

Statement on Signing the Executive Order Amending the Manual for Courts-Martial

October 7, 1999

I have signed an Executive order amending the Manual for Courts-Martial, which sets out procedures for criminal trials in the Armed Forces. The amendments make a number of desirable changes to modernize the rules of evidence that apply to court-martial proceedings and to take into account recent court decisions. These changes have been recommended by a committee of experts representing all the military services.

There are four principal changes. First, the new rules provide that evidence that a violent crime was a hate crime may be presented to the sentencing authority as an aggravating factor in the determination of the appropriate sentence. As in the case of laws that apply in civilian courts, this rule sends a strong message that violence based on hatred will not be tolerated. In particular, the rules provide that the sentencing authority may consider whether the offense was motivated by the victim's race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

Second, the rules provide special procedures for cases in which there are allegations of child abuse and children are called to testify. The new rules allow for televised testimony from a location other than the courtroom and provide for other special procedures to make it as easy as possible for children who are witnesses to testify completely and accurately. These provisions are similar to those applied in most civilian courts.

Third, the order adds a new evidentiary rule to court-martial proceedings providing that most statements to a psychotherapist are privileged. The purpose of this change is to encourage candid confidential communications between patients and mental health professionals. It is similar to a privilege that is recognized by the Federal courts and courts of virtually all States. The privilege is not absolute, and the exceptions make clear that communications must still be disclosed when necessary for the safety and security of military personnel and in other compelling cases.

Finally, the new rules create the offense of reckless endangerment as an additional crime under the Uniform Code of Military Justice. This offense is similar to that found in most State codes.

Remarks on Departure for New York City and an Exchange With Reporters

October 7, 1999

Comprehensive Test Ban Treaty

The President. Good morning. All this past week a chorus of voices has been rising to urge the Senate to ratify the Comprehensive Test Ban Treaty. Yesterday our Nation's military leaders and our leading nuclear experts, including a large number of Nobel laureates, came here to say that we can maintain the integrity of our nuclear stockpile without testing, and that we would be safer with the test ban treaty. Today religious leaders from across the spectrum and across the Nation are urging America to seize the higher ground of leadership to stop the spread of nuclear weapons.

I want to thank those who are here, including Bishop John Glynn of the U.S. Catholic Bishop's Conference, Reverend Elenora Giddings Ivory of the Presbyterian Church, Reverend Jay Lintner of the National Council of Churches of Christ, Mark Pelavin of the Religious Action Center of Reformed Judaism, Bishop Theodore Schneider of the Evangelical Lutheran Church, Joe Volk of the Friends Committee, Dr. James Dunn; there are others here, as well. And I would like to say a special word of thanks to Reverend Joan Brown Campbell of the National Council of Churches, as she concludes her responsibilities, for all the support she has given to our administration over the years.

And let me express my special gratitude to Senator Jim Jeffords from Vermont and Senator Byron Dorgan of North Dakota for their presence here and for their leadership in this cause.

These Americans are telling us that the debate about this treaty ultimately comes down to a fairly straightforward question: Will we do everything in our power to reduce the likelihood that someday somewhere nuclear