

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1998 08:28:40.00

SUBJECT: fwd: McVeigh Wins 1st Round

TO: Brad L. Austin (CN=Brad L. Austin/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Todd A. Summers (CN=Todd A. Summers/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Ktuerff (Ktuerff @ 4env.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: grendon (grendon @ nclr.org @ inet [UNKNOWN])
READ:UNKNOWN

TO: kimblca (kimblca @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: SteveLew2 (SteveLew2 @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: ctroupe (ctroupe @ services.state.mo.us @ inet [UNKNOWN])
READ:UNKNOWN

TO: Rick Stafford (Rick Stafford [UNKNOWN])
READ:UNKNOWN

TO: gaylesmed (gaylesmed @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: debaids (debaids @ isdn.net @ inet [UNKNOWN])
READ:UNKNOWN

TO: navdocsf (navdocsf @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: helenmm (helenmm @ itsa.ucsf.edu @ inet [UNKNOWN])
READ:UNKNOWN

TO: RAPANUIJER (RAPANUIJER @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: scotthitt (scotthitt @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: BHattoy (BHattoy @ ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Phyllis Greenberger (Phyllis Greenberger [UNKNOWN])
READ:UNKNOWN

TO: bigbob411 (bigbob411 @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: nbollman (nbollman @ irvine.org @ inet [UNKNOWN])
READ:UNKNOWN

TO: raragon (raragon @ sfaf.org @ inet [UNKNOWN])
READ:UNKNOWN

TO: snabel (snabel @ mem.po.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: HMolina451 (HMolina451 @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: Jeffrey_Levi (Jeffrey_Levi @ compuserve.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: dkinch (dkinch @ health.org @ inet [UNKNOWN])
READ:UNKNOWN

TO: Harveyapc (Harveyapc @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: sean.m.grimes (sean.m.grimes @ bankamerica.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: rdupaix (rdupaix @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: Matthew Murguia (CN=Matthew Murguia/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: paul_yandura (paul_yandura @ hud.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: rsorian (rsorian @ osaspe.dhhs.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: palmer1 (palmer1 @ us.ibm.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: jedelheit (jedelheit @ templeisrael.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: bgw2 (bgw2 @ nipl.em.cdc.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: shenovice (shenovice @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: mojo1025 (mojo1025 @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: harndc (harndc @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: rev_alta (rev_alta @ junos.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: hornor (hornor @ hsc.usc.edu @ inet [UNKNOWN])
READ:UNKNOWN

TO: Isbell (Isbell @ hugheshubbard.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: thenders (thenders @ glo.state.tx.us @ inet [UNKNOWN])
READ:UNKNOWN

TO: NSG999 (NSG999 @ msn.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: katgerus (katgerus @ sprynet.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: jerryc (jerryc @ wizard.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: bolandmg (bolandmg @ umdnj.edu @ inet [UNKNOWN])
READ:UNKNOWN

TO: terje (terje @ worldnet.att.net @ inet [UNKNOWN])
READ:UNKNOWN

TO: joneill (joneill @ hrsa.dhhs.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: MARTINB (MARTINB @ dmbb.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: Marklacy (Marklacy @ flash.net @ inet [UNKNOWN])
READ:UNKNOWN

TO: dc (dc @ nrharural.org @ inet [UNKNOWN])
READ:UNKNOWN

TO: zguerra (zguerra @ admissions.caltech.edu @ inet [UNKNOWN])
READ:UNKNOWN

TO: agarner72 (agarner72 @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

TO: Bcrow (Bcrow @ worldbank.org @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:
FYI -

dcm

----- Forwarded by Daniel C. Montoya/OPD/EOP on 01/27/98
08:20 AM -----

LAGomez @ efaches.navfac.navy.mil
01/26/98 04:34:00 PM

Record Type: Record

To: Daniel C. Montoya

cc:

Subject: fwd: McVeigh Wins 1st Round

Original Text

From: <SLDN1@aol.com>, on 1/26/98 4:01 PM:

To:

PRESS RELEASE

Winston

January 26, 1998

(202) 667-0901

Rich Klein

(212) 969-3061

DISCHARGE OF CHIEF OF BOAT DELAYED
AS JUDGE GRANTS PRELIMINARY INJUNCTION
Court Finds that Military has "Gone too Far"

WASHINGTON, DC - District Judge Stanley Sporkin of the U.S. District Court for the District of Columbia has granted Senior Chief Petty Officer Timothy R. McVeigh a preliminary injunction in his effort to remain in the Navy. The discharge will be delayed pending the resolution of the case, and will allow McVeigh's attorneys the chance to further highlight the military's alleged violation of online privacy laws and the "Don't Ask, Don't Tell, Don't Pursue" policy.

McVeigh, who was scheduled to be discharged at midnight tomorrow because he allegedly used the word "gay" to describe his marital status on an America Online user profile, filed a lawsuit last week against the government. His suit claims that the Navy unlawfully obtained information about him from America Online without a warrant or court order as required by the 1986 Electronic Communications Privacy Act (ECPA), and breached the limits on

investigations under the Pentagon's "Don't Ask, Don't Tell, Don't Pursue" policy.

"The Navy violated the very essence of "Don't Ask, Don't Pursue" by launching a search and destroy mission," Judge Sporkin stated in his ruling. "Suggestions of sexual orientation in a private, anonymous email account did not give the Navy a sufficient reason to investigate to determine whether to commence discharge proceedings. In its actions, the Navy violated its own regulations."

With respect to the merits of McVeigh's claim that the military solicited a violation of the Electronic Communications Privacy Act by AOL, Judge Sporkin wrote, "the Court finds that there is likely success on the merits with regards to this issue."

"I'm gratified that I will be allowed to continue to serve my country in the Navy pending further review of this situation," McVeigh said. "I want to thank my fellow shipmates on the USS Chicago and others for their support."

The case, which has caught the attention of the online industry, watchdog, and civil rights groups, is the latest in a long line of controversies surrounding the military's policy on gays.

"In granting this preliminary injunction, the Court is sending a strong and clear message that there are serious questions surrounding the military's actions with respect to the Electronic Communications Privacy Act and the 'Don't Ask, Don't Tell, Don't Pursue' policy," stated C. Dixon Osburn of the Servicemembers Legal Defense Network. "The military simply cannot be allowed to operate outside the bounds of federal law."

McVeigh's case was strengthened last week when America Online, after admitting that it released McVeigh's identity to a Naval paralegal, blasted the military for flouting Federal law by ignoring proper legal procedures to obtain such information.

Additionally, the author of the "Don't Ask, Don't Tell, Don't Pursue" policy, professor Charles Moskos of Northwestern University, after reviewing the facts of the case, criticized the military in a declaration he released yesterday. "It is my opinion that the Navy violated the "Don't Ask, Don't Tell"

policy
in
the McVeigh case by launching an investigation without there being credible
evidence that Senior Chief McVeigh had engaged in homosexual acts or had
openly stated that he was a homosexual."

McVeigh said that he has not decided whether he will take legal action
against
America Online.

####

===== 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 <01ISU88CFSMO0090BZ@PMDF.EOP.GOV> for montoya_dc@a1.eop.gov; Mon,
26 Jan 1998 16:35:56 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISU888NOXS007BP1@PMDF.EOP.GOV> for
montoya_dc@a1.eop.gov; Mon, 26 Jan 1998 16:35:52 -0500 (EST)

Received: from ches02.efaches.navfac.navy.mil ([138.145.175.3])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with SMTP id <01ISU87KNFMU000B4H@STORM.EOP.GOV> for montoya_dc@a1.eop.gov;
Mon, 26 Jan 1998 16:35:20 -0500 (EST)

Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTP; Mon,
26 Jan 1998 16:35:06 -0500 (EST)

X-Incognito-SN: 410

From: LAGomez@efaches.navfac.navy.mil, "Letitia A Gomez"@STORM.eop.gov

Errors-to: LAGomez@efaches.navfac.navy.mil

X-Priority: 3 (Normal)

X-Incognito-Version: 4.11.23

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