affairs with the President, Congress may not dictate the executive branch's negotiations with foreign governments (section 5). Because the Constitution preserves to the President the authority to decide whether and when the executive branch should recommend new legislation, Congress may not require the President or his subordinates to present such recommendations (section 6). I therefore direct executive branch officials to carry out these provisions in a manner that is consistent with the President's constitutional responsibilities.

William J. Clinton

The White House,
December 26, 2000.

NOTE: H.R. 5461, approved December 21, was assigned Public Law No. 106–557.

Remarks on the Recess Appointment of Roger L. Gregory to the United States Court of Appeals for the Fourth Circuit and an Exchange With Reporters

December 27, 2000

The President. Good afternoon, ladies and gentlemen. Thirty-nine years ago the great grandson of a slave became the first African-American to serve on the United States Court of Appeals for the Second Circuit. In 1961, amidst fierce opposition, President John F. Kennedy appointed Thurgood Marshall as only the second African-American to fill a vacancy on the U.S. Court of Appeals. In doing so, President Kennedy not only ensured that the people of the Second Circuit would be served by an excellent jurist; he also took a big step forward in America's ongoing efforts for equal opportunity in every aspect of our life, including our courts.

Judge Marshall went on to become one of our Nation's most distinguished jurists, highlighted by his 1967 appointment by President Johnson as the first African-American Justice of the United States Supreme Court.

President Kennedy's action was in the grand tradition of Presidents of both parties, dating all the way back to George Washington, who have used their constitutional authority to bring much needed balance and excellence to our Nation's courts.

Four of the first five African-Americans to ascend to the appellate bench were initially appointed in the same fashion that I employ today. To fill a similar gap in our judicial system, I am honored today to announce my appointment of Roger Gregory, one of Richmond's most respected trial lawyers, to fill an emergency vacancy on the United States Court of Appeals for the Fourth Circuit. I will renominate him when Congress returns in January, and I urge the Senate to confirm him.

I take this extraordinary step for extraordinary reasons. First, the people of the fourth circuit are not receiving the judicial representation they deserve. The U.S. Judicial Conference has declared this seat a judicial emergency. It has been vacant for more than a decade. In the last 5 years alone, fourth circuit caseloads have increased more than 15 percent; yet one-third of its judgeships are vacant. This has left too many citizens waiting in line for justice. It is a travesty in a nation that prides itself in the fair and expeditious rule of law.

Second, it is unconscionable that the fourth circuit, with the largest African-American population of any circuit in our Nation, has never had an African-American appellate judge. As I said when I first nominated Roger Gregory, it is long past time to right that wrong. Justice may be blind, but we all know that diversity in the courts, as in all aspects of society, sharpens our vision and makes us a stronger nation.

Time and again, for 5 years now, I have tried and tried to fill these gaps in justice and equality. And time and again, for 5 years now, the Senate majority has stood in the way.

Third, and perhaps most important, Roger Gregory is the right man at the right time to fulfill this historic role. His life is a testament to the power and promise of the American dream.

The son of factory workers, he's the first in his family to graduate from high school, let alone college and law school. He graduated summa cum laude from Virginia State University and went on to earn his law degree from the University of Michigan Law School.

He returned to teach at Virginia State, where his mother had once worked as a dormitory maid.

He is now one of Virginia's leading litigators and one of its most civic-minded citizens. He's earned high praise from all quarters, including the American Bar Association, religious leaders, and both of Virginia's Senators, Republican Senator John Warner and Democratic Senator Chuck Robb.

I want especially to thank Senator Robb for all he has done to make this day possible, for his tireless leadership in the Senate on this and so many other issues. He worked very hard to get back here today, but the bad weather down in Texas made it impossible. But I do want to thank him. He convinced me, and when I looked into the record I saw that it was absolutely true, that Roger Gregory would make an excellent judge for all the people of the fourth circuit.

In closing, let me say I have not come to this decision lightly. I have always respected the Senate's role in the appointment process. Indeed, I have made far fewer recess appointments than President Reagan did in his 8 years, and I believe that the record on that is perfectly clear. On the other hand, I am compelled by the facts and history to do what I can to remedy an injustice that for too long has plagued the fourth circuit, and that I have tried for too long to remedy in the established way.

As President, it is my constitutional responsibility to see that justice for all is not just what we promise; it's what we practice. That is the principle behind my appointment of this distinguished American today.

Mr. Gregory, congratulations.

[*At this point, Judge Gregory made brief remarks.*]

The President. Thank you.

I'll answer your questions—I can't resist injecting just a little bit of levity here. One of the things you want in a judge is someone who is well-organized and has a good sense of timing. His children are 18, 12, and 6. [*Laughter*] I think that ought to be evidence in the hearing on his appointment. [*Laughter*]

Middle East Peace Process

Q. Mr. President, has the Mideast peace process been set back by the Palestinian reluctance to accept your proposals for an agreement with Israel? And do you have any indication of whether Thursday's summit is going to go forward?

The President. Well, let me say first, this is the first chance I've had to comment on the substance here, so—the parties are engaged in a renewed effort to reach an agreement. Based on the months and months of discussion I've had on these final status issues, we have attempted to narrow the range of outstanding matters in a way that meets the essential needs of both sides.

The whole question now is whether they agree to continue the negotiation on the basis of these ideas. We've got to bring this to a conclusion if we're going to continue. The issues are extremely difficult, but they are closer than they have ever been before. And I hope and pray they will seize this opportunity. And I think that is all I should say at this time. The less I say, the better.

Q. Is that right—you haven't heard from them? It sounds like you have not. The Palestinian officials have been saying they cannot accept your proposals.

The President. Well, we'll see what happens. Prime Minister Barak has said that he would accept and continue the negotiations if the Palestinians would, and we'll see what happens. There's a lot of things going on now, and will be in the next several days, and I think, as I said, the less I say about them all, the better.

Q. Have you received a response, an actual response from the Palestinians yet?

The President. I've said all I'm going to say about this today.

Shootings in Wakefield, Massachusetts

Q. Mr. President, what were your first thoughts when you saw the news of the shootings up in Massachusetts?

The President. Excuse me?

Q. The shootings in Massachusetts—I'm wondering what your first thoughts were and what you would say to the Nation in this holiday season with that happening.

The President. Well, I feel what I always feel when tragedy befalls Americans. And I

hope that they will remember that this holiday season—interestingly enough in this season is not only the Christian season of Christmas but the great Jewish and Muslim holy days happen to coincide in the same week this year. So I hope that we will remember, amidst our celebration, to pray for all the people involved.

Gregory Appointment

Q. Mr. President, do you think the issue of minority judgeships should be brought up in the Ashcroft confirmation hearings? And was this appointment in part aimed at highlighting that issue and could, in fact, those hearings increase Mr. Gregory's chances of a confirmation?

The President. Well, I think I should answer the second question clearly. This is unrelated. I have tried for 5 years to put an African-American on the fourth circuit—for 5 years. Now—and for all the reasons that I made in my—stated in my remarks, I think it is most unfortunate that it has not been done, and I just determined to do it. It's just time to do it.

On the other question, that is something that the Senate will have to deal with. I'll be—it's not my appointment, and I won't be President, and I don't think I should say any more about it. The Senate will do what it thinks is proper there.

Possible Visit to North Korea

Q. The President of South Korea says he thinks it is unlikely you'll visit North Korea before January 20th. Have you moved any further toward a decision, whether to send an envoy there to see if North Korea is ready to reduce its missile program?

The President. We have been in touch with the North Koreans, and I may have some more to say about that. You know I just have a limited number of days here before I leave office, and I'm trying to get as much done as I can, including on that. I may have some more to say in the next few days about it.

Pharmaceuticals Legislation

Q. Mr. President, the reimportation of drugs law that you signed and which today you received the letter from Secretary Shalala—some folks are wondering why you would sign a law that contained such supposed flaws as were identified by the Secretary. Do you have any plan to negate, circumvent, or seek to counteract or overturn her ruling?

The President. Well, what she—I said when I signed the law that it was deeply flawed. She is required by law to make a determination that—two things—one, that the reimportation would not weaken the safety standards that we have for Americans and their pharmaceuticals. I think she could do that. But the second was, she had to make a determination by law that this would lower prices for American consumers. And the law was so different from the one we proposed and is so full of loopholes that she could not say in good conscience that she believed that the prices for consumers would go down, which is exactly what I warned when I asked them not to do this.

So what we'd like to see is a law that protects safety that will lower consumer prices. I do think that people ought to be able to do this, and—I did before, but I will again, as soon as the Congress comes back—I'll send them a statement of the things that I believe would meet the standard of the law. I think that Secretary Shalala did what she thought the law required her to do, and since she couldn't certify that American consumers wouldn't get lower prices, she didn't want to hold out false hope and be involved in something she thought was not legitimate.

So I hope we can work this out. I do think there was in the last Congress, and I think there will be in this one, a majority for allowing Americans to reimport drugs under strict safety standards at lower prices. But I think we have to do it in a way where we don't promise something that doesn't materialize. That's all, really, that was at issue here. And I think—we'll send something up in the way of clarifying language as soon as they come back next week and see what we can do.

Incoming Bush Administration

Q. Mr. President, the Bush team has said that they're going through all of your Executive orders and your administration's regulations with a fine-tooth comb, and they may undo them. Are you concerned about this,

and do you think that this recess appointment could go the way some of your Executive orders might?

The President. Well, they have very different views on the environment, particularly, and on some other issues. And when they take office, you have to expect them to do what they think is right. And you have to expect the people who disagree to disagree. And democracy will work its will, and then the citizens of the country will make their judgments.

All I can do is to do what I think is right. And these things that we've been doing lately are things that we've been working on for years. For example, the—let me just use one example—the medical privacy regulations, which I think are profoundly important, we tried to do that through legislation, and the Congress—to be fair to the Congress—adopted a bill which said, okay, we've got to get this work done by a certain date, but if we can't get it done, then the administration can take action. So when it became obvious that because of all the conflicting interest groups that it wouldn't be possible for them to do that, when the date elapsed, passed, we decided that we would take action, as the Congress had explicitly authorized us to do.

In terms of Secretary Browner's order regarding the trucks and the fuel, diesel fuel—which I think is a very, very important part of our clean air efforts, when asthma is the number one health problem among children in our country today—we've been working on that for years. That's not some sort of eleventh-hour thing. It's just that we didn't—this is when we finished, and so we did it.

And I think we should just do what we think is right, and then when they get in, they'll do what they think is right. That's what democracy is all about. And they'll either—if they want to undo these things, then they'll either be able to do it or they won't, as the process plays itself out. That's the way the system works. And I have no problem with that. They have to do what they think is right, just like we do.

Presidential Pardons

Q. Mr. President, are you still considering providing pardons for some of the Whitewater figures?

The President. I expect to do another round of pardons, but I haven't had any meetings or made any decisions about any others yet. I just expect to do some. I have done—I haven't seen the final numbers, but before the last batch at least, I had done fewer than any President in almost 30 years. And part of that, frankly, is the way the system works, something I'm not entirely satisfied with. But I think that it is appropriate for the President to do them where circumstances are appropriate.

I have always thought that Presidents and Governors, when I was a Governor, should be quite conservative on commutations—that is, there needs to be a very specific reason if you reduce someone's sentence or let them out—but more broadminded about pardons because, in so many States in America, pardons are necessary to restore people's rights of citizenship. Particularly if they committed relatively minor offenses, or if some years have elapsed and they've been good citizens and there's no reason to believe they won't be good citizens in the future, I think we ought to give them a chance, having paid the price, to be restored to full citizenship.

And in that sense, I think that the word is almost misused, because it's not like you—you can't erase the fact that someone has been convicted and served his sentence, in the case of those who have. But there are many people, including more people than I get their applications to my desk—many people don't have lawyers; they don't even know to ask for a pardon—but they'd like to vote at election time; they'd like to be full citizens. And they're out there working hard and paying taxes, and they have paid the price.

So I would like to be in a position to do that. A lot of the folks—virtually all of them on the first list I released, 58, I think, were people that are unknown to most Americans. They're not people with money or power or influence. And I wish I could do some more of them—I'm going to try. I'm trying to get it out of the system that exists, that existed before I got here, and I'm doing the best I can.

Summation Speeches

Q. You gave wrap-up foreign policy speeches in London and in Nebraska. Do you

have any other speeches, summation speeches planned for other policy areas?

The President. I expect I'll do one on domestic policy; I'm trying. We're looking for a venue, and after the first of the year I'll probably do at least one more.

Thank you all very much.

Q. What about Gray Davis?

Q. Are you going to take reporters on your next househunting trip, Mr. President?

The President. [*Laughter*] I hope I don't have to do any more.

Thank you.

NOTE: The President spoke at 3 p.m. in the Oval Office at the White House. In his remarks, he referred to Prime Minister Ehud Barak of Israel. Reporters referred to outgoing Senator John Ashcroft, the incoming Bush administration nominee for Attorney General; and Gov. Gray Davis of California. The transcript released by the Office of the Press Secretary also included the remarks of Judge Gregory.

Statement on the Death of Jason Robards

December 27, 2000

Hillary and I were deeply saddened to learn of the death of Jason Robards. An accomplished actor, Mr. Robards was a commanding presence on the big screen and a passionate force on the stage.

Jason Robards' numerous accomplishments represent the esteem in which his colleagues and his fans held him. After winning two Oscars and a Tony award, Hillary and I had the privilege of honoring Jason's long career both in 1997 with a National Medal of Arts and again in 1999 with the Kennedy Center Honors award for his lifetime of contribution to American arts and culture. Mr. Robards was also a hero in his pre-acting days. Surviving the attack on Pearl Harbor, he earned the Navy Cross—the second-highest naval decoration.

Mr. Robards will be missed by all of us who cherished him and his work. Our thoughts and prayers are with his wife, Lois, and their six children.

Statement on Signing the Intelligence Authorization Act for Fiscal Year 2001

December 27, 2000

Today I have signed into law H.R. 5630, the "Intelligence Authorization Act for Fiscal Year 2001." I am pleased that the Act no longer contains the badly flawed provision that would have made a felony of unauthorized disclosures of classified information, and that was the basis for my veto of a previous version of this legislation. I thank the Congress for working with me to produce a bill that I can sign.

I appreciate the inclusion of section 308 concerning the applicability of Federal laws implementing international treaties and other international agreements to United States intelligence activities. Section 308 applies only to intelligence activities of the United States and addresses particular concerns regarding the potential application of future United States domestic laws implementing international agreements to otherwise lawful and appropriately authorized intelligence activities. This provision does not in any way address the proper interpretation of preexisting implementing legislation or other United States statutes, nor does it in any way address other United States Government activities.

Title VIII of the Act sets forth requirements governing the declassification and disclosure of Japanese Imperial Army records, as defined by the Act. The executive branch has previously been declassifying United States Government records related to Japanese war crimes under the provisions of the Nazi War Crimes Disclosure Act, Public Law 105–246; consequently, I understand that title VIII does not apply to records undergoing declassification pursuant to the Nazi War Crimes Disclosure Act.

Finally, I acknowledge the efforts of the Congress to bring about a more capable, secure, and effective Diplomatic Telecommunications System. I am concerned, however, that the proposed changes for the Diplomatic Telecommunications Service Program Office do not yet represent the best methods for improving the management of