

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:15-JAN-1998 19:49:00.00

SUBJECT: Navy Delays Discharge over AOL profile

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Forwarde From/Reply to: SLDN1 <SLDN1@aol.com>

Date: Thu, 15 Jan 1998 19:10:10 EST

Subject: Navy Delays Discharge over AOL profile

Organization: AOL (<http://www.aol.com>)

In response to a lawsuit filed today at the federal courthouse, the
government

has agreed to a six-day delay of the discharge proceedings aimed at Senior
Chief Petty Officer Timothy R. McVeigh. He had been scheduled to be
discharged by the end of today.

In a case that has raised not only the issue of online privacy, but also
the

military's adherence to its own "Don't Ask, Don't Tell, Don't Pursue"
policy

concerning gays in the military, the Navy's deputy personnel chief last
week

ordered that McVeigh be dismissed from the service because he used the word

"gay" to describe his marital status on his user profile on America Online.

McVeigh's attorneys hope the delay and lawsuit will force an investigation of the military's actions, which watchdog and civil rights groups interpret as disregard and violation of its own policy not to pursue and harass members of the armed forces suspected of being gay, lesbian or bisexual.

Electronic privacy advocates also feel that both the Navy and America Online may have violated the 1986 Electronic Communications Privacy Act barring service providers, such as AOL, from giving subscriber information to law enforcement officials without a court order. No court order was sought by the military when it called AOL to learn McVeigh's identity from his user name.

McVeigh is represented by Washington office of Proskauer, Rose, Goetz & Mendelson. Staff Attorney Kirk Childress and Co-Executive Director C. Dixon Osburn of Servicemembers Legal Defense Network continue to provide assistance to McVeigh's defense team.

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

===== 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 <01ISF24UTTA8018EYB@PMDF.EOP.GOV>; Thu, 15 Jan 1998 19:59:28 -0500 (EST)
Received: from storm.eop.gov (storm.eop.gov) by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISF24PEI1C003Z5D@PMDF.EOP.GOV>; Thu, 15 Jan 1998 19:59:19 -0500 (EST)
Received: from mail.sdsu.edu ([130.191.25.1]) by STORM.EOP.GOV (PMDF V5.1-7 #6879) with ESMTP id <01ISF1VS9SPU001EPR@STORM.EOP.GOV>; Thu, 15 Jan 1998 19:54:10 -0500 (EST)
Received: from [130.191.242.121] ([130.191.242.121]) by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id QAA05353; Thu, 15 Jan 1998 16:49:29 -0800 (PST)
X-Sender: dcase@mail.sdsu.edu
===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:15-JAN-1998 12:37:00.00

SUBJECT: Robert Novak column on Hormel nomination

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

SAN DIEGO UNION-TRIBUNE

January 15, 1998

<http://www.uniontrib.com/>

The question of a gay ambassador

Robert D. Novak

THE CHICAGO SUN-TIMES

When Congress adjourned Nov. 13, it seemed that meatpacking heir James Hormel would be quickly confirmed as U.S. ambassador to Luxembourg early this year to become this country's first openly gay foreign envoy.

But that was before Republicans learned that the multimillionaire San Francisco philanthropist had helped fund "It's Elementary," a documentary explaining homosexuality to grade-school students.

It begins with a mocking portrayal of Sen. Bob Smith, a conservative Republican from New Hampshire, in Senate debate criticizing classroom

discussion of gay and lesbian issues.

The film, partially and indirectly financed by the National Endowment for the Arts, was unknown to the Senate Foreign Relations Committee when it voted to send Hormel's nomination to the floor.

After learning of his treatment, Smith became the third senator to put a hold on consideration of Hormel and pledged he would not provide unanimous consent to permit a Senate vote. "This is not a tolerance issue," Smith told me. "This is a matter of advocacy of the gay lifestyle."

While odds still favor confirmation, Hormel's nomination will not pass quietly into the night as desired by Republican senators who don't relish being called bigots. Instead, the GOP's internal split over social issues is again laid bare by conservatives who insist that Hormel is not merely gay but a gay activist and therefore an inappropriate diplomat.

They argue that the Foreign Relations Committee missed pertinent facts about the nominee. Private investigators are still seeking more derogatory information about him.

As President Clinton continues to maximize homosexual-voter support for Democrats, four other gay men await Senate confirmation for high office. Not one word has been said about the sexual orientation of any of them, and each will be routinely confirmed. So, what makes 64-year-old Jim Hormel objectionable?

He first raised suspicions when his name surfaced for a diplomatic post after the 1992 election. His preference, Hormel told reporters, was Norway because it was about to legalize same-sex marriages and "I knew that my appointment would be welcome in a country like that." That statement is cited by Republican Sen. James Inhofe of Oklahoma as signaling that Hormel would use his office to pursue his gay-rights agenda. He was considered as ambassador to Fiji in 1994 but was blocked by the tiny Pacific nation, which has a criminal sodomy law on its books.

After contributing \$205,000 to Clinton's re-election campaign in response to one of Vice President Al Gore's famous telephone calls, Hormel got Luxembourg.

That put pressure on the chairman of Foreign Relations' European subcommittee: freshman Sen. Gordon Smith, the most conservative senator elected from Oregon in half a century but sensitive to his state's influential homosexual vote.

Smith went to Committee Chairman Jesse Helms, who had been battered for blocking the confirmation of former Massachusetts Gov. William Weld as ambassador to Mexico. Helms said he had been reassured by Secretary of State Madeleine Albright that Hormel would not push a gay agenda in Luxembourg. Furthermore, Hormel's new partner -- Tim Wu, national secretary of an organization named Digital Queers -- would not get ambassadorial spouse status. In his hearing, Smith told me, Hormel came over as "a very decent individual."

But conservatives discovered new difficulties. Hormel's Aug. 25

fund-raising letter for the Servicemembers Legal Defense Network, which helps members of the military who defy the "don't ask, don't tell" policy for homosexuals, pledged to match donations between \$100 and \$1,000.

He contributed \$500,000 to establish the James C. Hormel Gay and Lesbian Center at the San Francisco Main Library. Conservatives have copied material on display there that can only be described as pornographic and includes documents from NAMBLA, the notorious pedophilia advocacy group. Hormel cannot be accused of producing such material, but he made possible its repository.

The Foreign Relations Committee staff failed to uncover this and myriad other activities by Hormel, leading critics to call his confirmation process "Larry Lawrence II." But that begs the question of whether Hormel's gay activism ought to disqualify him for diplomatic service. Republicans have long since conceded there is no impediment to avowed homosexuals holding high office.

They now must determine whether "the nation's most aggressive financier of the gay movement" (as described by a Senate staffer) should be a United States ambassador.

, Creators Syndicate Inc.

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

=====
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 <01ISEMU8B0NK0065EV@PMDF.EOP.GOV>; Thu, 15 Jan 1998 12:41:48 -0500 (EST)
Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISEMU67QE8000UGC@PMDF.EOP.GOV>; Thu,
15 Jan 1998 12:41:44 -0500 (EST)
Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISEMT71FXY001DWX@STORM.EOP.GOV>; Thu,
15 Jan 1998 12:41:10 -0500 (EST)
Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id JAA11057; Thu,
15 Jan 1998 09:37:28 -0800 (PST)
X-Sender: dcase@mail.sdsu.edu
=====
END ATTACHMENT 1
=====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:15-JAN-1998 19:28:00.00

SUBJECT: HRC Press Release: Pentagon postponing expulsion of sailor with

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

NEWS RELEASE from the

Human Rights Campaign

1101 14th Street NW

Washington, DC 20005

email: hrc@hrc.org

WWW: <http://www.hrc.org>

FOR IMMEDIATE RELEASE

Thursday, Jan. 15, 1998

HUMAN RIGHTS CAMPAIGN LEARNS PENTAGON POSTPONING EXPULSION OF SAILOR WITH
'GAY'

IN HIS AMERICA ONLINE PROFILE

Murky Case Raises Questions About Proper Enforcement of 'Don't Ask, Don't

Tell'

WASHINGTON -- The Pentagon postponed the Navy's planned discharge today of

a

senior petty officer who came under investigation after a civilian revealed

that

his America Online personal profile included the word "gay."

A top Pentagon official called the Human Rights Campaign today to say

that

the discharge of Senior Chief Petty Officer Timothy R. McVeigh would be

put off

until at least Jan. 21. McVeigh had been slated for expulsion at midnight

EDT

today.

"The Pentagon has done the right thing by agreeing to take a closer

look at

the way this case was investigated and to give McVeigh's attorneys time to

seek

a stay of the discharge," said Winnie Stachelberg, HRC's political

director.

"This gives us reason to hope that Secretary of Defense William Cohen is

making

an effort to properly enforce the unfortunate 'don't ask, don't tell'

policy

banning gays in the military."

The Human Rights Campaign has been working closely with members of Congress, the administration and Servicemembers Legal Defense Network to stop McVeigh's discharge pending further investigation into allegations that he was the victim of an anti-gay witch hunt. McVeigh came under investigation after a civilian acquaintance of McVeigh's searched his AOL profile and turned the profile over to McVeigh's command.

"It also appears that America Online wrongfully revealed McVeigh's identity to the Naval Investigative Service," Stachelberg added. "However, the details surrounding this exchange of information are murky, which further fueled our efforts to stop the Navy from acting too hastily to remove Senior Chief Petty Officer McVeigh."

Earlier this week, Stachelberg wrote to Cohen asking him to postpone McVeigh's discharge and to release the results of a review of the military's "Don't Ask, Don't Tell" policy, which is almost four months overdue. Cohen

ordered the study after being confronted last year with evidence that the policy has not been properly enforced.

McVeigh, 36, is a 17-year Navy veteran stationed in Hawaii. His AOL profile did not identify him by name or indicate that he was in the Navy. The profile page has since been removed from AOL.

The Human Rights Campaign is the largest national lesbian and gay political organization, with members throughout the country. It effectively lobbies Congress, provides campaign support and educates the public to ensure that lesbian and gay Americans can be open, honest and safe at home, at work and in the community.

- 30 -

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.)

Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

=====
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 <01ISF1W2H18G00HNFA@PMDF.EOP.GOV>; Thu, 15 Jan 1998 19:53:18 -0500 (EST)
Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISF1VJ6UW00006EK@PMDF.EOP.GOV>; Thu,
15 Jan 1998 19:53:05 -0500 (EST)
Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISF14AFBA0001EPR@STORM.EOP.GOV>; Thu,
15 Jan 1998 19:30:48 -0500 (EST)
Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id QAA02201; Thu,
15 Jan 1998 16:28:44 -0800 (PST)
X-Sender: dcase@mail.sdsu.edu

=====
END ATTACHMENT 1

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:16-JAN-1998 01:36:00.00

SUBJECT: NC5826: AP: Gay Sailor's Dismissal Delayed

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

Gay Sailor's Dismissal Delayed

.c The Associated Press

By JOHN DIAMOND

WASHINGTON (AP) - Facing a privacy-violation lawsuit, the Pentagon agreed Thursday to delay dismissal of a sailor who was accused of being gay based on information the Navy got from an online service.

The decision by the Navy and top aides to Defense Secretary William Cohen came in consultation with the Justice Department after lawyers for Senior Chief Petty Officer Timothy R. McVeigh sued the government and threatened to seek a temporary restraining order. Apparently convinced

that the court would grant the restraining order delaying McVeigh's discharge, the government agreed to postpone his dismissal from active duty until at least next Wednesday.

The suit, filed in U.S. District Court in Washington, alleges the Navy violated McVeigh's privacy and breached the Pentagon's own "don't ask, don't tell" policy on gays in the military. The case has taken on significance beyond the military because it concerns the privacy guidelines governing the rising tide of personal information available through online networks.

"This case is an important test of federal privacy law," said attorney David Sobel of the Washington-based Electronic Privacy Information Center, a group assisting McVeigh. "It will determine whether government agents can violate the law with impunity, or whether they will be held accountable for illegal conduct in cyberspace."

The lawsuit, filed by McVeigh's Washington attorney, Christopher Wolf, names Cohen and Navy Secretary John Dalton and claims the Navy unlawfully obtained information from McVeigh's online service provider without a warrant or court order as required by the federal Electronic Communications Privacy Act of 1986. This improperly obtained evidence, the suit charges, was instrumental in the Navy's decision to end McVeigh's career.

Advocates for McVeigh, who is unrelated to the Oklahoma City bomber, say the Navy got McVeigh's full name from a representative of America Online

Inc. in apparent violation of the 1986 law and AOL's own privacy rules, which prohibit disclosure of the authors of profile pages. AOL had posted in its network a profile page, which McVeigh later acknowledged was his, in which a "Tim" described himself as gay and detailed his interest in young men.

The military's policy against homosexuality prohibits active investigation of a service member's sexual preference. Service members face dismissal when they openly state they are gay.

"The Pentagon has done the right thing by agreeing to take a closer look at the way this case was investigated and to give McVeigh's attorneys time to seek a stay of the discharge," said Winnie Stachelberg, political director of the Human Rights Campaign. "This gives us reason to hope that Secretary of Defense William Cohen is making an effort to properly enforce the unfortunate 'don't ask, don't tell' policy banning gays in the military."

Navy spokesman Lt.j.g. Steve Mavica said the delay "will allow the Justice Department time to develop their response to the lawsuit."

McVeigh's supporters want a longer pause to allow for a full investigation of the Navy's handling of the case.

A resident of Mililani, Hawaii, McVeigh, 36, was the senior enlistee aboard the nuclear-powered attack submarine, USS Chicago, based at Pearl Harbor. Navy investigators learned of the AOL profile page from a Navy

spouse serving as an onshore ombudsman for crew members of the Chicago.

The screen name listed on the profile page was ``Boysrch." Under hobbies, the profile page listed ``driving, boy watching, collecting pictures of other young studs." The page listed the author, ``Tim," as being in the military and based in Hawaii, but did not specify the service.

McVeigh, a highly decorated enlistee with 17 years in the Navy, later acknowledged the page was his but said that did not prove conclusively he is gay. He has declined to comment on his sexual orientation.

Navy records indicate the civilian investigator who telephoned AOL did not identify himself as a Navy representative.

AP-NY-01-15-98 1917EST===== 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 <01ISFDYCEY68008YJJ@PMDF.EOP.GOV>; Fri, 16 Jan 1998 01:38:35 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISFDYABXK000Y25A@PMDF.EOP.GOV>; Fri,

16 Jan 1998 01:38:32 -0500 (EST)

Received: from netcom2.netcom.com ([192.100.81.108])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISFDXLJOKO0006VR@STORM.EOP.GOV>; Fri,
16 Jan 1998 01:37:59 -0500 (EST)

Received: (from rwockner@localhost)
by netcom2.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id WAA01529; Thu,
15 Jan 1998 22:36:39 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:17-JAN-1998 03:55:00.00

SUBJECT: NC5829: AP McVeigh update

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

ASSOCIATED PRESS, January 16, 1998

Allegations sailor is gay test military policy, U.S. privacy law

Enlistee fighting dismissal arising from AOL data

ASSOCIATED PRESS

WASHINGTON Facing a privacy-violation lawsuit, the Pentagon agreed Thursday to delay dismissing a sailor accused of being gay based on information the Navy got from an online service.

The decision by the Navy and top aides to Defense Secretary William Cohen came in consultation with the Justice Department after lawyers for Senior Chief Petty Officer Timothy R. McVeigh sued the government and threatened to seek a temporary restraining order. Apparently convinced that the court would grant the restraining order delaying McVeigh's discharge, the government agreed to postpone his dismissal until at least

next Wednesday. (McVeigh is unrelated to the Oklahoma City bomber.)

The suit, filed in U.S. District Court in Washington, alleges the Navy violated McVeigh's privacy and breached the Pentagon's own "don't ask, don't tell" policy on gays. The case has taken on larger significance because it concerns privacy guidelines governing personal information available through online networks.

"This case is an important test of federal privacy law," said attorney David Sobel of the Washington-based Electronic Privacy Information Center, a group assisting McVeigh. "It will determine whether government agents can violate the law with impunity, or whether they will be held accountable for illegal conduct in cyberspace."

The lawsuit, filed by McVeigh's Washington attorney, Christopher Wolf, names Cohen and Navy Secretary John Dalton and claims the Navy unlawfully obtained information from McVeigh's online service provider without a warrant or court order as required by the federal Electronic Communications Privacy Act of 1986. This information, the suit charges, was instrumental in the Navy's decision to end McVeigh's career.

Advocates for McVeigh say the Navy got McVeigh's full name from a representative of America Online Inc. in apparent violation of the 1986 law and AOL's own privacy rules, which prohibit disclosure of the authors of profile pages. AOL had posted on its network a profile page, which McVeigh later acknowledged was his, in which a "Tim" described himself as gay and detailed his interest in young men.

The military's policy against homosexuality prohibits active investigation of a service member's sexual preference. Service members face dismissal when they openly state they are gay.

"The Pentagon has done the right thing by agreeing to take a closer

look at the way this case was investigated and to give McVeigh's attorneys time to seek a stay of the discharge," said Winnie Stachelberg, political director of the Human Rights Campaign. "This gives us reason to hope that Secretary of Defense William Cohen is making an effort to properly enforce the unfortunate 'don't ask, don't tell' policy banning gays in the military."

Navy spokesman Lt.j.g. Steve Mavica said the delay "will allow the Justice Department time to develop their response to the lawsuit."

A resident of Mililani, Hawaii, McVeigh, 36, was the senior enlistee aboard the nuclear-powered attack submarine, USS Chicago, based at Pearl Harbor. Navy investigators learned of the AOL profile page from a Navy spouse serving as an onshore ombudsman for crew members of the Chicago.

The screen name listed on the profile page was "Boysrch." Under hobbies, the profile page listed "driving, boy watching, collecting pictures of other young studs." The page listed the author, "Tim," as being in the military and based in Hawaii, but did not specify the service.

McVeigh, a highly decorated enlistee with 17 years in the Navy, later acknowledged the page was his but said that did not prove conclusively he is gay. He has declined to comment on his sexual orientation.

Navy records indicate the civilian investigator who telephoned AOL did

not identify himself as a Navy representative. ===== 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 <01ISGX4YVSEO0039D6@PMDF.EOP.GOV>; Sat, 17 Jan 1998 03:58:21 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISGX4XAGDC00BJG5@PMDF.EOP.GOV>; Sat,

17 Jan 1998 03:58:19 -0500 (EST)

Received: from netcom9.netcom.com ([192.100.81.119])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISGX4BCGWO001TFW@STORM.EOP.GOV>; Sat,
17 Jan 1998 03:57:50 -0500 (EST)

Received: (from rwockner@localhost)
by netcom9.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id AAA09904; Sat,
17 Jan 1998 00:55:15 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:17-JAN-1998 03:58:00.00

SUBJECT: NC5835: New York Times on McVeigh

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

NEW YORK TIMES, January 16, 1998

229 W. 43rd Street, New York,NY,10036

(Fax 212-556-3622)(E-MAIL: letters@nytimes.com)(http://www.nytimes.com)

Sailor Who Has Become a Symbol Wins Delay

By LISA NAPOLI

When he opened his account on American Online four years ago, Timothy R. McVeigh didn't think he would be opening up a digital can of worms that could be precedent setting. But the submarine crew chief today stands as a symbol for electronic privacy and gay rights advocates alike.

On Thursday, in the first such case of its kind, Senior Chief Petty Officer McVeigh of Honolulu, who is no relation to the convicted Oklahoma City bomber, filed a suit against the Pentagon, accusing the government of

violated the Electronic Privacy Communications Act by illegally requesting and receiving confidential information about him from the online service.

That information cost him his job as a submarine crew chief aboard the USS Chicago, and was about to get him discharged from the Navy after more than 17 years of service on the grounds that he violated a military law which bars homosexuality.

After the lawsuit was filed on Thursday, and just hours before he was to have been discharged Friday, the government agreed to a delay, giving McVeigh a six-day reprieve and a chance for his claims to be considered.

"What he'd like better than anything is for the Department of Defense to drop this," said C. Dixon Osburn of the Servicemen's Legal Defense Network, a Washington, D.C.-based advocacy group that handles "don't ask, don't tell, don't pursue" cases, and that has been helping McVeigh in his defense.

But Osburn admitted that was unlikely, and said at a hearing next Wednesday in U.S. District Court in Washington, three options would be considered.

At that point, the judge could issue a temporary restraining order, which would provide 10 days for an inquiry. He could issue a preliminary injunction, which would postpone a decision on the discharge pending the outcome of the suit. Or, he could uphold the discharge, Osburn explained.

"We're pleased with the developments," said Lieut. Comdr. Derek W. Cole of the Naval Legal Services, Pacific Detachment, McVeigh's Navy-appointed lawyer. "All we've ever asked for [is] there to be an independent evaluation of the facts of the case."

McVeigh was recommended for discharge in December after a Naval panel concluded he had violated military law by engaging in homosexual acts.

McVeigh's defense team maintains that the main evidence in the case against him was an AOL profile that contained the word "gay." In sworn Naval testimony, a Navy lawyer said he obtained information about the online account, connecting the profile to McVeigh, by calling the online service and speaking to an AOL employee.

AOL officials maintain that, in support of the federal law and their members terms of service agreement, their employees are trained to follow strict identification procedures in verifying the identity of a caller.

Earlier this week, an AOL spokeswoman, Wendy Goldberg, said, "It's upsetting that the Navy appears to have gone around established channels."

The online service, which is based in Dulles, Va., said it has launched an internal investigation into the matter.

McVeigh's legal team also alleges the Navy did not follow the proper chain of command in its investigation of McVeigh.

"For the Navy to say we didn't do anything wrong, we did it by the book," said Commander Cole, "they're getting to be the defendant and judge in the case."

The case has broad new implications for the definition of the "don't ask, don't tell, don't pursue" law governing homosexuality in the military, as well as for electronic privacy rights for all individuals.

"This case is likely to define the bounds of government investigations on the Internet," said David Sobel of the Electronic Privacy Information Center, who has been closely monitoring the case. "The question really is, Can the government violate this law and seek information with impunity? The outcome will have a major impact on everyone using the medium."

Commander Cole added: "When you've got the ramifications of the government being able to get into electronic media, this is a real concern

when you hear that other countries are looking at us, we're role models, especially with human rights -- we've got to be the high-moral ground keepers.

Related Sites

<http://www.geocities.com/Pentagon/9241/> Timothy R.

McVeigh's

Home Page

<http://www.sldn.org/> Serviceman's Legal Defense

Network

<http://epic.org/> Electronic Privacy Information Center

Lisa Napoli at <mailto:napoli@nytimes.com>

napoli@nytimes.com welcomes your comments and suggestions.===== 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 <01ISGXAF584G006K9Z@PMDF.EOP.GOV>; Sat, 17 Jan 1998 04:02:44 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISGXAE3ZGG013R09@PMDF.EOP.GOV>; Sat,

17 Jan 1998 04:02:43 -0500 (EST)

Received: from netcom9.netcom.com ([192.100.81.119])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISGX9PU534001QJ3@STORM.EOP.GOV>; Sat,
17 Jan 1998 04:02:11 -0500 (EST)

Received: (from rwockner@localhost)
by netcom9.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id AAA10092; Sat,
17 Jan 1998 00:58:55 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:17-JAN-1998 15:59:00.00

SUBJECT: NC5839: "BEST" McVeigh piece yet: Frank Rich, NYT

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

----- Forwarded message -----

Date: Sat, 17 Jan 1998 10:32:11 -0500

From: John Aravosis <john@wiredstrategies.com>

To: Rex Wockner <rwockner@netcom.com>

Subject: Rex, please help

Rex, please forward this article to the list - it is THE BEST article written yet on the McVeigh case - I know I've asked you to forward a lot, but this piece could break the whole thing wide open. Thanks so much,

JOHN

January 17, 1998

JOURNAL / By FRANK RICH

The 2 Tim McVeighs

Here's a scenario that could be out of Kafka, or at least Alfred Hitchcock -- except that it's really happening and hasn't been sold to Hollywood.

Yet. Its protagonist is Timothy McVeigh -- not that Timothy McVeigh, but a 36-year-old sailor who, through bad luck, not genealogy, found himself with the same name as the biggest mass murderer in American history.

And that's the good news. Last fall, while on duty as the senior enlisted man on a nuclear submarine, he exchanged America Online E-mail with a civilian Navy employee with whom he was organizing a Christmas charity toy drive for kids back at his Honolulu base. His good deed did not go unpunished. His correspondent checked out his "member profile" -- the autobiographical sketch any AOL member can voluntarily post on line -- and discovered that Mr. McVeigh had listed his marital status as "gay." She promptly notified the Navy that it just might have a declared homosexual in its midst.

But if the Navy wanted to dismiss the sailor for having violated "Don't ask, don't tell," it had no case. The AOL profile identified this "gay" man as only Tim of Honolulu, with no last name. According to subsequent sworn testimony, a Navy investigator solved this problem simply by asking AOL over the phone for Tim's identity -- and promptly got an answer. Once back on shore, Mr. McVeigh was put under investigation and then ordered

discharged, three years short of his pension. Merry Christmas!

The sailor is fighting back in court, however, and in the virtual court of Internet opinion, where his case has been raging for the past week. By the time real judges weigh in he could be easily the second most famous Timothy McVeigh in history. If the Navy investigator did pursue Mr. McVeigh's cyberidentity without either identifying himself or obtaining a court order, it's a likely violation of the Electronic Communications Privacy Act. If AOL did blithely unmask one of its 10 million members (many of whom use anonymous screen names), it too is in legal jeopardy -- and will face a meltdown of consumer confidence that will dwarf its past P.R. disasters over service outage.

So far the Navy is defending its snooping and AOL is pleading innocent. Mr. McVeigh, for his part, has pointedly never declared that he is gay, noting that AOL member profiles routinely fib and fictionalize. His aggressive legal tactics have already sent Government lawyers scrambling; his discharge has been delayed until next Wednesday. By the time he's done, Mr. McVeigh may be the poster boy for the whole country's growing concerns about all kinds of cyberspying.

He may also prove to be the man who finally brings home the absurdity and bigotry of "Don't ask, don't tell." Mr. McVeigh is as clear-cut a victim of a witch hunt as could be imagined, and that witch hunt could expand exponentially if the military wants to add on-line fishing to its invasion of service members' privacy. Multitudes of military personnel identify themselves as gay on the Internet, rank and base often included.

Even if Mr. McVeigh were to prove one such gay sailor, what has he done wrong? He has served his country for 17 years with a spotless record, earning four Good Conduct Medals and the Navy Commendation Medal, among other decorations; his performance reviews cite him as an "outstanding role model" and a leader in crew training on equal-opportunity issues.

Contrast that record with the other Timothy McVeigh's. In his Army stint before, during and after the Persian Gulf war, the Oklahoma bomber was known for fomenting racial polarization by slurring his black peers and assigning them the dirtiest tasks in the motor pool. He openly trafficked in anti-Semitic and racist literature and participated in the activities of off-base organizations toying with armed resistance to the Government.

In a published letter to a newspaper editor, he argued that it might be necessary to "shed blood" to achieve his political aims.

What does it say about American fairness and justice -- let alone our priorities in national security -- that the military looked the other way at that Timothy McVeigh's ostentatious public psychosis while it torments the second, exemplary Timothy McVeigh for the "crime" of having a private

life that should be nobody's business but his own? ===== 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 <01ISHMGW2SJK003A0L@PMDF.EOP.GOV>; Sat, 17 Jan 1998 16:03:24 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISHMGUUL40002Y2I@PMDF.EOP.GOV>; Sat,

17 Jan 1998 16:03:22 -0500 (EST)

Received: from netcom6.netcom.com ([192.100.81.114])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <011SHMG5G6VK000DW7@STORM.EOP.GOV>; Sat,
17 Jan 1998 16:02:50 -0500 (EST)

Received: (from rwockner@localhost)

by netcom6.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id MAA04791; Sat,
17 Jan 1998 12:59:21 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:18-JAN-1998 00:59:00.00

SUBJECT: Alert ***Help Sr. Chief McVeigh***

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Forwarded From/Reply to: SLDN1 <SLDN1@aol.com>

Secretary of the Navy, John Dalton, has indicated that the Navy will discharge

Senior Chief Timothy R. McVeigh despite evidence that the Navy potentially violated both the Electronic Communications Privacy Act (ECPA) and "Don't Ask,

Don't Tell, Don't Pursue." The discharge will occur on Wednesday, January 21,

1997, unless a federal court orders the Navy to freeze the discharge pending

the outcome of a lawsuit filed by McVeigh on Thursday, January 15, 1997.

The Secretary of Defense, William Cohen, and the Commander-in-Chief, President

William J. Clinton, retain discretion to stop the discharge and avoid potentially embarrassing litigation. They, however, need to hear from you that you are concerned about the government's actions in this case.

The first concern is that the Department of Navy and Department of Defense violated ECPA by obtaining McVeigh's subscriber information from AOL without a warrant, subpoena or McVeigh's consent. That is a violation of U.S. law.

The second concern is that McVeigh's command initiated an inquiry against McVeigh based only on a suspicion that the AOL profile was his, thus compelling the Navy to confirm McVeigh's identity through AOL. "Don't Ask, Don't Tell, Don't Pursue" specifically states that suspicions are not credible information to start an inquiry.

President Clinton stated in announcing "Don't Ask, Don't Tell, Don't Pursue" that the policy would provide "a decent regard to the legitimate privacy and associational rights of all servicemembers." Former Secretary of Defense, Les Aspin, said that servicemembers would have to work hard to get on the radar screen under "Don't Ask, Don't Tell, Don't Pursue." Those promises have failed in this case.

Please email, fax & call the following people with your concerns:

President William J. Clinton, email: president@whitehouse.gov; voice:

(202)

456-1111; snail: White House, 1600 Pennsylvania Ave., NW, Washington, DC

20500

Vice-President Albert Gore, vicepresident@whitehouse.gov, White House, 1600
Pennsylvania Ave., NW, Washington, DC 20500

Secretary of Defense William Cohen, comment via DoD web page:

<http://www.defenselink.mil/faq/comment.html>; voice: (703) 695-5261; fax:
(703) 695-1219; snail: 1000 Defense Pentagon, Washington, D.C.

20301-1000

Also, please distribute this to others interested in assisting Senior Chief
McVeigh. As always, if possible, send us a copy of your correspondence to
sldn@sldn.org if possible and let us know what, if any response you
receive.

Thank you for your commitment to protecting those targeted under Don't Ask,
Don't Tell, Don't Pursue.

For more information, visit Sr. Chief McVeigh's web site at
<http://www.geocities.com/Pentagon/9241/> and SLDN's web site at
<http://www.sldn.org>.

This message has been forwarded as a free informational service. Please do
not publish, or post in a public place on the Internet, copyrighted
material without permission and attribution. (Note: Press releases are
fine to reprint. Don't reprint wire stories, such as Associated Press

stories, in their entirety unless you subscribe to that wire service.)

Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

===== 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 <01ISI58IS1WW00MRQ0@PMDF.EOP.GOV>; Sun, 18 Jan 1998 01:01:04 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISI58FURE800IH1Y@PMDF.EOP.GOV>; Sun,

18 Jan 1998 01:01:00 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISI589JOM0001XHO@STORM.EOP.GOV>; Sun,

18 Jan 1998 01:00:53 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id VAA15416; Sat,

17 Jan 1998 21:59:07 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:18-JAN-1998 01:14:00.00

SUBJECT: Damn It Richard, Do Something!

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

>Secretary of the Navy, John Dalton, has indicated that the Navy will

discharge

>Senior Chief Timothy R. McVeigh despite evidence that the Navy potentially

>violated both the Electronic Communications Privacy Act (ECPA) and "Don't

Ask,

>"Don't Tell, Don't Pursue." The discharge will occur on Wednesday,

January 21,

>1997, unless a federal court orders the Navy to freeze the discharge

pending

>the outcome of a lawsuit filed by McVeigh on Thursday, January 15, 1997.

>

>The Secretary of Defense, William Cohen, and the Commander-in-Chief,

President

>William J. Clinton, retain discretion to stop the discharge and avoid

>potentially embarrassing litigation. They, however, need to hear from you

>that you are concerned about the government's actions in this case.

>

>The first concern is that the Department of Navy and Department of Defense

>violated ECPA by obtaining McVeigh's subscriber information from AOL

without a

>warrant, subpoena or McVeigh's consent. That is a violation of U.S. law.

>

>The second concern is that McVeigh's command initiated an inquiry against

>McVeigh based only on a suspicion that the AOL profile was his, thus

>compelling the Navy to confirm McVeigh's identity through AOL. "Don't

Ask,

>Don't Tell, Don't Pursue" specifically states that suspicions are not

credible

>information to start an inquiry.

>

>President Clinton stated in announcing "Don't Ask, Don't Tell, Don't

Pursue"

>that the policy would provide "a decent regard to the legitimate privacy

and

>associational rights of all servicemembers." Former Secretary of

Defense, Les

>Aspin, said that servicemembers would have to work hard to get on the

radar

>screen under "Don't Ask, Don't Tell, Don't Pursue." Those promises have

>failed in this case.

>

>Please email, fax & call the following people with your concerns:

>

>President William J. Clinton, email: president@whitehouse.gov; voice:

(202)

>456-1111; snail: White House, 1600 Pennsylvania Ave., NW, Washington, DC

>20500

>

>Vice-President Albert Gore, vicepresident@whitehouse.gov, White House,

1600

>Pennsylvania Ave., NW, Washington, DC 20500

>

>Secretary of Defense William Cohen, comment via DoD web page:

><http://www.defenselink.mil/faq/comment.html>; voice: (703) 695-5261; fax:

>(703) 695-1219; snail: 1000 Defense Pentagon, Washington, D.C.

20301-1000

>

>Also, please distribute this to others interested in assisting Senior

Chief

>McVeigh. As always, if possible, send us a copy of your correspondence to

>sldn@sldn.org if possible and let us know what, if any response you

receive.

>Thank you for your commitment to protecting those targeted under Don't

Ask,

>Don't Tell, Don't Pursue.

>

>For more information, visit Sr. Chief McVeigh's web site at

><http://www.geocities.com/Pentagon/9241/> and SLDN's web site at

><http://www.sldn.org>.

===== 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 <01HSI3MGE98G005IEN@PMDF.EOP.GOV> for "Richard Socarides"@oa.eop.gov; Sun,

18 Jan 1998 00:15:03 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDf V5.0-4 #6879) id <01IISI3MD0MDS00B5KS@PMDf.EOP.GOV> for
Richard_Socarides@oa.eop.gov; Sun, 18 Jan 1998 00:14:58 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDf V5.1-7 #6879)
with ESMTP id <01IISI3LWNYM6001XHO@STORM.EOP.GOV> for
Richard_Socarides@oa.eop.gov; Sun, 18 Jan 1998 00:14:37 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id VAA13840 for
<Richard_Socarides@oa.eop.gov>; Sat, 17 Jan 1998 21:14:31 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:18-JAN-1998 00:21:00.00

SUBJECT: Bigots step up campaign vs. Hormel nomination

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

SAN FRANCISCO EXAMINER

January 16, 1998

(<http://www.examiner.com>)

Foes fight Hormel with videotape

Anti-gay lobby goes after Luxembourg ambassador nominee

Wendy Koch

EXAMINER WASHINGTON BUREAU

WASHINGTON - Armed with videotape they say documents his activities on behalf of gay rights, conservative lobbyists are stepping up their campaign to

block the nomination of San Francisco philanthropist / activist Jim Hormel

as

U.S. ambassador to Luxembourg.

If he wins Senate confirmation, Hormel would be the nation's first openly

gay ambassador. He has been endorsed by the Senate Foreign Relations

Committee, but Senate Majority Leader Trent Lott, R-Miss., hasn't decided whether to bring the nomination to the Senate floor for a vote, according to his spokeswoman, Susan Irby.

Before the Senate adjourned for the year in November, some conservative GOP senators put a hold on Hormel's nomination, signaling their opposition.

Under Senate rules, Lott can schedule a vote anyway, as long as he notifies them beforehand.

If the Family Research Council, a conservative interest group, has its way, there won't be any vote.

Steve Schwalm, a researcher for the council, has sent information packets about Hormel to senators and is assembling a 15-minute videotape about him.

"We're trying to educate people about what Mr. Hormel has been doing," said Schwalm, adding that "pro-family" groups oppose Hormel because he openly "flaunts" his homosexuality.

Hormel, an heir to the Hormel meatpacking fortune, is a major contributor to the Democratic Party and serves on the board of the foundation of the Human Rights Campaign, the nation's largest gay and lesbian political organization.

Following the advice of the State Department, he has declined all requests for comment while his nomination is pending before the Senate.

Laughing at the Sisters

Schwalm said conservatives think Hormel displayed disrespect for the Catholic Church by participating in a San Francisco gay parade that featured the Sisters of Perpetual Indulgence, a satiric group of gay men dressed as nuns. He said tapes of the parade showed Hormel, sitting at the commentator's podium, laughing as the Sisters strutted by.

Hormel also supports same-sex marriage, Schwalm said.

During a meeting on Dec. 19, Sen. Tim Hutchinson, R-Ark., asked the nominee whether he thought the Sisters' act was funny. Hormel said he thought it was humorous, according to a Senate aide.

Hutchinson, who has placed a hold on Hormel's nomination, argued that his view on the Sisters was relevant because Luxembourg is 97 percent Catholic. Luxembourg, a tiny European country that borders France, Germany and Belgium, gave its official approval to Hormel's nomination on Oct. 3.

Conservatives also point to Hormel's financial support of a documentary called "It's Elementary," which promotes teaching about homosexuality to grade-school students. They say the film mockingly portrays Sen. Bob Smith, R-

N.H., because he criticizes classroom discussions of gay and lesbian issues.

Lisa Harrison, spokeswoman for Smith, who also has placed a hold on Hormel's nomination, said her boss was a target in the documentary because he co-sponsored legislation that would bar federal funding of materials that advocate homosexuality in elementary school.

Opposes "don't ask, don't tell"

Conservatives also object to Hormel's support for a group that they say wants to overturn the Clinton administration's policy of "don't ask, don't tell" toward gays in the military.

They point to an Aug. 25 fund-raising letter from the Servicemembers Legal Defense Fund, a group that aids gay military personnel targeted by the policy.

The letter said Hormel pledged to match donations between \$100 and \$1,000.

C. Dixon Osburn, the fund's co-director, said Hormel is not financing opposition to administration policy. He said the bulk of the group's work is defending gays who have been illegally targeted.

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press

stories, in their entirety unless you subscribe to that wire service.)

Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

===== 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 <01ISI3X5DXXC00PCG5@PMDF.EOP.GOV>; Sun, 18 Jan 1998 00:23:40 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISI3X25XM8002LAM@PMDF.EOP.GOV>; Sun,

18 Jan 1998 00:23:35 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISI3WBLPS8001XHO@STORM.EOP.GOV>; Sun,
18 Jan 1998 00:23:01 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id VAA14077; Sat,
17 Jan 1998 21:21:02 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:18-JAN-1998 00:23:00.00

SUBJECT: Frank Rich Column: The Two Tim Mc Veighs

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

NEW YORK TIMES, January 17, 1998

COLUMN BY FRANK RICH

THE TWO TIM MCVEIGHS

Here's a scenario that could be out of Kafka, or at least Alfred

Hitchcock

-- except that it's really happening and hasn't been sold to Hollywood.

Yet.

Its protagonist is Timothy McVeigh -- not that Timothy McVeigh, but a

36-year-

old sailor who, through bad luck, not genealogy, found himself with the

same

name as the biggest mass murderer in American history.

And that's the good news. Last fall, while on duty as the senior enlisted

man on a nuclear submarine, he exchanged America Online E-mail with a

civilian

Navy employee with whom he was organizing a Christmas charity toy drive for

kids back at his Honolulu base. His good deed did not go unpunished. His

correspondent checked out his "member profile" -- the autobiographical

sketch

any AOL member can voluntarily post on line -- and discovered that Mr.

McVeigh

had listed his marital status as "gay." She promptly notified the Navy

that it

just might have a declared homosexual in its midst.

But if the Navy wanted to dismiss the sailor for having violated "Don't

ask,

don't tell," it had no case. The AOL profile identified this "gay" man as

only

Tim of Honolulu, with no last name. According to subsequent sworn

testimony, a

Navy investigator solved this problem simply by asking AOL over the phone

for

Tim's identity -- and promptly got an answer. Once back on shore, Mr.

McVeigh

was put under investigation and then ordered discharged, three years short

of

his pension. Merry Christmas!

The sailor is fighting back in court, however, and in the virtual court

of

Internet opinion, where his case has been raging for the past week. By the

time real judges weigh in he could be easily the second most famous Timothy

McVeigh in history. If the Navy investigator did pursue Mr. McVeigh's

cyberidentity without either identifying himself or obtaining a court

order,

it's a likely violation of the Electronic Communications Privacy Act. If

AOL

did blithely unmask one of its 10 million members (many of whom use anonymous screen names), it too is in legal jeopardy -- and will face a meltdown of consumer confidence that will dwarf its past P.R. disasters over service outage.

So far the Navy is defending its snooping and AOL is pleading innocent.

Mr. McVeigh, for his part, has pointedly never declared that he is gay, noting that AOL member profiles routinely fib and fictionalize. His aggressive legal tactics have already sent Government lawyers scrambling; his discharge has been delayed until next Wednesday. By the time he's done, Mr. McVeigh may be the poster boy for the whole country's growing concerns about all kinds of cyberspying.

He may also prove to be the man who finally brings home the absurdity and bigotry of "Don't ask, don't tell." Mr. McVeigh is as clear-cut a victim of a witch hunt as could be imagined, and that witch hunt could expand exponentially if the military wants to add on-line fishing to its invasion of service members' privacy. Multitudes of military personnel identify themselves as gay on the Internet, rank and base often included.

Even if Mr. McVeigh were to prove one such gay sailor, what has he done wrong? He has served his country for 17 years with a spotless record,

earning

four Good Conduct Medals and the Navy Commendation Medal, among other decorations; his performance reviews cite him as an "outstanding role model"

and a leader in crew training on equal-opportunity issues.

Contrast that record with the other Timothy McVeigh's. In his Army stint before, during and after the Persian Gulf war, the Oklahoma bomber was known

for fomenting racial polarization by slurring his black peers and assigning

them the dirtiest tasks in the motor pool. He openly trafficked in anti-

Semitic and racist literature and participated in the activities of

off-base

organizations toying with armed resistance to the Government. In a

published

letter to a newspaper editor, he argued that it might be necessary to "shed

blood" to achieve his political aims.

What does it say about American fairness and justice -- let alone our

priorities in national security -- that the military looked the other way

at

that Timothy McVeigh's ostentatious public psychosis while it torments the

second, exemplary Timothy McVeigh for the "crime" of having a private life

that should be nobody's business but his own?

===== 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 <01ISI40ZFL1S016IG5@PMDF.EOP.GOV>; Sun, 18 Jan 1998 00:25:59 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISI40VU6HC008S0Z@PMDF.EOP.GOV>; Sun,

18 Jan 1998 00:25:53 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISI401OAG6001XHO@STORM.EOP.GOV>; Sun,

18 Jan 1998 00:25:20 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id VAA14153; Sat,

17 Jan 1998 21:23:31 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:19-JAN-1998 13:51:00.00

SUBJECT: NC5840: Video targets Hormel

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

SAN FRANCISCO EXAMINER, January 16, 1998

P. O. Box 7260, San Francisco, CA, 94120

(Fax 415-512-1264)(E-MAIL: sfexaminer@aol.com)(http://www.examiner.com)

Foes fight Hormel with videotape

Anti-gay lobby goes after Luxembourg ambassador nominee

Wendy Koch

EXAMINER WASHINGTON BUREAU

WASHINGTON - Armed with videotape they say documents his activities on behalf of gay rights, conservative lobbyists are stepping up their campaign to block the nomination of San Francisco philanthropist / activist Jim Hormel as U.S. ambassador to Luxembourg.

If he wins Senate confirmation, Hormel would be the nation's first

openly gay ambassador. He has been endorsed by the Senate Foreign Relations Committee, but Senate Majority Leader Trent Lott, R-Miss., hasn't decided whether to bring the nomination to the Senate floor for a vote, according to his spokeswoman, Susan Irby.

Before the Senate adjourned for the year in November, some conservative GOP senators put a hold on Hormel's nomination, signaling their opposition. Under Senate rules, Lott can schedule a vote anyway, as long as he notifies them beforehand.

If the Family Research Council, a conservative interest group, has its way, there won't be any vote.

Steve Schwalm, a researcher for the council, has sent information packets about Hormel to senators and is assembling a 15-minute videotape about him.

"We're trying to educate people about what Mr. Hormel has been doing," said Schwalm, adding that "pro-family" groups oppose Hormel because he openly "flaunts" his homosexuality.

Hormel, an heir to the Hormel meatpacking fortune, is a major contributor to the Democratic Party and serves on the board of the foundation of the Human Rights Campaign, the nation's largest gay and lesbian political organization. Following the advice of the State Department, he has declined all requests for comment while his nomination is pending before the Senate.

Laughing at the Sisters

Schwalm said conservatives think Hormel displayed disrespect for the Catholic Church by participating in a San Francisco gay parade that featured the Sisters of Perpetual Indulgence, a satiric group of gay men dressed as nuns. He said tapes of the parade showed Hormel, sitting at the

commentator's podium, laughing as the Sisters strutted by.

Hormel also supports same-sex marriage, Schwalm said.

During a meeting on Dec. 19, Sen. Tim Hutchinson, R-Ark., asked the nominee whether he thought the Sisters' act was funny. Hormel said he thought it was humorous, according to a Senate aide.

Hutchinson, who has placed a hold on Hormel's nomination, argued that his view on the Sisters was relevant because Luxembourg is 97 percent Catholic. Luxembourg, a tiny European country that borders France, Germany and Belgium, gave its official approval to Hormel's nomination on Oct. 3.

Conservatives also point to Hormel's financial support of a documentary called "It's Elementary," which promotes teaching about homosexuality to grade-school students. They say the film mockingly portrays Sen. Bob Smith, R-N.H., because he criticizes classroom discussions of gay and lesbian issues.

Lisa Harrison, spokeswoman for Smith, who also has placed a hold on Hormel's nomination, said her boss was a target in the documentary because he co-sponsored legislation that would bar federal funding of materials that advocate homosexuality in elementary school.

Opposes "don't ask, don't tell"

Conservatives also object to Hormel's support for a group that they say wants to overturn the Clinton administration's policy of "don't ask, don't tell" toward gays in the military.

They point to an Aug. 25 fund-raising letter from the Servicemembers Legal Defense Fund, a group that aids gay military personnel targeted by the policy. The letter said Hormel pledged to match donations between \$100 and \$1,000.

C. Dixon Osburn, the fund's co-director, said Hormel is not financing

opposition to administration policy. He said the bulk of the group's work

is defending gays who have been illegally targeted. ===== 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 <01ISKAN00ZOW006GGB@PMDF.EOP.GOV>; Mon, 19 Jan 1998 13:57:06 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISKAMYTBJK006A4Q@PMDF.EOP.GOV>; Mon,

19 Jan 1998 13:57:04 -0500 (EST)

Received: from netcom15.netcom.com ([192.100.81.128])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISKAMACI4E0021FI@STORM.EOP.GOV>; Mon,

19 Jan 1998 13:56:32 -0500 (EST)

Received: (from rwockner@localhost)

by netcom15.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id KAA28672; Mon,

19 Jan 1998 10:51:21 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:19-JAN-1998 23:30:00.00

SUBJECT: HRC Action Alert: Urge the White House and DOD to Revoke Discha

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

***** HUMAN RIGHTS CAMPAIGN ACTION ALERT *****

YOUR HELP IS NEEDED - PLEASE FORWARD AND POST THIS MESSAGE!

Day of Online Action - Tuesday, January 20, 1997

Urge the White House and the Department of Defense to

Revoke Discharge Procedures Against Senior Chief Timothy R. McVeigh

Go now to http://www.hrc.org/mcveigh

and send a fast message using HRC's easy-to-use action page!

BACKGROUND:

Secretary of the Navy, John Dalton, has indicated that the Navy will
discharge

Senior Chief Timothy R. McVeigh despite evidence that the Navy potentially
violated both the Electronic Communications Privacy Act (ECPA) and "Don't

Ask,

"Don't Tell, Don't Pursue." The discharge will occur on Wednesday, January

21,

1997, unless a federal court orders the Navy to freeze the discharge

pending

the outcome of a lawsuit filed by McVeigh on Thursday, January 15, 1997.

The Secretary of Defense, William Cohen, and the Commander-in-Chief,

President

William J. Clinton, retain discretion to stop the discharge and avoid

potentially embarrassing litigation. They, however, need to hear from you

that

you are concerned about the government's actions in this case.

The first concern is that the Department of Navy and Department of Defense

violated ECPA by obtaining McVeigh's subscriber information from AOL

without a

warrant, subpoena or McVeigh's consent. That is a violation of U.S. law.

The second concern is that McVeigh's command initiated an inquiry against

McVeigh based only on a suspicion that the AOL profile was his, thus

compelling the Navy to confirm McVeigh's identity through AOL. "Don't Ask,

Don't Tell, Don't Pursue" specifically states that suspicions are not

credible

information to start an inquiry.

President Clinton stated in announcing "Don't Ask, Don't Tell, Don't

Pursue"

that the policy would provide "a decent regard to the legitimate privacy

and

associational rights of all servicemembers." Former Secretary of Defense,

Les

Aspin, said that servicemembers would have to work hard to get on the radar

screen under "Don't Ask, Don't Tell, Don't Pursue." Those promises have

failed

in this case.

The Human Rights Campaign, The Service Members Legal Defense Network,

Planet

Out, Wired Strategies, and The Electronic Privacy Information Center urge

you

to send an important message to President Clinton, Vice President Gore,

Secretary of Defense William Cohen and Secretary of the Navy John Dalton.

HRC's Online Action Center will send a fax and/or an email to each of their

offices.

<http://www.hrc.org/mcveigh>

This message has been forwarded as a free informational service. Please do

not publish, or post in a public place on the Internet, copyrighted

material without permission and attribution. (Note: Press releases are

fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.)

Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

=====
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 <01ISKUS70KC0006O57@PMDF.EOP.GOV>; Mon, 19 Jan 1998 23:33:57 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov) by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISKUS548U800A6UY@PMDF.EOP.GOV>; Mon,

19 Jan 1998 23:33:54 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISKURCZZJS0027C5@STORM.EOP.GOV>; Mon,

19 Jan 1998 23:33:22 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id UAA22296; Mon,

19 Jan 1998 20:30:17 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

=====
END ATTACHMENT 1

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:20-JAN-1998 20:47:00.00

SUBJECT: NC5847: Was McVeigh looking for youngsters on AOL?

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

NEW YORK POST, January 20, 1998

1211 Avenue of the Americas, New York,NY,10036

(Fax 212-930-8546)(E-MAIL: letters@nypost.com)(http://www.nypost.com)

THE 'BOYSRCH' STORY

Supporters of gays in the military would do well to steer clear of the submarine sailor allegedly "outed" by America Online - for when all the facts are honestly reported, their cause can only be damaged.

The Pentagon is expected to decide later this week whether Senior Chief Petty Officer Timothy R. McVeigh (no relation to the Oklahoma City bomber) will be discharged from the Navy after having revealed himself to be gay - in violation of the Clinton administration's "don't ask, don't tell" policy on the matter.

At first glance, it would seem that the case for retaining the 17-year veteran on active duty is strong. Until the AOL flap began, McVeigh was assigned to the USS Chicago, one of the Navy's most modern nuclear submarines, as its senior enlisted man - a prestigious post. So why was McVeigh ordered off the Chicago and slated for discharge? It has to do with an e-mail message he sent via AOL in September.

McVeigh identified himself only with his so-called "screen-name," apparently confident that AOL would keep his identity a secret. The recipient of the message - a Navy civilian employee - reportedly knew who he was anyway.

Here's where the plot thickens. According to the Washington Post, McVeigh had inquired about the ages of the children of USS Chicago shipmates - ostensibly in connection with planning for a Christmas party some months hence. It was then that the civilian employee noticed the screen name: "Boysrch" - or "Boysearch," in cyber-shorthand. Alarmed, she then checked the optional user profile that AOL makes available to its customers. McVeigh's name didn't appear. But under marital status, the sailor had listed "gay." And, under hobbies, "boy-watching and collecting pictures of other young studs."

The civilian employee contacted Navy superiors - as well she should have - and they contacted AOL. The online service promptly revealed McVeigh's name. Though this contravened its policy, it's easy to see why AOL acted as it did: There is warranted nationwide concern about the use of cyberspace as a hidden network for pedophiles, and online providers are trying to balance their customers' confidentiality with their responsibility not to allow their services to become vehicles for child abuse.

And here was McVeigh, sending out e-mail that sounded as though he were targeting for his attentions the children of his shipmates.

That's the real key. Service aboard a nuclear submarine requires training, dedication to duty and trust of a sort unimaginable in civilian life. When news reports speak of a "U.S. carrier battle group" racing to a crisis point, odds are that one or more nuclear attack submarines has been on the scene for some time - surreptitiously gathering intelligence and preparing to protect the surface vessels in any way necessary, or to fire cruise missiles at targets ashore.

Submarine sailors, in other words, need no unnecessary distractions. And no crew - submarine or surface ship - could function in the face of the tensions created by McVeigh's actions.

McVeigh "outed" himself with his intemperate e-mail message and provocative personal profile - and did so in ways that suggest his interest in sexual acts that are felonious by definition.

The Navy has no alternative but to discharge him. In the meantime, his

defenders should choose another martyr. ===== 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 <01ISM4BBARW0004CFS@PMDF.EOP.GOV>; Tue, 20 Jan 1998 21:17:36 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISM48JBG9S004NSL@PMDF.EOP.GOV>; Tue,
20 Jan 1998 21:17:27 -0500 (EST)

Received: from netcom8.netcom.com ([192.100.81.117])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISM3BVCO1Y001ZO2@STORM.EOP.GOV>; Tue,
20 Jan 1998 20:49:42 -0500 (EST)

Received: (from rwockner@localhost)
by netcom8.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id RAA15128; Tue,
20 Jan 1998 17:47:30 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: LAGomez (LAGomez@efaches.navfac.navy.mil@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:20-JAN-1998 09:09:00.00

SUBJECT: fwd: Alert ***Help Sr. Chief McVeigh***

TO: Daniel C. Montoya (Daniel C. Montoya@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Original Text

From: "SLDN1" <SLDN1@aol.com>, on 1/17/98 3:42 PM:

To:

Secretary of the Navy, John Dalton, has indicated that the Navy will

discharge

Senior Chief Timothy R. McVeigh despite evidence that the Navy potentially violated both the Electronic Communications Privacy Act (ECPA) and "Don't

Ask,

Don't Tell, Don't Pursue." The discharge will occur on Wednesday, January

21,

1997, unless a federal court orders the Navy to freeze the discharge

pending

the outcome of a lawsuit filed by McVeigh on Thursday, January 15, 1997.

The Secretary of Defense, William Cohen, and the Commander-in-Chief,

President

William J. Clinton, retain discretion to stop the discharge and avoid

potentially embarrassing litigation. They, however, need to hear from you

that you are concerned about the government's actions in this case.

The first concern is that the Department of Navy and Department of Defense violated ECPA by obtaining McVeigh's subscriber information from AOL without a warrant, subpoena or McVeigh's consent. That is a violation of U.S. law.

The second concern is that McVeigh's command initiated an inquiry against McVeigh based only on a suspicion that the AOL profile was his, thus compelling the Navy to confirm McVeigh's identity through AOL. "Don't Ask, Don't Tell, Don't Pursue" specifically states that suspicions are not credible information to start an inquiry.

President Clinton stated in announcing "Don't Ask, Don't Tell, Don't Pursue" that the policy would provide "a decent regard to the legitimate privacy and associational rights of all servicemembers." Former Secretary of Defense, Les Aspin, said that servicemembers would have to work hard to get on the radar screen under "Don't Ask, Don't Tell, Don't Pursue." Those promises have failed in this case.

Please email, fax & call the following people with your concerns:

President William J. Clinton, email: president@whitehouse.gov; voice:
(202)

456-1111; snail: White House, 1600 Pennsylvania Ave., NW, Washington, DC
20500

Vice-President Albert Gore, vicepresident@whitehouse.gov, White House, 1600
Pennsylvania Ave., NW, Washington, DC 20500

Secretary of Defense William Cohen, comment via DoD web page:

<http://www.defenselink.mil/faq/comment.html>; voice: (703) 695-5261; fax:
(703) 695-1219; snail: 1000 Defense Pentagon, Washington, D.C.
20301-1000

Also, please distribute this to others interested in assisting Senior Chief
McVeigh. As always, if possible, send us a copy of your correspondence to
sldn@sldn.org if possible and let us know what, if any response you
receive.

Thank you for your commitment to protecting those targeted under Don't Ask,
Don't Tell, Don't Pursue.

For more information, visit Sr. Chief McVeigh's web site at

<http://www.geocities.com/Pentagon/9241/> and SLDN's web site at

<http://www.sldn.org>. ===== 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 <01ISLEWQT5A800KHEN@PMDF.EOP.GOV> for montoya_dc@a1.eop.gov; Tue,
20 Jan 1998 09:10:18 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISLEWPBTWW00AJTR@PMDF.EOP.GOV> for
montoya_dc@a1.eop.gov; Tue, 20 Jan 1998 09:10:15 -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 <011SLEWMS8T80028BK@STORM.EOP.GOV> for montoya_dc@a1.eop.gov;
Tue, 20 Jan 1998 09:10:12 -0500 (EST)
Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTP; Tue,
20 Jan 1998 09:09:59 -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 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:20-JAN-1998 12:38:00.00

SUBJECT: Robert Scheer Commentary on McVeigh Case

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

LOS ANGELES TIMES

<http://www.latimes.com/>

January 20, 1998

COLUMN LEFT/COMMENTARY

The Navy Makes War on Its Own;

A witch hunt against a veteran submariner violated military rules and federal privacy laws.

BY ROBERT SCHEER

When President Clinton inaugurated the "don't ask, don't tell, don't pursue" policy regarding gays in the military, he claimed it would "provide a decent regard to the legitimate privacy and associational rights of all service members." If he is serious, the president must intervene to save the career of Senior Chief Petty Officer Timothy R. McVeigh (no relation to the Oklahoma bomber), who until recently was the highest-ranking enlisted man on the nuclear submarine Chicago.

The witch hunt conducted against this highly decorated 17-year Navy veteran with an exemplary record violates the military's own guidelines as well as the federal law governing Internet privacy. The case against McVeigh is based on the charge that he listed "gay" as his marital status in his personal America Online profile. He identified himself on it simply as "Tim" from "Honolulu, Hawaii." Not having mentioned his surname or Navy connection, it is obvious that McVeigh did not "tell" anyone in the military that he is gay.

Chatting online under a pseudonym, which is common practice, is clearly a private activity. McVeigh got into trouble when he used his AOL account to send an e-mail to the wife of a fellow crewman regarding a Christmas toy drive for the crew's children. She checked his profile and tipped off Navy investigators who confirmed McVeigh's identity by tricking an AOL staff member into providing his full name, thus betraying his right to privacy.

The Electronics Communications Privacy Act of 1986 forbids online providers from revealing information about their customers without a court order or the customer's permission. AOL claims to have procedures to prevent such invasion of privacy. According to the testimony of the Navy investigator who called AOL, he didn't mention that he worked for the government or claim that he was performing an official duty. He simply said he had received a third-party fax from "Tim," and an AOL employee revealed the identity of McVeigh. Which might make the 10 million AOL subscribers a bit nervous as they post their most intimate thoughts on the network's chat rooms.

AOL has some serious explaining to do as to why any of us subscribers should trust it. But the real culprits here are the Navy investigators who went to such lengths to destroy the honor of a seaman who never had given a moment of legitimate cause for concern that he violated any military regulations. In all of his years of service, no one has ever suggested that McVeigh ever committed or solicited a homosexual act, or in any other way indicated that he might be gay. Described as "an outstanding role model" and the "embodiment of Navy core values" in his last performance appraisal, McVeigh has received four major service decorations.

But the U.S. Navy has a long history of extreme homophobia, which is a continuing insult to the large number of gays who have served so honorably. Forty years ago there was Lt. Thomas Dooley, a Navy doctor who became world famous for saving the lives of tens of thousands of Catholic war refugees from North Vietnam. Honored by the president, the pope and Time magazine for his heroic service, Dooley was quietly forced to resign from the Navy after its investigators learned that this celebrated patriot, referred to throughout the world as Dr. America and the American Albert Schweitzer, was homosexual. Like McVeigh, Dooley had always performed his duties honorably. In order to "get" Dooley, the Navy snoops broke the law on entrapment and set him up.

Once again, in the McVeigh case, it is the homophobes who are the real threat to the integrity of the Navy. Clearly they are the likely security risks since they have demonstrated so little respect for the law.

The argument against gays in the military comes down to a question of trust: Are gays less likely than heterosexuals to perform their duties honorably? The answer is no, as the McVeigh case once again illustrates. What ugly irony there is in the example of the other Tim McVeigh, who also served in the military, where his instability was on full display. But despite overt racist and paranoid behavior, he never was ordered to leave. Is it because this future mass murderer had the saving grace of being heterosexual?

It is time to admit the obvious: Sexual orientation is not a logical basis for predicting military performance. Instead of fabricating evidence to frame dedicated members of the military who, irrespective of their sexual orientation, serve their country with honor, the Pentagon should be educating its officers in the lessons of tolerance. It is not the business of the military in a free society to make war on its own people.

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

===== 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 <01ISLMFP8D5C007ZQN@PMDF.EOP.GOV>; Tue, 20 Jan 1998 12:45:36 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISLMFMEK0W008QCY@PMDF.EOP.GOV>; Tue,

20 Jan 1998 12:45:33 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISLMEVW15A0024OY@STORM.EOP.GOV>; Tue,

20 Jan 1998 12:44:59 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id JAA13419; Tue,

20 Jan 1998 09:38:04 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:20-JAN-1998 22:35:00.00

SUBJECT: NC5851: GLAADLines 01.20.98

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

GLAAD'S GLAADLINES Jan 29, 1998

DESPITE NAVY'S APPARENT WRONGDOING, MCVEIGH DISCHARGE SET FOR TOMORROW:

Even though the Navy may have violated both the Electronic Communications Privacy Act (EPCA) and "Don't Ask, Don't Tell, Don't Pursue," and despite vocal opposition from the author of the "Don't Ask, Don't Tell" policy and many others, the government is currently planning to proceed with the discharge of Senior Chief Timothy McVeigh (no relation to the Oklahoma City bomber) on January 21. Lawyers for the sailor say that the Navy would not have been able to legally link him with his profile if an AOL employee had not provided his identity to a Naval investigator, which the online service provider did, according to sworn military testimony. In seeking out the information, the Navy investigator violated the federal ECPA, which requires a government agency to go through an appropriate legal process in which, at least, they seek an administrative subpoena. A spokesperson for the White House called this "the Internet version of illegal search and seizure," recommending "the evidence be thrown out [and] this patriot set free." Meanwhile, during an interview on the

January 19 edition of National Public Radio's Talk of the Nation, Dr. Charles Moskos, author of the original "Don't Ask, Don't Tell" policy called for a delay of McVeigh's discharge pending a full investigation of the Department of Defense's handling of this case. "This entire affair has been about lies, cover-ups and official denials," said John Aravosis, a lawyer for McVeigh. "It's high time the Navy came clean with the American people." For more information contact John Aravosis at (202) 328-5707.

GAYBASHED COUPLE SUES CITY OF WASHINGTON, D.C. FOR DISCRIMINATION:

On January 16, two victims of an anti-gay hate crime will file a case in the U.S. District Court of Washington, D.C. charging the city with intentional discrimination in refusing emergency medical care to them. Ken Ludden and Joseph Loron Lavoie's complaint is based on a July 1, 1996 incident following an attack in which a man shouted anti-gay epithets at them and beat the couple with a large, heavy rod. Despite urgent need and the plaintiffs' request for help, the DC Fire Department emergency technician at the scene refused to provide any assistance, and instead leaned against his truck and told them they should go to a hospital. While he claimed to have dispatched an ambulance, later investigations revealed he had not. Ludden and Lavoie were forced to walk nearly a mile to the hospital, at which time Lavoie lost consciousness due to blood loss. He later received 29 stitches. "To have the City's medical technicians treat us with such callous indifference and even contempt in our time of desperate need is a horror beyond belief," said Ludden. Following the incident, the U.S. Department of Justice found the Fire Department's

behavior so egregious that it has demanded the local government address the problem. The case will be filed by D.C. law firms Siegel Law and Simon and Associates. For more information contact Ron Simon (Simon and Associates) at (202) 466-4736.

FOR CITIZENSHIP MERIT BADGE, BOY SCOUT SAYS GAY PEOPLE SHOULD BE ALLOWED:

A Petaluma, California, 12-year-old Boy Scout has joined the ranks of many in opposition to the Boy Scouts of America around their policy excluding gay scouts and troop leaders. In order to get his citizenship merit badge, one step on the way towards becoming an Eagle Scout, Steven Cozza has written to local, state and national politicians and is circulating over 100 petitions at local supermarkets calling on the BSA to rescind its discriminatory ban. "They say you're supposed to treat others the way you'd want to be treated--but they're treating [gay people] like dirt. I thought the Boy Scouts were supposed to teach kids good stuff," Cozza said. In response to some people's religious objections, Cozza replied, "I don't think God would discriminate against anyone." He added that he is willing to have people call him gay because of his stance, adding, "I say it really doesn't matter, but I'm not gay. I brought it up to treat everybody the same." For more information contact Steven Cozza (Scouting For All) at (707) 778-0564.

LIFE LOBBY BRINGS GAY YOUTH TO CALIFORNIA LEGISLATORS:

On January 21, hundreds of lesbian, gay, bisexual and transgender young people and their friends will descend upon Sacramento for this Third Annual Youth Lobby Day. The event, sponsored by LIFE Lobby and Institute: California's LGBT & HIV/AIDS Lobby, will involve lobbying politicians, a rally and an afternoon of workshops on everything from media to fundraising and grassroots coalition building. "Queer youth are constantly used as a political football by a small group of religious political extremists pretending to speak for us. Youth Lobby Day is a way for us to speak for ourselves," said Steve Scott, a 1997 Youth Lobby Day participant. For more information contact Ellen McCormick (LIFE Civil Rights Legislative Advocate) at (916) 444-0424.

GAY MEN'S CHORUS TO PERFORM AT SUPER BOWL:

On January 25, the 100-member San Diego Gay Men's Chorus will perform during the pre-game program of the Super Bowl. In addition to performing to 77,000 football fans in San Diego, the performance could be potentially seen by the millions who watch the Super Bowl via television worldwide. "The San Diego Gay Men's Chorus is breaking new ground," said GALA Choruses Executive Director Kenneth Cole. "[This] signifies a rewarding shift in mainstream attitudes about the lesbian and gay community. Through music, our choruses are able to reach hearts and open minds." For more information contact Kenneth Cole (GALA) at (202) 467-5830.

To report events that merit media coverage, or news stories breaking in

your area, please contact us.

The Gay & Lesbian Alliance Against Defamation (GLAAD) is the only national lesbian & gay multimedia advocacy organization. GLAAD promotes fair, accurate, and inclusive representation as a means of challenging discrimination based on sexual orientation or identity. To subscribe contact Don Romesburg at (415) 861-2244 or at romesburg@glaad.org.

"GLAAD" and "Gay & Lesbian Alliance Against Defamation" are trademarks of

the Gay & Lesbian Alliance Against Defamation, Inc. ===== 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 <01ISM74NG97400OSMS@PMDF.EOP.GOV>; Tue, 20 Jan 1998 22:38:25 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISM74GS7800030WF@PMDF.EOP.GOV>; Tue,

20 Jan 1998 22:38:18 -0500 (EST)

Received: from netcom8.netcom.com ([192.100.81.117])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISM7440W9K002BE4@STORM.EOP.GOV>; Tue,

20 Jan 1998 22:37:59 -0500 (EST)

Received: (from rwockner@localhost)

by netcom8.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id TAA12391; Tue,

20 Jan 1998 19:35:31 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:20-JAN-1998 00:53:00.00

SUBJECT: NC5845: HRC Action Alert: Urge the White House and DOD to Revok

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Date: Mon, 19 Jan 1998 21:32:00 EST

From: Philatney <Philatney@aol.com>

To: hrc-news@netra-1.hrc.org

Subject: HRC Action Alert: Urge the White House and DOD to Revoke

Discharge

YOUR HELP IS NEEDED - PLEASE FORWARD AND POST THIS MESSAGE!

Day of Online Action - Tuesday, January 20, 1997

Urge the White House and the Department of Defense to

Revoke Discharge Procedures Against Senior Chief Timothy R. McVeigh

Go now to <http://www.hrc.org/mcveigh> and send a fast message using HRC's

easy-to-use action page!

BACKGROUND:

Secretary of the Navy, John Dalton, has indicated that the Navy will

discharge Senior Chief Timothy R. McVeigh despite evidence that the Navy potentially violated both the Electronic Communications Privacy Act (ECPA) and "Don't Ask, Don't Tell, Don't Pursue." The discharge will occur on Wednesday, January 21, 1997, unless a federal court orders the Navy to freeze the discharge pending the outcome of a lawsuit filed by McVeigh on Thursday, January 15, 1997.

The Secretary of Defense, William Cohen, and the Commander-in-Chief, President William J. Clinton, retain discretion to stop the discharge and avoid potentially embarrassing litigation. They, however, need to hear from you that you are concerned about the government's actions in this case.

The first concern is that the Department of Navy and Department of Defense violated ECPA by obtaining McVeigh's subscriber information from AOL without a warrant, subpoena or McVeigh's consent. That is a violation of U.S. law.

The second concern is that McVeigh's command initiated an inquiry against McVeigh based only on a suspicion that the AOL profile was his, thus compelling the Navy to confirm McVeigh's identity through AOL. "Don't Ask, Don't Tell, Don't Pursue" specifically states that suspicions are not credible information to start an inquiry.

President Clinton stated in announcing "Don't Ask, Don't Tell, Don't Pursue" that the policy would provide "a decent regard to the legitimate privacy and associational rights of all servicemembers." Former Secretary

of Defense, Les Aspin, said that servicemembers would have to work hard to get on the radar screen under "Don't Ask, Don't Tell, Don't Pursue." Those promises have failed in this case.

The Human Rights Campaign, The Service Members Legal Defense Network, Planet Out, Wired Strategies, and The Electronic Privacy Information Center urge you to send an important message to President Clinton, Vice President Gore, Secretary of Defense William Cohen and Secretary of the Navy John Dalton. HRC's Online Action Center will send a fax and/or an email to each of their offices.

<http://www.hrc.org/mcveigh>===== 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 <01ISKXOO4KB400VXT6@PMDF.EOP.GOV>; Tue, 20 Jan 1998 00:57:24 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISKXOKQNSW007TRB@PMDF.EOP.GOV>; Tue,

20 Jan 1998 00:57:19 -0500 (EST)

Received: from netcom13.netcom.com ([192.100.81.125])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISKXNQY88E00280K@STORM.EOP.GOV>; Tue,

20 Jan 1998 00:56:40 -0500 (EST)

Received: (from rwockner@localhost)

by netcom13.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id VAA22045; Mon,

19 Jan 1998 21:53:02 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: nglftcampus-request (nglftcampus-request@nenet.org@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 12:16:00.00

SUBJECT: CNN tackles "Don't Ask, Don't Tell" and sexual harassment (fwd)

TO: Christian M. Grantham (Christian M. Grantham@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

Forwarded by Request:

Please post widely:

----- Forwarded message -----

Date: Tue, 20 Jan 1998 15:29:25 -0800

From: Barb Eichberger <barb@solnlogic.com>

Reply-To: Lesbian Veterans <lesbian_vet@solnlogic.com>

To: lesbian_vet@solnlogic.com

Subject: CNN tackles "Don't Ask, Don't Tell" and sexual harassment

>Date: Tue, 20 Jan 1998 15:08:36 -0500

>Subject: CNN tackles "Don't Ask, Don't Tell" and sexual harassment

>Content-Description: cc:Mail note part

>

> FOR IMMEDIATE RELEASE

> January 20, 1998

>

> CONTACT

- > Rick Perera
- > CNN Impact
- > (404) 827-2755
- >
- > CNN "IMPACT" TO TACKLE "DON'T ASK, DON'T TELL" AND SEXUAL HARASSMENT
- >
- > ATLANTA - With the recent case of a Navy seaman facing discharge
over
- > his America Online profile, the military's "Don't Ask, Don't Tell"
- > policy on homosexuality is once again in the spotlight. But there's
a
- > twist to the story that has rarely been told. The policy on gays
- > serves as a ready weapon against military women. Those who reject
the
- > advances of a male superior run the risk of being investigated as
- > lesbians.
- >
- > "Impact," CNN's weekly news magazine, takes on the subject this
- > Sunday, January 25. Correspondent Art Harris talks with women
- > affected by the policy, and reveals internal military documents that
- > show the Pentagon has long been aware of the threat.
- >
- > "Time and time again," said Michelle Benecke of Servicemembers Legal
- > Defense Network, "when women report sexual abuse, they find that
- > their commands respond, not by investigating the complaint of sexual
- > abuse, but by investigating them, and their private lives."
- >

- > Ask former Navy seaman Amy Barnes, who was brought up on charges of
- > lesbianism - two weeks after rebuffing a male superior at an
on-shore
- > bar. Unlike others in her position, she fought back with a
lawsuit.
- > But it was too late to save her career.
- >
- > Ask retired Air Force Captain Barbara Wilson, who served from 1949
to
- > 1971. "When women first went in service," she said, "the adage was
- > that only queers or prostitutes went in service. And I think that
has
- > just carried down from generation to generation."
- >
- > Correspondent Art Harris, himself a former Navy lieutenant, j.g.,
- > offers an unflinching portrayal of sex and power in the U.S.
military.
- >
- > "Impact," hosted by Bernard Shaw and Stephen Frazier, is broadcast
- > each Sunday at 10:00 p.m. Eastern time and again at 10:00 p.m.
Pacific
- > time, on CNN.
- >
- >

> -30-

>===== 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 <01ISMXPIL0W00MYS6@PMDF.EOP.GOV> for "Christian M. Grantham"@oa.eop.gov;
Wed, 21 Jan 1998 11:19:03 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISMXPOL2MXC00BQY6@PMDF.EOP.GOV> for
Christian_M._Grantham@oa.eop.gov; Wed, 21 Jan 1998 11:19:00 -0500 (EST)

Received: from public4.jri.org ([208.7.225.24])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISMXNUOM2W002EQV@STORM.EOP.GOV> for
Christian_M._Grantham@oa.eop.gov; Wed, 21 Jan 1998 11:18:25 -0500 (EST)

Received: (from list@localhost) by public4.jri.org (8.8.5/8.8.5)
id LAA25931 for Christian_M._Grantham@oa.eop.gov; Wed,
21 Jan 1998 11:15:52 -0500 (EST)

Resent-date: Wed, 21 Jan 1998 11:15:52 -0500 (EST)

Resent-from: nglftcampus@nenet.org

Resent-sender: nglftcampus-request@nenet.org

X-Sender: glbserv@juliet.ucs.indiana.edu

Resent-message-id: <aCwlfB.A.ITG.y8hx0@public4.jri.org>

Precedence: list

X-Mailing-List: <nglftcampus@nenet.org> archive/latest/1594

X-Loop: nglftcampus@nenet.org

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 23:04:00.00

SUBJECT: NC5857: C|Net: AOL Admits to Privacy Lapse

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* Reprint rights for this copyrighted news article must be obtained *

* ---> by you <--- from the originating news organization. *

C|Net - www.news.com

AOL admits to privacy lapse

By Janet Kornblum

January 21, 1998, 11:45 a.m. PT

America Online (AOL) today is admitting that a customer service representative divulged private information about an AOL member to a Navy investigator, in violation of the online service's own privacy policy.

The investigator used the information to order the member's discharge from the Navy for allegedly admitting he was gay. AOL initially said it was "confident" that its privacy policy was followed.

Today the Navy and the AOL member, Navy Senior Chief Timothy McVeigh (no

relation to the Oklahoma city bomber), faced each other in a Washington court hearing in which McVeigh accused the Navy of violating the federal Electronic Communications Privacy Act (ECPA) when its investigator requested the information without identifying himself or obtaining a court order or subpoena.

The Navy today delayed McVeigh's discharge orders until midnight Friday. Judge Stanley Sporkin is expected to rule before then, McVeigh's attorney, Christopher Wolf, said this morning, following the hour-long hearing.

In less than a month, this case has gone from relative obscurity--McVeigh and his friends were sending out email to anyone who seemed interested--to the international media spotlight, where McVeigh is fielding calls from reporters from around the globe.

The core of the case hits two important legal challenges and with them, two very raw nerves in the American psyche: privacy in the electronic age and President Clinton's policy on gays in the military.

Lawyers and privacy advocates say this case could set an important precedent because it is the first time a governmental body has faced a court challenge for violating a provision of the ECPA that prohibits the government from obtaining "information pertaining to a subscriber" without a court order or subpoena.

"We think this case is profoundly important to Internet users," Wolf said.

"If the government can illegally obtain private information and use that

against the subscriber, it's a serious concern for any Internet user."

AOL released the information to a Navy investigator after the investigator, Joseph Kaiser, called an AOL service representative and asked for it. Kaiser, according to his own sworn testimony, never identified himself. He had called AOL because he wanted to legally link McVeigh with a member name from which McVeigh had sent email.

The profile attached to the member name had listed the word "gay" under the "marital status" section of the online form. It also had identified the member as "Tim" from Honolulu, Hawaii. Navy officials, who based the entire discharge on the screen name, have publicly said they felt they had enough evidence to link McVeigh to the screen name without having the AOL representative verbally confirm his identity on the telephone. But a Navy attorney said in testimony obtained by CNET's NEWS.COM that she did need the confirmation to link McVeigh to the screen name.

Today, while AOL acknowledged its representative had made a mistake, it said it would not happen again. "This was a case of human error under very unusual circumstances," AOL said in a statement. "We want our members to know that their privacy is of paramount importance to AOL and we take our responsibility to protect it very seriously. We will do everything we can to maintain that commitment."

AOL stated that along with reinforcing its existing privacy policies, which guarantee that private information will never be divulged, it is "instituting additional measures that will reinforce our privacy policies

and procedures to our member services representatives."

AOL also took the offensive, accusing the Navy investigator of violating the ECPA by not divulging his identity or the purpose of his call and then misleading the customer service representative "into confirming information the Navy already possessed about Senior Chief McVeigh, both by failing to disclose his identity and purpose and by portraying himself as a friend or acquaintance of Senior Chief McVeigh's."

AOL has sent letters of protest to the Navy over the issue.

The author of the military's "don't ask, don't tell, don't pursue" policy, Charles Moskos, also filed court documents on behalf of McVeigh, saying that if the Navy violated the ECPA "by seeking confidential information from an online service provider illegally, the case against McVeigh should be dropped."

As for McVeigh, he said today that he still is fighting for the same thing: to get his job back and continue with his military career. "I think the judge is going to fairly review the case, which is what I've been asking for all along," he said.

He also said that his case "speaks for the disregard the Navy has given to the policy."

McVeigh has not commented on his sexual orientation. A service member can be discharged for saying he is gay. But his actual orientation is

irrelevant to the case. When asked how he feels about the Navy's policy,

he answered carefully, "If there's going to be a policy, then it should be

followed." ===== 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 <01ISNMGR3VN4007RRF@PMDF.EOP.GOV>; Wed, 21 Jan 1998 23:08:03 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISNMGIW2J400OTI0@PMDF.EOP.GOV>; Wed,

21 Jan 1998 23:07:52 -0500 (EST)

Received: from netcom17.netcom.com ([192.100.81.130])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISNMFLWF8002FIS@STORM.EOP.GOV>; Wed,

21 Jan 1998 23:07:07 -0500 (EST)

Received: (from rwockner@localhost)

by netcom17.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id UAA09640; Wed,

21 Jan 1998 20:04:38 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 23:06:00.00

SUBJECT: NC5858: McVeigh case update

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* The following material is not copyrighted and may be reprinted or *

* forwarded freely.

*

FOR IMMEDIATE RELEASE

Contacts: John Aravosis, 202/328-5707

January 21, 1998 4:00PM

Barbara Bode, 202/388-9598

"I wouldn't have called AOL", Government Lawyer Admits Navy Broke the Law,

AOL Charges

In an hour-long proceeding this morning in federal court in Washington DC,

David Glass, the lawyer for the US Government, admitted that if he had to

do the McVeigh investigation over again, "I wouldn't have called AOL."

Glass was referring to violations of federal law committed by Navy legal

staff in obtaining key information against decorated sailor Tim McVeigh.

Judge Sporkin expressed his concern that there "ought not be any search

and destroy missions by the Navy" in conducting "Don't Ask, Don't Tell"

investigations, but he refused to reach an immediate decision in the case

(one is expected any time over the next few days).

An hour before the proceeding, America Online released a blistering statement accusing the US Navy of deliberately violating federal law.

"After completing our review of AOL's role in the U.S. Navy's investigation [of Senior Chief McVeigh], we have found: 1. The Navy deliberately ignored both Federal law and well-established procedures for handling government inquiries about AOL members." AOL also reported that it has sent letters of protest to the Navy and the Department of Defense.

During the arguments, government attorney Glass repeatedly admitted that the government had no real evidence linking McVeigh to the purportedly "gay" AOL member profile until Navy investigators called AOL, in violation of the federal Electronic Communications Privacy Act (ECPA). Glass said that when Navy personnel initially received what has now become key government evidence against McVeigh in these proceedings, the investigators asked themselves:

"Is this some kind of prank message?" and "Who is sending me this message...who is it coming from?" Glass said that the government contacted AOL because they needed "to make sure this was his [McVeigh's] profile" -- they "wanted to make sure they were investigating the right person." Glass even went so far as to say that "possibly nothing would have happened with his email alone," had the Navy not been able to make the illegal link to the AOL profile. Glass' admissions in federal court contradict all Navy statements to date.

Judge Sporkin then asked Glass to imagine a hypothetical where the government wanted to connect an anonymous AOL member profile with a specific AOL subscriber. The Judge asked Glass if, in view of the requirements of federal privacy law, would he call AOL in search of that subscriber's information without a court order. Glass answered: "If I knew about the law, I wouldn't have called AOL." Glass then went on to suggest that Navy legal staff were not familiar with the details of federal wire tapping law, and therefore should not be held accountable for spying on American citizens in violation of that law. Chris Wolf, McVeigh's attorney, immediately pointed out that ignorance of the law is no defense.

While Judge Sporkin has not yet ruled on the case, he did tell the court room that he was concerned about the Navy possibly discharging McVeigh before the case was resolved. "I think that the better way to proceed is to keep him [McVeigh] on" until the case is resolved, the Judge said. The government lawyers refused to make any guarantees about McVeigh's future. He was set to be discharged at midnight tonight.

The Judge's concerns in this case echo those of Dr. Charles Moskos, a military sociologist at Northwestern University, and the author of the "Don't Ask, Don't Tell" policy. In a sworn 4-page declaration given to the court by McVeigh's attorneys, Moskos said: "The Navy's actions in this case violated the 'Don't Ask, Don't Tell' policy." Moskos added that: "To send a suitable message to the military that investigations of this type will not be condoned, the case against Senior Chief McVeigh should be dropped."

"A man's 17-year career may be in ruins, and the government now says 'oops, we made a mistake'? This is simply not acceptable," said John Aravosis, a lawyer and Internet consultant assisting McVeigh on the case. "Ignorance of the law is no excuse. When the Navy thought McVeigh broke the law, they were willing to destroy his career -- but now it seems the Navy committed the crime, and we're supposed to turn the other cheek? I don't think so. The President should put an end to this farce immediately, and free this American hero."

John Aravosis Wired Strategies - Online Advocacy Consulting Washington, DC
202/328-5707 tel. 202/328-5708 fax

<http://www.wiredstrategies.com> <mailto:john@wiredstrategies.com>===== 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 <01ISNMI5HH00007RRF@PMDF.EOP.GOV>; Wed, 21 Jan 1998 23:09:10 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISNMI0THJK00BP3Z@PMDF.EOP.GOV>; Wed,

21 Jan 1998 23:09:04 -0500 (EST)

Received: from netcom17.netcom.com ([192.100.81.130])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISNMHAPCL4002FIS@STORM.EOP.GOV>; Wed,

21 Jan 1998 23:08:29 -0500 (EST)

Received: (from rwockner@localhost)

by netcom17.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id UAA09784; Wed,

21 Jan 1998 20:06:00 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 13:19:00.00

SUBJECT: NC5852: DADT author tells court: Drop McVeigh case

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

* The following material is not copyrighted and may be reprinted or *

* forwarded freely.

*

FOR IMMEDIATE RELEASE Contacts: John Aravosis, 202/328-5707 January 20,

1998 11:30PM Barbara Bode, 202/588-9598

Drop McVeigh Case, Gay Ban Author to Tell Court

President Must Intervene, Advocates Say

"The case against Senior Chief McVeigh should be dropped," said Dr.

Charles Moskos -- the author of the "Don't Ask, Don't Tell" policy -- in a

sworn four-page legal document to be presented in federal court on

Wednesday. Online privacy and gay rights advocates demanded the

President's immediate intervention in the case.

In a sworn written "declaration" for the court, Dr. Moskos blasted the

military's handling of the McVeigh case. That entire document is attached

at the end of this email. Among Moskos observations in the sworn document:

"I am the author of the United States Armed Forces' current 'Don't Ask, Don't Tell, Don't Pursue' policy."

"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."

"The Navy's actions in this case violated the 'Don't Ask, Don't Tell' policy. In simple terms, Senior Chief McVeigh did not 'tell' in a manner contemplated under the policy -- he sent an anonymous e-mail which did not list his surname or his Navy connection."

"This sort of heavy-handed 'enforcement' by the Navy will inadvertently undermine the 'Don't Ask, Don't Tell' policy."

"It is these kind of actions by the military, rather than lobbying by homosexual-rights advocates, that pose the greatest threat to the efficacy of the policy in balancing the military's concerns about readiness, unit cohesion and morale with what President Clinton called 'a decent regard to the legitimate privacy and associational rights of all service members.'"

"To preserve the 'Don't Ask, Don't Tell' policy and send a suitable message to the military that investigations of this type will not be

condoned, the case against Senior Chief McVeigh should be dropped."

Online advocates demanded the President's immediate intervention in the case. "Even the man who wrote 'Don't Ask, Don't Tell' now says this case is a sham," said John Aravosis, a lawyer and Internet consultant helping McVeigh with the case. "After all this evidence, is the President really going to defend cyber-snooping and destroy a man's career? He has to intervene and free McVeigh."

[Dr. Moskos' Complete Declaration to the Court]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY R. McVEIGH,

Plaintiff,

CIV. ACTION NO. 1:98CV00116

THE HONORABLE WILLIAM COHEN, et al

Defendants.

DECLARATION OF PROFESSOR CHARLES MOSKOS

Professor Charles Moskos declares under penalty of perjury as follows:

1. My name is Charles Moskos. I am professor of sociology at Northwestern University where I hold the Anderson Chair in the College of Arts and Sciences. I received my bachelor's degree cum laude from Princeton University in 1956. After graduating from college, I served as a draftee in the United States Army combat engineers and was stationed in Germany. Following my military service, I attended the University of California at Los Angeles where I received my Ph.d. in 1963.

2. I am the author of the United States Armed Forces' current "Don't Ask, Don't Tell, Don't Pursue" policy which I understand to be the basis for the U.S. Navy's contemplated discharge of Senior Chief Petty Officer Timothy R. McVeigh, U.S.N. I have focused my career as a sociologist on military issues. Since 1988, I have been chairman of the Inter-University Seminar on Armed Forces and Society. I am the author of several books, including *The American Enlisted Man*, *The Military - More Than Just A Job?*, *Soldiers and Sociologists*, *The New Conscientious Objection*, *A Call To Civic Service* and *Reporting War When There Is No War*. I am also the author of *All That We Can Be: Black Leadership And Racial Integration The Army Way*, which won the Washington Monthly award for the best political book of 1996. In addition, I have published well over one hundred articles in scholarly journals and news publications such as the New York Times, Washington Post, Chicago Tribune, Atlantic Monthly, and The New Republic, my work has been translated into fourteen languages and the Wall Street Journal has referred to me as the nation's "most influential military sociologist."

3. I have been consulted by the President and have testified before

Congress on issues of military personnel policy several times. In 1992, I was appointed by President Bush to serve on the President's Commission on the Assignment of Women in the Military. I have been decorated by the governments of the United States , France and the Netherlands for my research and hold the Distinguished Service Medal, the U.S. Army's highest decoration for a civilian.

4. In 1993, I first suggested the "Don't Ask, Don't Tell, Don't Pursue" policy to then Senate Armed Forces Committee Chairman Senator Sam Nunn. Then Secretary of Defense Les Aspin approved the policy and it was recommended to the President. In the following months, I worked with the White House, the Armed Forces and Senator Nunn's committee to draft the policy, which eventually was codified into law.

5. I have reviewed the facts of the McVeigh case and in my opinion, if the Navy violated the Electronic Communications Privacy Act by seeking confidential information from an online service provider illegally, the case against McVeigh should be dropped. It should be axiomatic that the Navy must abide by the law in conducting its investigations under the "Don't Ask, Don't Tell, Don't Pursue" policy. Any other outcome would send an improper message to the government sanctioning improper and illegal investigations and would inadvertently undermine the "Don't Ask, Don't Tell" policy.

6. It is also my opinion, based on my understanding of the facts, 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. I understand that Senior Chief McVeigh sent a civilian Navy employee an e-mail which did not identify him as the source and contained no statement by the sender such as "I am a homosexual" or any similar statement. I also understand that the e-mail contained the screen name "BOYSRCH" and that the recipient was able to access an America Online user profile which, among other things, listed the sender's name as "Tim," and listed his marital status as "gay" but again, did not identify the sender as Senior Chief Timothy R. McVeigh. It is my understanding that, solely on the basis of this information, the Navy launched an investigation of Senior Chief McVeigh and may have illegally obtained information from America Online identifying him as the source of the e-mail.

7. In my opinion, the Navy's actions in this case violated the "Don't Ask, Don't Tell" policy. In simple terms, Senior Chief McVeigh did not "tell" in a manner contemplated under the policy -- he sent an anonymous e-mail which did not list his surname or his Navy connection - but by launching an investigation solely on the basis of this e-mail, which required the Navy to obtain Senior Chief McVeigh's identity from America Online, the Navy "asked" in a way that should be forbidden under the policy.

8. In my opinion, this sort of heavy-handed "enforcement" by the Navy will inadvertently undermine the "Don't Ask, Don't Tell" policy by eroding confidence among servicemen that the Navy will not "ask" if they do not "tell." It is these kinds of actions by the military, rather than

lobbying by homosexual-rights advocates, that pose the greatest threat to the efficacy of the policy in balancing the military's concerns about readiness, unit cohesion and morale with what President Clinton called "a decent regard to the legitimate privacy and associational rights of all service members."

9. It is my opinion that, to preserve the "Don't Ask, Don't Tell, Don't Pursue" policy and send a suitable message to the military that investigations of this type will not be condoned, the case against Senior Chief McVeigh should be dropped or, at the very least, delayed pending the results of a full investigation of the Navy's conduct in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

[signed original] _____ Charles Moskos

John Aravosis

Wired Strategies - Online Advocacy Consulting

Washington, DC

202/328-5707 tel.

202/328-5708 fax

<http://www.wiredstrategies.com>

mailto:john@wiredstrategies.com===== 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 <01ISN2ALI20W015WU1@PMDF.EOP.GOV>; Wed, 21 Jan 1998 13:30:32 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISN2AEKW4G008JLR@PMDF.EOP.GOV>; Wed,

21 Jan 1998 13:30:16 -0500 (EST)

Received: from netcom15.netcom.com ([192.100.81.128])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01ISN29KQZDY002G5K@STORM.EOP.GOV>; Wed,

21 Jan 1998 13:29:37 -0500 (EST)

Received: (from rwockner@localhost)

by netcom15.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id KAA28254; Wed,

21 Jan 1998 10:19:06 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 12:59:00.00

SUBJECT: CNN tackles "Don't Ask, Don't Tell" and sexual harassment

TO: Richard Socarides (Richard Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart D. Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

> FOR IMMEDIATE RELEASE

> January 20, 1998

>

> CONTACT

> Rick Perera

> CNN Impact

> (404) 827-2755

>

> CNN "IMPACT" TO TACKLE "DON'T ASK, DON'T TELL" AND SEXUAL HARASSMENT

>

> ATLANTA - With the recent case of a Navy seaman facing discharge over

> his America Online profile, the military's "Don't Ask, Don't Tell"

> policy on homosexuality is once again in the spotlight. But there's

a

> twist to the story that has rarely been told. The policy on gays

> serves as a ready weapon against military women. Those who reject

the

> advances of a male superior run the risk of being investigated as

> lesbians.

>

> "Impact," CNN's weekly news magazine, takes on the subject this

> Sunday, January 25. Correspondent Art Harris talks with women

> affected by the policy, and reveals internal military documents that

> show the Pentagon has long been aware of the threat.

>

> "Time and time again," said Michelle Benecke of Servicemembers Legal

> Defense Network, "when women report sexual abuse, they find that

> their commands respond, not by investigating the complaint of sexual

> abuse, but by investigating them, and their private lives."

>

> Ask former Navy seaman Amy Barnes, who was brought up on charges of

> lesbianism - two weeks after rebuffing a male superior at an on-shore

> bar. Unlike others in her position, she fought back with a lawsuit.

> But it was too late to save her career.

>

> Ask retired Air Force Captain Barbara Wilson, who served from 1949 to

> 1971. "When women first went in service," she said, "the adage was

> that only queers or prostitutes went in service. And I think that

has

> just carried down from generation to generation."

>

> Correspondent Art Harris, himself a former Navy lieutenant, j.g.,

> offers an unflinching portrayal of sex and power in the U.S.

military.

>

> "Impact," hosted by Bernard Shaw and Stephen Frazier, is broadcast

> each Sunday at 10:00 p.m. Eastern time and again at 10:00 p.m.

Pacific

> time, on CNN.

>

> -30-

This message has been forwarded as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

===== 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 <01ISN1DW4LE800CYKC@PMDF.EOP.GOV>; Wed, 21 Jan 1998 13:04:54 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov) by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISN1DKPC8000BS4U@PMDF.EOP.GOV>; Wed,

21 Jan 1998 13:04:47 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1]) by STORM.EOP.GOV (PMDF V5.1-7 #6879) with ESMTP id <01ISN1BLL4JU00294Y@STORM.EOP.GOV>; Wed, 21 Jan 1998 13:03:14 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121]) by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id JAA11628; Wed, 21 Jan 1998 09:59:42 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: cahrens (cahrens@wcl.american.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 12:28:00.00

SUBJECT: Re: HI

TO: Mary Morrison (Mary Morrison@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

hee hee, technology is just wonderful!!!! Yikes, guess you are busy this morning,, must never get dull around there!!!! We actually had some excitement here this morning as well... we have the Army recruiting here today and as you probalby know we are a very liberal school with a good portion of homosexual faculty, staff and students who are not so keen on the "don't ask don't tell policy".... well, if you drove by the school today you would see many rainbows drawn in chalk on the sidewalk infront of the school... lovely!!!! Oh well, such is life I guess,, I guess I'm just too much of a quiet person to get worked up about things like that.. but guess it's good that someone does... or else it wouldn't be America!!!!

Not much else to tell you right now.. was pretty much able to catch you up on my life for the past year last night... such a boring existence I lead!! :)

Take care, cindy

At 09:17 AM 1/21/98 -0500, you wrote:

>Message Creation Date was at 21-JAN-1998 09:17:00

>

>Most fabulous... I love that we can communicate via email... we will talk

like

>everyday now... breaking headlines!!!!

>

>I too enjoyed our outing to Spices last night - I loved the sushi - but

god

>knows I love all food, we agree on that....

>

>Did you talk to Aaron last night? Did you make your side of the bet?

Hope

>so...

>

>Well.. from reading the newspaper you can see the working environment is

quite

>interesting this morning...

>Have a good day.. we'll talk later... TODAY... YIPPIE!!

>

>xox

>mary

>

>===== 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 <01ISMXT7TZOG00OSMS@PMDF.EOP.GOV> for "Mary Morrison"@oa.eop.gov; Wed,
21 Jan 1998 11:22:39 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISMXSZ80CG006NRL@PMDF.EOP.GOV> for
Mary_Morrison@oa.eop.gov; Wed, 21 Jan 1998 11:22:32 -0500 (EST)

Received: from mailhost.wcl.american.edu ([147.9.143.100])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTTP id <01ISMXS9FYDS002BPS@STORM.EOP.GOV> for Mary_Morrison@oa.eop.gov;

Wed, 21 Jan 1998 11:21:53 -0500 (EST)

Received: from Ahrens.wcl.american.edu ([147.9.138.29])

by mailhost.wcl.american.edu (Netscape Mail Server v2.02)

with SMTP id AAA241 for <Mary_Morrison@oa.eop.gov>; Wed,
21 Jan 1998 11:24:09 -0500

X-Sender: cahrens@mailhost.wcl.american.edu

X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.5 (32)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Doug.Case (Doug.Case@sdsu.edu@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-JAN-1998 00:57:00.00

SUBJECT: "Drop McVeigh Case" - Gay Ban Author to Tell Court

TO: Richard Socarides (Richard.Socarides@EOP [UNKNOWN])

READ:UNKNOWN

TO: Stuart D. Rosenstein (Stuart.D.Rosenstein@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Forwarded From / Reply to: John Aravosis <john@wiredstrategies.com>

FOR IMMEDIATE RELEASE

Contacts: John Aravosis,

202/328-5707

January 20, 1998 11:30PM

Barbara

Bode, 202/588-9598

Drop McVeigh Case, Gay Ban Author to Tell Court

President Must Intervene, Advocates Say

"The case against Senior Chief McVeigh should be dropped," said Dr. Charles

Moskos -- the author of the "Don't Ask, Don't Tell" policy -- in a sworn

four-page legal document to be presented in federal court on Wednesday.

Online privacy and gay rights advocates demanded the President's immediate intervention in the case.

In a sworn written "declaration" for the court, Dr. Moskos blasted the

military's handling of the McVeigh case. That entire document is attached

at the end of this email. Among Moskos observations in the sworn

document:

"I am the author of the United States Armed Forces' current 'Don't Ask, Don't Tell, Don't Pursue' policy."

"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."

"The Navy's actions in this case violated the 'Don't Ask, Don't Tell' policy. In simple terms, Senior Chief McVeigh did not 'tell' in a manner contemplated under the policy -- he sent an anonymous e-mail which did not list his surname or his Navy connection."

"This sort of heavy-handed 'enforcement' by the Navy will inadvertently undermine the 'Don't Ask, Don't Tell' policy."

"It is these kind of actions by the military, rather than lobbying by homosexual-rights advocates, that pose the greatest threat to the efficacy of the policy in balancing the military's concerns about readiness, unit cohesion and morale with what President Clinton called 'a decent regard to the legitimate privacy and associational rights of all service members.'"

"To preserve the 'Don't Ask, Don't Tell' policy and send a suitable message to the military that investigations of this type will not be condoned, the case against Senior Chief McVeigh should be dropped."

Online advocates demanded the President's immediate intervention in the case. "Even the man who wrote 'Don't Ask, Don't Tell' says this case is a sham," said John Aravosis, a lawyer and Internet consultant helping McVeigh with the case. "Is the President really going to defend cyber-snooping and destroy a man's career?"

[Dr. Moskos' Complete Declaration to the Court]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY R. McVEIGH,

Plaintiff,

CIV. ACTION NO. 1:98CV00116

THE HONORABLE WILLIAM COHEN, et al

Defendants.

DECLARATION OF PROFESSOR CHARLES MOSKOS

Professor Charles Moskos declares under penalty of perjury as follows:

1. My name is Charles Moskos. I am professor of sociology at

Northwestern

University where I hold the Anderson Chair in the College of Arts and

Sciences. I received my bachelor's degree cum laude from Princeton

University in 1956. After graduating from college, I served as a draftee

in the United States Army combat engineers and was stationed in Germany.

Following my military service, I attended the University of California at

Los Angeles where I received my Ph.d. in 1963.

2. I am the author of the United States Armed Forces' current "Don't

Ask,

Don't Tell, Don't Pursue" policy which I understand to be the basis for the

U.S. Navy's contemplated discharge of Senior Chief Petty Officer Timothy R.

McVeigh, U.S.N. I have focused my career as a sociologist on military

issues. Since 1988, I have been chairman of the Inter-University Seminar

on Armed Forces and Society. I am the author of several books, including

The American Enlisted Man, The Military - More Than Just A Job?, Soldiers

and Sociologists, The New Conscientious Objection, A Call To Civic Service

and Reporting War When There Is No War. I am also the author of All That

We Can Be: Black Leadership And Racial Integration The Army Way, which won

the Washington Monthly award for the best political book of 1996. In

addition, I have published well over one hundred articles in scholarly

journals and news publications such as the New York Times, Washington Post,

Chicago Tribune, Atlantic Monthly, and The New Republic, my work has been

translated into fourteen languages and the Wall Street Journal has referred

to me as the nation's "most influential military sociologist."

3. I have been consulted by the President and have testified before Congress on issues of military personnel policy several times. In 1992, I was appointed by President Bush to serve on the President's Commission on the Assignment of Women in the Military. I have been decorated by the governments of the United States, France and the Netherlands for my research and hold the Distinguished Service Medal, the U.S. Army's highest decoration for a civilian.

4. In 1993, I first suggested the "Don't Ask, Don't Tell, Don't Pursue" policy to then Senate Armed Forces Committee Chairman Senator Sam Nunn. Then Secretary of Defense Les Aspin approved the policy and it was recommended to the President. In the following months, I worked with the White House, the Armed Forces and Senator Nunn's committee to draft the policy, which eventually was codified into law.

5. I have reviewed the facts of the McVeigh case and in my opinion, if the Navy violated the Electronic Communications Privacy Act by seeking confidential information from an online service provider illegally, the case against McVeigh should be dropped. It should be axiomatic that the Navy must abide by the law in conducting its investigations under the "Don't Ask, Don't Tell, Don't Pursue" policy. Any other outcome would send an improper message to the government sanctioning improper and illegal investigations and would inadvertently undermine the "Don't Ask, Don't Tell" policy.

6. It is also my opinion, based on my understanding of the facts, 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. I understand that Senior Chief McVeigh sent a civilian Navy employee an e-mail which did not identify him as the source and contained no statement by the sender such as "I am a homosexual" or any similar statement. I also understand that the e-mail contained the screen name "BOYSRCH" and that the recipient was able to access an America Online user profile which, among other things, listed the sender's name as "Tim," and listed his marital status as "gay" but again, did not identify the sender as Senior Chief Timothy R. McVeigh. It is my understanding that, solely on the basis of this information, the Navy launched an investigation of Senior Chief McVeigh and may have illegally obtained information from America Online identifying him as the source of the e-mail.

7. In my opinion, the Navy's actions in this case violated the "Don't Ask, Don't Tell" policy. In simple terms, Senior Chief McVeigh did not "tell" in a manner contemplated under the policy -- he sent an anonymous e-mail which did not list his surname or his Navy connection - but by launching an investigation solely on the basis of this e-mail, which required the Navy to obtain Senior Chief McVeigh's identity from America Online, the Navy "asked" in a way that should be forbidden under the policy.

8. In my opinion, this sort of heavy-handed "enforcement" by the Navy will inadvertently undermine the "Don't Ask, Don't Tell" policy by eroding confidence among servicemen that the Navy will not "ask" if they do not "tell." It is these kinds of actions by the military, rather than lobbying by homosexual-rights advocates, that pose the greatest threat to the efficacy of the policy in balancing the military's concerns about readiness, unit cohesion and morale with what President Clinton called "a decent regard to the legitimate privacy and associational rights of all service members."

9. It is my opinion that, to preserve the "Don't Ask, Don't Tell, Don't Pursue" policy and send a suitable message to the military that investigations of this type will not be condoned, the case against Senior Chief McVeigh should be dropped or, at the very least, delayed pending the results of a full investigation of the Navy's conduct in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

[signed original]

Charles Moskos

This message has been forwarded as a free informational service. Please do

not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

===== 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 <01ISM6XT0XS00WJCA@PMDF.EOP.GOV>; Wed, 21 Jan 1998 01:03:01 -0500 (EST)
Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISM6TEA4W012CSC@PMDF.EOP.GOV>; Wed,

21 Jan 1998 01:02:56 -0500 (EST)
Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTTP id <01ISM6HFQ3E0025LD@STORM.EOP.GOV>; Wed,
21 Jan 1998 01:02:39 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id VAA16401; Tue,
20 Jan 1998 21:57:06 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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