief of staff Erskine Bowles is expected here in about 20 or 25 minutes to speak to the Democratic Caucus to try and convince Democratic members to go along. The president's toughest sell may be with the Democratic leaders of Congress because they are feeling very left out.

(BEGIN VIDEOTAPE)

THOMAS A. DASCHLE, (D) SENATOR, SOUTH DAKOTA, MINORITY LEADER: I think this process is terrible. I think it's atrocious that deals would be cut and that decisions would be made behind closed doors with very, very few -- if anybody -- knowing what this whole package looks like.

RICHARD A. GEPHARDT, (D) CONGRESSMAN, MISSOURI, MINORITY LEADER: I don't think it's the best process. I don't think it's the wisest process. If you're

trying to get to
a budget which can command a majority of both parties.

FRANKEN (voice-over): In the name of bipartisanship, it
should be
pointed out that it's not only Democrats who are bent out of shape.

PHIL GRAMM, (R) SENATOR, TEXAS: This is the kind of budget that comes
about when the two great political parties
stop
debating ideas and start conspiring against the public.

FRANKEN (voice-over): But reaction is all over the place. Remember the
blue dogs, those Republicans and Democrats who have gotten together
periodically to push balanced
budgets? Well,
they are happy with this deal even before it is a deal.

BILLY TAUZIN, (R) CONGRESSMAN, LOUISIANA: There is extraordinary
excitement within the whole Republican
conference,
as there is among those on the Democratic side, who have been urging the
president to come to agreement on a balanced
budget
with real tax relief for Americans.

FRANKEN (voice-over): As for Republican leaders, they are presenting this
as a victory for their side.

BOEHNER: We have never given up on this fight. We have stayed at it and
after two and a half years, we've finally gotten
there we
think and we hope.

(END VIDEOTAPE)

FRANKEN: What Republican leaders and the White House hope is that they can
isolate the naysayers. The president's
problem is his
naysayers are the congressional leaders of his own party. Judy?

WOODRUFF: All right, Bob Franken at the Capitol, thank you. Across the
Atlantic, there is about one more hour left to
vote in
Britain's national election. We have been following the race
because
it may lead to an historic power shift from the conservatives
to the
Labour party, and because there are some parallels to U.S. politics.
From the British point of view, here's the top of an ITN
television
newscast that aired earlier today.

(BEGIN VIDEO CLIP)

ANNOUNCER: From the studios of ITN, the news, with John Suchet.

JOHN SUCHET, NEWS ANCHOR, ITN: Good evening, just over four hours to go and the nation will have decided which party is set to take Britain into the next millennium. Forty-four million people are giving their verdict after the longest election campaign in living memory.

Tough new security measures are in place to prevent any IRS attempt to sabotage the vote. The sunny weather has brought out the voters. Polling has been brisk all day. Our political correspondent Jackie Ashley reports.

JACKIE ASHLEY, REPORTER: It was an early start for Paddy Ashdown, strolling through the Somerset countryside with his wife, Jane and dog, Luke, to cast a vote and a proxy vote for their daughter, Kate, who's in France, and has just made the Ashdowns grandparents.

John Major was with Norma and his Cambridge constituency, voting at the polling station just a short trip from their Huntingdon home. They emerged together with son, James, for yet another photo call. Polling was a family affair, too, for the Blairs. The Blair children, Euan (ph), Nicky (ph), and Catherine, who have been kept out of the limelight during the campaign, had a quick lesson in helping the photographers.

The good weather has encouraged a high turnout, so far. There are 3,720 candidates standing for 659 seats. That's eight more than last time. Security was tight with policemen posted at polling stations to try to ensure there was no terrorist disruption of election day.

In Northern Ireland, it was even more in evidence with armed guards on duty. There was some unorthodox ways of getting to the polls. A steam engine in Houghton and Sussex; on horseback to one of the smallest polling stations in the country, at Capel le Ferne and Wales, and floating voters, perhaps, from the Orkneys were

taking
the ferry to cast their votes.

WOODRUFF: An ITN newscast, that was, and you click on ITN's election web page for the very latest on today's vote in Britain. The web address is ITNELECTION.CO.UK. In London, as in Washington, politicians have their eyes on the polls, even on election day. We have averaged four of the final surveys taken before today's vote. Our poll of polls gives Labour a 15-point lead over the conservatives. It shows that the liberal, democratic party considerably farther behind. Our Bill Schneider is in Britain gauging voter sentiment for himself.

SCHNEIDER: Judy, there's a lot of excitement, here, over the prospect of change. Labour has been out of power in Britain for 18 years, as long as many first-time voters have been alive. Today, Britain may be about to do what Americans did in 1992, end a long period of conservative rule and take a chance on a fresh, young, untested leader.

(BEGIN VIDEOTAPE)

SCHNEIDER (voice-over): In the '80s, conservatives like Margaret Thatcher in Britain and Ronald Reagan in the U.S. came in and made sweeping changes. By the end of the '80s, the conservative revolutions in both countries had run out of steam. Thatcher was replaced by John Major, Reagan by George Bush. The economy faltered, voters seemed ready for change. But Britain and the U.S. parted company in 1992. Americans threw Bush out, the British kept Major in. What happened in Britain was more or less what would have happened if Americans had re-elected Bush in 1992.

British voters are sick and tired of the conservatives. They have been in too long, there's too much sleaze. It's time for change. The conservatives are bitterly divided over Britain's role in Europe. It's turned into a civil war and John Major is the victim.

HUGO YOUNG, POLITICAL COLUMNIST, THE GUARDIAN: He has survived as prime minister -- survived as party leader.

In what -- in my memory, without question, the most hostile environment, the greatest sabotage from his friends of any prime minister in living memory.

SCHNEIDER (voice-over): The conservatives are so discredited, they can't even rely on a strong economy to save them. Their only hope is that fear of Labour will deliver them once again.

MAJOR: Their policies can only make you worse off, don't risk it.

SCHNEIDER (voice-over): But Tony Blair seems to have convinced British voters that, what he calls, the new Labour party, is truly new. When Americans elected Bill Clinton in 1992, they thought he was a new Democrat. But after a tax hike, gays in the military, and health care reform, Americans doubted he was the real thing and repudiated him in the 1994 mid-term.

Blair has spent the last three years proving that he is the real thing by ruthlessly modernizing the British Labour party. That meant convincing voters, Labour is no longer the party of big government.

TONY BLAIR, LABOUR LEADER: The change that has happened in the Labour party is entirely beneficial. It's not been discarding traditional Labour beliefs, that you have to help those in society. We're putting forward proposals to do that, but we're doing it within the context of developing a strong, enterprising base to the economy.

SCHNEIDER (voice-over): In the end, Clinton convinced Americans he was a new kind of Democrat and won re-election. But Blair did more than that. He convinced the British that Labour was a new kind of party, and that he was in complete control. The Labour campaign reinforced that message.

It was a very un-British campaign -- full of sound bites, spin doctoring and rigid control of the message from party headquarters. British journalists denounced this campaign as too Americanized, but it worked. Labour has come across as tough, disciplined

and
capable at last of running the country.

(END VIDEOTAPE)

SCHNEIDER: The big question, here in London tonight, is how big a majority Labour will get. If the polls are right and Labour wins a historic majority, Blair must have to keep his government from overreaching. After all, Labour is winning this election by playing it safe and offering voters as little change as possible. How's this for an oxymoron: a sweeping majority for modest change. Judy?

WOODRUFF: Bill Schneider in London. Ahead on INSIDE POLITICS, did the GOP undercut Bob Dole's presidential bid in its drive to keep control of Congress? We'll discuss that and other aspects of Campaign '96 with journalist Elizabeth Drew.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

HALEY BARBOUR, FORMER RNC CHAIRMAN: Of course, at the ballot box, our success was that we won back-to-back majority in both houses of Congress, and now I have 32 Republican governors as compared to 17 just four years ago. Biggest failure for us, again, at the ballot box, is we didn't win the White House.

(END VIDEO CLIP)

WOODRUFF: That, of course, was former Republican party chairman Haley Barbour talking about the 1996 election. Joining us, today, a veteran observer of the U.S. political scene. She is journalist and author Elizabeth Drew and she had a unique perspective on the '96 campaign in her new book "Whatever It Takes." Elizabeth Drew, thank you for being with us.

ELIZABETH DREW, AUTHOR, "WHATEVER IT TAKES":
Thank you.

WOODRUFF: Elizabeth, did the Republicans think that holding on to the House of Representatives was more important than the White House and therefore, focused most of their energies on the House?

DREW: Well yes, in the end, they did. What I found when I was looking at this -- and this is beginning in '95, there's a whole force in American politics -- I don't think people know very much about it -- coalition of groups on the right.

And it involved some people, that people have heard of, like Ralph Reed, some people they don't know so much about, Grover Norquist, who put together this coalition, and their whole point is that the real power in America, the real political power is not in the presidency, it's in the House of Representatives.

And their goal was to be sure to maintain Republican control of the House. In the end, they were joined in this by Haley Barbour when some very crucial decisions had to be made. When it looked as if Bob Dole's inept -- let's face it -- campaign was getting in the way of their greater goal, they threw him overboard in a, really, very blood thirsty -- blood curdling way.

WOODRUFF: Do you think that the outcome of the election would have been different if their focus had been different it?

DREW: No, well, if it had been less on the House, they might have lost the House. I think that there was no way that they could have done enough to save Bob Dole. It was when they really felt that there was no saving him and beyond that, that he was hurting, the attempt to maintain control of the House -- that they took specific action that were against what he wanted and against his interests, in order to reach their most important goal.

WOODRUFF: Some of the most interesting material in your book has to do with the soft money that was raised, not so much by the presidential campaigns, but by the four congressional campaign committees. Talk about what you learned and wrote about here.

DREW: Well, the focus has been, of course, on the raising of soft

money, that is otherwise illegal, unlimited contributions by individuals, corporations, and unions -- that, raised by the national committees.

What I found was that the four congressional campaign committees -- Senate, House, Republican and Democrat -- were all not only raising soft money, but walking right up to the edge of the law, if not over it in the same way that it appears that the presidential candidates campaigns might have done. Soft money is, you know, is to be spent for party building activities: balloons, buttons, get out the vote...

WOODRUFF: Supposed to be.

DREW: ...supposed to be, and primarily state party activities. But just as the Clinton/Gore and the Dole campaigns were spending soft money on ads that were to help their candidates, writing the ads in Washington, getting them in the state, so were, the first time, these four campaign committees. They would make the ads in Washington. They would put a combination of hard and soft money, send it into the states and say, oh, this is issue-advocacy. This is -- this is not a political ad.

WOODRUFF: How much did they raise and why were they able to get away with it?

DREW: The full numbers on how much they raised, you can't really tell. They raised quite a bit. But they got away with it because soft money is a loophole in the law, and Janet Reno, at this point, doesn't think it's governed by the campaign finance laws. Raising it wasn't so new, it was the way they spent it, specifically, to help their own candidates. And in the end, they did it on a nationwide ad, that said in effect, forget Bob Dole, let's reelect a Republican Congress.

WOODRUFF: And -- and, again, you're saying they were able to get away with it because people were so focused on the

presidential
campaign?

DREW: Yes, people weren't really looking. Most people were focused on the presidential campaign, which they were accurately calling, boring. But I noticed this other thing going on and I started talking to people. And late in 1995, I talked to a key Republican operative and I said, looks to me like you're much more interested in maintaining the Republican House than the presidency. And he said, I was waiting for somebody to figure that out, and that's how I followed it -- and through this coalition of utterly fascinating people on the right.

WOODRUFF: One last thing I want to ask you about that's fascinating in this book and that is, the president -- the problems the president was having with campaign fund-raising scandals hurt the Democrats in the House of representatives?

DREW: Well, I think that, that made the difference between whether there was a Democratic House or not. I think I prove that the Democrats had the House pretty much in hand about ten days before the election. And then there was day after day of these stories. John Huang, where's John Huang, who was in the White House 65 times -- all these things. Clinton did not respond. Later, he privately said to his aides, well, perhaps he should have. And the voters took this out, ironically, on him, but on more on the Democrats in the House.

That's because they were hearing Democratic party, Democratic party, and numbers showed that the Democratic party standing on ethics went down 15-points in the last 10 days before the election. Clinton has himself to blame for the fact he's facing two hostile investigations.

WOODRUFF: A lot of irony here -- a very interesting book. Elizabeth Drew, thank you very much. Coming up next, our political career corner of sorts. We will check in with Senator,

turned citizen,
turned Washington lawyer, Bob Dole. And he's had quite of a
ride
during his quarter century in the Senate. How long does Jesse Helms want
to stay on the job?

(COMMERCIAL BREAK)

WOODRUFF: For breaking political news and in-depth analysis, go to the CNN
time web site "All Politics" at ALLPOLITICS.COM, the place for politics on
the web.

Jesse Helms won a fifth Senate term just last year, but the
North
Carolina Republican senator, already, has formed his
reelection
committee for 2002. It may be just a technicality to allow
Helms to
retire his campaign debt. If he runs in 2002, he'll be 81 years old.

And finally, Bob Dole reported to work, today. He took up
his new
post as special counsel for the the Washington, D.C. based
law firm
of Verner, Liipfert (ph), Bernhard, McPherson & Hand. The
firm
will throw a gala party welcoming the former Republican
presidential
candidate, next week.

And that's all for this edition of INSIDE POLITICS. I'm Judy Woodruff.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: mmb3@ix.netcom.com (mmb3@ix.netcom.com [UNKNOWN])

CREATION DATE/TIME:28-MAY-1997 21:06:29.00

SUBJECT: Fwd: Case Alert, May 29

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[206.184.139.15])

by ixsrsl.ix.netcom.com (8.7.5/SMI-4.1/Netcom)

id RAA29720; Wed, 28 May 1997 17:02:29 -0700 (PDT)

Received: from weblaw.vip.best.com (weblaw.vip.best.com [206.184.204.185])

by proxy4.ba.best.com (8.8.5/8.8.3) with SMTP id NAA24541; Wed, 28 May 1997
13:35:03 -0700 (PDT)

Date: Wed, 28 May 1997 13:35:03 -0700 (PDT)

Message-Id: <199705282035.NAA24541@proxy4.ba.best.com>

X-Sender: callaw@best.com (Unverified)

X-Mailer: Windows Eudora Light Version 1.5.2

Mime-Version: 1.0

Content-Type: text/plain; charset="us-ascii"

To: cases@callaw.com

From: Cal Law <cases@callaw.com>

Subject: Case Alert, May 29

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BANKRUPTCY

In re Ambanc La Mesa Limited Partnership

Unsecured claim is paid interest before any equity reverts to bankrupt
debtor when "new value" contributed by former equity holders is de minimis.

GOVERNMENT LAW

Legal Services of Northern California v. Arnett

Community legal services provider not deprived of rights under Older
Americans Act when state agency awards grant to rival applicant when
provider was not among intended beneficiaries of grant.

CIVIL LITIGATION

Offshore Sportswear, Inc. v. Vuarnet B.V.

Party whose action is dismissed without prejudice to enforce forum
selection clause may not refile and relitigate same issue.

Primus Automotive Financial Services v. Batarse

Order imposing sanctions against attorney must be based on explicit
finding that attorney's conduct constituted bad faith when court relies on
its inherent powers.

CRIMINAL LAW

United States v. Romeo

Acquittal on charge of possession of marijuana with intent to distribute
precludes retrial on charge of importation of marijuana where knowledge of
drugs was only contested issue in possession charge.

GOVERNMENT LAW

Williams v. Babbitt

Reindeer Act of 1937 does not prohibit non-natives in Alaska from owning,
importing, or selling reindeer.

California Courts of Appeal

CRIMINAL LAW

People v. Hernandez

Court abuses its discretion by admitting crime analyst's testimony
concerning her data base search on computer containing police report data
regarding sex crimes. (Fourth District)

People v. Mendoza

Evidence of voluntary intoxication not admissible to disprove intent
element of aiding and abetting. (Sixth District)

Disbarment recommendation of hearing judge supported by the record.

A California National Guardsman who was dismissed after he revealed he was gay has filed suit in state court seeking reinstatement, back pay, attorneys' fees, and a permanent injunction against enforcement of the 'don't ask, don't tell' policy. Attorneys for Andrew Holmes, who also has

a pending federal suit, said the state action depends on the California Constitution and California statutes. (Daily Journal)

Conroy Jury Returns Mixed Verdict

A Sacramento jury found former Assemblyman Mickey Conroy and his top aide inflicted emotional distress on an office assistant, but rejected her claims of sexual harassment and battery. The jury awarded \$386,000 in damages to Robyn Boyd, who spent a year working at the Assembly as a \$6-an-hour aide. Boyd's attorneys said they would petition the court to force the Assembly to pay over \$600,000 in legal fees. Meanwhile, Conroy's attorney says the decision vindicates his client, and said he would be able to reduce the emotional distress award. (Los Angeles Times)

L.A. to Pay \$1.4M to Accident Victims

The Los Angeles City Council agreed to pay \$1.4 million to the family of three brothers killed when their pickup truck was hit by a police car speeding to the scene of an accident. A lawyer for the family, whose original settlement demand had been \$10 million, said he was concerned about taking his case to trial because of fears that a jury would be biased against his clients because they were immigrants who only spoke Spanish. City Councilman Richard Alarcon said he, too, feared a jury trial because of a tendency for juries to hit municipalities with big judgments. (Los Angeles Times)

The items above are based on articles in today's editions of the specified sources.

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-----End forward message-----

M

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: sollner@bbtel.com@INET@LNGTWY (sollner@bbtel.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 8-JUN-1997 16:43:25.00

SUBJECT: Re: Arthritis

TO: Francis X. Kinney@EOP (Francis X. Kinney@EOP [ONDCP])

READ:UNKNOWN

TEXT:

hey raunch--i've got an idea. why don't you surface general violence's name for Ch, JCS? he could come out of retirement after fighting the drug war and he could take on the morality war/gender war now facing our troops all over the world. he might implement the don't ask, don't tell policy and apply it to heterosexual relations...are you married sweetie? none of your damn business! Yeah, that's the ticket.

if i come to DC can you help me get laid...i should be officially divorced by then....single or divorced female with large breasts should about do me right. have you talked with taf yet?

how did gen ralston's 13 yr old affair arise in 1997 anyway? had to be a woman in my estimation who back-stabbed him. later. guano=====

ATTACHMENT 1

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08 Jun 1997 16:37:28 -0500 (EST)

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id <01IJU4O2Y6E80019E2@PMDF.EOP.GOV> for Francis_X._Kinney@oa.eop.gov; Sun,

08 Jun 1997 16:37:26 -0500 (EST)

Received: from bnllc2.blue.net by gatekeeper.eop.gov;

(5.65v3.2/1.1.8.2/17Oct95-0424PM) id AA14861; Sun, 08 Jun 1997 16:37:24 -0400

Received: from bnllc2.blue.net (bnllc2.blue.net [206.65.217.254])

by bnllc2.blue.net (8.8.5/8.8.5) with SMTP id PAA07468 for

<Francis_X._Kinney@oa.eop.gov>; Sun, 08 Jun 1997 15:37:30 -0500 (CDT)

X-Sender: sollner@bnllc2.blue.net

===== END ATTACHMENT 1 =====

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CREATION DATE/TIME: 9-JUN-1997 07:57:05.00

SUBJECT: NBC: Meet The Press, 6/8/97

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READ:UNKNOWN

TO: Loree_K._Sutton@oa.eop.gov (Loree_K._Sutton@oa.eop.gov [UNKNOWN])

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TO: Jake_Siewert@oa.eop.gov (Jake_Siewert@oa.eop.gov [UNKNOWN])

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TO: Jessica_B._Vogelson@oa.eop.gov (Jessica_B._Vogelson@oa.eop.gov [UNKNOWN])

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TO: Megan_C._Moloney@oa.eop.gov (Megan_C._Moloney@oa.eop.gov [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: TABERSKI_D@a1.eop.gov (TABERSKI_D@a1.eop.gov [UNKNOWN])

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

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READ:UNKNOWN

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READ:UNKNOWN

TEXT:

Message Creation Date was at 9-JUN-1997 07:49:00

NBC "MEET THE PRESS"
WITH HOST: TIM RUSSERT
AIRED ON SUNDAY, JUNE 8, 1997
GUESTS: REPRESENTATIVE KAY HARMAN (D-CA),
REPRESENTATIVE STEVE BUYER (R-IN),
JACK KEMP

MR. RUSSERT: And with us, two important members of the House National Security Committee, Democrat Jane Harman, Republican Steve Buyer. Welcome both.

REP. BUYER: Thank you.

MR. RUSSERT: Congressman Buyer, you're the chairman of the Military Personnel Committee. Let me start with you.

REP. BUYER: All right.

MR. RUSSERT: Should General Ralston be disqualified to be the number one military man in the country because he committed adultery 13 years ago.

REP. BUYER: Well, be disqualified--first of all, let me tell you that this is a gentleman that has 32 years of an honorable service. He should remain as the vice chairman of the Joint Chiefs of Staff. I believe that there's been such a cloud created in this climate, as we're looking into the

issues of sexual misconduct, that it would be very difficult for him to be confirmed before the United States Senate.

MR. RUSSERT: Congresswoman Harman?

REP. HARMAN: No, he should not be disqualified. That doesn't mean that Secretary Cohen should recommend him or that the president should nominate him, but certainly I see nothing in his record in terms of violating Section 134 of the Uniform Code of Military Justice that would disqualify him from being recommended and nominated.

MR. RUSSERT: Why is adultery perceived as such a serious offense by the military, Congressman?

REP. BUYER: Well, I think it still is an offense because of the issues of fidelity. Someone begins the military with an oath, and that oath is to lay down their life to defend the Constitution and the liberties and freedoms that we have.

What it begins with fidelity is that commitment, and you have to depend on someone's word as your honor, as your bond in the military, and special trust and confidence does not come with the rank. Respect does, but it's earned, and it's earned by setting the example in your bearing and by your actions. And so when there's--any slightest transgression begins to undermine that special trust and confidence, and that's why it's still an issue in the military.

MR. RUSSERT: Congresswoman Harman, Lieutenant Kelly Flinn has written in this week's "Newsweek" that there's a double standard, that she was driven out of the Air Force because she committed adultery, and here comes General Ralston. Because he's one of the good old boys, he's going to be promoted.

REP. HARMAN: Well, I disagree with that. There may be a double standard in some places, and I applaud Secretary Cohen for setting up a new commission to look at that--and, by the way, our subcommittee is also looking into that.

But the Flinn case and the Ralston case are totally different. Flinn committed adultery according to the Uniform Code of Military Justice, but, more important than that, she disobeyed orders and she lied and she was involved in something called fraternization. Those aren't present in the Ralston case, and the standard is--has to do with good order and discipline. If you commit some sexual act that interferes with that, that's when you're charged with adultery. If you don't, you're not, and I don't think people's personal sex lives should be any business of the military if they don't interfere with good order and conduct, and I don't want us to change that standard in the military, in Congress, and in public life. It's not fair to women, men, gays, lesbians, anybody. It should be irrelevant.

MR. RUSSERT: So what you do in your private life, even if you're in the military, should not impede your career as long as--

REP. HARMAN: It does not interfere with good order and discipline in the military. We're building a war machine here. It's not a social club. And obeying commands is the central factor in making that war machine work. You can't lie. You can't not follow commands, direct commands. That's what Kelly Flinn did. That is why she should have been disciplined, and a general discharge, in my view, was the most lenient treatment, under the circumstances, that she should have received.

MR. RUSSERT: Now, in 1995, Lieutenant General Thomas Griffith was relieved of his duties by General Ralston because Griffith committed adultery with a civilian. Shouldn't Ralston have then come forward and said, "Oh, by

the way, I'm in the same boat you are"?

REP. HARMAN: No, because Griffith, presumably, met the standards for committing adultery under the Uniform Congress. Ralston didn't. I don't think we have an obligation--I don't, Steve doesn't, you don't--to come forward and tell everybody every detail of our private lives if it doesn't bear on our professional work, and I don't think Ralston's did.

MR. RUSSERT: Good order and discipline, Congressman Buyer. What does that mean?

REP. BUYER: Well, I think good order and discipline comes from the customs and traditions of the military. You know, in order to have someone to follow an order and to go take a hill, even knowing that people are going to die, is a requirement of discipline to do that.

Sometimes it's difficult for people that have never been in the military to then--they can only apply what they presently know when they try to compare the military judicial system to the civilian system, and you can't really do that.

And when you talk about good order and discipline in the military, it's so different. And I have to applaud the secretary of Defense by trying to create distinctions, because the military isn't interested in getting into the bedroom of the military personnel. It's only when their private sexual behavior undermines the good order and discipline of the service, meaning it begins to draw it down.

And I believe, though, Tim, it is acceptable of the American people to expect a higher standard out of the military. We don't want to lower the ceiling. We do, in fact, want high standards, and that's why I anticipate General Ralston to withdraw.

MR. RUSSERT: Well, but if General Ralston had an affair with a civilian 13 years ago--

REP. BUYER: Yes.

MR. RUSSERT: --how does that affect good order and discipline in your mind? REP. BUYER: Well, it can--because, in fact, he's going to be the highest

ranking military officer at a time when myself, Jane Harman, Tillie Fowler are involved in the Congress in trying to clean up these issues of sexual misconduct, fraternization, sexual harassment, the issues of gender-integrated training versus segregated training. It's all very cloudy, it's difficult, and I think having a cloud over the head is not good. He needs to set the example.

The military look up the chain all the way to the president, and that's what makes this all very difficult, even when the president has his baggage.

REP. HARMAN: But let me say here it's important for us to study the facts in each case and to understand how they apply to the law. About half the Congress are lawyers. We're lawyers, and we're being careful here, and the rest of Congress and the press and folks out there need to be careful, too, because a lot of good people are going to be hurt, and there is not a direct relationship--I know Steve agrees with me--between what's going on in the sexual misconduct area and this move to roll back gender-integrated training.

My view is that that will seriously hurt women and hurt our ability to advance in the military. It's the wrong idea, and it certainly is not the solution for this problem.

MR. RUSSERT: One of the arguments being raised on this whole issue is there has never been a general or an admiral court-martialed in the Air

Force for

adultery, but this past year, 163 lower military officers have been court-martial, that there is a class or a generational situation where those on top get away with it, those on the bottom are prosecuted.

REP. HARMAN: Tim, actually no one--one person, one male, has been court-martialed for adultery at all in the last several years. All of the court-martials--I have the figures here from the Air Force--involved additional

allegations. That was the Kelly Flinn case, should she have been court-martialed.

But that doesn't happen, and the treatment of women in terms of the military justice system recently is more lenient than the treatment of men, according to the Air Force statistics.

MR. RUSSERT: Should there be a single standard for admirals and generals--

REP. HARMAN: Yes.

MR. RUSSERT: --as well as--

REP. HARMAN: All the way up and down the chain, one standard for men and women.

MR. RUSSERT: Isn't that the complaint--

REP. BUYER: See, I disagree with that. I disagree with that, because the military justice system is set up in a process of rehabilitation. There are so many different avenues that a commander can choose, from administrative law, nonjudicial punishment, to court-martial, and we are more lenient on our junior enlisted and our junior officers. We recognize they'll make mistakes. We are tougher on our senior NCOs and our general officers. You can take someone who's the chief executive officer of a major company in the United States who commits adultery, they're going to remain. We end their careers in the military.

The chain of command--a lot of what you're seeing right now getting on to the front page, a lot of different cases with regard to sexual misconduct, it's there because the chain of command is working, and that's the compliment of the system. So I don't want this one-size-fits-all that you mentioned.

MR. RUSSERT: You want a tougher standard for those on top.

REP. BUYER: Yes, I do.

MR. RUSSERT: But you believe that General Ralston should withdraw his name.

REP. BUYER: Yes, I believe, in fact, he should.

MR. RUSSERT: Congressman Harman, will you fight for General Ralston? REP.

HARMAN: Well, I think he's voluntarily going to withdraw his name for the good of the country, and I'm sad to see it, but I applaud him for his selflessness.

But I was defending, and I still do defend, Secretary Cohen's right to recommend and nominate him if Secretary Cohen decides to do that.

MR. RUSSERT: There's been a lot of discussion about this new 800 number that

has been established by the military--

REP. HARMAN: Yes.

MR. RUSSERT: --for people to call in cases of sexual abuse. Is that telephone hotline being misused?

REP. HARMAN: Well, it's a mixed bag. A lot of people have come forward who might not otherwise have come forward, but the problem is that allegations are being treated as true, and that's not a good idea. Due process is important, and we've seen that a lot of these allegations are not true.

And so we have to, all of us, and I think that Congress can take the lead if we're responsible about it, know our facts, and know the law, move forward together carefully to study the situation, and in this connection I applaud Bill Cohen again for setting up these commissions to help us do that.

REP. BUYER: The purpose of the hotline was that many of the victims at Aberdeen did not have an avenue to report their crimes. They were victims. They didn't have a source that they could turn to.

REP. HARMAN: Well, they did have an avenue, but they didn't trust it. REP.

BUYER: Well, that's true. That's true. Because, in fact, the chain of command was, in fact, involved--

REP. HARMAN: Yes, they were abusers. Right.

REP. BUYER: But there will be a time, and hopefully by this fall, that we will no longer need the 800 hotline number, so by this fall we should no longer have that, and the chain of command and those other resources should, in fact, be working.

MR. RUSSERT: Congressman Buyer, a friend of mine who served in the military said, "Listen," to use Congresswoman Harman's phrase, "this is a fighting machine. We want macho warriors out there defending our country. And sometimes

these guys are going to behave in a way that just is, quote, human." Why should they be drummed out of the military for indiscretions like that?

REP. BUYER: Well, I've been in the military now for 17 years. I'm a major in the United States Army Reserves, and I think that many of them in the military understand the purpose of the military is to fight in the nation's wars and to kill and break things, and that there are some things which we're doing in our own bill that we just marked up. We're going to look into the issues of basic training. We're getting complaints from officers and NCOs in the field that it's becoming too soft, and that we want more rigorous training and that's my point on it.

REP. HARMAN: Women are warriors, too. Some of our best and brightest in the military now are female, and let's remember we could not have an all-volunteer force if we didn't include the best and the brightest women in it.

MR. RUSSERT: There's a suggestion that has been made by William Safire, the conservative columnist, that the policy towards heterosexuals should be the same as homosexuals--don't ask, don't tell--in effect decriminalizing adultery in the military.

REP. HARMAN: I said that earlier. I think that the standard ought to be conduct that affects the morale and discipline of the force, and it shouldn't be orientation.

And I think our don't ask, don't tell policy, the way it has been articulated, is unconstitutional. I've been saying that for four years.

MR. RUSSERT: Would you be in favor of decriminalizing adultery in the military?

REP. HARMAN: I'd be in favor of only policing conduct, and I think in the way you mean it, it isn't criminal to have had--under the Uniform Code of Military Justice--to have had an affair with a married person. You have to also have engaged in conduct that affects morale and discipline of the force.

MR. RUSSERT: With Congress--or with General Ralston apparently out, who would you suggest might be the next chairman of the Joint Chiefs of Staff?

REP. HARMAN: Somebody terrific, and I want Bill Cohen to look among the

best and brightest senior people in the military, and I'm looking forward to a very

strong choice. I think Bill Cohen is a very strong choice.

MR. RUSSERT: Any names?

REP. BUYER: No, I don't want to drop names. There are a lot of very fine officers which we work with.

MR. RUSSERT: That has to be the last word. Congressman Buyer, Congresswoman Harman, thanks very much for joining us.

Coming next, what does Jack Kemp think of all this? And the Republican Party battles over trade, issues, taxes, race, and more.

(Announcements.)

MR. RUSSERT: Welcome back. Joining us now, Jack Kemp. Welcome.

MR. KEMP: Thank you, Tim.

MR. RUSSERT: You're President Kemp, and this problem is now on your desk.

The secretary of Defense recommends General Joseph Ralston and says, "I want him to be the chairman of the Joint Chiefs of Staff. He's the best man for the job, but you should know, Mr. President, 13 years ago he had an affair. Should he be disqualified?"

MR. KEMP: On the surface, no. Given the circumstances today, it should be reviewed by Bill Cohen, and I believe it is being reviewed by Secretary of Defense Bill Cohen, who happens to be a very good friend of mine, and I was particularly pleased today to see that he has appointed Nancy Kassebaum, Senator--former Senator Kassebaum, to head up a study and review of this very vexatious and troubling question.

So in my opinion, it may be moot, because in the paper this morning, the indication is that General Ralston may not move on to become chairman of the Joint Chiefs of Staff.

But he is a fine man. I think most men and women of good will want to see standards in the military, want them applied without discrimination, want them to be applied irrespective of gender or rank.

But, obviously, this is under review by the White House, I'm sure, as it is under Secretary Cohen.

MR. RUSSERT: But, as president, would you say we're going too far, that someone who made--

MR. KEMP: Okay. Excuse me for interrupting the question, but I think most people look at the morale of the services, recognize that there is a very severe morale problem in the military today, and I think it was a wise thing for Bill, as I suggested earlier, to set up this review both of the Uniform Code of Military Justice as well as how it's being applied, and, clearly, without putting myself in the office of the president right now, I would say that we ought to make sure that we get the very best men and very best women and the issue of General Ralston must be decided between Cohen, the White House, and Ralston himself.

MR. RUSSERT: There has been a suggestion that those of lower rank have a different standard than those of higher rank, that those of lower rank are prosecuted, those of higher rank are, until very recently, kind of wink and it goes away.

MR. KEMP: That would be wrong. That would be wrong. There are some men in high rank and perhaps some women in high rank who there has not been any winking or letting it go away.

Look, we need standards. There has to be a code of conduct. There has to be discipline. You have to follow orders, and maybe this is coming to the surface today to help us reconsider some of the things that have happened in the military--the downsizing of the military. I would make a case that

we've gone too far, and I would also make a case that, as Congressman Buyer pointed out, this should be reviewed by the Congress, as his committee is doing. I thought he and Jane handled it the correct way, suggesting that between the secretary of Defense, Bill Cohen, as well as the Congress, it is time to look at, a, the standards, the conduct, the Uniform Code of Military Justice as well as joint training between men and women. It may be time to look at this from the standpoint of what it's doing to the morale of the men and women in the military.

MR. RUSSERT: Someone supportive of General Ralston said to me last week, "Listen, why is it fair to have a different standard for the commander-in-chief than we have for the chairman of the Joint Chiefs of Staff when it comes to sex?"

MR. KEMP: Well, the standards should be there, and, clearly, the American people in our democracy make the judgment as to whether, democratically speaking, a commander-in-chief can serve as president, or vice versa. Clearly in the military, you have to have--it's not democratic. You can't have a military that votes on who's going to become the chairman of the Joint Chiefs of Staff. And, clearly, there is a separation, albeit that's a decision for the American people to make.

MR. RUSSERT: An issue confronting President Clinton: The disaster relief bill. The Republican Congress has sent a bill providing money to help the poor people whose houses have been devastated by floods out in the Great Plains--

MR. KEMP: Yeah.

MR. RUSSERT: --but they tacked on other legislation. One about preventing a government shutdown so they're not blamed the way they were last time when the government shut down, and, second, legislation which says that you cannot sample in the 2000 year census to find minorities in cities who normally wouldn't be counted because they don't have telephones listed or address listed, and so forth.

Why won't the Republican Congress give the president a clean bill so that money can go to the people who need it and not play politics by tacking on this other legislation?

MR. KEMP: Well, with all due respect, I've never seen a bill come out of the Congress that didn't have some so-called extraneous issues attached to it. There's money in there for Bosnia. The president wants that money, so he isn't bothered by that.

Clearly, with all due respect, the president should sign the bill. If he doesn't want to sign it, as Trent Lott said, I think, as recently as Friday, he would be willing to go back and look at the possibility of a compromise.

But if the president wants the disaster relief money, he also wants the money for Bosnia, he ought to sign the bill. And there's never--I can't imagine bills coming out of the Congress for appropriations that do not have what some consider extraneous, and, clearly, if the president doesn't like the attachment of a bill or a rider to prevent the shutdown, he ought to send it back to the Congress with a veto, and I think Trent Lott would send it right back and maybe remove that.

But it ought to be done, it ought to be signed, and the president's the one, in my opinion, who's playing the politics.

MR. RUSSERT: Why not set up four separate bills, one for disaster relief, one for Bosnia, one for the census--that's the fair way--

MR. KEMP: In an appropriation process, being an old member of the Congress for 18 years, I do not know many appropriation bills that have ever been

sent

totally clean to the president. They always have some issue that some would say is extraneous, but I would make the case that we shouldn't be taking the census by a computer, irrespective of the--you mentioned the minority count. It is not the minorities. It is counting people for congressional districts and in the census, and it shouldn't be done by computer, according to law, a. B, there is, as I said, money in there for Bosnia, and, I think, money for flood relief in North and South Dakota. The Midwest is very important.

But it should be signed by the president, and if he doesn't like the effort by Trent and the Congress to prevent a shutdown, he ought to tell us why. He told us he never wanted to shut the government down again. Why doesn't he just sign the bill that would provide 100 percent funding in a continuing resolution to keep the government open?

It seems to me he is the one playing politics, not Senator Lott.

MR. RUSSERT: So you're against the Census Bureau using a sampling to make sure every minority member of an American community is counted?

MR. KEMP: Oh, I think every--look, I don't think we should separate minority from majority. I think every American wants to be represented in his or her congressional district and wants to be represented in the census. I don't see it as a race issue. I see it as one in which we should not be taking the census by computers.

You put--excuse me--put wrong figures into a computer, you can come to awfully bad results, and there's the problem, I think, that has been addressed by Senator Lott.

MR. RUSSERT: Race in politics. As you know, the Democratic candidate for president has, over the last five elections, won 90 percent of the black vote, including the Clinton/Gore-Dole/Kemp race. The Republican Party has a problem--

MR. KEMP: Yes.

MR. RUSSERT: --with black voters. This year, a problem with Hispanic voters, which I want to get to, but first, let's talk about the whole issue of race and affirmative action.

The state of California and the state of Texas ended affirmative action for college and law school applications. This year at California-Berkeley, California-UCLA law schools, the number of black students in the fall class is

down 80 percent--

MR. KEMP: Right.

MR. RUSSERT: --the number of Hispanics, 50 percent.

The University of Texas, which usually had 40 blacks in every class in law school--more black lawyers have come out of the University of Texas than any school in the country--this fall, zero blacks enrolled.

MR. KEMP: Yeah.

MR. RUSSERT: That is the result of the affirmative action policies in California and Texas.

MR. KEMP: Well, it was the Fifth Circuit--it was the Fifth Circuit Court of Appeals that made the decision in the Hopwood case that is applicable to the University of Texas law school, and, of course, it was an effort by the regents to end a practice that they felt was egregious in terms of lowering the standards for some and not providing for the type of opportunity that would open up a greater playing field for men and women of minority background to go to law school either at the University of California or Texas. First of all, let me say I believe it's a tragedy.

The 80 percent dropoff in black enrollment and Hispanic enrollment both in Texas and at California is a tragedy for our country, not only for California and Texas.

We need a policy by which we can broaden the pool of qualified men and women and expand that pool in applying to law school or to the university throughout the graduate and undergraduate classes of the University of Texas and California.

So we need affirmative opportunities, we have to upgrade education at every level. I think we need a massive effort in this country to go back into education from K through 12, to raise standards, to provide more opportunity, to provide for better education. I believe that school choice in urban areas is absolutely essential to providing competition for the public schools, and that, in and of itself, in my opinion, would help establish a broader--I use the word "pool"--or a broader field from which to get qualified men and women to go to law school.

MR. RUSSERT: You say--

MR. KEMP: Or all--excuse me--all classes of higher education.

MR. RUSSERT: You say it's a tragedy, but isn't it a direct result of the kind of policies espoused by Governor Wilson--Proposition 209, which you supported during the campaign, which says race cannot be a consideration, period?

MR. KEMP: Look, in my opinion, and I've gotten in some hot water for saying this, I believe, as I said in California, that we should replace race-based--race-based--programs and quotas with affirmative opportunities in all fields, education, jobs, access to capital and credit, et cetera.

That's an extremely important thing, including school choice.

I would take it a step further. If you look at the criteria around which selections are made for college in America, whether it's California, Texas, or any college, I believe race can be but one--not the only one--it's not sufficient in and of itself, you don't pick somebody simply because of the color of their skin--

MR. RUSSERT: But it can be a factor?

MR. KEMP: --but I believe in order to reach a diversity and a broader base in the population of a college, it is essential to look at every part of an individual's background, including need, socioeconomic condition, and ethnicity and race, geography, age, and whether or not you're an alum or whether you played quarterback in high school for football, Tim.

MR. RUSSERT: You know, there was an interesting study done--

MR. KEMP: I didn't mean to treat that so cavalierly.

MR. RUSSERT: No, I understand that. In 1991, there were 3,485 blacks accepted into law school. If it had been strictly based on test scores and grade average and race was not a factor, there only would have been 687. And yet, of the 3,400 who got in, they had the same pass/fail rate in school and the bar exam as the white students.

MR. KEMP: Leading to?

MR. RUSSERT: The fact that race as a factor seemed to have worked in 1991 in terms of the quality of people who graduated from law school.

MR. KEMP: In some cases in California and Texas and according to the Hopwood case, it became the only factor. I'm suggesting it shouldn't be the only factor--

MR. RUSSERT: But a factor.

MR. KEMP: --it should be a factor, one of many.

MR. RUSSERT: But there's legislation in the Congress, the famous Dole-Kennedy Bill, which would say, "Race cannot be a factor," period.

MR. KEMP: It's too inflexible, in my opinion, but I agree with J.C. Watts, with whom I was discussing this the other day. We need an all-out effort to expand equality of opportunity throughout our society, particularly in urban America, so we don't have to come to a position where we have this Hopwood case in Texas, where the state of Texas was applying race as but one criteria. It should be one of many.

MR. RUSSERT: Another battle for the soul of the Republican Party, many are saying, the issue of trade.

MR. KEMP: Before you get to trade, you mentioned the Republican Party in the last five presidential campaigns getting but 10 percent of the black vote. That is not only a tragedy for the Republican Party, it is not good for our democracy. It is not good in our country and in our democratic ideal to have one party taking the minority vote for granted, which I contend the Democratic Party does, and the other party having written it off all too often, and it must not happen.

And as I have pointed out and as recently as our last campaign, my hope would be that by the turn of the century, half of all the black votes in America go to the Democratic Party, but the other half are going to the party of Lincoln and growth and opportunity to achieve their shot at the American dream. That would be good for blacks, minorities, and it would be good for my party, but more than that it would be good for the country.

MR. RUSSERT: But as long as your party says that race cannot be a factor at all--

MR. KEMP: Well, my party--there are some in my party that say that. There are a lot in my party who recognize that we should not be so inflexible that we cannot find a way to broaden this whole dream of what America should be--inclusive, not exclusive, and progressively conservative, not reactionary conservative.

MR. RUSSERT: You know, for this presidential election past, Hispanic voters went two to one for Clinton/Gore, the first time the Democrats have carried Hispanic votes in a presidential race, and yet there are some in your party--Pat Buchanan has said there should be a moratorium freeze on all legal immigration for the next five years.

MR. KEMP: Every study that I have seen and every recent study that I have been looking at gives strong empirical evidence and historical evidence to the contrary, that immigrants--legal immigrants here, we're talking about, not illegal immigrants, but lawful immigration, adds to our economy. Men and women who come to this country from Latin America or Asia or Europe or Ralston or Africa add that entrepreneurial spirit. In most cases, they come for their family, not for food stamps, and they're not coming for welfare, but for their children and the American dream, and it adds to the economy.

So I would make a case that Brother Pat is wrong. Flat-out wrong.

MR. RUSSERT: And for a Republican to be--

MR. KEMP: And it hurt us in the Hispanic community.

MR. RUSSERT: And for a Republican to be elected president of the United States, must you reach out to blacks and Hispanics?

MR. KEMP: Absolutely. Absolutely. Not only is our economy becoming much more diverse, but the demographics of every state south of the Mason-Dixon line, and then you can even say New York City or New York, as you are so well aware, require that a Republican Party seek every single vote of

every American and write off no one, and that, in my opinion, must never happen again.

MR. RUSSERT: Trade and China. Senator Jesse Helms, Congressman John Kasich, Congressman Bill Paxon, who replaced--sits in your seat in Congress, have all said no most favored nation trade status to China, primarily because of human rights violations, specifically 50 million Catholics in China who are prosecuted, many Catholic women forced to have abortions. Why should we trade with a country like that, is their argument.

MR. KEMP: First of all, I applaud their efforts to raise this issue to the level of politics where it can be discussed. It should be discussed, in my opinion. We should always be a country, as we have been in the past, to elevate the issue of human rights, the treatment of Christians, the treatment of the Catholic Church, the proliferation of arms, the intimidation of Taiwan, how they treat Hong Kong--those are big issues, and they are issues around which we should not close our eyes.

But all I'm saying is that most favored nation status, first of all, is a misnomer. As Bill Roth and Pat Moynihan pointed out, it's just normal trade relations. If we don't have so-called MFN, it goes to 60 percent tariffs, which is the old Smoot-Hawley Tariff Act.

Now, the issue of human rights should be fought out and an area in which we should express our concern through the U.N., through the World Bank, through the IMF, through our diplomatic relations with China. We should open up China to the extent that it is politically possible, and I believe that trading with China will undermine Beijing's rigid control over their people in the rest of the provinces as it has in Shanghai, Qangjo (ph) across from Hong Kong, and you cannot talk to a pro-democracy leader in Hong Kong--for instance, Martin Lee, who believes with all his heart--(clears throat)--excuse me--with all his heart to take away MFN at this point, as some are suggesting, it would hurt Hong Kong a lot more than it would hurt China. That would be not in our best interests.

MR. RUSSERT: Your friend Senator Helms has also suggested that Governor Bill Weld, Republican governor of Massachusetts, should not be the next ambassador to Mexico, and has said he will not even hold hearings on Governor Weld.

MR. KEMP: Well, that's disappointing. I disagree with Bill Weld on a number of issues, but he is eminently qualified. He is an outstanding governor. He speaks fluent Spanish. He was in the Justice Department. He has been a federal prosecutor. You don't have to agree with Bill Weld on everything to recognize that he is a patriot. He loves this country and he loves our relationship with Mexico. He's pro-trade not only with Mexico, but fast-track

status for Chile, which

I believe is very important, and I think this Congress, Republican, should give a Democratic president the fast-track authority to expand NAFTA into Chile, Argentina, Venezuela, Brazil, and if we don't, I can guarantee you the Japanese and the Europeans will be in those markets just as fast as they can.

So I think we do need somebody who understands trade, who understands Mexican-U.S. relations and how sensitive they have to be treated, who speaks Spanish, he's a Republican, and albeit you don't have to agree with him on every position to recognize that he would be, in my opinion, a very fine

ambassador--

MR. RUSSERT: So Senator Helms should give him a hearing and a vote, at

least.

MR. KEMP: Absolutely. Absolutely.

MR. RUSSERT: We have to go quickly, but taxes. Republicans in a big debate--

MR. KEMP: How can we go quickly?

MR. RUSSERT: Because it's Jack Kemp.

Republicans have agreed that they will cut taxes only \$135 billion over the next five years and find \$50 billion in other revenues to offset some of those costs. Should they be limited--should they stand by that agreement and limit taxes that amount?

MR. KEMP: Well, look, on that basis, they should stand by their agreement, but how you cut the tax rate can be estimated--and I have asked for a dynamic analysis of lowering tax rates, a dynamically--and analyzed balancing the budget they say would bring \$77 billion into the federal government over the next five years. They say it'll lower interest rates by two full percentage points.

Hey, don't people realize that every time we've cut the capital gains tax rate in this country, from Steiger in '78 to the Kemp-Roth-Reagan tax code of '81, revenues have gone up, the economy's expanded, initial public offerings

have gone skyward, and we would get

a muchly needed lowering of the cost of capital, and it's in the interests of the middle class.

The capital gains rate is not so much a tax on the rich--they're already rich, a, and, b, it is a voluntary tax that you don't pay unless you sell something.

MR. RUSSERT: Cut it to 20 percent or eliminate it?

MR. KEMP: Well, it should be eliminated eventually, but it should be cut to 20 percent and indexed both prospectively and retrospectively, and I would say if that's scored, it would pay for cutting the tax on the family in a permanent basis and repealing part of the inheritance tax, which overtaxes farmers and family businessmen and -women, and it's a shame in this country that we have a federal government that wants to confiscate a lifetime of work and earning and saving.

MR. RUSSERT: Before we go, big debate across the country. Timothy McVeigh. Should he get the death penalty?

MR. KEMP: Well, that is in the court. I'm not going to dodge it. I do believe in the death penalty. As far as I'm just off the top of my head, from what I know, having read the papers and watched television, the answer to that is yes, but I trust to the jury to come to the right conclusion and I will trust the system to come to the right conclusion as to how we can prevent this type of tragedy from ever happening again. So for a heinous crime like this, absolutely we need a death penalty. MR.

RUSSERT: And when will we know whether Jack Kemp's going to run for president?

MR. KEMP: Stay tuned. It'll probably be on this show subsequent to the '98 elections.

MR. RUSSERT: Now, Jim Kelly retired. The Bills are desperate for a quarterback. Any chance?

MR. KEMP: No, I've--I can't throw more than 25 yards, but I came here to set a spell.

MR. RUSSERT: (Laughs.) Jack Kemp, thanks very much for joining us.

MR. KEMP: Thanks, Tim.

MR. RUSSERT: Come back soon.

MR. KEMP: All the best.

END

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: BBerkman@dol.gov@INET@LNGTWY (BBerkman@dol.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:16-JUN-1997 09:02:38.00

SUBJECT: WHF Educational program on Monday 6/23

TO: Loree K. Sutton@EOP (Loree K. Sutton@EOP [ONDCP])

READ:UNKNOWN

TEXT:

Just a reminder that next Monday the WHF educational program has invited two speakers on gay and lesbian civil rights issues to address us at lunch.

Michelle Benecke, a lawyer, co-founder and co-director of the Servicemembers Legal Defense Network, will talk to us about the military's "Don't Ask, Don't Tell" policy (Secretary Cohen has recently decided to review that policy). Winnie Stackelburg, chief lobbyist for the Human Rights Campaign Fund, will speak more generally about the HRC's efforts on behalf of ENDA (federal legislation banning discrimination against gays/lesbians in employment) and other civil rights issues.

These speakers are very excited about the opportunity to address our group so it important that we make a good "showing." Various Fellows have expressed interest in these issues throughout the year so I hope you all will be able to attend. Call me if you have any questions. Joe should be getting you the speakers bios in the next day or two.

Brenda===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IK4UZRI1HC00341S@PMDF.EOP.GOV> for "Loree K. Sutton"@oa.eop.gov; Mon,
16 Jun 1997 08:59:14 -0500 (EST)

Received: from gatekeeper.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IK4UZOUWIO00359X@PMDF.EOP.GOV> for Loree_K._Sutton@oa.eop.gov; Mon,
16 Jun 1997 08:59:12 -0500 (EST)

Received: from GATEKEEPER.DOL.GOV by gatekeeper.eop.gov;
(5.65v3.2/1.1.8.2/17Oct95-0424PM) id AA17125; Mon, 16 Jun 1997 08:59:08 -0400

Received: by dol.gov (5.x/SMI-SVR4) id AA11261; Mon, 16 Jun 1997 08:54:49 -0400

Received: from unknown(166.96.250.74) by gatekeeper via smap (V1.3)
id smael1081; Mon Jun 16 08:54:27 1997

Received: by essmtp01.dol.gov with SMTP
(Microsoft Exchange Server Internet Mail Connector Version 4.0.994.63)
id <01BC7A34.4BD9BC20@essmtp01.dol.gov>; Mon, 16 Jun 1997 09:04:28 -0500
X-Mailer: Microsoft Exchange Server Internet Mail Connector Version 4.0.994.63

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: rbuhrke@acpub.duke.edu (rbuhrke@acpub.duke.edu [UNKNOWN])

CREATION DATE/TIME: 4-FEB-1998 20:09:31.00

SUBJECT: Internet privacy

TO: "+dist+~peha ("+dist+~peha/public/AAAS.dl"@andrew.cmu.edu [UNKNOWN])

READ:UNKNOWN

TEXT:

If you're interested in issues of privacy and the internet, you might be interested in this. This has come out of the Timothy McVeigh (not related to the OK bombing case) case where the Navy, with no evidence (no search warrant, court order, or whatever) called up AOL asking for the name of an account holder who they were trying to determine if he was gay. The Navy representative said he was an old friend (didn't identify himself as either with the navy or an investigator) and aol told him the name of the account holder. aol has since apologized for it's breach of confidentiality (the Navy, of course, has apologized for nothing). More important than the violation of the "don't ask, don't tell" policy is the violation of privacy, which is relevant to all. So if you're interested in internet privacy issues, here's something you may be interested in.

for more info on the case, contact me. for more info on the talk, see phone # below.

Robin

GAYLAW, Gay and Lesbian Attorneys of Washington, is sponsoring a program Wednesday, Feb. 4, called "Cyberspace: Privacy, Censorship, and the Gay and Lesbian Community." The program will feature panelists John Aravosis, who has advised Timothy McVeigh in his privacy concerns with America Online and the US Navy, Deirdre Mulligan, staff counsel to the Center for Democracy and Technology, and Cathy Renna of the Gay and Lesbian Alliance Against Defamation. The event starts at 7 p.m. at the Sumner School, 17th and M streets, NW. For more information, call 202-842-7723.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Slate Magazine <delivery@slate.com> (Slate Magazine <delivery@slate.com> [UNKNOWN])

CREATION DATE/TIME:13-APR-1998 14:05:38.00

SUBJECT: Today's Papers - April 9, 1998

TO: papers@microsoft.nwnet.com (papers@microsoft.nwnet.com [UNKNOWN])

READ:UNKNOWN

TEXT:

Today's Papers From Slate Magazine (<http://www.slate.com>)

Butt Heads Butt Heads

By Scott Shuger

The en masse defection of the major tobacco manufacturers from Congress' efforts at a settlement leads everywhere. The industry promises to immediately launch a public relations offensive against a "coercive, Big Brother-type Congress." The WP says the campaign kicks off today with newspaper ads reading, "We Agreed To Change The Way We Do Business . . . Not To Go Out Of Business." Everybody quotes President Clinton's determined reaction: "They can be part of it or they can fight it," although oddly, USAT leaves out the most important part of his quote: "We're going to get this done."

The tobacco stance became official with a speech against the tough and expensive Senate bill by the RJR CEO, Steven Goldstone, described by the papers as "aggressive" and "defiant." Goldstone is widely quoted as saying, "Washington has rushed to collect more tobacco revenues while playing the politics of punishment." USAT quotes him describing the process as "broken beyond repair." The LAT adds that Goldstone raised the specter of a thriving black market in cigarettes if the Senate bill were to become law.

The NYT and USAT point out that while Congress can proceed unilaterally in many areas of the proposed legislation, this is problematic with the provisions that touch on the curtailment of free speech, such as advertising restrictions. Goldstone is quoted in the Times saying that if Congress imposes these anyway, the companies "will fight in court." Feelings are running just as high on the other side. The paper quotes the reaction of Sen. Kent Conrad: "Poor babies." Both the NYT and WP note that Conrad expressed the idea that all this tobacco manufacturer stridency is a stratagem designed to get the current deal accepted without the addition of any harsher conditions.

The NYT is admirably clear about the context producing such skepticism: "The tobacco industry has dissembled so often in the past--about whether cigarettes cause diseases, about whether nicotine is addictive, about whether they market their product to children--that people are never sure what to make of the companies'

pronouncements." Now, if only the Times had said "lied" instead of "dissembled".

The WSJ seems a little less surprised by all this, claiming that "the reality is that tobacco companies for weeks have been closed out of the legislative process." The Journal also sends along word that Mississippi Attorney General Michael Moore, an architect of last summer's original tobacco deal, says he understands the industry position and calls on President Clinton and Congress to convene new negotiations.

And lest we forget what this is all about, the WP reports that a study in today's New England Journal of Medicine suggests that non-smokers not only live longer, but have less sickness and dependence on others in their last years.

The WSJ and WP each run stories describing a new study purporting to show that the differences between black and white investors are considerable. Among those with incomes above \$50,000, only 57 percent of the blacks had money in the stock market, compared to 81 percent of the whites. And while only 13 percent of the whites believed Social Security will provide at least half their retirement income, 25 percent of blacks thought this.

The NYT front reports that President Clinton has ordered the Departments of Defense, State, and Justice to devise plans for the arrest and trial of Pol Pot, the Khmer Rouge leader responsible for the death of perhaps a million Cambodians in the 1970s. According to the paper, the opportunity presents itself because the Khmer Rouge, which has Pol Pot under house arrest, is in complete disarray. Hmmm....wonder if the Khmer Rouge subscribes to the Times.

In a NYT op-ed, Andrew Sullivan assesses the career thus far of the military's "don't ask, don't tell" policy. Sullivan notes that under the policy, discharges of homosexuals have increased 67 percent (80 percent if you figure in downsizing). Bill Clinton, Sullivan observes, has now fired more homosexuals than any other employer in America.

The front page of the NYT national edition brings word that, buoyed by the soaring approval ratings of the sex-scandalized Bill Clinton, the sex-scandalized Bob Packwood wants to get back in the game. He's thinking about running for the Oregon state legislature. "Today's Papers" has just the campaign slogan for him: "Still Packing Wood."

Also in today's Slate:

The Worst Songwriter of All Time
<http://www.slate.com/PopMusic/98-04-08/PopMusic.asp>
Chapter 18 of Reply All, an E-Mail Novel
<http://www.slate.com/replyall/97-12-10/replyall.asp>
News Quiz: The Wisenheimers' Exam of Current Events
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Pat.Wood@npr.gov (Pat.Wood@npr.gov [UNKNOWN])

CREATION DATE/TIME:31-JUL-1998 09:43:21.00

SUBJECT: FW: Capitol Digest Week Ending 07-31-1998

TO: #AgencyLiasons@npr.gov (#AgencyLiasons@npr.gov [UNKNOWN])

READ:UNKNOWN

TO: #NPR@npr.gov (#NPR@npr.gov [UNKNOWN])

READ:UNKNOWN

TEXT:

This week's Capitol Digest has a story on our governmentwide survey.

Pat

> -----Original Message-----

> From: CapDigest@aol.com [SMTP:CapDigest@aol.com]

> Sent: Friday, July 31, 1998 8:20 AM

> To: CapDigest@aol.com

> Subject: Capitol Digest Week Ending 07-31-1998

>

> Professional Managers Association

> The Voice of Leaders in Public Service

> The Capitol Digest

> For the week ending 07-31-98

> L'Enfant Plaza Station P.O. Box 45070 Washington, DC 20026 Ph: (202)

> 401-6737

> Fax: 202.401.4277

> Email: PMAOffice@AOL.com

>

> In this week's edition of The Capitol Digest:

>

> INS Restructuring Bill

> Bill to Limit Liability for Off-Duty Federal Officers

> Don't Ask Don't Tell Ruled Illegal in CA

> HHS Issues Final Regulations Promoting Quality Child Care

> FBI Releases JFK Assassination Documents

> Progress in Reinvention Survey

> On Line Performance Review

> Member Services

> Executive Summaries

>

> INS RESTRUCTURING BILL

>

> The House Judiciary Subcommittee marked up HR 4264, a bill that would

> make key

> changes in the structure of the Immigration and Naturalization Service

> (INS)

> by separating enforcement from citizenship procedures by creating a

> Bureau of

- > Enforcement and Border Affairs within the Justice Department. Earlier
- > this
- > year, the bill's sponsor, Rep. Rodgers, offered HR 3904, a bill that
- > would
- > have abolished the INS and distributed the citizenship
- > responsibilities
- > between the Departments of State and Labor.
- >
- > **BILL TO LIMIT LIABILITY FOR OFF-DUTY FEDERAL OFFICERS**
- >
- > The Senate Judiciary Committee marked up S 1031, a bill that would
- > provide
- > limited liability exemptions for off-duty federal law enforcement
- > officers who
- > respond to crimes outside their jurisdiction. The limitation would
- > apply only
- > if the officers acted to protect someone from "imminent bodily harm"
- > or to
- > prevent a suspect's case. S 1031 was introduced by Senator Grassley
- > and the
- > House companion bill, HR 3839, was introduced by Rep. Kolbe.
- >
- > **DON'T ASK DON'T TELL RULED ILLEGAL IN CA**
- >
- > Earlier this month, a California Judge ruled that the U.S. Military's
- > "Don't
- > Ask Don't Tell" policy was illegal and has ordered the California
- > National
- > Guard to open its ranks to homosexual members. San Francisco Superior
- > Court
- > Judge David Garcia said that California's National Guard was violating
- > the
- > state's constitutional rights of gays, lesbians and bisexuals by
- > banning them
- > from service under the Don't Ask policy.
- >
- > **HHS ISSUES FINAL REGULATIONS PROMOTING QUALITY CHILD CARE**
- >
- > HHS Secretary Donna E. Shalala announced final child care regulations
- > to
- > promote affordable, accessible and quality care for children. These
- > final
- > regulations will help guide states in the implementation of the new
- > unified
- > child care program included in the 1996 welfare reform law. The
- > regulations
- > require states to ensure that children receiving services under the
- > block
- > grant be immunized; that child care premises be safe; and that staff
- > receive
- > health and safety training. The regulations also make requirements
- > for
- > providing information to parents on payment rates; maintenance of
- > effort; and

- > minimum funding levels for quality. And to better inform parents
- > about
- > choices, the final rule requires states to provide consumer education
- > to all
- > parents on a full range of available providers.

> FBI RELEASES JFK ASSASSINATION DOCUMENTS

- >
- > The Federal Bureau of Investigation (FBI) has transferred an
- > additional 41,811
- > pages of documents to the National Archives and Records Administration
- > (NARA)
- > pursuant to the President John F. Kennedy Assassination Records
- > Collection Act
- > of 1992. With this release, the FBI has processed and transferred to
- > NARA over
- > 746,000 documents related to the Assassination. The FBI has been
- > processing
- > relevant records under the Act since 1992 in its efforts to maximize
- > disclosure of Assassination-related information. Among the 746,000
- > pages of
- > JFK records transferred by the FBI are files on subjects reviewed by
- > the House
- > Select Committee on Assassinations, as it examined various conspiracy
- > theories. The FBI will continue to process and transfer to NARA the
- > remaining
- > relevant documents from the FBI files. These documents will be
- > available at
- > the NARA facility in College Park, Maryland. For additional
- > information,
- > contact Mr. Steve Tilley, JFK Access Staff, at (301) 713-6620.

> PROGRESS IN REINVENTION SURVEY

- >
- > In a survey being sent to 40,000 randomly selected civil servants,
- > Vice
- > President Gore asks employees to rate their agencies in terms of
- > customer
- > service, leadership, teamwork, employee development, streamlining and
- > job
- > satisfaction. The survey results will be posted on the National
- > Partnership
- > for Reinventing Government at www.npr.gov later this year. The survey
- > results
- > will be used to "assess our progress in reinventing government."
- > Agencies
- > will use the survey data to improve agency operations and to analyze
- > government-wide trends.
- >
- > NPR and experts from the Office of Personnel Management, the Merit
- > Systems
- > Protection Board and the Federal Aviation Administration developed the
- > survey,
- > which is designed to take 15 minutes to complete. The President's

- > Management
- > Council and the National Partnership Council, which includes union
- > representatives, approved the survey. The survey data will be entered
- > into
- > OPM's Performance America database and will be used as baseline data
- > to
- > measure future reinvention progress.
- >
- > If you are a recipient of a survey, PMA urges you to take the time to
- > complete
- > the entire survey and return it to the NPR Survey Center as quickly as
- > possible. The survey is completely confidential and may be completed
- > on
- > official time.
- >
- > ON LINE PERFORMANCE REVIEW
- >
- > A new website can assist managers in developing employee performance
- > reviews.
- > www.performancereview.com offers six templates to use as is or to
- > modify to
- > customize your reports. The site also suggests ways to evaluate
- > different
- > performance measures on a numeric scale, such as "initiative" and "job
- > know-
- > how." The program then uses numeric responses to produce a text
- > description
- > that can then be edited. The site offers users the opportunity to
- > test the
- > program free.
- >
- > MEMBER SERVICES
- >
- > Many people have been calling PMA Headquarters who were unaware of
- > Club USA.
- > Club USA provides discount admission at any Busch Gardens theme park,
- > including Sea World. To get your Club USA membership card, send a
- > self-
- > addressed-stamped envelope to PMA/Club USA, L'Enfant Plaza Station,
- > P.O. Box
- > 45070, Washington, DC 20026. Club USA membership is free to PMA
- > members.
- >
- > Here's a quick rundown of some of the other benefits that PMA offers:
- >
- > Legal Services and Legal Consultation, Professional Liability
- > Insurance at
- > group rates, Dental and Vision Care programs, Discounts at Choice
- > Hotels,
- > Discounts at Alamo Rent-a-car, Life Insurance for members and their
- > spouses at
- > group rates, No fee Visa/Mastercard, Discounts with GEICO Direct auto
- > insurance, Discount travel programs, Legg Mason financial services,
- > Special

> Rate professional publications, Disney's Magic Kingdom Club, Resume
> Clinics,
> and more. We are constantly adding new programs that are requested by
> the
> membership. Call PMA's Communication's Department at (202) 401-6737
> to find
> out more on any of the programs listed.
>
> EXECUTIVE SUMMARIES
>
> Another benefit that PMA members are able to access are Soundview's
> Executive
> Book Summaries. The executive summary is an 8 page abstract of recent
> best-
> selling management books. Two new Executive Summaries are now
> available:
> "Straight From the CEO: Management Ideas From Top Business Leaders "
> and " How
> To Be A Star At Work: A Work Strategy Blueprint To Boost Your
> Productivity."
>
> To receive a copy of an executive summary, contact PMA's
> Communications
> Department at (202) 401-4296. You must provide your fax number with
> your
> request.
>
> As always, copies of all legislation and testimonies referenced in The
> Capitol
> Digest are available at no charge to PMA members by contacting Hydi
> Miller,
> Legislative and Communications Director, at (202) 401-4296 or by Email
> at
> MillerPMA@AOL.com YOU MUST PROVIDE A WORKING FAX NUMBER WITH YOUR
> REQUEST.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: The Data Lounge News <editorial@datalounge.com> (The Data Lounge News
<editorial@datalounge.com> [UNKNOWN])

CREATION DATE/TIME:30-DEC-1998 18:49:06.00

SUBJECT: [GLBT-NEWS:DL] Fed Court Rules Against Another Navy Discharge

TO: GLBT-NEWS List <glbt-news-owner@duh.org> (GLBT-NEWS List <glbt-news-owner@duh.org> [UNKNOWN
])

READ:UNKNOWN

TEXT:

NEWS SOURCE: The Data Lounge - <http://www.datalounge.com/>

BACKGROUND OF NEWS SOURCE:

The Data Lounge is about anything and everything gay. Daily news headlines,
culture information, and gossip--who's out, who's not, and who should be.
Visit their site, and to see the Web version of this article, go to:
<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3029>

Fed Court Rules Against Another Navy Discharge
December 30, 1998

WASHINGTON -- A U.S. District Court for the District of Columbia ruled last week that the Navy's decision to uphold former Navy Petty Officer Jim Turner's discharge under "Don't Ask, Don't Tell, Don't Pursue" regulations was "arbitrary and capricious" and in violation of the Administrative Procedure Act.

[spacer.gif]

Navy is again forced to abide by its own rules in treatment of gay sailors.

[spacer.gif]

The decision marks the first time that a court has held that a military service branch has violated administrative law in its review of a case involving gay-related dismissal from the service. Along with the case of Master Chief Petty Officer Timothy McVeigh, the decision also marks the second time this year that a federal court has ruled against the Navy for its handling of "don't ask, don't tell, don't pursue" cases.

District Judge Paul L. Friedman ruled last Wednesday, Dec. 23, that the Navy erred when a Deputy Assistant Secretary gave "no indication of the grounds" on which she refused to accept a finding by the civilian Board for Correction of Naval Records. The Board held the Navy's discharge of Turner suffered from numerous procedural and substantive failings and could not stand.

Judge Friedman remanded the case to the Secretary of the Navy, ruling that "the Secretary may conclude on his re-evaluation of the evidence and arguments presented that the Deputy Assistant Secretary Heath's rubber stamp ruling cannot in fact be sustained." The court also noted "recent indications that [the Navy's lead witness] might wish to recant his testimony."

"We welcome the court's decision," said C. Dixon Osburn, co-executive director of Servicemembers Legal Defense Network. "We have asked the Navy time and again to give sailors a fair hearing under 'Don't Ask, Don't Tell, Don't Pursue' rather than rush to judgment. The Navy has failed that standard repeatedly, forcing sailors to seek redress in court. The case of Master Chief Petty Officer Tim McVeigh was one example. This is another. We simply ask the Navy to act in good faith."

The decision by the district court culminates a four-year battle by Turner to clear his name. A 1988 sailor of the year, Turner's fortunes changed while serving on the USS Antietam in the Persian Gulf. In April 1994, three men accused Turner of soliciting homosexual conduct. Turner denied the allegations. Two weeks later, however, an administrative discharge board recommended that Turner receive an other than honorable discharge, even while acknowledging that one of Turner's accusers was not credible and that there was no evidence for several of the charges.

Turner petitioned to the Board for Correction of Naval Records which ruled 2-1 that Turner's discharge was "based on suspicion and rumor and not on credible evidence" in violation of "don't ask, don't tell" regulations. The board also found it "extremely disturbing that an individual can be found guilty without a modicum of corroborative evidence." Deputy Secretary of the Navy Karen S. Heath, designated to review the matter by the Secretary of the Navy, rejected the board's findings without explanation. Last week's court ruling challenged that decision.

"I feel vindicated," said Turner. "I was railroaded out of the Navy after an exemplary seven year career. Because of the rampant fear of homosexuality in my command, no one in the Navy wanted to look seriously at the allegations against me or the known unreliability of the people making the charges. I am grateful that the court has held the Navy accountable."

--Data Lounge Staff

===== From the GLBT-NEWS mailing list =====

Moderators: glbt-news-owner@duh.org

Archive: <http://www.duh.org/glbt-news/>

(Also available on FidoNet in GAYNEWS and ICGAL)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: PlanetOut NewsPlanet <feedback@planetout.com> (PlanetOut NewsPlanet <feedback@planetout.com> [UNKNOWN])

CREATION DATE/TIME: 4-JAN-1999 19:17:36.00

SUBJECT: [GLBT-NEWS:PNO] Decisions, Decisions

TO: GLBT-NEWS List <glbt-news-owner@duh.org> (GLBT-NEWS List <glbt-news-owner@duh.org> [UNKNOWN])

READ:UNKNOWN

TEXT:

NEWS SOURCE: PlanetOut NewsPlanet - <http://www.planetout.com/>
BACKGROUND OF NEWS SOURCE:

PlanetOut is a web site with oodles of news, information, and just plain Web-fun for the gay community. Visit their site and support their news staff that bring you these articles. This particular article may have even more links--for the Web version of this article, go to:
<http://www.planetout.com/newsplanet/article.html?1999/01/04/3>

Decisions, Decisions
NewsPlanet Staff
Monday, January 4, 1999 / 04:00 PM

SUMMARY: Navy found to violate "don't ask, don't tell" again ... drug lord's gay decorators lose money-laundering appeal ... expensive sex-abuse settlement for "Frugal Gourmet"....

Navy Hit for "Rubber Stamp"
A Washington, DC federal court ruled on December 23 that the U.S. Navy was "arbitrary and capricious" in the discharge for homosexuality of former Petty Officer Jim Turner. A majority of a civilian review board had found both procedural and substantive errors in the 1994 decision to discharge Turner, but Deputy Assistant Secretary of the Navy Karen Heath nonetheless ordered his ouster without explanation. U.S. District Court Judge Paul Friedman found there was no evidence against Turner, and that at least one witness against him lacked credibility and might even want to recant. Friedman found that with what he called Heath's "rubber stamp" action, the Navy had violated administrative law -- marking only the second time a branch of the service has been found to violate the so-called "Don't Ask, Don't Tell" policy. (The first was the Navy's attempt to discharge Master Chief Petty Officer Timothy McVeigh, based solely on illegally-obtained information regarding his America Online screen name.) The Navy was ordered to reconsider its action against Turner, who in 1988 won Sailor of the Year honors. The Servicemembers Legal Defense Network considers this ruling significant in upholding the rights of uniformed personnel to fair hearings in "Don't Ask, Don't Tell" cases.

Decorators Lose Drug \$ Appeal

A San Francisco gay male couple who served as decorators for a Colombian drug lord have lost their appeal of convictions for conspiracy to engage in money-laundering and racketeering. Alexander Blarek II had been sentenced in February to five years and eight months in prison and his partner, Frank Pellicchia, to four years. The U.S. Court of Appeals in New York found in a decision published December 28 that there was considerable evidence that the couple were aware that the late Jose Londono was a drug dealer (in fact, a leading figure in the Cali cocaine cartel) and that \$8-million he paid them for goods and services over 13 years was drug money. The men have not decided whether to appeal further.

"Frugal Gourmet" Paid Millions

U.S. public television's "Frugal Gourmet" Jeff Smith's insurers agreed to pay \$4.75-million to seven men in settling out of court their lawsuit charging that he sexually abused them. Although the settlement was reached in July, the terms were only made public last week. Smith, a Methodist minister, did not acknowledge any wrongdoing. Most of the men were teenaged employees of Smith's in the 1970's, when they allege the misconduct took place. An earlier sexual assault case involving an eighth man, in which Smith had repeatedly denied making any cash payments, was also shown by court documents to have been settled in 1992 with \$1.5-million. No criminal charges have ever been brought against Smith, and the statute of limitations has run out on the actions in question.

===== From the GLBT-NEWS mailing list =====

Moderators: glbt-news-owner@duh.org

Archive: <http://www.duh.org/glbt-news/>

(Also available on FidoNet in GAYNEWS and ICGAL)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: PlanetOut NewsPlanet <feedback@planetout.com> (PlanetOut NewsPlanet <feedback@planetout.com> [UNKNOWN])

CREATION DATE/TIME:11-JAN-1999 20:40:18.00

SUBJECT: [GLBT-NEWS:PNO] 2 Military Appeals Rejected

TO: GLBT-NEWS List <glbt-news-owner@duh.org> (GLBT-NEWS List <glbt-news-owner@duh.org> [UNKNOWN])

READ:UNKNOWN

TEXT:

NEWS SOURCE: PlanetOut NewsPlanet - <http://www.planetout.com/>

BACKGROUND OF NEWS SOURCE:

PlanetOut is a web site with oodles of news, information, and just plain Web-fun for the gay community. Visit their site and support their news staff that bring you these articles. This particular article may have even more links--for the Web version of this article, go to:
<http://www.planetout.com/newsplanet/article.html?1999/01/11/1>

2 Military Appeals Rejected

NewsPlanet Staff

Monday, January 11, 1999 / 05:19 PM

SUMMARY: The U.S. Supreme Court won't hear the combined "Don't Ask" suits of Holmes and Watson, leaving only 1 more pending case to challenge the ban on openly gay and lesbian servicemembers.

The U.S. Supreme Court on January 11 declined to take up the appeals of military discharges for homosexuality of open gays Navy Lieutenant Richard Watson and California Army National Guard First Lieutenant Andrew Holmes. Their cases had previously been combined by the 9th U.S. Circuit Court of Appeals in California, which in September 1997 upheld one trial court's ruling against Watson and reversed another's ruling in favor of Holmes, finding both that the government can rationally assume that anyone declaring a homosexual orientation is likely to engage in proscribed homosexual acts and that the military has a "legitimate interest" in removing such servicemembers.

Both Holmes and Watson had exemplary service records, before as a matter of conscience voluntarily advising their commanding officers of their sexual orientations, following the announcement of the so-called "Don't Ask, Don't Tell" policy on military service by gays and lesbians. The government had no other evidence of misconduct by either man. Both cases essentially rested on the men's constitutional right to freedom of speech -- an argument which has failed against the so-called "Don't Ask, Don't Tell" policy in the four federal appeals courts which have heard it. The case now in progress in New York which is expected to test all aspects of the policy and eventually reach the

high court is the multi-plaintiff "Able v. USA."

Holmes' case was unusual in that, in addition to his federal case, he filed and won a separate state lawsuit charging that the California Army National Guard had violated that state's law against employment discrimination. Holmes came out to his commander in 1993 shortly after the "Don't Ask, Don't Tell" policy was announced and was discharged in 1995, despite having been decorated for his service in the U.S. Army and the California Army National Guard since 1986. In June 1998, San Francisco Superior Court Judge David Garcia found that the California Guard had violated Holmes' right to equal protection under the law by acting as if the Army had discharged him "for cause," which generally implies a criminal action, even though a heterosexual making a parallel statement to Holmes' would not be discharged. Garcia found that "Don't Ask" violations should be treated as benign administrative discharges, which would allow the servicemember to serve the Guard in a state capacity, even though he could not be activated to federal duty. Garcia's ruling would have allowed Holmes to proceed with a class action lawsuit on behalf of others in his position, but Holmes chose not to do so. The California Guard has appealed that ruling.

Watson was a 15-year decorated veteran submariner when he came out to his commander in Bremerton, Washington in October 1994 in a written statement reading, "I have a homosexual orientation." A Washington U.S. District Court judge originally ruled against Watson, but he was allowed to remain on duty pending his appeal. With the U.S. Supreme Court declining to take up his appeal, his case is now at an end.

The high court also declined to hear appeals in two other cases of interest. It let stand a ruling supporting New York City Mayor Rudy Giuliani's tough new zoning rules against "adult" sex businesses such as theaters, massage parlors, dance clubs, and bookshops. It also let stand the Nebraska State Supreme Court's reversal of the conviction of a child molestor on the grounds that the trial judge quoted the Bible in pronouncing sentence, which might reasonably create a perception the judge was biased.

===== From the GLBT-NEWS mailing list =====

Moderators: glbt-news-owner@duh.org

Archive: <http://www.duh.org/glbt-news/>

(Also available on FidoNet in GAYNEWS and ICGAL)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: wayne.besen@mail.hrcusa.org (wayne.besen@mail.hrcusa.org [UNKNOWN])

CREATION DATE/TIME:22-JAN-1999 19:52:41.00

SUBJECT: DISCHARGES OF GAY AND LESBIAN SOLDIERS SKY-ROCKET

TO: hrc-youth@netra-1.hrc.org (hrc-youth@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TO: hrc-governors@netra-1.hrc.org (hrc-governors@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TO: hrc-directors@netra-1.hrc.org (hrc-directors@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TO: gcook@phx.com (gcook@phx.com [UNKNOWN])
READ:UNKNOWN

TO: hrc-news@netra-1.hrc.org (hrc-news@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TO: hrc-fedclub@netra-1.hrc.org (hrc-fedclub@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TO: hrc-business@netra-1.hrc.org (hrc-business@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TO: gaypress-l@netra-1.hrc.org (gaypress-l@netra-1.hrc.org [UNKNOWN])
READ:UNKNOWN

TEXT:
919 18th Street NW
Washington, DC 20006
website <http://www.hrc.org>
phone 202 628 4160
fax 202 347 5323
News Release

FOR IMMEDIATE RELEASE
Friday, January 22, 1999

DISCHARGES OF GAY AND LESBIAN SOLDIERS SKY-ROCKET ON EVE OF 5TH ANNIVERSARY
OF DON'T ASK, DON'T TELL, DON'T PURSUE POLICY

Disgraceful Policy Should Be Abandoned As Record Number of Gay And Lesbian
Soldiers Persecuted, Asserts HRC

WASHINGTON, D.C. - The witch-hunt against gay and lesbian service members
has reached an unprecedented level as the number of service members
discharged increased 14% to 1,145 in the past year, according to new
Pentagon figures obtained by HRC and Servicemembers Legal Defense Network

today.

"The increase in discharges shows how this dismal policy continues to ruin lives. The military is wasting a lot of money and resources declaring war on gay men and lesbians who have served their country honorably. Clearly, the Defense Department is ignoring the part of this policy that talks about not pursuing service members," said HRC Political Director Winnie Stachelberg.

The Air Force led all services with 414 discharges. The Navy came in second with 345. The Army had 310 discharges. The Marine Corps had the lowest number of discharges with 78.

The disheartening statistics follow a Pentagon report released in 1998 which offered specific recommendations for better implementation of the Don't Ask, Don't Tell, Don't Pursue policy. But the Pentagon report refused to acknowledge the failures of the policy saying, "the reasons for this increase [in discharges] are not known and are difficult to ascertain." The new statistics call into question whether or not the recommendations in the report have been implemented.

In response to the increasing discharges and the denial of the Pentagon to acknowledge improper implementation of this policy, several members of Congress, led by Rep. Marty Meehan (D-MA), expressed their concern in a January 19th letter to Secretary of Defense William Cohen.

"We take serious issue with this interpretation of the increase in gay-related discharges and thus with the conclusion that Don't Ask, Don't Tell, Don't Pursue has been working well," said the letter.

Last April, the Pentagon released statistics showing that it had discharged 997 gays in 1997, a 67% increase since the implementation of "Don't Ask, Don't Tell, Don't Pursue" and the highest number of discharges since 1989. Servicemembers Legal Defense Network, a watchdog group that helps service members hurt by this policy, reports that the cost of firing gays in the military last year exceeded \$29 million.

The Human Rights Campaign is the largest national lesbian and gay political organization, with members throughout the country. It effectively lobbies Congress, provides campaign support, and educates the public to ensure that lesbian and gay Americans can be open, honest, and safe at home, at work, and in the community.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: wayne.besen@mail.hrcusa.org (wayne.besen@mail.hrcusa.org [UNKNOWN])

CREATION DATE/TIME:22-JAN-1999 17:35:29.00

SUBJECT: DISCHARGES OF GAY AND LESBIAN SOLDIERS SKY-ROCKET

TO: wayne.besen@mail.hrcusa.org (wayne.besen@mail.hrcusa.org [UNKNOWN])

READ:UNKNOWN

CC: #All_Staff_at_ccgate@bellatlantic.net (#All_Staff_at_ccgate@bellatlantic.net [UNKNOWN])

READ:UNKNOWN

TEXT:

FOR IMMEDIATE RELEASE

Friday, January 22, 1999

DISCHARGES OF GAY AND LESBIAN SOLDIERS SKY-ROCKET ON EVE OF 5TH ANNIVERSARY
OF DON'T ASK, DON'T TELL, DON'T PURSUE POLICY

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Soldiers Persecuted, Asserts HRC

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: PlanetOut NewsPlanet <feedback@planetout.com> (PlanetOut NewsPlanet <feedback@planetout.com> [UNKNOWN])

CREATION DATE/TIME:25-JAN-1999 19:37:05.00

SUBJECT: [GLBT-NEWS:PNO] Military Gay Discharges Up

TO: GLBT-NEWS List <glbt-news-owner@duh.org> (GLBT-NEWS List <glbt-news-owner@duh.org> [UNKNOWN])
READ:UNKNOWN

TEXT:

NEWS SOURCE: PlanetOut NewsPlanet - <http://www.planetout.com/>
BACKGROUND OF NEWS SOURCE:

PlanetOut is a web site with oodles of news, information, and just plain Web-fun for the gay community. Visit their site and support their news staff that bring you these articles. This particular article may have even more links--for the Web version of this article, go to:
<http://www.planetout.com/newsplanet/article.html?1999/01/25/2>

Military Gay Discharges Up
NewsPlanet Staff
Monday, January 25, 1999 / 04:08 PM

SUMMARY: Over 90% more U.S. servicemembers were discharged for homosexuality in 1998 than during pre-"don't ask, don't tell" times, and activists are suspicious of the Pentagon's reasons.

New Pentagon figures on military discharges for homosexuality show a substantial increase for the fifth consecutive year since the so-called "Don't Ask, Don't Tell" policy was adopted, to the highest level since 1987. The new numbers, released late January 22, show a whopping 92% increase in discharges for homosexuality compared to the last year under the outright ban on military service by gays and lesbians. While the Pentagon claims the new numbers somehow "align" with previous ones, and continues to insist that most of the discharges are based on voluntary statements by new servicemembers seeking a penalty-free discharge, the watchdog group Servicemembers Legal Defense Network (SLDN) is supremely skeptical of those assertions. In fact, SLDN charges that the Pentagon has done nothing to further the recommendations of its own internal review of "Don't Ask, Don't Tell" published in April 1998.

Whether there can be a meeting of the minds between the military and SLDN should be revealed soon, as Acting Secretary of the Air Force Whit Peters has agreed to discuss with SLDN his service's remarkable increase in discharges for homosexuality, and invited SLDN to hold further discussions with officials at Lackland Air Force Base, where 65% of those discharges took place. In addition, 24 Congressmembers

led by Representative Martin Meehan (D-MA) wrote a letter January 19 to Secretary of Defense William Cohen, both expressing doubt that servicemembers are coming out voluntarily as claimed, and seeking an explanation for the consistent increase in discharges for homosexuality.

Overall, the military discharged 1,145 people for homosexuality in the fiscal year ending September 30, 1998, a 13% increase over 1997's total of 997. The Navy has traditionally been the leader in discharges for homosexuality, but this past year its figures actually dropped, from 413 to 345. The Air Force stepped out in front with a total of 414 discharges, up from 309 the previous year and a 20-year record, with 271 of the new discharges occurring at Lackland in San Antonio, Texas, the Air Force center for basic training. Army discharges also shot up, by an even larger percentage, from 197 to 309. The Marine Corps' 76 discharges were similar to last year's 78. U.S. military personnel total nearly 1.4-million.

Undersecretary of Defense for personnel and readiness Rudy de Leon issued a statement that 87% of the discharges for homosexuality resulted from servicemembers' voluntary statements. Of course, a similar statement had been part of the Department of Defense's April 1998 review of "Don't Ask, Don't Tell," but the only data offered there in support was a statement that "the reasons for this increase [in discharges] are not known and are difficult to ascertain." Pentagon spokesperson Kenneth Bacon said that, "Throughout society there are more people declaring their sexual orientation -- coming out of the closet, shall we say -- and there's no reason the military should be any different."

But Air Force Education and Training Command spokesperson Lt. Col. Barbara Claypoll said that a survey last year (apparently questioning instructors and other trainees) found not only that enlistees were making "unsolicited and voluntary" declarations of their sexual orientation to obtain discharges, but that they seemed in many cases to be lying about their sexual orientation. (Claypoll also noted that the Air Force had not counted as discharges those enlistees failing to complete basic training before "Don't Ask, Don't Tell" was adopted.) In the Air Force overall in 1998, 4,131 recruits were discharged before completing basic training, while 31,500 graduated basic training and some 375,000 people served. The Air Force barely met its recruiting goals and has been steadily losing officers, non-commissioned officers and enlisted personnel.

===== From the GLBT-NEWS mailing list =====

Moderators: glbt-news-owner@duh.org

Archive: <http://www.duh.org/glbt-news/>

(Also available on FidoNet in GAYNEWS and ICGAL)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: datalounge-list-request@datalounge.com (datalounge-list-request@datalounge.com [UNKNOWN])

CREATION DATE/TIME: 4-FEB-1999 16:11:29.00

SUBJECT: Data Lounge Weekly News Recap

TO: datalounge-list@datalounge.com (datalounge-list@datalounge.com [UNKNOWN])

READ:UNKNOWN

TEXT:

Dear Data Lounger,

If you think the only reason Valentine's Day was invented was to get rid of surplus candy from the holidays, you might be forgiven. If you think it was a scam imposed by the Hallmark Greeting Card Company when Mother's Day proved such a windfall, well, you might be forgiven for that too.

But if after a considerable amount of effort on our parts, you're so embittered you refuse to send free electronic cards from Edwina's Valentine-O-Matic, well that we can't forgive!

Visit Valentine-O-Matic
<http://valentine.edwina.com>

That's right, it's that flowers and candy time of year again. The difference is we let you say what you mean. Be mushy, be naughty, be downright delightful. Send mom a sweet missive, your honey a kiss, your friend an 'I love you' and your ex a small diss. It's all here. Be armed with their email address, a special thought and you're on your way!

And be sure to check out the other features on the Data Lounge including our weekly surveys, our issues sections and our always entertaining gossip forum. There's something for everyone to enjoy!

The week's top stories:

Gay Holocaust Victims Recognized in Germany
Reluctance to acknowledge the 'forgotten victims' of Nazi oppression gives way as memorial service honors gay concentration camp prisoners.
<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3116>

Intel Bows to Gay Critics & Privacy Advocates
World's principal manufacturer of computer processing chips vows that privacy concerns voiced by online and gay rights advocacy groups will be met.
<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3110>

House of Commons Again Passes Gay Age of Consent Reform
Parliament votes once again to lower gay age of consent from 18 to 16.

Despite making changes demanded by conservatives, House of Lords views change in the law with open hostility.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3112>

Suspending AIDS Treatment May Prove Beneficial

Scientists exploring the immune response in some people who have been able to independently suppress HIV after halting combination therapy.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3111>

Canadian PM Says No Sweeping Gay Law Planned

Hoping to avoid a divisive national debate and a nasty political showdown, Prime Minister Chretien says that there are no plans to offer "quick fix" to

scores of Canadian laws that discriminate against gay and lesbian couples.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3107>

Record Number of Gay Dismissals in Military in '98

Despite evidence and protests to the contrary, Pentagon insists that spirit and intent of "don't ask, don't tell, don't pursue" is not being compromised.

Implies "many" soldiers dismissed under the policy aren't ever gay or lesbian.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3106>

Rise in Unsafe Sexual Activity Poses New Threat

A report released by the CDC documents sharp rise in sexual risk-taking and surge in spread of STDs among gay men.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3124>

DC Gays Protest Resignation of Mayoral Aide

Misunderstanding over little-used word claims a victim in racially charged political environment of nation's capital.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3125>

Hawaii Gov Reaffirms Commitment to DP Laws

Says that voter sentiment against gay marriage does not translate into opposition against domestic partnership laws.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3126>

Wyoming House Passes Hate Crimes Bill

Bill barely makes it through Wyoming statehouse. Tie-breaking vote cast by House chairman.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3117>

Broward County Passes Sweeping DP Ordinance

Domestic Partnership law endorsed by county commission is among the most comprehensive laws in the country.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3119>

Colorado Springs Defeats Gay Rights Repeal Call

The city council rebuffs effort by anti-gay rights group to exclude gay men and lesbians from municipal "zero tolerance" bias resolution.

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3118>

At the Data Lounge, we believe that staying informed is the best way for the lesbian and gay community to maintain its sense of commonality, advance its goals, and protect its interests. As an added service to our users, the Data Lounge provides weekly summaries of the most important lesbian and gay news from across the nation and around the world. Full text treatments are available in the news section of the Data Lounge (<http://www.datalounge.com>).

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Note:

To add your address to this list, visit <http://www.datalounge.com> and select "sign-up." To remove your address from this list, simply reply to this message and type "unsubscribe" in the body of your message. You may also unsubscribe through the web site.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: jadams@sldn.org (Julia M. Adams) (jadams@sldn.org (Julia M. Adams) [UNKNOWN])

CREATION DATE/TIME:16-MAR-1999 13:47:01.00

SUBJECT: Conduct Unbecoming ~ SLDN's Fifth Annual Report

TO: jadams@sldn.org (jadams@sldn.org [UNKNOWN])

READ:UNKNOWN

TEXT:

Note: Some recipients have been dropped due to syntax errors.Please refer to the "\$AdditionalHeaders" item for the complete headers.

Dear Friend:

Yesterday, SLDN released its Fifth Annual Report on "Don't Ask, Don't Tell, Don't Pursue." Attached is a hyperlink to a story appearing in The Washington Post today. Also attached is a copy of our Executive Summary. Please let us know if you would like a full hard copy of the report.

Our chief finding is that reports of anti-gay harassment more than doubled last year. Service members report to us that they face daily threats to their physical safety and well-being, including death threats and verbal gay-bashing. Comments such as "You'd better not be queer because in the Navy we kill our fags" are common.

Please ask the Administration to take a strong stand against anti-gay harassment in the military. The Pentagon has had guidance on the shelf since the past two years regarding anti-gay harassment that it has not sent to the field. The Pentagon has also refused to send guidance on the limits to investigations under "Don't Ask, Don't Tell, Don't Pursue." Commanders must know what the rules are if they are expected to follow them. The Pentagon must hold accountable those who ask, pursue and harass service members in violation of "Don't Ask, Don't Tell, Don't Pursue." The Pentagon must provide recourse, some reasonable form of accommodation, to service members who are harmed by asking, pursuit and harassment.

We appreciate your support. If you have further questions, please do not hesitate to contact me or Michelle.

Sincerely,

C. Dixon Osburn
Co-Executive Director

SLDN
P.O. Box 65301
Washington, D.C. 20035
(202) 328-3244 (v)

(202) 797-1635 (f)

<http://search.washingtonpost.com/wp-srv/WPlate/1999-03/16/0011-031699-idx.html>

- Executive Summary.doc===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D55]MAIL44181318B.036 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

**CONDUCT UNBECOMING:
THE FIFTH ANNUAL REPORT ON
“DON’T ASK, DON’T TELL, DON’T PURSUE”**

EXECUTIVE SUMMARY

Living in forced isolation, in constant fear of investigation and inadvertent disclosure is harmful to gay service personnel. Each day I am witness to...anti-gay comments and attitudes. The Navy takes no action to stop this improper and outrageous behavior on the part of its best and brightest officers. My witness to this unfortunate anti-gay climate, and the direct harm that it causes me, forces me to disclose to you that I am gay. — Navy Officer

The Pentagon’s implementation of “Don’t Ask, Don’t Tell, Don’t Pursue” is a failure. Anti-gay harassment, asking and pursuits have surged to record levels since Congress enacted this law five years ago. Last year alone, reports of anti-gay harassment more than doubled. Reports of asking and pursuits increased 42%. These violations are due to lack of leadership. Military leaders have refused to send guidance to the field explaining the explicit investigative limits under “Don’t Ask, Don’t Tell, Don’t Pursue” and its intent to respect service members’ privacy. Military leaders have held no one accountable for asking, pursuits or harassment. As a result, many commanders and investigators do not know the intent or letter of “Don’t Ask, Don’t Tell, Don’t Pursue.” Others deliberately violate the policy, knowing their leaders do not take it seriously.

Service members have no way to protect themselves from harassment or to stop improper investigations. There is nowhere they can turn for help without fear of reprisal. Military leaders have wrongly required service members to keep their sexual orientation a total secret, forcing them to lie about who they are, even to their families, best friends and health care providers.

The result is that discharges under “Don’t Ask, Don’t Tell, Don’t Pursue” have soared. The Pentagon is firing three to four people every day for being lesbian, gay or bisexual—a total

of 1,149 discharges last year alone (Exhibit 1). Gay discharges last year were the highest in a decade, and represent an 86% increase since “Don’t Ask, Don’t Tell, Don’t Pursue” was first implemented.¹ The pink slips the past five years have cost American taxpayers \$130 million (Exhibit 2).² Many more dedicated, competent service members have left at the end of their terms, fed up with constant fear, dissembling and harassment.

The news under “Don’t Ask, Don’t Tell, Don’t Pursue” is not all bad. Physical abuse by investigators has declined.³ Mass investigations have waned. Criminal prosecutions of lesbian, gay and bisexual service members have decreased as more are administratively discharged. While welcome, these steps forward reflect the low baseline used to measure success.

Not all officers and enlisted leaders engage in verbal gay-bashing or snoop on their service members. The current climate, however, supports those who do. Service members experience daily harassment. Comments such as the following are routine in many units: “You’d better not be queer because in the Navy we kill our fags;” “That dyke is going to fry;” “You’re a dead faggot;” “There’s nothing wrong with beating up gays;” “That fag (Matthew Shepard) deserved to die;” and “There’s nothing to do in Sasebo unless you are a homo killer,” a chilling reference to the murder of gay sailor Allen Schindler in 1992 by shipmates in Sasebo, Japan. These are just a fraction of examples from the cases handled by Servicemembers Legal Defense Network (SLDN) in the past year.⁴

¹ These numbers are based on Department of Defense figures which do not include 14 Coast Guard discharges in 1998 or discharges in previous years. The Coast Guard is part of the Department of Transportation in peacetime, but joins the Navy during war.

² This does not include the costs of investigation, discharge or litigation.

³ See RANDY SHILTS, CONDUCT UNBECOMING, 231-232 (citing former Army Lieutenant Jay Hatheway’s testimony that he was forced to undergo “neurological testing” that included a psychiatrist’s puncturing his scalp with pins to attach sensors); 570 (citing Steve Ward’s testimony that he was placed into a broom closet without personal breaks until he confessed to being gay).

⁴ Servicemembers Legal Defense Network is an independent legal aid and watchdog organization.

Leadership from the top down is required to change the incentives, and to support those leaders in the field who try to do the right thing. Military leaders should, as recommended by an April 1998 Department of Defense report on “Don’t Ask, Don’t Tell, Don’t Pursue,”⁵ issue the two-year-old guidance on anti-gay harassment that is pending at the Pentagon.⁶ Other recommendations in the April 1998 Pentagon report, while welcome, do not address other core issues: privacy, investigative limits, accountability and recourse. Military leaders should send guidance to the field about the policy’s intent to respect service members’ privacy and its explicit limits to investigations (Exhibit 3). Military leaders should hold those who ask, pursue and harass accountable, and provide recourse to service members who are improperly targeted. Were these steps taken, command violations of “Don’t Ask, Don’t Tell, Don’t Pursue” would fall.

SLDN’s Fifth Annual Report on “Don’t Ask, Don’t Tell, Don’t Pursue,” *Conduct Unbecoming*, reviews what the policy says, and recaps major developments in the past five years.⁷ The report then zeroes in on what happened in the past year, examining the military’s failure to implement the core parts of “Don’t Ask, Don’t Tell, Don’t Pursue” and how that has impacted military readiness. The report also recognizes instances where individual leaders have taken appropriate action on behalf of their service members. The report concludes that, as

⁵ OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS, DEP’T OF DEFENSE, REPORT TO THE SECRETARY OF DEFENSE: REVIEW OF THE EFFECTIVENESS OF THE APPLICATION AND ENFORCEMENT OF THE DEPARTMENT’S POLICY ON HOMOSEXUAL CONDUCT IN THE MILITARY (Apr. 1998), hereinafter cited as DEP’T OF DEFENSE APRIL 1998 REPORT.

⁶ *Memorandum of Under Secretary of Defense Edwin Dorn, Guidelines for Investigating Threats Against Service Members Based on Alleged Homosexuality*, DEP’T OF DEFENSE (Mar. 24, 1997). This guidance instructs commanders to investigate those who threaten service members, not those who report anti-gay threats (Exhibit 4). The service chiefs failed to distribute the guidance. In April 1998, the Pentagon recommended that the instructions be expanded to include a prohibition on harassment, and finally be sent to the field. No guidance has been sent to the field yet. In the meantime, the Navy sent the original “Dorn memo” to the field via message traffic.

⁷ SLDN has assisted more than 1,600 service members in the past five years who have been harmed by “Don’t Ask, Don’t Tell, Don’t Pursue.”

military leaders struggle with critical retention and recruiting shortfalls,⁸ they can ill-afford to violate the letter and intent of the policy, or continue to let the valuable contributions of lesbian, gay and bisexual service members be frittered away by indifference or outright hostility.

⁸ Dana Priest, *Military Lags in Filling Ranks: Army Chief Wants Change in Education Requirements*, THE WASH. POST, Feb. 17, 1999 at A1 (citing Army Secretary Louis Caldera's statement asking the Department of Defense to change current recruitment policy to allow more than 10% of new recruits to be high school dropouts with equivalency diplomas in order to solve a shortage problem that will only get worse).

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: The Data Lounge News <editorial@datalounge.com> (The Data Lounge News
<editorial@datalounge.com> [UNKNOWN])

CREATION DATE/TIME:16-MAR-1999 20:00:25.00

SUBJECT: [GLBT-NEWS:DL] SLDN Reports Surge in Anti-Gay Military Harassment

TO: GLBT-NEWS List <glbt-news-owner@duh.org> (GLBT-NEWS List <glbt-news-owner@duh.org> [UNKNOWN
])

READ:UNKNOWN

TEXT:

NEWS SOURCE: The Data Lounge - <http://www.datalounge.com/>

BACKGROUND OF NEWS SOURCE:

The Data Lounge is about anything and everything gay. Daily news
headlines,

culture information, and gossip--who's out, who's not, and who should be.

Visit their site, and to see the Web version of this article, go to:

<http://www.datalounge.com/cgi-bin/dbm/news/record?record=3286>

SLDN Reports Surge in Anti-Gay Military Harassment
March 16, 1999

WASHINGTON -- The Servicemembers Legal Defense Network (SLDN) released
a report on Monday contending that incidents of anti-gay harassment
have increased in every branch of the armed forces, contrary to the
stated aims of the 1993 "don't ask, don't tell, don't pursue"
compromise governing gay and lesbian service in the military.

=====
Harassment cases climb from 182 to 400 in a single year.
=====

The SLDN says an environment corrupted by ongoing and persistent
harassment has become so severe at some bases that many gay and
lesbian servicemembers have been forced to resign, again in direct
contradiction to the aims of the policy.

The SLDN says gay men and women in uniform have little recourse to
stop the harassment, since reporting it invites official scrutiny into
the allegations being made against them. Formal investigations very
likely spell the end of their military careers.

A spokesman at the Pentagon, Col. Richard M. Bridges, told the New
York Times he could not yet comment on the report but insisted it was
not Defense Department policy to prosecute gay men and women in the
service. "We are not out there searching for homosexuals," he said.

A Pentagon report issued in January said the Army, Navy, Air Force and

Marine Corps had discharged 1,145 gay men and lesbians in 1998 -- a 13 percent increase from 1997 and nearly double the number discharged in 1993, the year before the "improved" policy took effect.

Defense Department spokespersons downplayed the sharp increase, saying it merely represented young men and women using the gay declaration as a way to get out of the service with an honorable discharge. To buttress this claim, they said 87 percent of the discharges were predicated on "voluntary statements."

C. Dixon Osburn, executive director of the SLDN, angrily refuted the pat Pentagon explanation. He said these "voluntary statements" included disclosures made to psychotherapists, personal diary entries, responses to supposedly illegal direct questions about their sexuality, online profiles and coerced statements from servicemembers due to fear, intimidation, assaults, death threats, and threats of criminal prosecution.

The SLDN documented a total of 400 cases of anti-gay harassment in a 12-month period ending Feb. 28, the five-year anniversary of the Clinton policy's adoption. This compares to 182 instances the year before. The 400 harassment claims include 158 in the Navy, 122 in the Army, 54 in the Air Force, 63 in the Marines and 3 in the Coast Guard.

--Data Lounge Staff

===== From the GLBT-NEWS mailing list =====

Moderators: glbt-news-owner@duh.org

Archive: <http://www.duh.org/glbt-news/>

(Also available on FidoNet in GAYNEWS and ICGAL)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: jadams@sldn.org (Julia M. Adams) (jadams@sldn.org (Julia M. Adams) [UNKNOWN])

CREATION DATE/TIME:16-MAR-1999 13:31:13.00

SUBJECT: Conduct Unbecoming ~ SLDN's Fifth Annual Report

TO: jadams@sldn.org (jadams@sldn.org [UNKNOWN])

READ:UNKNOWN

TEXT:

Note: Some recipients have been dropped due to syntax errors.Please refer to the "\$AdditionalHeaders" item for the complete headers.

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Please ask the Administration to take a strong stand against anti-gay harassment in the military. The Pentagon has had guidance on the shelf since the past two years regarding anti-gay harassment that it has not sent to the field. The Pentagon has also refused to send guidance on the limits to investigations under "Don't Ask, Don't Tell, Don't Pursue." Commanders must know what the rules are if they are expected to follow them. The Pentagon must hold accountable those who ask, pursue and harass service members in violation of "Don't Ask, Don't Tell, Don't Pursue." The Pentagon must provide recourse, some reasonable form of accommodation, to service members who are harmed by asking, pursuit and harassment.

We appreciate your support. If you have further questions, please do not hesitate to contact me or Michelle.

Sincerely,

C. Dixon Osburn
Co-Executive Director

SLDN
P.O. Box 65301
Washington, D.C. 20035
(202) 328-3244 (v)

(202) 797-1635 (f)

<http://search.washingtonpost.com/wp-srv/WPlate/1999-03/16/0011-031699-idx.html>

- Executive Summary.doc===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D66]MAIL490592181.036 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

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THE FIFTH ANNUAL REPORT ON
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SLDN’s Fifth Annual Report on “Don’t Ask, Don’t Tell, Don’t Pursue,” *Conduct Unbecoming*, reviews what the policy says, and recaps major developments in the past five years.⁷ The report then zeroes in on what happened in the past year, examining the military’s failure to implement the core parts of “Don’t Ask, Don’t Tell, Don’t Pursue” and how that has impacted military readiness. The report also recognizes instances where individual leaders have taken appropriate action on behalf of their service members. The report concludes that, as

⁵ OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS, DEP’T OF DEFENSE, REPORT TO THE SECRETARY OF DEFENSE: REVIEW OF THE EFFECTIVENESS OF THE APPLICATION AND ENFORCEMENT OF THE DEPARTMENT’S POLICY ON HOMOSEXUAL CONDUCT IN THE MILITARY (Apr. 1998), hereinafter cited as DEP’T OF DEFENSE APRIL 1998 REPORT.

⁶ *Memorandum of Under Secretary of Defense Edwin Dorn, Guidelines for Investigating Threats Against Service Members Based on Alleged Homosexuality*, DEP’T OF DEFENSE (Mar. 24, 1997). This guidance instructs commanders to investigate those who threaten service members, not those who report anti-gay threats (Exhibit 4). The service chiefs failed to distribute the guidance. In April 1998, the Pentagon recommended that the instructions be expanded to include a prohibition on harassment, and finally be sent to the field. No guidance has been sent to the field yet. In the meantime, the Navy sent the original “Dorn memo” to the field via message traffic.

⁷ SLDN has assisted more than 1,600 service members in the past five years who have been harmed by “Don’t Ask, Don’t Tell, Don’t Pursue.”

military leaders struggle with critical retention and recruiting shortfalls,⁸ they can ill-afford to violate the letter and intent of the policy, or continue to let the valuable contributions of lesbian, gay and bisexual service members be frittered away by indifference or outright hostility.

⁸ Dana Priest, *Military Lags in Filling Ranks: Army Chief Wants Change in Education Requirements*, THE WASH. POST, Feb. 17, 1999 at A1 (citing Army Secretary Louis Caldera's statement asking the Department of Defense to change current recruitment policy to allow more than 10% of new recruits to be high school dropouts with equivalency diplomas in order to solve a shortage problem that will only get worse).