

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: SPRIGGS_J (SPRIGGS_J@PMDF.EOP.GOV [UNKNOWN])

CREATION DATE/TIME:15-JUN-1998 11:02:29.00

SUBJECT: Please advise Internet users of your correct email address: Todd_A._Summers@opd.eop.gov

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

READ:UNKNOWN

TEXT:

From: IN%"postmaster@PMDF.EOP.GOV" "PMDF e-Mail Interconnect"

12-JUN-1998 10:14:18.39

To: IN%"SLDN1@aol.com", IN%"postmaster@PMDF.EOP.GOV"

CC:

Subj: Delivery Notification: Delivery has failed

Return-path: <

Received: from PMDF.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

id <01IY58TALDC000ERAG@PMDF.EOP.GOV> for postmaster@PMDF.EOP.GOV; Fri,

12 Jun 1998 10:14:09 EDT

Received: from PMDF.EOP.GOV (PMDF V5.1-9 #29131)

id <01IY58T5EWDC00HQV6@PMDF.EOP.GOV>; Fri, 12 Jun 1998 10:14:05 -0400

(EDT)

Date: Fri, 12 Jun 1998 10:14:05 -0400 (EDT)

From: PMDF e-Mail Interconnect <postmaster@PMDF.EOP.GOV>

Subject: Delivery Notification: Delivery has failed

To: SLDN1@aol.com, postmaster@PMDF.EOP.GOV

Message-id: <01IY58T88FUE00HQV6@PMDF.EOP.GOV>

MIME-version: 1.0

Content-type: MULTIPART/REPORT;

BOUNDARY="Boundary_(ID_XMLFqqZzXEcy7tM3qgDDQA)";

REPORT-TYPE=DELIVERY-STATUS

--Boundary_(ID_XMLFqqZzXEcy7tM3qgDDQA)

Content-type: text/plain; CHARSET=ISO-8859-1

This report relates to a message you sent with the following header fields:

Message-id: <3e22193b.358136cc@aol.com>

Date: Fri, 12 Jun 1998 10:10:18 -0400 (EDT)

From: SLDN1@aol.com

To: summers_t@EOP.GOV

Subject: Sailor To Retire With Full Benefits

Your message cannot be delivered to the following recipients:

Recipient address: summers_t@PMDf.EOP.GOV

Reason: %MAIL-E-NOSUCHUSR, no such user SUMMERS_T at node EOPMRX

--Boundary_(ID_XMLFqqZzXEcy7tM3qgDDQA)

Content-type: message/DELIVERY-STATUS

Original-envelope-id: 01IY58S86ZNE000J7V@STORM.EOP.GOV

Reporting-MTA: dns; PMDF.EOP.GOV

Action: failed

Status: 5.0.0 (%MAIL-E-NOSUCHUSR, no such user SUMMERS_T at node EOPMRX)

Original-recipient: rfc822;summers_t@PMDF.EOP.GOV

Final-recipient: rfc822;summers_t@PMDF.EOP.GOV

--Boundary_(ID_XMLFqqZzXEcy7tM3qgDDQA)

Content-type: MESSAGE/RFC822

Return-path: SLDN1@aol.com

Received: from PMDF.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

id <01IY58T5EWDC00HQV6@PMDF.EOP.GOV>; Fri, 12 Jun 1998 10:14:04 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

with ESMTP id <01IY58SXTMEO00GMNN@PMDF.EOP.GOV> for

summers_t@PMDF.EOP.GOV;

Fri, 12 Jun 1998 10:13:52 EDT

Received: from DIRECTORY-DAEMON by STORM.EOP.GOV (PMDF V5.1-10 #29131)

id <01IY58S8RMB4000NGA@STORM.EOP.GOV> for summers_t@PMDF.EOP.GOV; Fri,

12 Jun 1998 10:13:17 -0400 (EDT)

Received: from imo19.mx.aol.com ([198.81.17.41])

by STORM.EOP.GOV (PMDF V5.1-10 #29131)

with ESMTP id <01IY58S4LL2W000J7V@STORM.EOP.GOV> for summers_t@EOP.GOV;

Fri,

12 Jun 1998 10:13:16 -0400 (EDT)

Received: from SLDN1@aol.com by imo19.mx.aol.com (IMOV14_b1.1)

id IHGVa04365; Fri, 12 Jun 1998 10:10:18 -0400 (EDT)

Date: Fri, 12 Jun 1998 10:10:18 -0400 (EDT)

From: SLDN1@aol.com

Subject: Sailor To Retire With Full Benefits

To: summers_t@EOP.GOV

Message-id: <3e22193b.358136cc@aol.com>

MIME-version: 1.0

X-Mailer: AOL 3.0 for Windows 95 sub 18

Content-type: text/plain; charset=US-ASCII

Content-transfer-encoding: 8BIT

JOINT PRESS RELEASE CONTACT: Rich

Klein

PROSKAUER ROSE, LLP

Proskauer Rose

SERVICEMEMBERS LEGAL DEFENSE NETWORK (212) 969-3061

June 12, 1998

Julia Adams

Servicemembers Legal Defense Network

(202) 328-3244

NAVY DROPS APPEAL OF DECISION UPHOLDING ELECTRONIC PRIVACY RIGHTS
FOR MASTER CHIEF PETTY OFFICER TIMOTHY MCVEIGH

Sailor To Retire With Full Benefits

WASHINGTON, D.C. - The Department of Navy today dropped its appeal of the case involving Master Chief Petty Officer Timothy R. McVeigh whom the Navy had been trying to oust with no retirement benefits for alleged violations of "Don't Ask, Don't Tell, Don't Pursue." The Navy's action leaves intact a federal court ruling that that the Navy violated the McVeigh's privacy rights under the Electronic Communications Privacy Act and "Don't Ask, Don't Tell, Don't Pursue." As part of the Navy's action, McVeigh has been made eligible for retirement with full pension benefits after 18« years of service. The Navy is also paying McVeigh's attorneys fees and costs.

"I have spent my entire adult life in service to our country," McVeigh stated. "While I will miss the Navy, I consider today's settlement a victory that leaves intact a strong legal precedent that may help to prevent others from being harmed in the future."

Chris Wolf, McVeigh's attorney from the law firm of Proskauer Rose LLP said: "We are very pleased with the Navy's decision to change course. The Navy's initial plan was to discharge Master Chief McVeigh based on information that was private, illegally obtained, and irrelevant. Mr. McVeigh's stellar

career

has now been vindicated and he is able to leave the Navy on his own terms."

C. Dixon Osburn, Co-Executive Director of Servicemembers Legal Defense

Network and co-counsel in the case, stated: "This case should serve as a warning to the Department of Defense to clean up its act, follow the rules, and stop invading people's privacy."

The Navy had sought to discharge Master Chief Petty Officer Timothy R.

McVeigh (not related to the Oklahoma City bomber) based on information that he

had allegedly used the word "gay" to describe his marital status in an anonymous America Online user profile. The Navy obtained McVeigh's subscriber

identity from America Online without a court order as required by federal law.

At the time, McVeigh was the Chief of Boat, the senior enlisted position aboard the nuclear submarine, USS Chicago, based in Honolulu.

McVeigh filed suit against the Navy in federal court in January.

On January

29, 1998, Judge Stanley Sporkin, a Reagan appointee, ruled that the Navy's actions violated the 1986 Electronic Communications Privacy Act and the limits

to investigations under "Don't Ask, Don't Tell, Don't Pursue."

Judge Sporkin ruled that the Navy "went too far" and launched a "search and destroy mission" in pursuing McVeigh. Judge Sporkin ruled that "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."

Since Judge Sporkin's ruling, the Navy had refused to reinstate McVeigh as Chief of Boat of the USS Chicago or to a comparable position. The Navy faced a contempt hearing on June 1, 1998 to determine whether it had complied with Judge Sporkin's order that McVeigh be reinstated to a position comparable to the one he had held as Chief of Boat. That hearing was postponed after the Navy promoted McVeigh to Master Chief Petty Officer in May.

In a letter to Attorney General Janet Reno, dated April 1, 1998, that may have presaged today's settlement decision, Secretary Cohen wrote, "We also appreciate your view that an effort to settle this case may nonetheless be appropriate, given the procedural posture of the case, and considerations relating to the Electronic Communications Privacy Act." In the letter,

Secretary Cohen denies any wrongdoing in how the Navy implemented "Don't Ask, Don't Tell, Don't Pursue" with respect to McVeigh.

A week following Secretary Cohen's letter to Attorney General Reno, the Pentagon released discharge statistics showing that gay discharges in 1997 reached a nine year high of 997 discharges, up 67% since the implementation of "Don't Ask, Don't Tell, Don't Pursue." The Pentagon report concluded that the policy is generally "working well." In February, Servicemembers Legal Defense Network released its fourth annual report on the implementation of "Don't Ask, Don't Tell, Don't Pursue," documenting that commands continue to "ask, pursue and harass" servicemembers in violation of current rules. SLDN, a legal aid and watchdog organization for those harmed by "Don't Ask, Don't Tell, Don't Pursue," documented 563 command violations last year.

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