

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001 memo	Anthony Lake to President William J. Clinton re: Meeting with Secretary Aspin (2 pages)	03/02/1993	P5 4270
002a. memo	Robert Bell to Anthony Lake re: President's Meeting with Joint Chiefs of Staff (2 pages)	01/24/1993	P1/b(1), P5
002b. memo	Duplicate of 001a, incomplete copy (1 page)	01/24/1993	P1/b(1), P5
002c. briefing paper	Meeting with Joint Chiefs of Staff, incomplete copy (1 page)	01/25/1993	P1/b(1), P5
002d. briefing paper	Duplicate of 001c, incomplete copy (1 page)	01/25/1993	P1/b(1), P5
002e. memo	Les Aspin to President William J. Clinton re: Meeting with The Joint Chiefs of Staff, incomplete copy (2 pages)	01/23/1993	P1/b(1), P5
002f. memo	Duplicate of 001e, incomplete copy (2 pages)	01/23/1993	P1/b(1), P5
002g. talking points	Meeting with Joint Chiefs of Staff, incomplete copy (2 pages)	ca. 01/24/1993	P1/b(1), P5
002h. talking points	Duplicate of 001g, incomplete copy (2 pages)	ca. 01/24/1993	P1/b(1), P5
002i. talking points	Points to be Made for Meeting with Joint Chiefs of Staff, incomplete copy (3 pages)	ca. 01/24/1993	P1/b(1), P5
002j. talking points	Duplicate of 001i, incomplete copy (1 page)	ca. 01/24/1993	P1/b(1), P5

COLLECTION:

Clinton Presidential Records
National Security Council
Press (Philip J. (PJ) Crowley)
OA/Box Number: 3104

FOLDER TITLE:

Department of Defense [5]

Kelly Hendren
2011-0516-S
kh606

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

RR. Persons redacted in accordance with 44 U.S.C.

2211(3).

RR. Documents will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

THE WHITE HOUSE

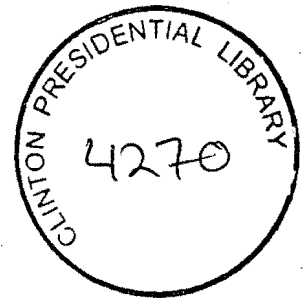
WASHINGTON

March 2, 1993

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE ✓
SUBJECT: Meeting with Secretary Aspin

Purpose

To provide background information on three topics of discussion for your March 3 meeting with Secretary Aspin: defense budget, base closings and defense conversion, and Tailhook.

Defense Budget

Most of our allies on the Hill agree that your Fiscal Year 1994-1997 defense budget is fully consistent with your campaign position on military spending. They understand that the \$18 billion in pay and benefits adjustments and the \$10 billion hedge against underfunding in the Bush/Cheney baseline should not be seen as contravening your pledge to hold program cuts to \$60 billion.

Some remain concerned, however, about the adverse consequences for defense if our planning assumptions are wrong. For example, Senator Nunn has asked if you will hold defense harmless if the Bush/Cheney shortfall is substantially greater than \$10 billion; if inflation is greater than expected; if Congress votes to increase military pay; or if the military cannot be exempted from the BTU tax.

The Vice President has explained to Senator Nunn that it would be a mistake to offer such a commitment, since it could send a signal to the financial markets that we are prepared to protect defense even if it means our Federal deficit reduction targets are missed by tens of billions of dollars. At the same time, the Vice President assured Senator Nunn that the Administration does not intend to take a wrecking ball to defense. Should our assumptions be proven wrong in some major respect, the Vice President pledged that we would go back to the drawing board and consider the whole range of options for redressing the shortfall.

You should emphasize in your discussion with the Secretary that as he makes decisions on the FY 1994 and outyear defense budgets, he needs to go the extra mile in consulting closely with Senator Nunn. While we may not be able to remain in accord with Senator Nunn in all cases on matters of policy or substance, we should avoid any split over a breakdown in process.

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Base Closing and Defense Conversion

Secretary Aspin will announce his recommendations to the independent Base Closing and Realignment Commission next Friday, March 12. The Commission will hold hearings and visit facilities before submitting its own list to you on July 1. If you agree with the Commission's list, you must forward it to Congress by July 15. Congress then has 45 days to reject the recommendations (one vote on the entire list). If you disapprove of the Commission's July 1 report, you can send it back to the Commission one time for revisions, though it is up to the Commission to decide whether to make any changes.

This round of closings will carry with it considerable economic pain: the 1993 list will likely include as many major base closures (more than 40) than the 1988 and 1991 rounds combined. There is, therefore, a special premium on coordinating the targeting of the \$1.7 billion that is available in FY 1993 defense conversion funds to mitigate the impact of these closings. You should explore the degree to which he is taking expected base closings into account in drawing up his recommendations on the defense conversion funds. You should also be aware that others in the White House see merit in using the defense conversion money to further other goals, including reinforcing the economic stimulus package or targeting key re-election states for 1996.

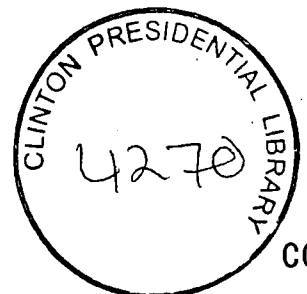
Tailhook

Secretary Aspin does not want to release the DOD Inspector General's report on Tailhook until a new Secretary of the Navy is confirmed. His concerns are threefold:

- Once the report is issued, it will be incumbent on the Administration to begin judicial proceedings immediately. If the Department of the Navy is still being led by Admiral Kelso, critics might later charge that fellow officers were protected.
- The follow-up to the report should be overseen by one person in charge throughout, not handed off in midcourse as competent civilian authority is confirmed.
- Releasing the report now, while Secretary Aspin is the only confirmed official in DOD, will overwhelm him at a time when his attention should be focused on budget and strategy review priorities.

If the naming of the new Navy Secretary cannot be expedited, Secretary Aspin may suggest an alternative: early confirmation of the new DOD General Counsel, who could be tasked with implementation of the Tailhook report.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
00174 memo	Attorney General Janet Reno to President William J. Clinton re: New Policy on Homosexual Conduct in the Armed Forces (2 pages)	07/19/1993	P5 4271

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Clinton Presidential Records
National Security Council
Press (Philip J. (PJ) Crowley)
OA/Box Number: 3104

FOLDER TITLE:

Department of Defense [4]

Kelly Hendren
2011-0516-S
kh806

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RR: Personal record in file defined in accordance with 44 U.S.C.

221(3).

RR: Document will be reviewed upon request.

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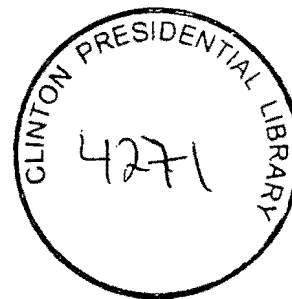
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Office of the Attorney General
Washington, D. C. 20530

July 19, 1993



MEMORANDUM FOR THE PRESIDENT

FROM: THE ATTORNEY GENERAL

RE: DEFENSIBILITY OF THE NEW POLICY ON HOMOSEXUAL
CONDUCT IN THE ARMED FORCES

The Supreme Court has repeatedly stated that the courts must review decisions by the President and by military commanders deferentially, taking into account the separate nature and special needs of military society. As a consequence, it is possible to justify in the military setting constraints on individual liberty and choice that might be invalid in civilian society. Because of the extraordinary deference paid by the courts to military service, we are confident that the new policy proposed by the Secretary of Defense will be upheld against constitutional challenge. Moreover, the proposed policy (hereafter, "the policy") that the Secretary of Defense has submitted changes earlier policy in three respects that should improve the ability of the Department of Justice to defend the policy in court.

First, the policy changes the premises on the basis of which questions involving the service of homosexuals in the military are to be resolved. The policy reiterates the prior Defense Department view that "homosexuality is incompatible with military service because it interferes with the factors critical to combat effectiveness." However, the policy adopts a new position that sexual orientation is a private matter and is not a bar to service "unless manifested by homosexual conduct." Under the policy, therefore, the military would be directed to judge an individual's suitability for service on the basis of conduct, and homosexual conduct (but not an unmanifested orientation) would be grounds for separation from service. We can be confident that the prohibition on acts that everyone would regard as explicitly sexual would be sustained under existing case law.

Second, the policy implements the distinction between "status" and "conduct" that you drew in your January 29 directive. Most important in this regard is the treatment of statements of homosexuality or bisexuality as creating "a rebuttable presumption that the service member is engaging in homosexual acts or has a propensity or intent to do so." First Amendment problems would

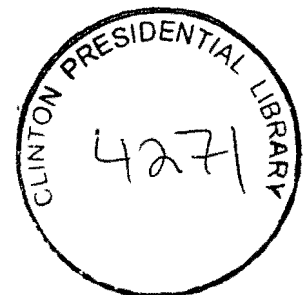
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arise if the policy proscribed certain speech, in and of itself, because of disapproval of the content or the viewpoint expressed. This approach provides much clearer authority than did the pre-January policy for the argument that the Department of Justice has been making persuasively to the courts up to this point that a member who credibly disproved any intent or propensity to commit physical acts would not be subject to separation. The new policy suggests a meaningful opportunity to rebut the presumption flowing from statements of homosexuality. As a consequence, the Department of Justice will be better able to argue that the policy is not directed at speech or expression itself, and that any burdens in those respects are incidental to the achievement of an important governmental interest.

Third, the policy would substantially change pre-January investigative policies. Applicants for military service would not be questioned about their sexual orientation or behavior. Investigations would no longer be conducted for the sole purpose of determining an individual's sexual orientation. Commanders will initiate investigations only where there is credible evidence of "homosexual conduct." This change will make decisions made under the policy appear fairer, more even-handed, and conduct-based, and therefore easier to defend.

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