

**WHITE HOUSE BACKGROUND BRIEFING
CONCERNING THE ISSUE OF GAYS IN THE MILITARY
(JULY 16, 1993, FRIDAY)**

Q Actually, are you **** or –

SR. ADMIN. OFFICIAL: I'm a senior administration official. We just wanted to come down, and I know that there's been a lot of questions today about where this decision stands. And let me just say from the start that we just -- we really can't get into the specific wording or anything of the policy, but we can talk about the general thrust, and we can say that President is generally supportive of what he's seen from the Pentagon. We still have some reviewing to do, some studying to do, some preparation, and a few more questions to answer. But we think that the President is generally supportive. And we think that this is an advance over where the policy stands now and clearly an advance over what any alternative would lead to. The President is committed to, as he has said several times in the campaign, opening up the military as much as possible. We believe that this will lead to significant advances for homosexuals in the military. It will clearly state that individuals cannot be asked about their sexual orientation nor will they be required to reveal it. It will clearly create, we believe, a zone of privacy in the military for individuals and that requires a policy that will respect the privacy on both sides and will respect unit cohesion as well. And we think that probably the most significant advance is heightened -- no witch hunts, no pursuit policy. So I think that it's fair to call this policy "don't ask, don't tell, don't pursue." And this will lead to real significant advances in investigations. The bar for an investigation will be much higher than it has been up until now. And I think that given that, we can take any questions. Let me just point out as well that I think that a lot of people are under a misconception about what the alternatives are here. I mean, you hear a lot of talk about standing on principle. It does not advance the principle of – for homosexuals in the military if the alternative to this policy is the certain or near certain return to the status quo ante, which is a policy of an absolute bar to homosexuals in the military. And this is obviously a tough decision for the president and a tough issue, but it is wrong to assume that the president would be serving the principles that he outlined by outlining a policy that could not be sustained in any way in the Congress and by outlining a policy that would clearly be overturned in an instant and would set back the cause of homosexuals in the military and make life far more difficult for homosexuals in the military.

SR. ADMIN. OFFICIAL: As a second -- what was it? –

SR. ADMIN. OFFICIAL: Senior administration official.

SR. ADMIN. OFFICIAL: -- senior administration official, let me just add a couple of words to what the first senior administration official said so well. In terms of the status of this, one of the things the president's waiting for is a report from the Justice Department. The Justice Department has been consulted through this process and the preliminary read by the Justice Department, which we received yesterday, was positive. They thought this policy was sustainable in the courts. They wanted to take a look at the language once it

was written down, so they've been working on that over the last 24 hours. We have not heard a final report from them, but the indications during the day today are that they continue to believe that this is sustainable and I think that's important to understand. But that's one of the issues -- one of the hurdles the president wants to cross before making a final decision on this. We're expecting that he'll have a decision on it shortly. It will not be over the weekend. We're expecting -- Monday looks like a good day. It might stretch to Tuesday, but Monday looks like a good day. In terms of how this policy compares to the past, I think that it was well stated in what we've been -- the thought we've had here for the last two or three days has been this is a "don't ask, don't tell, don't pursue." But I think it's important to understand that in these areas it extends beyond what current policy is in several significant respects. In the "don't ask" area, the policy prior to President Clinton coming into office was you could ask. Since January 29th, the policy has been that there's no asking at the point of entry into the military forces. Under this policy, there would be no asking by a sergeant or anyone along the line, once you're in service. That's not a permissible question, except in pursuit of an investigation, so that that is a broadening of the "don't ask" standard. And I think that the "don't tell" -- the understanding here is that this is -- this policy will permit if -- a person who is discreet to avoid witch hunts as has just been said. There is no suggestion here -- let -- what would -- the question has always been -- or it has been in the last few days, what triggers an investigation, and that bar has been raised. The notion behind this is that the only credible information -- or credible information will trigger information, that a -- that if a person is in a gay bar and that is reported to a commanding officer, that will not trigger an investigation. If a person is in a parade for gay rights, that will not trigger an investigation. If a person -- if a commanding officer hears a single report that someone has told someone else that that person is a homosexual, that will not trigger an investigation. There has to be some higher standard. Now, if there are two, three, four reports that come in, then the individual in question enters a danger zone, and there may be an investigation. But I would point out that the investigation can't be ordered by just anyone. It does require a commanding officer to launch an investigation, and that means that -- and the understanding we've had so far, and we have to make sure that this is clear, is that that commanding officer is someone lieutenant commander or above. That's been the standard we have been discussing. So I think you can understand that this is a broadening --

Q What's a lieutenant commander? Just in the Navy?

Q That's the Navy. What about --

SR. ADMIN. OFFICIAL: Well, it's a CO. It's an O-5. O-5 and above.

Q And the military has signed off on this?

Q In the Army, captain or major?

SR. ADMIN. OFFICIAL: It's not -- check the standards without us getting into all that, but it's O-5 and above. Now, some of these details are still being worked out, but some of the discussion -- you have to understand the discussion over the last two or three days has

been over the implications of the policy, how will it work out practice, what does this mean in practice. And there's some of these details that, of course, are still going to be -- you can't have a complete code here, but what you can do is instill a spirit and try to set certain standards for how this might work.

SR. ADMIN. OFFICIAL: Well, we're talking about investigations, and also -- what we're looking for is a common sense standard as well, and that commanders should take scarce -- the fact that there are scarce resources for investigations into account and make sure that they do what they can to prevent any kind of harassment of any sort. And there will be language against that, as well.

SR. ADMIN. OFFICIAL: Can I raise on more point on that? As the President has been saying and has said consistently, that status alone should not determine outcome, orientation alone should not determine outcome. And under this policy, if a person were to tell someone else, "I am homosexual but I am obeying all the rules of the UCMJ," that that person would not be subject to discipline or being thrown out of -- you know, unless there was evidence to the contrary. And I think it's also important to understand that on the question of what may trigger an investigation, there is written into this language the idea that investigations of sexual misconduct -- that the level of evidence required, the kind of spirit with which those investigations are approached should be the same for allegations about misconduct by homosexuals as to allegations of misconduct by heterosexuals. This is something that's very important to a lot of people in the gay community.

SR. ADMIN. OFFICIAL: There will be equal enforcement of the Uniform Code of Military Justice.

Q So you're going to start launching investigations into adulterous behavior and other such things by heterosexuals?

SR. ADMIN. OFFICIAL: Equal enforcement.

Q I don't understand why this isn't then -- why this amounts to "don't tell" if you can in fact go around telling any kind of group that you're a homosexual but you will obey all the rules of the Military Code of Justice. Isn't that telling?

SR. ADMIN. OFFICIAL: But if there is evidence -- if there's additional evidence. Let's say if you're just seen in a gay bar, that does not trigger anything. If the report comes back that you're holding hands or dancing or kissing in a gay bar, that would be evidence that would go beyond.

Q You can tell your colleagues that you're gay, you can tell groups of people that you're gay, but if you say while you're saying that, but I'm not engaging in gay activities, that's okay?

SR. ADMIN. OFFICIAL: No, no, no, no. No, that alone is not sufficient to bring expulsion

from the military. But if there is evidence of any other kind of homosexual conduct, you know, or -- then that can trigger an investigation and lead to the person being taken out. But as was just said, there is a zone of privacy here that's been created.

Q But if they tell somebody it's a not a "don't tell" policy.

Q Yeah, you said on "don't tell," if you are discreet that --

(Cross talk.)

Q This will not meet Sam Nunn's test at all.

SR. ADMIN. OFFICIAL: No, now wait. "Don't tell" -- if you are practicing homosexual and tell somebody that, you -- and that is investigated and found to be true, you are out. If you tell somebody -- we're just trying to distinguish between status and conduct.

(Cross talk.)

Q Say you go on network television and say "I'm gay, but while I'm in the service I'm not going to engage in any unpermitted conduct," could you do that under this policy?

SR. ADMIN. OFFICIAL: You could. But let's understand what you are -- if there is any -- if an individual does that and then there's any other report that comes in which is to the contrary about anything else that goes on, that will trigger an investigation and that person could well be found and well be put out. Now, that person, in an investigation, can be asked, be asked questions about homosexual conduct.

SR. ADMIN. OFFICIAL: I mean, the burden of proof would be on the person who said that to prove that they do not have a propensity to engage in homosexual conduct.

(Cross talk.)

Q But as a policy, someone could go around, do every network morning show, tell their commander, tell everyone in their unit that they were gay by inclination, by status, but as long as there's no evidence, additional evidence of conduct, they could stay in? I mean, how many people can they tell and in what forum?

SR. ADMIN. OFFICIAL: I think that you have to be a little bit careful about this. I mean, I think that the norm would be "don't tell." I mean, the standard is very, very high. That's what -- I think what ***** was trying to say is that a single report from somebody to a commander, that this person said "I was homosexual," would not trigger an investigation. A series of reports very clearly might.

Q Not an investigation, but removal, discharge couldn't come even if people --

SR. ADMIN. OFFICIAL: Yeah, but you can -- under these -- this kind of thing you can

create such things as rebuttable presumptions in which the burden may rest upon the individual. Look, what this -- this policy is not going to -- is going to discourage active, practicing homosexuals from being in the military. That is what the policy is. There is a balancing here.

Q But the wording --

(Cross talk)

Q The wording of it --

SR. ADMIN. OFFICIAL: But the simple --

Q -- will say "don't tell."

SR. ADMIN. OFFICIAL: That's correct.

Q But you will create the space for what you're talking about, this zone of privacy, by not prosecuting or investigating people if they don't tell too much or don't tell certain things. Is that what you're saying?

SR. ADMIN. OFFICIAL: The notion here is not to have vigilante squads or witch hunts. If there is evidence that comes in that -- you know, this -- if evidence comes in, if tales come in, that can trigger an investigation, but the desire here is not to encourage a spirit of vigilantism.

Q But Sam Nunn made it very clear today that that will not pass his muster, that he, in fact, is going to mark up next week this policy and change it to meet his specifications.

SR. ADMIN. OFFICIAL: Yeah, I'm not certain that that's right. He set out five principles, and -- that he said, if you demonstrated a propensity to engage in homosexual acts, then that would put unit cohesion at risk and that that would be something that would likely -- not to pass muster. I don't think that that is something that we disagree on. I mean, I think --

SR. ADMIN. OFFICIAL: I agree.

SR. ADMIN. OFFICIAL: -- ***** was edging towards --

SR. ADMIN. OFFICIAL: That's right.

SR. ADMIN. OFFICIAL: -- a fairly narrow philosophical point --

SR. ADMIN. OFFICIAL: Right.

SR. ADMIN. OFFICIAL: -- of what it means to show a propensity towards homosexual

conduct. Now, there -- you know, again --

Q (Off mike) -- the argument about propensity, but propensity doesn't imply behavior. Propensity implies what your orientation in another world, in another life. That's -- I mean --

SR. ADMIN. OFFICIAL: Well, that's the point I'm trying to -- I think for all practical purposes, it would be unwise for someone in the military --

SR. ADMIN. OFFICIAL: Right.

SR. ADMIN. OFFICIAL: -- to say, "I am gay."

SR. ADMIN. OFFICIAL: Exactly. That's exactly right. That's --

(Cross talk.)

Q But you haven't responded to the question of --

SR. ADMIN. OFFICIAL: That's exactly right.

SR. ADMIN. OFFICIAL: But --

SR. ADMIN. OFFICIAL: You enter a danger zone if you start going on openly proclaiming your gayness by saying, "Oh, but wait a minute, I'm just -- I'm doing" -- I would argue you're then entering a serious danger zone.

Q But do you have think you have Sam Nunn's support for your policy?

SR. ADMIN. OFFICIAL: Excuse me?

Q Do you think you have Sam Nunn's support for your policy as you've briefed it tonight?

SR. ADMIN. OFFICIAL: Again, I mean -- I have not spoken to Sam Nunn, and I don't think ***** has. I don't think the President has recently. I know that there's been a lot of discussion between him and the Pentagon and that our policy is in general accord with the principles that he's put out.

Q What about --

Q May I ask, isn't this the President's policy? I mean, haven't you given us right the President's decision?

SR. ADMIN. OFFICIAL: No.

Q Why do you say no? I mean, if we wrote a story saying the President --

SR. ADMIN. OFFICIAL: I think --

Q -- is going to -- "don't ask, don't tell, don't pursue" --

SR. ADMIN. OFFICIAL: I think he said he was generally supportive. I think those were the terms. I think that's exactly the right phrase.

Q (Off mike) -- the big change? How can he -- he's already laid down all of the guidelines and -- isn't this the policy?

SR. ADMIN. OFFICIAL: Well, we thought you -- given all the stories that have been out there, we thought it would be helpful to put out a -- what we hoped would be a more authoritative understanding of what was -- from this podium about what was involved here. That's why -- that's the reason for this backgrounder.

Q Are you describing the Pentagon's plan or are you describing the White House plan at this point?

SR. ADMIN. OFFICIAL: We're describing the policy as has been presented by the Pentagon to the White House.

Q Will there be a statement --

Q What is it that's in this policy --

Q -- about homosexuality being compatible or not compatible?

Q -- (inaudible) -- that would trigger disciplinary action? Being homosexual or violation of the UCMJ? If there were to be disciplinary action. What is it that would trigger a disciplinary action? Simply being a homosexual --

Q Homosexual conduct.

Q -- or violating the UCMJ?

SR. ADMIN. OFFICIAL: I mean, I think that -- I don't know that we can necessarily put that fine a point on it. I mean, the policy generally tries to draw a line between status and conduct.

Q Well, it gets back to Mark's question about if you tell people that you're homosexual, does it matter as long as you don't engage in homosexual conduct?

SR. ADMIN. OFFICIAL: If you tell people, then that is likely to -- I mean, if you -- it's very likely to be --

Q That's conduct?

SR. ADMIN. OFFICIAL: -- be conduct, yes.

SR. ADMIN. OFFICIAL: The statement -- homosexual conduct is defined as including acts -- homosexual conduct is defined as including acts as well as statements.

Q Huh?

Q Wait a minute.

SR. ADMIN. OFFICIAL: As including acts as well as statements, for the purposes of this directive.

Q (Off mike) -- quote, it would be unwise for someone in the military to declare his homosexuality.

SR. ADMIN. OFFICIAL: Right, or to declare -- in particular to declare a propensity in that direction.

Q Now, how is that an advance over the present?

SR. ADMIN. OFFICIAL: The advance is right now you are asked and -- (or ?) prevented from going in. You could be asked once you were in. Right now you can't be asked, you don't have to -- now under the new policy you can't be asked and you won't have to answer.

Q This says it would be unwise to declare your homosexuality.

SR. ADMIN. OFFICIAL: It's very likely that if you --

Q (Off mike) -- closet.

SR. ADMIN. OFFICIAL: It's very likely that if you did that, you would trigger an investigation that could lead to your discharge.

Q Well, how is that an advance?

SR. ADMIN. OFFICIAL: It's an advance because right now investigations can be triggered under almost any circumstances with very little credible evidence. What this does is raise the bar on the kind of evidence it would take in order to be --

(Cross-talk.)

SR. ADMIN. OFFICIAL: But let's get back to one point about why this is an advance. Let's remember what the policy has been. People were asked on going in, and there were

active investigations. The military spent between 1980 and 1990 some \$500 million pursuing such investigations, and there were some, what –

SR. ADMIN. OFFICIAL: Almost 17,000 people.

SR. ADMIN. OFFICIAL: Almost 17,000 people were ordered out of the military during that period of time. This is –

SR. ADMIN. OFFICIAL: That will not happen under this --

SR. ADMIN. OFFICIAL: This is quite different.

Q You went through the campaign. I covered it, and you were there. Do you feel that this is the President's -- if he accepts this policy as you've outlined it, it is a fulfillment of his campaign pledge that he made to gay groups twice in California and a couple of other times? SR. ADMIN. OFFICIAL: I think it's an advance towards that pledge. Absolutely. And I think it certainly is an advance compared to the alternative, which would be if he came forward with any other policy, I believe, based on -- and I think that this is a pretty general reading of where the Congress is -- that the Congress is prepared to return to the policy before President Clinton was president, which would be a significant retreat for –

Q Well, a policy –

SR. ADMIN. OFFICIAL: Well, let me just finish. I mean, it's an important point. It would be a significant retreat for homosexuals in the military. And I think it is very clear that you would not be fulfilling your campaign promise by simply declaring a policy that had no reasonable prospect at all of any kind of success. You would not serve the principles underlying the campaign, that the President believes in, if you put forward a policy that would be sacrificed within days. No. I don't think so.

Q (Off mike.)

Q But that's the question here now. Are you saying that this president, with a Democratic Congress, could not win a veto override, when George Bush won 40 of them or however many? He couldn't win a veto override?

SR. ADMIN. OFFICIAL: I think there are lots of veto overrides that the President could win. I think that on this policy, that anybody could -- I don't even know that we would get to that point necessarily, but, I mean, you all were here this year. You've seen the level of concern, the level of concern that this raised in the Congress, and I think that any reasonable reading of where the Congress is at this point would lead you to think that it would be almost impossible to sustain a complete lifting of the ban. And I think that's absolutely inarguable.

Q What kind of requirement does this establish for homosexuals in the military? Can someone -- how does this change the career path for someone who happens to be

homosexual and in the military?

SR. ADMIN. OFFICIAL: If you're an openly -- if you're openly practicing homosexual, it will not change your career path, you will be out.

Q Is it the administration's position to treat uniformly heterosexuals and homosexuals the same under the Military Code of Conduct? That's correct, isn't that position? Then how can you say that you would be uniformly treating them the same by a simple declaration on your sexuality.

SR. ADMIN. OFFICIAL: No, it was equal enforcement of the Code of Military Conduct.

Q But what does conduct mean when you're talking about someone saying, just simply declaring that they have homosexual tendencies, but if they're celibate, or if they abstain, not act out on any of their tendencies, then why should that be a violation of conduct? That's simply status. That's simply stating their status. That is not a violation of conduct.

SR. ADMIN. OFFICIAL: Well, I mean there could be statements, if the statements demonstrate --

Q A simple declaration that you're a homosexual, or a heterosexual?

Q Your bunk mate.

SR. ADMIN. OFFICIAL: There is nothing under the UCMJ that a declaration of heterosexuality is against the rules. That's not in the UCMJ.

SR. ADMIN. OFFICIAL: It's not in the UCMJ -- or homosexuality is not the UCMJ either.

SR. ADMIN. OFFICIAL: Right. This is a question that there is certain sexual misconduct defined by the UCMJ --

SR. ADMIN. OFFICIAL: And that will be enforced equally.

Q What will?

Q But to simply declare your sexuality, how can that be --

SR. ADMIN. OFFICIAL: It's a separate point. We didn't say that it was -- that that would be --

SR. ADMIN. OFFICIAL: Yeah. But listen, let's get back to this. We want to make sure -- this question of status versus conduct, I mean, let's not overread this. It is a fairly narrow exception, I think, that most of us would understand, and it goes to more the philosophical question. If someone is completely celibate and obeying the rules of the military and wants to come in and serve his country or her country on that basis, all this rule is saying

that that individual -- and let's understand that that would be a rare case -- is not going to be expelled from the military. Now, but if someone comes in and tries to -- you know, to be -- to flaunt this and try to push this to the edges, I think that is going to trigger all sorts of things which -- you know, understand that --

SR. ADMIN. OFFICIAL: And there will not be investigations --

Q (Inaudible) -- by "don't tell" is that I can say to a bunk mate "I am homosexual, but I have not and do not engage in homosexual acts," and that will not trigger an investigation, that is what you're saying?

SR. ADMIN. OFFICIAL: In that very narrow zone. But if that person -- if there's any action by that person which led the bunk mate to believe that that was not true --

Q Wait a minute --

Q Are you suggesting that this is the president's policy or that this is the Pentagon's policy? SR. ADMIN. OFFICIAL: This is the Pentagon's policy. All we're talking about here is the Pentagon's policy.

Q But finish your sentence, finish your sentence. "You can tell your bunk mate..."

SR. ADMIN. OFFICIAL: But if that person then gave any suggestion or intimation that went beyond that -- (snaps fingers).

Q Well what happened to --

Q The UCMJ prevents sodomy. Can you see -- are commanders going to trigger investigations of reports of heterosexual sodomy?

SR. ADMIN. OFFICIAL: I think one of the -- what we said was we're looking for a common standard on investigations of all kinds and if --

Q Well, but if you're not -- if you're going to have it equal for heterosexuals --

SR. ADMIN. OFFICIAL: If there is credible evidence, if there is credible evidence then there may be an investigation of sodomy by a heterosexual.

Q Does the policy say anything about -- I know, but I'm going to kind of work the conversation back to the back of the room. Does the policy say anything about homosexuality being -- or homosexual conduct being incompatible with military service because it -- what does it say about that?

SR. ADMIN. OFFICIAL: We really can't address the specifics of the policy. It deals with that, it does not --

Q It does not resolve yet, at this point, the wording of that phrase?

SR. ADMIN. OFFICIAL: We just can't talk about the resolution. I really want to get back to Tom's point because I think we have to be very clear here. I think that if -- again, you could not put it in terms of you would allow, or sanction telling your bunk mate. If you were to tell your bunk mate, and that bunk mate told two people, and then you may have told somebody else and those are reported to your commander, and he initiates an investigation, and finds that it's credible, then you can be discharged.

Q But you can only tell you bunk mate if you trust or what?

Q Credible what?

Q Finds it credible that you told your bunk mate or credible that you engaged in some thing?

SR. ADMIN. OFFICIAL: If you say you're homosexual, that is the burden of proof would be on you to show that -- you saying your homosexual does not imply -- well let me finish the sentence -- does not imply that you would be committing homosexual acts. That is a very high bar for somebody.

Q Well, all you have to do is say no.

SR. ADMIN. OFFICIAL: But then again, a single report to a commander would not necessarily start the investigation.

Q Two reports would?

SR. ADMIN. OFFICIAL: Two reports could.

Q Okay, so in other words you can tell your bunk mate, you can tell your bunk mate, but you can't tell your bunk mate and your best friend?

SR. ADMIN. OFFICIAL: I don't think you can fairly say that this policy would say it is okay to tell your bunk mate.

SR. ADMIN. OFFICIAL: I think that's right.

SR. ADMIN. OFFICIAL: It would not say that it's okay to tell your bunk mate.

Q The JCS wouldn't have signed off on this?

SR. ADMIN. OFFICIAL: Let me clear this up.

SR. ADMIN. OFFICIAL: Let's come back and let's get this right.

SR. ADMIN. OFFICIAL: I really want to get this point right. I really --

Q For 20 Saturdays in a row your bunk mate says I went out to the canteen and I had a nice date with a girl, and finally on the 21st night when you say nothing, you say well I haven't because I'm gay, and that's all you say. I mean is that something?

SR. ADMIN. OFFICIAL: It's possible that nothing would happen if you said that. But that is not the same as saying that it's allowed.

Q But you'd be ill-advised to say it.

SR. ADMIN. OFFICIAL: I really want to focus on this. This is very, very important and I want to make sure we get this exactly right. The policy is not saying that you can tell your bunk mate that you are gay.

SR. ADMIN. OFFICIAL: Right.

SR. ADMIN. OFFICIAL: The policy is not saying that it is okay to make statements. What this policy is doing is allowing, though, an individual to quietly live a life and it -- you will not necessarily have investigations. You will not as easily have investigations as you do today. In order to trigger an investigation into homosexual conduct, a commander will have to have credible evidence that an individual is engaging in homosexual conduct -- please let me finish. Credible evidence of engaging in homosexual conduct is more than someone -- a bunkmate telling a commander this person is gay. It is more than a bunkmate saying I think this person is gay. It is more than a person saying my bunkmate told me he is gay. It is a range of evidence that a commander would have to take into account and would have to weigh against how many investigative resources he has, what the unit is like, how disruptive it would be, before they made a decision to investigate. What we're trying to do is before an investigation into homosexual conduct, which may lead to discharge, is triggered, make sure the people stop and pause and think and respect the privacy of people and make sure that they have credible information.

SR. ADMIN. OFFICIAL: Yeah.

SR. ADMIN. OFFICIAL: But it is not saying that it is okay to do these things.

SR. ADMIN. OFFICIAL: That's exactly right. It is not a permissive policy in that sense. I think this conversation has pushed in the direction of saying this is a permissive policy which it is not. But I want to make sure -- do you all understand that now? Because, okay.

Q You seemed to say exactly the opposite earlier. That's all --

SR. ADMIN. OFFICIAL: No, no, no, it was --

Q -- you go to a church, you're saying you go to a gay bar, you go to a gay parade.

SR. ADMIN. OFFICIAL: A person who goes -- let's understand something, a person who goes to a gay bar, a person who marches in a parade, is not per se gay. This policy understands that. People may march in gay parades who are heterosexual but are totally practicing heterosexuals but believe very strongly in gay rights.

SR. ADMIN. OFFICIAL: The things that –

Q -- if a homosexual person asked you, (name deleted), "I'm gay and I want to serve in the military, do you think I'm well advised to go to a gay bar or march in a gay parade?", your answer would be no.

SR. ADMIN. OFFICIAL: Absolutely right. Absolutely right. Absolutely right.

SR. ADMIN. OFFICIAL: Again, those examples are just a way of pointing out --

Q Well --

SR. ADMIN. OFFICIAL: I'll come to the question in one second. Are just a way of pointing out what wouldn't create an investigation. It's not saying, "Go out and go to a gay bar or go to a gay church go in a gay parade." It's saying –

Q "Don't tell" means don't tell.

SR. ADMIN. OFFICIAL: Right.

SR. ADMIN. OFFICIAL: "Don't tell" means don't tell. I'm sorry if I misled you on that point. It was more a philosophical point, and I'm sorry if I misled you. It's helpful to have ***** here. Please?

Q Isn't this policy, in fact, telling any practicing gay he would be well advised to stay out of the military?

Q Yes.

Q "Stay out."

Q Yes.

Q And the answer is?

SR. ADMIN. OFFICIAL: What this says -- again –

Q It's talking about your sex life.

SR. ADMIN. OFFICIAL: Right. It would not –

SR. ADMIN. OFFICIAL: That's right.

SR. ADMIN. OFFICIAL: It is not the best -- it would not necessarily be a place where you could fulfill -- could lead a -- could fulfill a life you would necessarily want to live. Q And what --

SR. ADMIN. OFFICIAL: But it's saying it is permitted.

Q What about their feeling that they are patriots and they would like to serve the country in the military?

SR. ADMIN. OFFICIAL: And I think the President believes very deeply that homosexuals have served their country well in the military, that there have been homosexual individuals who have served their country well. And he is trying to reconcile two very difficult issues. And -- which is what he said since January. How do you keep to this principle of allowing homosexuals to be in the military and balance that against his responsibilities as commander-in-chief to have high military morale, high military cohesion, and an effective fighting force? He is trying to come up with a policy that reconciles those two principles. And that's why he has worked so closely with the Joint Chiefs of Staff. He believes that they have worked hard to try and work with him on coming up with a policy that advances these goals as well.

Q (Off mike) -- sanctioned hypocrisy really? I mean --

SR. ADMIN. OFFICIAL: No, no.

SR. ADMIN. OFFICIAL: No, it is not.

Q It seems like what you're saying is, "Go ahead and break the Military Code; just be quiet about it and be secretive."

SR. ADMIN. OFFICIAL: No, no, it's not --

SR. ADMIN. OFFICIAL: We're not saying that.

SR. ADMIN. OFFICIAL: It's not what he's saying. That's not what he's saying. You are not telling heterosexuals to go and break the Military Code about sodomy. That's not what the Military Code says. What it says is the military is not going to operate vigilante squads to go out and check you out and go into places and go in and have people hanging out in gay bars and report back to the commanding officer or put 15 people out there and get -- and spy on people. That's what this different about this. But that's a very, very different approach. This is not a, you know, "go out and do it" kind of policy. That's not what this is saying. Understand that. That's why a lot of gay organizations -- it's understood here that there are going to be people in gay organizations who are not going to like this, who think it's not permissive enough, and there are going to be people over on the military side

who are going to feel that it goes too far on the don't ask, don't tell, don't pursue. You're going to have people on both ends of that. But within that -- between those two sides, there is this broad middle and this opportunity to try to reconcile these two principles, and there's a lot of respect here for what the military has done, the Joint Chiefs have done in that regard.

Q You both have said or people in the administration have both said that one of your major goals here was to try to produce a policy acceptable to Barney Frank and Congressman Studds as representative of a middle road in the gay community. Both of them have strongly opposed this today. Haven't you -- so where are you? Who have you pleased except the Joint Chiefs?

SR. ADMIN. OFFICIAL: I think what this policy does, or can do, is make life better for homosexuals in the military. I think --

Q -- not homosexuals?

SR. ADMIN. OFFICIAL: Let me finish more than just six words. He is also -- I think that if you look at what Representatives Frank and Studds said, they also said that the President acted in good conscience, that the President did as well as he could, and the President has come forward, or could be coming forward with a policy that will lead to a better life for homosexuals in the military, that it will be a policy that is an advancement for homosexuals in the military. Again, what you have to weigh this against is the alternative, and the alternative here is turning back the clock to the days before President Clinton was President, turning back the clock to the days when there were witch hunts, turning back the clock to the days when 17,000 people in a decade, at a cost of \$500 million were thrown out of the military.

SR. ADMIN. OFFICIAL: But where does it fall, if zero being the old policy, 10 being a total blanket end of the ban, where is this?

SR. ADMIN. OFFICIAL: I think this is a reasonable compromise which balances the President's commitment to his principles on opening up the military to homosexuals against his responsibilities as commander-in-chief to maintain military morale and cohesion.

Q (Off-mike) -- lose Barney on this. You had a compromise very, very close. What happened?

SR. ADMIN. OFFICIAL: Again, I think that we are looking for a reasonable policy, a policy that balances the goals the President had. I think that we worked with a lot of people to try and come up with the most reasonable policy. We've come -- and we are continuing to do that. You know, each representative is going to have to make his or her own decision based on their own conscience and their own reading of the situation, and Barney made his decision. But we feel that the policy as outlined here will lead to advances.

Q Let me get to some basics here. You're saying this is a Pentagon policy. Is this the Joint Chiefs of Staff policy or is this the Aspin policy? And have you had any input in it? And last, where is the President in relation to this policy, in a little more detail than you've given us?

SR. ADMIN. OFFICIAL: As I said at the beginning, we think the President is generally supportive. We still have some work to do on it through the weekend.

Q Is this a trial balloon to see how it flies?

SR. ADMIN. OFFICIAL: Remember, the directive went from the President to the Secretary of Defense. The Secretary of Defense then conferred with the Joint Chiefs of Staff in drawing -- he conferred extensively. And most -- maybe 95 percent of the work has been done over at the Pentagon on this policy, has been done by the Secretary conferring with the Joint Chiefs. He also followed the hearings that were conducted on Capitol Hill, he conferred elsewhere to make these recommendations to the President. This is a policy that has now been recommended by the Secretary of Defense to the President.

Q How much input did you have into this, if any?

SR. ADMIN. OFFICIAL: For the very tail-end of the process.

SR. ADMIN. OFFICIAL: The President had meetings Wednesday night and Thursday night. I mean, he met probably for about an hour and a half to two hours.

SR. ADMIN. OFFICIAL: Let me make it very clear that the President has had very, very little contact with this until the last two days. He had two meetings that were at the staff level, there were perhaps two additional meetings -- or I shouldn't say that. There were more meetings than two, but there were -- and there were some telephone conversations. But the president's involvement has been quite limited. It was Wednesday night and then Thursday night and then --

Q (Off mike.)

SR. ADMIN. OFFICIAL: Full discussion.

SR. ADMIN. OFFICIAL: There was a full discussion, yeah.

Q Did Aspin portray this as the most the president could expect to have the military go along with?

SR. ADMIN. OFFICIAL: You'd have to ask him.

Q Are the joint chiefs generally supportive of the plan?

SR. ADMIN. OFFICIAL: I think you should talk to Aspin and the military. But, you know,

we've been working very closely with them.

Q Are you contemplating -- you say the president's still thinking about it. Are you contemplating making changes that might jeopardize their support, or do they have -- do they -- or you would not do anything that would jeopardize that?

SR. ADMIN. OFFICIAL: Again, I can't read their minds or anything. We're still working on the policy. We believe --

Q Yeah, but why don't you just ask them?

SR. ADMIN. OFFICIAL: Well, I don't -- right now, the president's generally supportive and we have a little more work to do, and that's really all I --

Q You guys sound completely sold on it though. I mean, for the last 40 minutes you made it sound like this is it, this is the best thing that could happen, this is going to work and this is it. What areas -- you said the Justice Department will sign off on it and say it's okay. What other work needs to be done on it? What refining -- or is it refining, fine-tuning that you're talking about that needs to be done?

SR. ADMIN. OFFICIAL: I think reviewing and just -- yeah, there's probably some small language changes. But, again, the president's generally supportive of what he's seen.

SR. ADMIN. OFFICIAL: We have not heard yet back from the Justice Department. We assume that -- every indication we have is the Justice Department will say, as it has said all along, that this is quite sustainable. And the president -- I must tell you, the president is most appreciative of the work that not only the secretary of defense has done on this, but the work that the chiefs have done. They've been most constructive in trying to put this policy together. They understand -- look, they understand that just as -- and there's a recognition here that Representatives Frank and Studds have also been most constructive in working on this. Understand that in both cases there are people that Barney -- you know, there are people that -- in some of the gay organizations who are clearly much more strongly opposed or have much more adamant feelings than Representative Frank has about this. At the same time, there are a lot of folks in the military uniform who find that "don't ask, don't tell, don't pursue" is more -- provides more latitude than they would like. They would like to go back -- there are many people in military uniform who would like to go back to the preexisting condition. We understand that.

Q Aren't you -- (inaudible) -- this up to a legal morass? I mean --

SR. ADMIN. OFFICIAL: No, we think not. That's one of the reasons.

Q (Off mike) -- in unit after unit --

SR. ADMIN. OFFICIAL: As you understand the court traditions have been on this, that the courts have recognized the military -- they have -- is a unique organization, unique institution, and if you look at the rulings on this, they have approached it in that spirit, and

we have every indication from the Justice Department that this will be sustainable in the court.

Q How about within the military court system, at the unit level won't there be just endless disputes –

SR. ADMIN. OFFICIAL: We would assume not. There are going to be -- you have to iron this out over time. There are going to be these questions. We understand -- everybody understands you can't write a code -- you know, it would take you 1,000 pages, perhaps, to describe every conceivable incident that might occur.

SR. ADMIN. OFFICIAL: You're also -- I mean, you're assuming an entire stance of non-cooperation.

SR. ADMIN. OFFICIAL: Right.

SR. ADMIN. OFFICIAL: I think that one of the things we've been searching for is a policy that will work, and I think that what we've come up with is something that the military will work to make work.

SR. ADMIN. OFFICIAL: That's an extremely important point. I'm so glad ***** made that, because that really goes to the heart of this in terms of their attitude about this. If they can -- at the top there, the top people there can come up with a policy they think can work, it will have a much, much better chance of working. That was part of what was

Q How do you guarantee the cooperation down the, so to speak, local level by these (colonels ?) that you don't have –

SR. ADMIN. OFFICIAL: Remember the chain of command. Thank you.

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