

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1998 17:03:00.00

SUBJECT: McVeigh Wins 1st Round

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Fowareded From/Reply To: SLDN1@aol.com

PRESS RELEASE

CONTACT: Kevin Winston

January 26, 1998

(202) 667-0901

Rich Klein

(212) 969-3061

DISCHARGE OF CHIEF OF BOAT DELAYED

AS JUDGE GRANTS PRELIMINARY INJUNCTION

Court Finds that Military has "Gone too Far"

WASHINGTON, DC - District Judge Stanley Sporkin of the U.S. District Court

for

the District of Columbia has granted Senior Chief Petty Officer Timothy R.

McVeigh a preliminary injunction in his effort to remain in the Navy. The

discharge will be delayed pending the resolution of the case, and will

allow

McVeigh's attorneys the chance to further highlight the military's alleged violation of online privacy laws and the "Don't Ask, Don't Tell, Don't Pursue" policy.

McVeigh, who was scheduled to be discharged at midnight tomorrow because he allegedly used the word "gay" to describe his marital status on an America Online user profile, filed a lawsuit last week against the government. His suit claims that the Navy unlawfully obtained information about him from America Online without a warrant or court order as required by the 1986 Electronic Communications Privacy Act (ECPA), and breached the limits on investigations under the Pentagon's "Don't Ask, Don't Tell, Don't Pursue" policy.

"The Navy violated the very essence of "Don't Ask, Don't Pursue" by launching a search and destroy mission," Judge Sporkin stated in his ruling.

"Suggestions of sexual orientation in a private, anonymous email account did

not give the Navy a sufficient reason to investigate to determine whether to

commence discharge proceedings. In its actions, the Navy violated its own regulations."

With respect to the merits of McVeigh's claim that the military solicited a violation of the Electronic Communications Privacy Act by AOL, Judge Sporkin

wrote, "the Court finds that there is likely success on the merits with regards to this issue."

"I'm gratified that I will be allowed to continue to serve my country in the

Navy pending further review of this situation," McVeigh said. "I want to thank my fellow shipmates on the USS Chicago and others for their support."

The case, which has caught the attention of the online industry, watchdog, and

civil rights groups, is the latest in a long line of controversies surrounding the military's policy on gays.

"In granting this preliminary injunction, the Court is sending a strong and clear message that there are serious questions surrounding the military's actions with respect to the Electronic Communications Privacy Act and the 'Don't Ask, Don't Tell, Don't Pursue' policy," stated C. Dixon Osburn of the

Servicemembers Legal Defense Network. "The military simply cannot be allowed

to operate outside the bounds of federal law."

McVeigh's case was strengthened last week when America Online, after admitting

that it released McVeigh's identity to a Naval paralegal, blasted the

military

for flouting Federal law by ignoring proper legal procedures to obtain such information.

Additionally, the author of the "Don't Ask, Don't Tell, Don't Pursue"

policy,

professor Charles Moskos of Northwestern University, after reviewing the

facts

of the case, criticized the military in a declaration he released

yesterday.

"It is my opinion that the Navy violated the "Don't Ask, Don't Tell"

policy in

the McVeigh case by launching an investigation without there being credible

evidence that Senior Chief McVeigh had engaged in homosexual acts or had

openly stated that he was a homosexual."

McVeigh said that he has not decided whether he will take legal action

against

America Online.

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===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

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RFC-822-headers:

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X-Sender: dcase@mail.sdsu.edu

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: news-errors (news-errors@mx.lodo.infobeat.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:27-JAN-1998 04:45:00.00

SUBJECT: News - Morning Edition @ 01/27/98

TO: Brian A. Reich (Brian A. Reich@eop [UNKNOWN])

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TEXT:

Morning Edition for Tuesday, January 27, 1998

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*** Clinton denies claims, Lewinsky outlines testimony

*** Paper withdraws story of Clinton sex 'witness'

*** Judge bars Navy discharge in privacy case

*** U.S. prelate says Cuban religious freedom to stay

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*** Fast and slow variants of mad cow gene found

*** New approaches offer needle and pill-free drugs

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Human Interest

*** Britain apologizes for salami, pizza logo - Italy

*** Influential Italian painter Schifano dies

U.S. Front Page Stories

*** Clinton denies claims, Lewinsky outlines testimony

President Clinton, preparing to deliver a key speech to Congress Tuesday, forcefully denied allegations of an affair with a former White House intern or that he urged her to lie about it. A federal grand jury is due to convene Tuesday to consider evidence in an investigation centering on charges Clinton and his confidant Vernon Jordan, a Washington lawyer, urged Monica Lewinsky to lie about an alleged sexual relationship with the president. A lawyer for Lewinsky -- now 24 and no longer working for the government -- gave independent counsel Kenneth Starr a summary, or proffer, Monday of what she would tell a federal grand jury in exchange for immunity

from prosecution. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7165386-cb5>

Clinton speech to depict reinvigorated government, See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7165331-c63>

*** Paper withdraws story of Clinton sex 'witness'

The Dallas Morning News withdrew its Internet report Tuesday that a Secret Service agent was ready to testify seeing President Clinton and Monica Lewinsky in a compromising situation. The Dallas paper took the report off its online edition and posted a statement saying its source for the story had told them his information was wrong. The paper had carried a front page report on its electronic Web site saying the agent had spoken with independent counsel Kenneth Starr's staff and was ready to testify as a government witness in the sex scandal engulfing the White House. But within 4 hours the paper had pulled the report and replaced it with a statement which said "the source for the story, a longtime Washington lawyer familiar with the case, later said the information provided for that report was inaccurate. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7164923-842>

Maryland officials say Tripp may have broken law, See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7159919-bc9>

*** Judge bars Navy discharge in privacy case

A judge temporarily blocked the Navy Monday from discharging a sailor

accused of homosexuality and said the service violated its own rules in its investigation of the matter. Senior Chief Petty Officer Timothy McVeigh, 36, may remain on the job pending the outcome of his lawsuit accusing the Navy of breaching his online privacy rights, U.S. District Judge Stanley Sporkin ruled. McVeigh was scheduled for administrative discharge at midnight Tuesday. The Navy is trying to expel him for allegedly violating the "Don't Ask, Don't Tell" policy, which bars military personnel from declaring they are homosexual. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7158971-8d8>

*** U.S. prelate says Cuban religious freedom to stay

A Roman Catholic prelate returning from Cuba Monday said President Fidel Castro will not stop the religious freedoms put in motion after Pope John Paul II's visit to the Caribbean island. Cardinal Anthony Bevilacqua of Philadelphia, who attended a reception Castro hosted for about 50 local and foreign church leaders Sunday, said the Catholic church was ready to work in partnership with the Havana government. "Not only won't (Castro) turn back religious freedoms he gave, but they're going to increase now." Bevilacqua said Castro gave no hint of plans for further reforms during Sunday's hour-long reception. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7161953-a1c>

*** Airplane diverted when passenger assaults FBI agent

An airliner enroute to Las Vegas from Chicago made an unscheduled stop in Denver after a passenger allegedly picked a fight with an FBI agent on board, according to charges filed Monday. American Trans Airlines flight 1542 was diverted Sunday to Denver International Airport after George Stafford Jr. of Joliet, Ill., turned belligerent with flight attendants and then "put his entire hand" in the face of FBI agent Fred Stokes, the charges said. Stafford was charged with assaulting, resisting or impeding a federal law enforcement officer. He was released on bond. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7159847-4e7>

The U.S. Political Scene

*** Senate report will accuse Clinton on funds scandal

A Senate report on campaign fund raising due out this week will accuse President Clinton of illegally controlling Democratic Party spending in the 1996 campaign, sources said Monday. The report could be delayed because the intelligence community objects to making some portions of the report public, sources said. "They object to some of the material relating to links between Democratic Party fund-raisers and China," said a source. The committee, chaired by Tenn. Republican

Sen. Fred Thompson, held hearings from last July to Nov. The report is 1,000 pages long and the Democratic minority is expected to issue a separate report. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7158871-cf6>

*** Gingrich says Republicans support Clinton on Iraq

House Speaker Newt Gingrich said Monday the Republican Party stands behind President Clinton in any efforts to ensure Iraq complies with U.N. inspectors' search for weapons of mass destruction. "I think it very important for the world to understand that in matters of international relations, the United States is one nation, that we work together under a very complex constitution," Gingrich said. "It is very important for Saddam Hussein to understand that we will not accept his developing of weapons of mass destruction," he said. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7157562-93c>

*** Child-care bills drawn up in Senate

2 separate Senate initiatives outlined Monday would make child-care tax credits available for the first time to families in which 1 parent stays at home with young children. 5 Republican moderates drafted a child-care bill which would make the tax credits more available to lower- and middle- income families and offers some credits to families in which 1 parent stays home with the kids. R.I. Sen. John Chafee, 1 of the 5 Republicans behind the Caring for Children Act, said the decisions on work and child-care should be

left to families but by making the credit available to both groups,
"We are sending the message that the choice is yours and we support
your choice." See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7159027-9c8>

*** First lady avoids hot topic in N.Y. appearances

Hours after appearing with her husband as he denied allegations of
sexual misconduct, First Lady Hillary Rodham Clinton avoided during a
visit to N.Y. Monday any mention of the scandal that has shaken his
administration. Mrs. Clinton's appearances included a stop at a
Harlem elementary school and a 50th anniversary gala dinner for the
United Nation's Children's Fund, where she presented television
anchor Hugh Downs with a distinguished service award. Earlier in the
day she stood next to President Clinton as he vehemently denied
allegations he had an affair with a White House intern and urged her
to lie about it. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7161689-ec4>

Chelsea Clinton standing by father in sex scandal, See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7162561-fa3>

The Courts

*** Oprah too little, too late with amends - cattleman

Oprah Winfrey tried to make amends after criticizing hamburgers on her talk show, but it was too late, the head of the Texas cattle producers testified Monday in the lawsuit claiming the comments drove prices down. Winfrey is being sued for an April 15, 1996, program about mad cow disease in which she vowed never to eat another burger after a guest said the ground-up remains of dead cattle were being fed to other cattle. The cattle industry says the comments took a \$10 million bite out of beef prices. Beef prices dropped more than 10% the next day, which prompted a flood of complaints to the show. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7160410-39e>

*** Minn. attacks tobacco industry as suit opens

The state of Minn. opened its lawsuit against the tobacco industry Monday by portraying big tobacco companies as deceitful in their relentless pursuit of profits at the expense of public health. Citing reams of industry documents the state has obtained, attorney Michael Ciresi charged the companies with suppressing for decades their own research into the harmful effects of smoking and running a "smear campaign" against those who derided their products. Ciresi quoted from one industry memo that said "biological research was shut down and many scientists were fired on the spot" at R.J. Reynolds Tobacco Co. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7158463-c43>

*** Gannett newspaper hit with punitive libel damages

A Del. jury awarded a Wilmington obstetrician \$280,000 in punitive damages Monday in addition to the \$3 million actual damages awarded last week in her libel suit against Gannett Co.'s News Journal newspaper, its medical reporter and a former patient. After a 3 week trial, the jury found Dr. Margo Kanaga was defamed by a 1992 story in the Wilmington newspaper written by Jane Harriman. The article was headlined "Patient feels betrayed: says proposed hysterectomy wasn't needed." Harriman wrote the story after Pamela Kane showed her a complaint she intended to file accusing Kanaga of "a serious breach of the standard of care a patient has the right to expect." See <http://www.infobeat.com/stories/cgi/story.cgi?id=7159890-a7c>

U.S. Business and Financial News

*** U.S. blue chips post small gain, snap losing run

Stocks ended mixed on Monday, as strength in the oil sector buoyed blue chips while technology issues slumped. The Dow Jones Industrial Average closed up 12 points to 7713 after recovering from a brief slide into negative territory late in the session. The industrial average climbed more than 50 points in morning trading before pulling back. Broader market indexes posted losses, however. The S&P 500 index fell 0.64 to 957 and the Nasdaq Composite Index, which is dominated by technology stocks, slid 14 to 1561. Volume stood at 554

million shares on the Big Board, with 1,547 stocks declining and 1,312 advancing. Bonds jumped. The 30-year Treasury was up 1 1/8 point, as the yield slipped to 5.89%. The dollar rebounded to 1.7960 marks and 126.70 yen.

World Front Page Stories

*** Russia opposes force on Iraq, U.S. patience limited

Russia, worried by Iraq's stand-off with the UN over UN weapons inspectors, sent a special envoy to Baghdad Monday and said the use of force against Iraq would be unacceptable. But State Department spokesman James Rubin warned "the diplomatic string is rapidly running out," and U.S. officials said Secretary of State Madeleine Albright was likely to consult allies soon about possible U.S. military action against Iraq. White House spokesman Mike McCurry said "all options" remained open, and said President Clinton was focused on the issue despite the sex scandal in which he was embroiled and his State of the Union address due Tuesday. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7157692-118>

*** Expulsion puts nervous twist in N. Irish talks

Northern Ireland's roller-coaster peace process took another dramatic twist Monday when a key pro-British party was expelled because its

military wing murdered three Roman Catholics in recent weeks. Gary McMichael, leader of the expelled Ulster Democratic Party, warned the move would not help a peace process rocked by a cycle of sectarian killings that have claimed the lives of eight Catholics and two Protestants since Christmas. The sessions began last September as part of the effort to settle the conflict over British rule in Northern Ireland that has claimed more than 3,200 lives. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7157192-e02>

The World Political Scene

*** Taiwan pours cold water on China's overtures

Taiwan poured cold water Tuesday on rival China's calls for political negotiations, saying Beijing's "one China" principle was unacceptable. "Chinese communists' 'one China' notion is different from what we perceive as the reality of 'one China divided,'" a spokesman for Taiwan's policy-making Mainland Affairs Council was quoted as saying. "It is unacceptable to us," spokesman Sheu Ke-sheng said. The rebuttal came a day after China's top negotiator with the Nationalist island softened Beijing's conditions for talks, saying Taiwan did not have to recognize Beijing as China's central government before entering into political negotiations. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7163516-684>

Sports

*** Davenport, Korda win Australian Open quarterfinals

6th seed Petr Korda of the Czech Republic overcame 75 unforced errors and a 2-set deficit Tuesday (Monday night in the U.S.) to rally past 4th seed Jonas Bjorkman of Sweden in 5 sets and advance to the semifinals of the Australian Open in Melbourne. In a rematch of their 1997 U.S. Open quarterfinal match, Korda converted 7-of-13 break points en route to a 3-6, 5-7, 6-3, 6-4, 6-2 triumph over Bjorkman. Korda won 72% of his 1st serves and recorded 62 winners, 36 more than Bjorkman. Korda's victory sets up another possible rematch, this time with top seed and defending champion Pete Sampras of the U.S., who continues his quest for a 2nd straight Australian Open title when he plays Karol Kucera of Slovakia later Tuesday. In women's action, second seed Lindsay Davenport advanced to the semifinals with a 1-6, 7-5, 6-3 win over fellow American Venus Williams in a mistake-filled match. Davenport overcame 37 unforced errors by winning 7-of-12 break points and will face the winner of Tuesday's quarterfinal match between 8th seed Conchita Martinez of Spain and No. 9 Sandrine Testud of France.

*** Jagr deal close as Penguins schedule Tuesday announcement

The Pittsburgh Penguins will hold a news conference Tuesday morning

amid speculation they will announce the signing of All-Star right wing Jaromir Jagr to a new multi-year contract. The team has scheduled a "major" announcement for 11 a.m. ET at the Civic Arena. Earlier this month, the Pittsburgh Post-Gazette reported the two sides were close to a new deal. The 25-year-old Jagr hinted a new deal was very near early in the season, but no contract was signed. The new pact reportedly is worth \$48 million over six years. Jagr, who leads the league in scoring with 22 goals and 38 assists, is under contract through the end of the 1998-99 season and is making roughly \$5 million per year.

*** Spurs' Elliott to undergo surgery on left quadricep

San Antonio Spurs forward Sean Elliott, who has been unable to get untracked despite his team's fast start this season, will undergo surgery Tuesday to repair a deterioration of the quadricep tendon in his left leg. Elliott, who was placed on the injured list Thursday, will be sidelined for approximately 2 months. He lost 43 games last season after having an almost identical procedure performed on his right leg. The 29-year-old, who has spent all but 1 of his 9 NBA seasons with San Antonio, is still hampered by lingering pain in his right knee from last season's operation. Elliott has been all but non-existent on the court recently, averaging just 2.0 points on 3-of-21 shooting with 2.3 rebounds over his last 4 games. The former Wooden Award winner at the University of Arizona is well below his career averages this season, contributing just 9.3 points and 3.4 rebounds in 36 games.

***** Rangers' Kovalev to undergo knee surgery Wednesday**

New York Rangers right wing Alexei Kovalev, whose inconsistent play continues to frustrate coaches and the front office, will undergo knee surgery Wednesday and will be out 3 weeks. Team physician Dr. Barton Nisonson will perform the surgery to repair a potential cartilage tear in Kovalev's right knee. The injury kept the Russian winger out of Saturday's 3-3 tie with the New Jersey Devils. The 24-year-old Kovalev has been the subject of recurring trade rumors this season, one that has featured goal-scoring droughts of 18 and 17 games. He has 9 goals and 16 assists in 48 contests and shares the worst plus-minus rating among Rangers' forwards at minus-19. Kovalev missed the final 37 games last season due to a torn right ACL and did not score a goal in the first 18 games this season.

***** Vikings' Green will return for 1998**

Minnesota Vikings coach Dennis Green, who reportedly threatened to resign last week unless he got a contract extension, will return for the 1998 season after all. "Dennis Green and I have agreed that this move will best serve the interests of the football club," said Vikings president Roger Headrick. "We intend to put the past behind us and focus on our ultimate objective ... getting to the Super Bowl and winning it. Dennis is under contract for the 1998 season and I am pleased that he has agreed to fulfill that obligation." The New York Times reported Friday that Green, who sparred with club management

throughout the season, was prepared to sit out the 1998 season. "It is my intention to continue in my capacity as the head coach of the Minnesota Vikings for the 1998 season," said Green.

*** Chargers hire Bugel as offensive line coach

Joe Bugel, fired 3 weeks ago after only 1 season as Oakland Raiders head coach, was hired by the San Diego Chargers Monday as offensive line coach. Bugel will be reunited with general manager Bobby Beathard, who held the same post with the Washington Redskins when Bugel coached the offensive line that earned the nickname "Hogs" and helped the team to a pair of Super Bowl championships. The 57-year-old Bugel was fired Jan. 6 after a disastrous 4-12 season that ended with 5 straight losses. He spent the previous 2 seasons as a Raiders assistant. Bugel has been an NFL coach for 22 years, starting his pro career as offensive line coach with the Detroit Lions in 1975. He held the same position with the Houston Oilers from 1977-80 before moving on to Washington. After 2 seasons as the Redskins offensive coordinator, Bugel became assistant head coach-offensive line from 1983-89. He parlayed his success in Washington into his first head coaching assignment, but compiled only a 20-44 record in three seasons with the Arizona Cardinals.

*** Update: Balky suit and other problems fixed on Mir

A successful bit of outer space tailoring made certain Monday U.S. astronaut Andy Thomas's first full day as a Mir crewman would not be his last. Thomas and Mir commander Anatoly Solovyev adjusted straps in the armpit and torso areas of the balky suit Thomas would wear if the crew of the Russian space station needed to make an emergency exit in their Soyuz escape capsule. "The suit ... wasn't quite sized properly and when I tried it on yesterday to do a pressure test, it wouldn't fit," Thomas said in an Earth-to-Mir interview. "This morning we made some adjustments, there's some adjustment straps on the suit, and ... I feel good about it," he said. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7162772-41b>

*** Balloons could open heart valves, doctors say

A simple procedure similar to balloon angioplasty could be used to help people who suffer from narrowed heart valves due to rheumatic fever, doctors in Tunisia said Monday. A balloon-tip catheter can be used to reopen narrowed valve openings, they reported. It was safer and more effective than current therapies, which involve either opening the chest and separating the valve openings with a knife blade, or using a knife blade to widen the valve openings by "feel." Dr. Mohamed ben Farhat's team worked with 90 patients and tried all 3 techniques. The oldest technique had to be repeated in half the 30 volunteers who were allocated that treatment. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7158933-540>

*** Inarticulate family leads researchers to speech gene

A family plagued by an inability to make themselves understood has led to the first proof of a gene controlling human speech, researchers said Monday. Geneticist Anthony Monaco and colleagues at Oxford University in Britain have named the gene SPEECH1. Experts have long said humans are "hard-wired" to acquire language and the area of the brain involved, known as the planum temporale, has been identified. Children who get no language input - for instance profoundly deaf children who are never taught sign language - still make up their own languages, with grammar and sentence structure. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7154174-724>

*** Fast and slow variants of mad cow gene found

British researchers said Monday they had found a gene that seems to regulate how fast mad cow disease can develop in mice, and perhaps in humans as well. There are only 2 versions of the gene, 1 fast and 1 slow, they reported. Although they worked in experimental mice, they said the results may explain why some people have fallen victim to a new strain of the deadly brain disease. They were building on evidence an animal's genes determine how susceptible it is to such diseases, which include scrapie in sheep, bovine spongiform encephalopathy (BSE or mad cow disease) and Creutzfeldt-Jakob disease (CJD). See <http://www.infobeat.com/stories/cgi/story.cgi?id=7156723-ec9>

*** New approaches offer needle and pill-free drugs

Needle-free and pill-free drug therapy may be on offer soon, thanks to efforts to find better ways to try gene therapy, researchers said Monday. Although new technology will probably not replace injections or tablets any time soon, the new approaches show there are more efficient ways of getting drugs into the body. In 1 of 3 different reports, Dr. Justin Teissie of the French national research center CNRS in Toulouse described using electricity to get genetic material and proteins through the skin of mice. The process his team used was electroporation, a common lab tool in which an electric current is used to make cell membranes more permeable. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7157930-384>

Technology

*** Supreme Court to review telecom rules decision

The Supreme Court agreed Monday to review a lower court decision that struck down landmark federal rules designed to pry open the \$100 billion local telephone market. Little competition has arisen in the local phone market, especially for residential service, since the rules were set aside by a federal appeals court in St Louis last year. Under the 1996 Telecommunications Act, the Federal

Communications Commission established rules dictating how much the regional Bells companies, GTE Corp. and others could charge competitors for access to local phone networks. But the appeals court found that the act gave state regulators, not the FCC, sole power to set prices for local service. For rest of part 2 see <http://www.infobeat.com/stories/cgi/story.cgi?id=7153113-658>

*** Clinton scandal story thrives on Internet

The White House sex scandal is moving at cyber-pace, with newspapers, magazines and television acknowledging the Internet is where new tidbits are often the first to be found. "You can find the latest on the Web," says the round-the-clock CNN television network repeat at regular intervals as they report on allegations President Clinton had sex with a 21-year-old White House intern 3 years ago. The Washington Post refers readers to its website for "up-to-the-minute coverage," willing to scoop itself by offering its next day's stories before the paper hits the streets. Newsweek magazine posted its findings on the Web after similar claims appeared in the Drudge Report website. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7155095-7cf>

Human Interest

*** Britain apologizes for salami, pizza logo - Italy

Italian Prime Minister Romano Prodi said Monday Britain apologized after serving up a pizza and salami logo to depict Italy's membership in the European Union. Prodi emerged from talks with British Prime Minister Tony Blair and made clear the discussion over the logo had been light-hearted. "You certainly do not declare a war over a logo which might not be in the best of tastes," Prodi said. Italy had earlier lodged formal complaints about the "insulting" way it was depicted on Britain's official logo for its 6-month presidency of the EU. The design shows 15 stars with a symbol summing up each country. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7156326-147>

*** Influential Italian painter Schifano dies

Mario Schifano, one of the most influential Italian painters of the post-war era, died Monday in Rome of a heart attack, doctors said. Schifano, one of the first Italian avant-gardists and pioneer of pop art in Italy, was born in Libya in 1934. "He was one of the last universal painters," center-right deputy and respected art critic Vittorio Sgarbi said. Schifano began his career helping his archeologist father and experimented with a variety of styles and techniques. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7156992-191>

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27 Jan 1998 04:45:43 -0500 (EST)

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

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISUXP0S4OW00E0IR@PMDF.EOP.GOV> for
reich_b@al.eop.gov; Tue, 27 Jan 1998 04:45:39 -0500 (EST)

Received: from sender2.lodo.infobeat.com ([208.146.68.34])

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

with ESMTP id <01ISUXOT9D56000FWI@STORM.EOP.GOV> for reich_b@al.eop.gov; Tue,

27 Jan 1998 04:45:28 -0500 (EST)

Received: from sender2.lodo.in.merc.com (news-errors@mx.lodo.infobeat.com)

by sender2.lodo.in.merc.com

(version 3.32, queueup copyright InfoBeat, Inc. 1997)

with stdio id EOPA1AAEES09348; Tue, 27 Jan 1998 02:45:01 -0700 (MST)

Errors-to: news-errors@mx.lodo.infobeat.com

X-TestFile: merc-news3-text-reich_b@al.eop.gov

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 02:53:00.00

SUBJECT: NC5907: GLAADLines 01.26.98

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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*

GLAADLINES

FOR IMMEDIATE RELEASE: January 26, 1998

News and Breaking Stories about the Lesbian, Gay, Bisexual and Transgender

Community

contact: Don Romesburg

(415) 861-2244

romesburg@glaad.org

<http://www.glaad.org>

COURT RULES FOR SAILOR IN "DON'T ASK, DON'T TELL" AOL CONTROVERSY: On

January 26, federal judge Stanley Sporkin granted a preliminary injunction

for sailor Timothy R. McVeigh (no relation to the Oklahoma City bomber),

ruling he remain on active duty until his lawsuit against the Navy for

breaking both "Don't Ask, Don't Tell" policy and the Electronic Communications Privacy Act is resolved. "[The Navy] violated the very essence of 'Don't Ask, Don't Pursue' by launching a search-and-destroy mission" on McVeigh, Sporkin said. In related news, on January 23, America Online (AOL) acknowledged its error in giving unauthorized Navy officials personal information linking McVeigh to his gay-identified screen name.

"We are encouraged that America Online has acknowledged its error and has committed itself to extra measures that will prevent this from happening again," said Joan M. Garry, GLAAD's Executive Director, "This incident should reinforce to AOL the importance of privacy on the Internet.

Particularly for lesbian, gay, bisexual and transgender people, access to the Internet is extremely important, and for some, such as those in the military, possibly their sole source of community." For more information contact Cathy Renna (GLAAD Interim Communications Director) at (212) 807-1700 or pgr. (301) 215-1354 and Kirk Childress (Servicemembers Legal Defense Network) at (202) 328-3244.

CHICAGO TRIBUNE SOUGHT GAG ORDER IN OBIT DISCRIMINATION DISPUTE: Amidst a current dispute over the Chicago Tribune's discrimination against a gay man and his partner in obituary listings, the newspaper offered to change its policy under the condition that the couple be forbidden from mentioning the dispute or the policy change, according to Timothy Marback, the plaintiff in the case. When Marback's mother died a year ago, the family placed a standard obituary, listing Timothy's partner, Steven Hillyer, in the standard format for a partner, reading that the mother was survived by "Timothy (Steven)." The Tribune refused to print the notice, and Marback has a March 3 hearing scheduled with the Chicago Commission on

Human Relations. The paper quietly changed its policy and now treats same-sex partners as equal to others, but is arguing that the First Amendment protects its right to have refused the obituary in the first place. According to Marback, the newspaper offered a conciliation in which it would change the policy but said the family "would not be allowed to tell anyone that the policy had changed or discuss the case." Another condition in the conciliation proposed that the family would be fined \$5,000 for each person they told. "It strikes me as ironic that while the Tribune is arguing on the grounds of free speech they would attempt to silence ours," said Marback. "Do I have a First Amendment right? Whose right is greater? This wasn't some political message. It was a death notice." For more information contact Timothy Marback and Steven Hillyer at (212) 989-1933.

GLAAD WORKS TO SAVE ELLEN'S FUTURE: Sources at both ABC and Touchstone Television have indicated to GLAAD that the decision to cancel or renew the award-winning, critically acclaimed program Ellen could happen at any time, and GLAAD is working to ensure the survival of the groundbreaking show. "Since the possibility of Ellen Morgan coming out first hit the public in the fall of 1996, GLAAD has been central in bringing both the lesbian and gay community and the media news and information about this intelligent and history-making program," said GLAAD Executive Director Joan M. Garry. "We've rallied support from gay people, families and friends everywhere to urge ABC to Let Ellen Out, and brought communities together to Come Out With Ellen. Now we must strive to see that ABC keeps Ellen alive for another wonderful season of diverse, high-quality programming." For more information contact Cathy Renna (GLAAD Interim

Communications Director) at (212) 807-1700 or pgr. (301) 215-1354.

GAY FILMS GARNER APPLAUSE AND AWARDS AT SUNDANCE: As the Sundance Film

Festival closed, four lesbian, gay, bisexual and transgender films received awards and other high praise, promising a strong year in independent lesbian and gay cinema for art house audiences across the country. Out of the Past, a documentary profiling Kelli Peterson's heroic struggle to form a gay/straight alliance at her Salt Lake City high school won an audience award, while a Filmmakers Trophy, given by movie makers at the festival, went to Divine Trash, which reflected on John Waters' making of the influential and raunchy film Pink Flamingos. 2by4, in which an Irish-American straight construction worker seeks comfort in the arms of a male hustler, garners a cinematography prize, and the Waldo Salt screenwriting award went to High Art, the only lesbian-specific feature in the festival. "GLAAD is excited by the recognition received by lesbian, gay, bisexual and transgender-related works at Sundance this year," said GLAAD Entertainment Media Director Chastity Bono. "We congratulate all of the filmmakers at Sundance who share a vision with us that lesbian and gay stories are worth being told and we look forward to seeing their work in movie houses across America." For more information contact Cathy Renna (GLAAD Interim Communications Director) at (212) 807-1700 or pgr. (301) 215-1354.

ERRATUM: The January 20 GLAADLines indicated that the San Diego Gay Men's Chorus performed at the Super Bowl pre-show. It was actually the San Diego Men's Chorus. GLAAD regrets any confusion this may have caused.

The Gay & Lesbian Alliance Against Defamation (GLAAD) is the nation's largest 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 registered trademarks of the Gay & Lesbian Alliance Against Defamation, Inc.

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Gay & Lesbian Alliance Against Defamation (GLAAD)

glaad@glaad.org

TO REPORT DEFAMATION IN THE MEDIA - Call GLAAD's Alertline at

1.800.GAY.MEDIA or go to the GLAAD Web Site at www.glaad.org and report

through our Alertline Online.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01ISUU0WGUOW00M10C@PMDF.EOP.GOV>; Tue, 27 Jan 1998 02:59:54 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISUU0T09QO00E59H@PMDF.EOP.GOV>; Tue,

27 Jan 1998 02:59:51 -0500 (EST)

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

by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISUU09N9UY000CGQ@STORM.EOP.GOV>; Tue,
27 Jan 1998 02:59:22 -0500 (EST)

Received: (from rwockner@localhost)
by netcom17.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id XAA10263; Mon,
26 Jan 1998 23:53:57 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: MAILER-DAEMON (MAILER-DAEMON@gatekeeper.eop.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:27-JAN-1998 09:30:00.00

SUBJECT: Returned mail: User unknown

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

READ:UNKNOWN

TEXT:

----- Transcript of session follows -----

While talking to smtp.nclr.org:

>>> RCPT To:<grendon@nclr.org>

<<< 550 unknown user <grendon@nclr.org>

550 <grendon@nclr.org>... User unknown

----- Unsent message follows -----

Received: from pmdf.eop.gov by gatekeeper.eop.gov;

(5.65v3.2/1.1.8.2/17Oct95-0424PM)

id AA16759; Tue, 27 Jan 1998 08:30:24 -0500

Received: from mr.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)

id <01ISV5JMZSLS00SU9X@PMDF.EOP.GOV>; Tue, 27 Jan 1998 08:30:21 -0500

(EST)

Received: with PMDF-MR; Tue, 27 Jan 1998 08:30:16 -0500 (EST)

Mr-Received: by mta EOPMRX; Relayed; Tue, 27 Jan 1998 08:30:16 -0500

Alternate-Recipient: prohibited

Disclose-Recipients: prohibited

Date: Tue, 27 Jan 1998 08:28:00 -0500 (EST)

From: Daniel_C._Montoya@oa.eop.gov

Subject: fwd: McVeigh Wins 1st Round

To: Bcrow@worldbank.org, rdupaix@aol.com, agarner72@aol.com,

sean.m.grimes@bankamerica.com, zguerra@admissions.caltech.edu,
Harveyapc@aol.com, dc@nrharural.org, dkinch@health.org,
Marklacy@flash.net, Jeffrey_Levi@compuserve.com, MARTINB@dmbb.com,
HMolina451@aol.com, joneill@hrsa.dhhs.gov, snabel@mem.po.com,
terje@worldnet.att.net, raragon@sfaf.org, bolandmg@umdnj.edu,
nbollman@irvine.org, jerryc@wizard.com, bigbob411@aol.com,
katgerus@sprynet.com, NSG999@msn.com, BHattoy@ios.doi.gov,
thenders@glo.state.tx.us, scotthitt@aol.com,
Isbell@hugheshubbard.com,
RAPANUIJER@aol.com, hornor@hsc.usc.edu, helenmm@itsa.ucsf.edu,
rev_alta@juno.com, navdocsf@aol.com, harndc@aol.com,
debaid@isdnet.net,
mojo1025@aol.com, gaylesmed@aol.com, shenovice@aol.com,
ctroupe@services.state.mo.us, bgw2@npl.em.cdc.gov,
SteveLew2@aol.com,
jedelheit@templeisrael.com, kimblca@aol.com, palmer1@us.ibm.com,
grendon@nclr.org, rsorian@osaspe.dhhs.gov, Ktuerff@4env.com,
paul_yandura@hud.gov, Phyllis_Greenberger@oa.eop.gov,
Rick_Stafford@oa.eop.gov, Todd_A._Summers@oa.eop.gov,
Matthew_Murguia@oa.eop.gov, Brad_L._Austin@oa.eop.gov

Message-Id: <01ISV5JNQURA00SU9X@mr.eop.gov>

Mime-Version: 1.0

Content-Type: MULTIPART/MIXED; BOUNDARY="Boundary (ID
hpruy1D0tmGD5R8l75XZBQ)"

Ua-Content-Id: MBLINKAA"

X400-Mts-Identifier: [;61038072108991/1296030@EOPMRX]

Hop-Count: 1

--Boundary (ID hpruy1D0tmGD5R8l75XZBQ)

Content-type: TEXT/PLAIN; CHARSET=US-ASCII

Message Creation Date was at 27-JAN-1998 08:28:00

FYI -

dcm

----- Forwarded by Daniel C. Montoya/OPD/EOP on 01/27/98

08:20

AM -----

LAGomez @ efaches.navfac.navy.mil

01/26/98 04:34:00 PM

Record Type: Record

To: Daniel C. Montoya

cc:

Subject: fwd: McVeigh Wins 1st Round

Original Text

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

To:

PRESS RELEASE

CONTACT: Kevin

Winston

January 26, 1998

(202)

667-0901

Rich

Klein

(212)

969-3061

DISCHARGE OF CHIEF OF BOAT DELAYED

AS JUDGE GRANTS PRELIMINARY INJUNCTION

Court Finds that Military has "Gone too Far"

WASHINGTON, DC - District Judge Stanley Sporkin of the U.S. District Court
for

the District of Columbia has granted Senior Chief Petty Officer Timothy R.

McVeigh a preliminary injunction in his effort to remain in the Navy. The

discharge will be delayed pending the resolution of the case, and will

allow

McVeigh's attorneys the chance to further highlight the military's alleged

violation of online privacy laws and the "Don't Ask, Don't Tell, Don't Pursue" policy.

McVeigh, who was scheduled to be discharged at midnight tomorrow because he allegedly used the word "gay" to describe his marital status on an America Online user profile, filed a lawsuit last week against the government. His suit claims that the Navy unlawfully obtained information about him from America Online without a warrant or court order as required by the 1986 Electronic Communications Privacy Act (ECPA), and breached the limits on investigations under the Pentagon's "Don't Ask, Don't Tell, Don't Pursue" policy.

"The Navy violated the very essence of "Don't Ask, Don't Pursue" by launching a search and destroy mission," Judge Sporkin stated in his ruling.

"Suggestions of sexual orientation in a private, anonymous email account did not give the Navy a sufficient reason to investigate to determine whether to commence discharge proceedings. In its actions, the Navy violated its own regulations."

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

regards to this issue."

"I'm gratified that I will be allowed to continue to serve my country in the

Navy pending further review of this situation," McVeigh said. "I want to thank my fellow shipmates on the USS Chicago and others for their support."

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

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

McVeigh's case was strengthened last week when America Online, after admitting that it released McVeigh's identity to a Naval paralegal, blasted the military

for flouting Federal law by ignoring proper legal procedures to obtain such information.

Additionally, the author of the "Don't Ask, Don't Tell, Don't Pursue"

policy,

professor Charles Moskos of Northwestern University, after reviewing the

facts

of the case, criticized the military in a declaration he released

yesterday.

"It is my opinion that the Navy violated the "Don't Ask, Don't Tell"

policy

in

the McVeigh case by launching an investigation without there being credible

evidence that Senior Chief McVeigh had engaged in homosexual acts or had

openly stated that he was a homosexual."

McVeigh said that he has not decided whether he will take legal action

against

America Online.

####

--Boundary (ID hpruy1D0tmGD5R8l75XZBQ)

Content-type: TEXT/PLAIN; CHARSET=US-ASCII

The following attachments were included with this message:

TYPE : FILE

NAME : 012616EI.TXT

--Boundary (ID hpruy1D0tmGD5R8l75XZBQ)

MIME-version: 1.0

Content-type: MESSAGE/RFC822

Subject: 012616EI

MIME-version: 1.0

Content-type: TEXT/PLAIN; CHARSET=US-ASCII

Al-type: DOCUMENT

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDf V5.0-4 #6879)

id <01ISU88CFSMO0090BZ@PMDf.EOP.GOV> for montoya_dc@al.eop.gov; Mon,

26 Jan 1998 16:35:56 -0500 (EST)

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

by PMDF.EOP.GOV (PMDf V5.0-4 #6879) id <01ISU888NOXS007BP1@PMDf.EOP.GOV>

for

montoya_dc@al.eop.gov; Mon, 26 Jan 1998 16:35:52 -0500 (EST)

Received: from ches02.efaches.navfac.navy.mil ([138.145.175.3])

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

with SMTP id <01ISU87KNFMU000B4H@STORM.EOP.GOV> for montoya_dc@al.eop.gov;

Mon, 26 Jan 1998 16:35:20 -0500 (EST)

Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTp; Mon,

26 Jan 1998 16:35:06 -0500 (EST)

X-Incognito-SN: 410

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

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

X-Priority: 3 (Normal)

X-Incognito-Version: 4.11.23

--Boundary (ID hpruy1D0tmGD5R8l75XZBQ)--===== ATTACHMENT 1

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ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDf V5.0-4 #6879)

id <01ISV5NLODNK00PT3O@PMDf.EOP.GOV> for "Daniel C. Montoya"@oa.eop.gov; Tue,

27 Jan 1998 08:33:32 -0500 (EST)

Received: from gatekeeper.eop.gov by PMDF.EOP.GOV (PMDf V5.0-4 #6879)

id <01ISV5NJ75UO00DMWE@PMDf.EOP.GOV> for Daniel_C._Montoya@oa.eop.gov; Tue,

27 Jan 1998 08:33:28 -0500 (EST)

Received: by gatekeeper.eop.gov; (5.65v3.2/1.1.8.2/17Oct95-0424PM)

id AA16831; Tue, 27 Jan 1998 08:30:24 -0500

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 02:51:00.00

SUBJECT: NC5905: AP on McVeigh ruling

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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Judge: Sailor's Privacy Violated

.c The Associated Press

By JOHN DIAMOND

WASHINGTON (AP) - A federal judge said Monday the Navy ``embarked on a search and 'outing' mission" in ordering the dismissal of a sailor accused of homosexuality based on information obtained from an online service.

In ruling that Timothy R. McVeigh should remain on active duty pending the final outcome of the case, U.S. District Judge Stanley Sporkin said McVeigh is likely to prevail in his contention that the Navy violated

the "don't ask, don't tell" policy on gays in the military, and a federal electronic privacy law.

"This court finds that the Navy has gone too far," Sporkin wrote in his 15-page decision granting McVeigh a temporary injunction against the Navy discharging him while his case is being considered. "Although Officer McVeigh did not publicly announce his sexual orientation, the Navy nonetheless impermissibly embarked on a search and 'outing' mission."

Though not the final word in the case, Monday's decision represents a sharp rebuke of the Navy, both for its enforcement of the military policy on homosexuality and for the intrusiveness of its investigation. It promises to reverberate beyond the military to all government that might want to bolster investigations by demanding information from online computer services.

Senior Chief Petty Officer McVeigh, a highly decorated 17-year Navy veteran, landed in trouble last fall when the Navy found a "profile page" posted on America Online in which a "Tim" from Honolulu described himself as gay and expressed a sexual interest in young men. A Navy investigator called AOL anonymously and obtained the author's full name, a disclosure AOL later said it regretted and was a violation of its own confidentiality policies.

Attorneys for McVeigh contended their client never stated publicly that he was gay and, therefore, the Navy had no right to ask about his sexual

orientation. Further, they argued the Navy violated the 1986 Electronic Communications Privacy Act by obtaining information without a warrant or court order.

Judge Sporkin said McVeigh, who is no relation to the convicted Oklahoma City bomber, would likely prevail once the case is fully argued.

“In these days of 'big brother,' where through technology and otherwise the privacy interests of individuals from all walks of life are being ignored or marginalized, it is imperative that statutes explicitly protecting these rights be strictly observed,” Sporkin wrote. The electronic privacy law requires investigators to obtain search warrants or court orders before seeking information from online services, he said.

Attorney Christopher Wolf, who argued for McVeigh in court, called Sporkin's ruling “a milestone” for on-line privacy and for defining the gays-in-the-military policy. “The judge knew a witch hunt when he saw one,” Wolf said. “What this case means is that when the government violates electronic privacy laws, it should not be allowed to use the fruits of its violation against law-abiding citizens.”

A Navy official, who spoke on condition of anonymity, said McVeigh would remain in his current assignment to Submarine Squadron 3 in Pearl Harbor, Hawaii. McVeigh was returning to Hawaii when the ruling came down. For now, the Navy is maintaining that it can legally discharge McVeigh from the service.

``The government knew, or should have known, that by turning over the information without a warrant, AOL was breaking the law," Sporkin wrote. ``Yet the Navy, in this case, directly solicited the information anyway. What is most telling is that the Naval investigator did not identify himself when he made his request." Thus the Navy, not just AOL, ``failed to comply" with the privacy law.

Sporkin said that by making statements on an anonymous online site, McVeigh had not, in fact, ``told" anyone of his sexual orientation, and, therefore, the Navy had no right to ``ask" anyone about it. McVeigh has declined to discuss his sexual orientation publicly and told the Navy he dated women and was once engaged.

``Suggestions of sexual orientation in a private, anonymous E-mail account did not give the Navy a sufficient reason to investigate to determine whether to commence discharge proceedings," Sporkin wrote.

The don't-ask, don't-tell policy was intended to let homosexuals continue serving in the military, so long as they remained discreet in their personal lives, Sporkin wrote. McVeigh's exemplary service, the judge added, stood as testimony to the purpose of the law. ``It is self-evident that a person's sexual orientation does not affect that individual's performance in the workplace."

AP-NY-01-26-98 1833EST===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

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id <01ISUU03I35C00F3SS@PMDF.EOP.GOV>; Tue, 27 Jan 1998 02:59:14 -0500 (EST)

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by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISUU02LEGG00XZMI@PMDF.EOP.GOV>; Tue,

27 Jan 1998 02:59:13 -0500 (EST)

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

with ESMTP id <01ISUTYPWV1M000CGQ@STORM.EOP.GOV>; Tue,

27 Jan 1998 02:58:54 -0500 (EST)

Received: (from rwockner@localhost)

by netcom17.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id XAA10176; Mon,

26 Jan 1998 23:51:53 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 13:26:00.00

SUBJECT: NC5917: Teaching gay poetry at the Naval Academy

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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CHRONICLE OF HIGHER EDUCATION

Gay Poets, Women, and Other Threats to Group Loyalty at the Naval Academy

By BRUCE FLEMING

The last weeks of the spring semester, the trees pop with new life and the windows are open to the soft air. In the final class periods of "Rhetoric and Introduction to Literature," the one English class required of all plebes at the United States Naval Academy, we have been reading World War I poets: Siegfried Sassoon, Rupert Brooke, and Wilfred Owen. I had thought myself daring for assigning these, in an effort to discuss some subjects that are rarely brought up at Annapolis -- such as, war is not pretty, and people can be hurt.

But this class period, as it turns out, goes differently than I had

expected. I had intended to start with the imagery in "Disabled," a poem about a multiple amputee, and then go on to "Dulce et Decorum Est," Owen's mordant response -- using a description of a gas attack -- to Horace's assertion that "it is sweet and fitting to die for one's country." One student is waving his hand already. I have asked the class to do some biographical research on these poets in preparation for a paper they must write; I wonder if he has found something interesting.

He has. In fact, he bears the sensational news that Wilfred Owen, a decorated war hero killed in the trenches, was probably gay. There is stunned silence. Then, "Why are you having us read gay poets?" several students ask, incensed at the news. "Well," I say bravely, to hide my exasperation, "I assigned them as war poets."

"But sir," they respond, "couldn't you have found us a normal poet?"

How could I have been so stupid? Teaching poetry at the Academy, even works written by poets of the most mainstream persuasions, already is something of a losing battle -- poetry itself, of course, being sissy, and English a "bull" major.

How could I have thrown overboard my careful, months-long programming of poems about such macho subjects as motorcycles and straight sex to have poetry revealed, in these final weeks, as something riddled with gay men -- as these midshipmen fear their own Navy soon will be? Even if led by an acknowledged heterosexual like me, some discussions, such as the question of whether openly gay sailors and officers should be permitted to serve,

are simply not worth the time and trouble to bring up; they would be traps, black holes into which the class's energy would pour without ever coming back. We in the English department are already suspected of liberal sympathies. Better just to plow on, I usually think, picking my way around the mines.

Clearly, however, I have walked into one now, the worst of the lot. The topic of gays in the military has, in recent years, seemed more threatening than all others, including sexual harassment. Indeed, to a certain extent that is true on the national scene as well: The Naval Academy is the nation writ with a darker pen, I sometimes think.

I take a deep breath. "Well," I say, "do you think that Owen's sexuality affected the poems?"

"No," says one of the more enlightened plebes. "Not in the poems we read."

"Right. That seems to me the case, too," I say, eager to move on, and for once asserting my opinion rather than asking them what they think.

A few others bob their heads in agreement. I am getting somewhere with these young men, after all. I breathe easier, if somewhat guiltily. In "Dulce et Decorum Est" the hapless British soldiers are so exhausted that their sexuality never comes into question. And, I object silently to myself, several critics have suggested that for Owen, part of the horror of war was that it killed off so many beautiful young men. Should I try to

play devil's advocate to my own position, complicate the situation by suggesting that sexuality might not, in fact, be so easily separable from human expression, whether spoken or written?

Mixed with this preoccupation is my more immediate pedagogical concern that the students not simply turn off these poems because of the sexual orientation of the long-dead authors.

I say noncommittally, trying to cloud the issue: "There have always been gay men in the military. I mean, look at the Greeks."

A plebe in the back has an answer to that. "But sir," he says, with great force, "Greece isn't a world power anymore, is it?" I am still sorting out the implications of that one when a plebe in the corner slowly raises his hand. He has read the same biographical sources on Wilfred Owen as the first student, but has a different view.

"Sir," he says hesitantly (it is clear that he is about to express an opinion he knows will be unpopular with his classmates): "I always thought that fags wouldn't kill anybody. I mean, I thought they were sort of fruitcakes. But Owen, he killed a lot of men. And he got a medal. It changed my views, reading that. I mean, he was okay."

"Interesting reaction," I say. Inside I am screaming. What he means is, Being homosexual is okay if you kill.

Should I object? Or, ever with an eye to the pedagogical edge, should I

merely use what I am given?

"Sir," another says, slowly, obviously emboldened by what his classmate in the corner has just said: "I mean, I don't know what anybody else thinks, but if it's a choice between a gay man with a rifle between me and the enemy and nobody at all, I'd rather have the gay man."

"Hmm," I say, trying to look professorial. "Do the rest of you feel that way?"

"Well, if you put it that way, ..." begins another.

"Yeah," says somebody in another row, "I've never thought of that."

I am saved -- a discussion. I go into automatic and somehow make it through the hour. I squelch the momentary impulse to prepare them for Walt Whitman, our reading for the following week. Or should I just hope they don't see anything "suspect" in Whitman's obsession with manly love and his own hard root? Probably they won't.

And sure enough, when the time comes, they swallow Whitman whole. I think: All men, gay or straight, worship at the shrine of testosterone -- the military most of all. A man's man (so-called) has always preferred the company of men to women. But does this make him more, or less, male than a man who mixes with women?

A few years ago, during our sesquicentennial year here at the Academy,

banners appeared over the gates. "150 Years of Leadership, Service, and Academics with a Vision for the Future," they said. Leadership comes first. For me, this pride of placement acknowledges the fundamental truth about soldiering or sailing: Men do not go into battle to die for a President back home in Washington, or for the ideals of democracy -- or fascism, or whatever the prevailing national ideology may be -- or for any other abstract ideal or reason. They go into battle for their platoon leader, a young lieutenant with fire in his eye. And the young lieutenant gets his strength from leading his men. The strongest loyalty is personal loyalty.

It is because loyalty is strongest when it is most personal that the Academy so fiercely encourages the creation of group loyalties: to classes, companies, squads, and even roommates. Not surprisingly, most of these connections occur in a particular form of heterosexual male bonding: a channeling of male aggression outward, which keeps it from being directed toward members of the group. The effect is like the binding together of a sheaf of fasces, or arrows, their sides touching but all pointing in the same direction. Of course, the presence of openly homosexual men -- some of whose heads might, at times, be turned sideways -- would threaten this binding together. Another threat to such bonding is the presence of women.

Currently, we talk an enlightened line: The Academy respects and values its female midshipmen. Though that is undoubtedly true in an immediate sense, the structure in which all contacts take place is deeply male -- and thus, hardly by chance, both deeply misogynistic and deeply

homophobic. In blunt terms (how self-evident this appeared a generation ago, and how inflammatory today!), the military is an organization set up, not coincidentally, by men, for men.

This does not mean that the system cannot change. Acknowledging the nature of the military may be the first step to changing it. Nothing is gained by pretending that facts such as these are not the case at all, or that they can be altered casually and case by case, from the surface down. Perhaps worst of all, pretending that the military is truly integrated punishes the women who are the victims of such willful head-in-the-sandism: They are invited in on the surface, but kept out by the understructure, where real change must occur.

Nor does it help matters simply to disallow discussion of the difficulties involved in integrating women. We hear a great deal about the problems of allowing acknowledged homosexuals into the military, but no discussion anymore regarding the difficulties of having introduced women. Instead, the problem has been declared solved, and we shudder on to the next crisis. Still, the two are related.

For, more than universities and colleges that were originally set up by men for men, the military remains in some structural sense deeply male. Military virtues invariably are expressed in "male" language: The military prizes things such as hardness, toughness, and strength -- all metaphoric of male muscle, or tumescence, or both. The very carriage required of people in the military is an exaggeration of male, rather than female, body language; its effect is to frighten aggressors: chest out, shoulders

squared, body drawn to its full height. (Look at gorillas in the zoo.)

Even military uniforms are made to flatter the male, rather than the female, figure, with their epaulets that broaden the shoulders, and the anonymous eyeshade of the male cover, or cap, which emphasizes the threatening body underneath. (The male cover itself is an echo of the ideally triangular male upper body.) Female midshipmen, by contrast, speak of their "birth-control shoes" and look uncomfortable in the tight jackets of mess dress, which fit men as perfectly as breastplates.

Currently, we are at a stalemate regarding the issue of acknowledged homosexuals in the military. Most military people are so horrified at the thought of gay men sharing shower rooms with straight ones that they become sitting ducks for the derision of liberals, who claim that homophobia is a medieval prejudice that should go the way of racism. (Similar arguments, after all, were propounded decades ago against including blacks in the Navy.) To this, conservatives and many in the military -- including some black soldiers -- simply shake their heads: You just don't understand, they say. And all discussion ends.

But the discussion shouldn't end, because the two sides have more in common than they like to admit. The truth is that the male bonding at the Academy, though it no longer occurs in the complete absence of women, is profoundly, in all senses but the one that conservatives fear, homoerotic. Indeed, any human relationship that involves a hierarchy or polarity will echo that most basic polarity of all, the sexual one.

Nor is physicality expressed only heterosexually, even by heterosexuals. In Anglo-Saxon America (not to speak of Arab or southern Asian cultures, where physical contact between males is much more common than in the West), heterosexual men hang on each others' shoulders, swat each other on the butt, even, or perhaps especially, here at the Academy. Straight men need to feel each others' bodies; of course, they do so by crashing into each other rather than caressing, and they compete with each other, rather than shoot adoring glances, as a means of showing their affection.

Straight men even mingle body fluids -- as a way of bonding -- through blood and sweat rather than semen, or through tears, in situations of great stress or happiness. (A rule: Men who have cried together, perhaps because they are ashamed of having done so, stick together.) I think of a T-shirt I saw recently in the gym: "He Who Sheds His Blood With Me Is My Brother." Its appeal is to battle, but it is put out by the rugby team.

Such bonding is uncomfortably close to the all-male homosexual world the military says it rejects. The male bond is created through exclusion, if not of women in particular, then of the female in the abstract. At the Naval Academy, we no longer exclude women, but (whether we admit it or not) we still exclude the female.

In unguarded moments, many of my male students betray their deep discomfort with women. Increasingly, those unguarded moments are few: Their speech has become more veiled in recent years, with the introduction of mandatory anti-harassment training. Yet occasionally, the mask will

fall, or they will tell me a joke: Suddenly the well-mannered, mature-looking young man before me turns into an anxious creature, afraid of orifices, the smell of women's private parts, and the fact of menstruation.

Perhaps this fear is common to all men, but it is especially strong in adolescents coming to terms for the first time with sexuality and the fact of sexual difference. At the Academy, this fear becomes institutionalized, played out through the rituals of male bonding. Thus there is something profoundly adolescent about life at the Academy, at least in sexual terms -- sometimes it seems that it is a vast Boy Scout camp, complete with the dirty stories and furtive pleasures that are the necessary shadow to the day's wholesome physicality and outdoor exercises.

I think occasionally of an image used by one of my students a few years back. He was a highly intelligent, cultured young man whom I saw nearly every day, as part of a group of English honors students.

"Sir," he said one day, in a confessional moment: "It's the brotherhood about this place that gets me. I'd die for the guys in my company. We share everything."

He laughed to minimize his intensity. He hesitated, knowing that he was going to be naughty: "We'd even share our women!" He laughed again, looking for an example that was even stronger. "Heck," he said triumphantly, having found it, "we'd even share each others' jockstraps!"

He left me thinking of a long line of 21-year-olds, linked together by nothing less fundamental than the sweat of their testicles. Linkage through women, fine. Best of all, linkage to other men. How odd this would sound to someone coming in from the outside, and how normal it sounds at the U.S. Naval Academy.

What have we done?

Bruce Fleming is a professor of English at the United States Naval Academy. His novel, Twilley, has just been published by Turtle Point

Press. ===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 04:37:00.00

SUBJECT: NC5916: McVeigh returns to Hawaii

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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HONOLULU STAR-BULLETIN

P.O. Box 3080

Honolulu, Hawai'i 96802

editor@starbulletin.com

January 27, 1998

NAVY MAN MCVEIGH GETS BACK TO WORK

A federal court in Washington delays his ouster while the case involving

gay

charges is litigated

By Lori Tighe

Star-Bulletin

[Front page, above the fold headline. Color photo of a lei-bedecked Timothy McVeigh with his mother at the airport baggage-claim. Caption: Timothy McVeigh arrived at Honolulu Airport yesterday from Washington D.C., when he learned of the court's decision allowing him to remain in the U.S. Navy for now. "I'm gratified. I want to continue serving my country," he said. At right is his mother, Teri.]

Elated, surprised and hopeful, Timothy McVeigh returns to work today after narrowly escaping discharge from the Navy over his alleged homosexuality, information obtained through the Internet.

He could be working in construction, a far cry from running a nuclear submarine in a 17-year naval career. But he doesn't mind, because he won a victory--for now. The U.S. District Court yesterday allowed McVeigh to stay in the Navy until his case is fully investigated.

"There's uncertainty" about returning to work, said McVeigh, 36. "I don't know what I'll be doing. They don't know what I'll be doing. But I'm happy. The whole time I've been asking for someone outside the Navy to look at the case. If people read the regulations and follow the law, I'll win. I'm right in this case."

McVeigh, no relation to the Oklahoma City bomber, sued the Navy for violating its own "don't ask, don't tell, don't pursue" policy, claiming it illegally pursued information about his sexual orientation. McVeigh had e-mailed a Navy employee the names of his crew's children for

Christmas presents.

The employee did a biographical search on him, identifying a gay man simply as "Tim of Honolulu." when the Navy called America Online and asked who "Tim" was, America Online gave it the answer--apparently in violation of the Electronic Communications Privacy Act.

[Secondary headline on successive page]

NAVY: MCVEIGH'S MOTHER SAYS 'THE WHOLE WORLD SUPPORTS HIM'

The Navy replaced McVeigh as chief of the nuclear attack submarine USS Chicago as soon as it began discharge procedures against him in September for sodomy and indecent acts.

"When they moved me from the ship, they had me working in construction, putting up drywall and ceilings. I learned quick," McVeigh said. "It's not my job, but it's interesting."

McVeigh learned of the court decision when he arrived at Honolulu Airport at 2:20pm yesterday from his Washington D.C., hearing. In ruling, U.S. District Judge Stanley Sporkin wrote: "The Navy violated the very essence of 'don't ask, don't persue' by launching a search and destroy mission."

McVeigh, who was greeted with leis and hugs, said: "I'm gratified. I want to continue serving my country."

"As a mother of a gay son, it represents history in the making," said Shawn Bombard of Parents and Friends of Lesbians and Gays. "It's a landmark decision. It opens up the door to people being aware that gays do not have the same civil rights as heterosexuals have. The decision generates some compassion and concern to the injustices being perpetrated against gays."

McVeigh's mother, Teri McVeigh, said she has always been proud of her son.

"The whole world supports him. Gay and straight people. We've received copies of 3,000 emails alone from people writing their congressmen to protest his case. It's an unfortunate thing, and it never should have happened."

McVeigh asked his mother to move here from Florida after she suffered a heart attack in 1993 so he could take care of her. "He's a good kid," she

said. ===== ATTACHMENT 1 =====
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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: HawaiiGay1 (HawaiiGay1@aol.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:29-JAN-1998 17:49:00.00

SUBJECT: Permanent Injunction because of Immediate Action

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

READ:UNKNOWN

TEXT:

Permanent Injunction because of Immediate Action

Aloha Folks,

Permanent Injunction for Navy McVeigh signed today. Again, second victory

in

less than 6 days for freedom, equality and justice.

Mahalo for your help to extend communication and action to get the results

we

all deserve.

do good

William E. Woods, MPH

GLEA Foundation

JUDGE GRANTS PERMANENT INJUNCTION

PREVENTING DISCHARGE OF CHIEF OF BOAT

Ruling Marks First Time Court Rules That Navy Violated Limits on

Investigations

Under "Don't Ask, Don't Tell, Don't Pursue" 8

WASHINGTON, DC - Later today, District Judge Stanley Sporkin of the U.S.

District Court for the District of Columbia will issue a permanent

injunction

preventing the discharge of Senior Chief Petty Officer Timothy R. McVeigh.

The Navy reserves the right to appeal the injunction to the D.C. Circuit

Court

of Appeals.

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

Network, stated, "This is a huge victory for McVeigh. What Judge Sporkin's

ruling means is that after reviewing the merits of the case, he has

determined

that the Navy violated the Electronic Communications Privacy Act as well as

the limits on investigations under "Don't Ask, Don't Tell, Don't Pursue."

This is the first time that a federal court judge has said that the Navy

has

failed to follow its own rules and regulations under "Don't Ask, Don't

Tell,

Don't Pursue."

McVeigh, who was recommended for discharge because he allegedly used the

word

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

filed

a lawsuit last week against the government. His suit claims that the Navy unlawfully obtained information about him from America Online without a warrant or court order as required by the 1986 Electronic Communications Privacy Act (ECPA), and breached the limits on investigations under the Pentagon's "Don't Ask, Don't Tell, Don't Pursue" policy.

In a ruling granting the preliminary injunction on Monday, January 26, 1998,

Judge Sporkin, a Reagan appointee, stated, "The Navy violated the very essence

of "Don't Ask, Don't Pursue," by launching a search and destroy mission. "

Judge

Sporkin further stated in his ruling, "Suggestions of sexual orientation

in a

private, anonymous email account did not give the Navy a sufficient reason to

investigate to determine whether to commence discharge proceedings. In its actions, the Navy violated its own regulations. "

With respect to the merits of McVeigh's claim that the military solicited a violation of the Electronic Communications Privacy Act by AOL, Judge Sporkin

warned that in the era of "big brother" it is incumbent on the federal

government to observe all the limits and safeguards to an individual's

privacy

guaranteed by federal law.

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

&In granting this permanent injunction, the Court is sending a strong and clear message that military commanders cannot go snooping for evidence that troops are gay, 8 stated Osburn. &There are limits. And those limits must be followed. 8

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

Additionally, the author of the &Don't Ask, Don't Tell, Don't Pursue 8 policy, professor Charles Moskos of Northwestern University, after reviewing the facts of the case, criticized the military in a declaration filed in federal court.

&It is my opinion that the Navy violated the &Don't Ask, Don't Tell 8 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. 8===== ATTACHMENT 1

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 14:45:00.00

SUBJECT: Judge To Navy: Reinstate Sailor

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

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

TEXT:
ASSOCIATED PRESS

January 29, 1998

Judge To Navy: Reinstate Sailor

By JOHN DIAMOND

WASHINGTON (AP) - A federal judge ordered the Navy today to reinstate a senior sailor who faced dismissal for alleged homosexuality based on information the Navy obtained from an online computer service.

Lawyers for the Navy reserved the right to appeal but accepted the court's ruling, a concession that appeared to end the effort to oust Senior Chief Petty Officer Timothy R. McVeigh.

In today's decision, U.S. District Judge Stanley Sporkin made permanent a preliminary injunction he issued this week against the Navy, which sharply criticized the Navy's actions.

The ruling marks a first in the four-year history of the Pentagon's

``don't

ask, don't tell" policy on gays in the military.

``This is the first time a district court judge has ruled that any service

has violated its own rules under 'don't-ask, don't-tell,'" said attorney

C.

Dixon Osburn of the Servicemembers Legal Defense Network, an advocacy group

assisting McVeigh.

In a new issue broached today, Christopher Wolf, McVeigh's attorney,

accused

the Navy of giving McVeigh demeaning assignments in the days since the case

first came to court.

``Upon his return to duty in Hawaii, he was given two assignments, one of

which was to supervise two individuals carting trash out of a room," Wolf

said. Because McVeigh is no longer serving at sea, ``his salary has been

reduced by \$745 per month since this investigation began last September."

McVeigh was the senior enlisted man aboard the USS Chicago, a

nuclear-powered

attack submarine based at Pearl Harbor, Hawaii. He is a highly decorated

enlistee with 17 years in the Navy, three short of qualification for

retirement at full pension.

His Navy colleagues also have been openly hostile to McVeigh, Wolf said,

and

Wolf asked Sporkin for a court order to force the Navy to ensure McVeigh's protection or allow him to take early retirement. An option would be to reassign McVeigh to another submarine squadron, Wolf said.

“He is legitimately concerned about his safety,” Wolf said. “We are very

concerned that a situation like that in (the film) 'A Few Good Men' does not

develop.” In the film, Marines at the U.S. Naval Base in Guantanamo Bay, Cuba, were found to have inadvertently killed a colleague while administering punishment for his personal activities.

Sporkin questioned the degree to which he can intervene in Navy personnel matters. “I think you're putting me in the position of running the Navy, and I can't do that,” the judge said.

Justice Department attorney David Glass, representing the Navy, did not say whether the service would appeal and declined to comment after the hearing.

Glass also told Sporkin that today's ruling will not preclude the service from acting against McVeigh, who is no relation to the Oklahoma City bomber,

should new evidence arise. ``What if we were to get some completely separate evidence tomorrow?" Glass asked.

In the ruling, which Sporkin made permanent today, the judge found that ``the Navy has gone too far" in investigating McVeigh.

The petty officer landed in trouble last fall when the Navy found a ``profile page" posted on America Online in which ``Tim" from Honolulu described himself as gay and expressed sexual interest in young men. A Navy investigator called AOL anonymously and obtained the author's full name, a disclosure AOL later said it regretted and acknowledged had violated its confidentiality policies.

Sporkin said both the Navy and AOL violated the law in delving into what should have been confidential information held by the online service. The judge also said the Navy went beyond bounds of the military's ``don't ask, don't tell" policy on homosexuals in the military.

Because McVeigh's profile page was anonymous, Sporkin said, the Navy had no right to make inquiries in trying to prove that McVeigh had declared he is homosexual.

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X-Sender: dcase@mail.sdsu.edu

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 14:02:00.00

SUBJECT: NC5922: McVeigh injunction made permanent

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

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

TEXT:

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.c The Associated Press

By JOHN DIAMOND

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McVeigh was the senior enlisted man aboard the USS Chicago, a nuclear-powered attack submarine based at Pearl Harbor, Hawaii. He is a highly decorated enlistee with 17 years in the Navy, three short of qualification for retirement at full pension.

His Navy colleagues also have been openly hostile to McVeigh, Wolf said, and asked Sporkin for a court order to force the Navy to ensure McVeigh's protection or allow him to take early retirement. An option would be to reassign McVeigh to another submarine squadron, Wolf said.

“He is legitimately concerned about his safety,” Wolf said. “We are very concerned that a situation like that in (the film) 'A Few Good Men' does not develop.” In the film, Marines at the U.S. Naval Base in Guantanamo Bay, Cuba, were found to have inadvertently killed a colleague while administering punishment for his personal activities.

Sporkin questioned the degree to which he can intervene in Navy personnel matters. "I think you're putting me in the position of running the Navy, and I can't do that," the judge said.

Justice Department attorney David Glass, representing the Navy, did not say whether the service would appeal and declined to comment after the hearing.

Glass also told Sporkin that today's ruling will not preclude the service from acting against McVeigh, who is no relation to the Oklahoma City bomber, should new evidence arise. "What if we were to get some completely separate evidence tomorrow?" Glass asked.

In the ruling, which Sporkin made permanent today, the judge found that "the Navy has gone too far" in investigating McVeigh.

The petty officer landed in trouble last fall when the Navy found a "profile page" posted on America Online in which "Tim" from Honolulu described himself as gay and expressed sexual interest in young men. A Navy investigator called AOL anonymously and obtained the author's full name, a disclosure AOL later said it regretted and acknowledged had violated its confidentiality policies.

Sporkin said both the Navy and AOL violated the law in delving into what should have been confidential information held by the online service. The judge also said the Navy went beyond bounds of the military's

``don't ask, don't tell" policy on homosexuals in the military.

Because McVeigh's profile page was anonymous, Sporkin said, the Navy had no right to make inquiries in trying to prove that McVeigh had declared he is homosexual.

AP-NY-01-29-98 1151EST===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

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29 Jan 1998 14:13:21 -0500 (EST)

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

with ESMTP id <01ISYA3D4GBA000NYS@STORM.EOP.GOV>; Thu,
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Received: (from rwockner@localhost)

by netcom7.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id LAA04913; Thu,
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CREATOR: rwockner (rwockner@netcom.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:29-JAN-1998 15:40:00.00

SUBJECT: NC5927: Aravosis release on McVeigh permanent injuntion

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Date: Thu, 29 Jan 1998 14:52:56 -0500

From: John Aravosis <john@wiredstrategies.com>

FOR IMMEDIATE RELEASE

Thursday, January 29, 1998, 2:30 PM

Contacts: John Aravosis, 202/328-5707

JUDGE MAKES MCVEIGH DECISION PERMANENT

Navy Threatens Retaliation, Sailor Fears For Safety

In an unusual and surprising move, Judge Stanley Sporkin today made final his decision to re-instate Senior Chief Timothy McVeigh to the US Navy.

Earlier this week, Judge Sporkin had issued a preliminary injunction pending the final outcome of the case in court -- today the judge decided the case is over, and McVeigh wins. The judge's decision means that the Navy has been found guilty of violating both the "Don't Ask, Don't Tell, Don't Pursue policy," and the Electronic Communications Privacy Act wire-tap law, in investigating McVeigh. In an ominous development, the

Navy responded by threatening to move against McVeigh again "tomorrow" if they can find enough evidence, and McVeigh expressed public concerns for his safety.

While the final decision in the McVeigh case is welcome news -- the Navy's only judicial recourse is to appeal the entire case to the court of appeals, a process that could take several years -- the Navy's warnings against McVeigh are part of a larger pattern of retaliation the Navy has launched against the decorated veteran since his case began.

Before the Navy began its illegal investigation, McVeigh was "chief of the boat," a position that put him in charge of the entire crew of the nuclear attack submarine USS Chicago. Since last Fall, the 17-year veteran, described as an "outstanding role model" in his last performance review, has been moved to a series of menial jobs -- including "supervising two individuals carting trash" according to his attorney, Christopher Wolf.

In addition, the Navy cut McVeigh's salary by \$745 per month, and that salary reduction will remain in place, the Navy says. In 1993, Senior Chief McVeigh asked his mother to move to Hawaii from Florida, so that he could care for her after she suffered a heart attack. Mrs. McVeigh to this day lives with her son, and he is her sole means of support.

Of even greater concern, is McVeigh's Navy co-workers' open hostility towards him since the judge's intervention. McVeigh's lawyer told the judge that McVeigh is "legitimately concerned about his safety," to the point of fearing for his life. "We are very concerned that a situation

like that in (the film) 'A Few Good Men' does not develop," said McVeigh's lawyer, referring to the film in which the Marines "inadvertently" kill a fellow sailor while improperly administering corporal punishment.

According to today's Associated Press wire story, the government's lawyer, David Glass, told Judge Sporkin that "today's ruling will not prelude the service from acting against McVeigh...should new evidence arise, 'What if we were to get some completely separate evidence tomorrow?' Glass said."

"The Navy has lost its marbles," said John Aravosis, a lawyer and Internet consultant helping McVeigh on the case. "It wasn't enough for them to break federal law and disobey the Commander-in-Chief -- now they're threatening Senior Chief McVeigh's safety because the judge caught them red-handed. If they touch one hair on this guy, I promise them the biggest congressional investigation they've ever seen," said Aravosis, a former US Senate staffer.

"The policy is called 'Don't Ask, Don't Tell,' not 'Don't Listen, Don't Obey,'" said Bob Hattoy, a senior Clinton Administration appointee.

Online privacy and civil rights advocates are urging the public and Members of Congress to intervene in this case.

John Aravosis

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===== ATTACHMENT 1 =====

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29 Jan 1998 15:47:27 -0500 (EST)

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

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29 Jan 1998 15:47:07 -0500 (EST)

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by netcom11.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id MAA17913; Thu,

29 Jan 1998 12:40:12 -0800 (PST)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: news-errors (news-errors@mx.lodo.infobeat.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:29-JAN-1998 17:41:00.00

SUBJECT: News - East Coast Edition @ 01/29/98

TO: Brian A. Reich (Brian A. Reich@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

East Coast Edition for Thursday, January 29, 1998

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*** Lewinsky alleging Clinton urged her to be evasive

*** Tobacco industry admits health harm, seeks deal

*** ***Technical difficulties***

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*** Trie linked to questionable fund raising

*** Senate panel probing Microsoft

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*** Flooded Australian town faces crocodile threat

*** Electronic nose sniffs out bad beer, bacteria

U.S. Front Page Stories

*** Clinic explosion kills 1; police search for 2nd bomb

A deadly explosion at a Birmingham, Ala., women's clinic early Thursday was probably caused by a bomb, and investigators are scouring the area to make sure there are no other devices, federal officials said. The explosion ripped through the New Woman, All Women Health Care Clinic about 7:30 a.m., ET, killing one person and injuring one other, officials said. Early reports identified the victims as an off-duty police officer and a nurse. The nurse

underwent surgery at a nearby hospital, officials said. Police would not confirm that the off-duty officer had died. Investigators said they would investigate the possibility of ties to three unsolved bombings in Atlanta, in 1996 and 1997. (CNN, Associated Press and Reuters)

*** Lewinsky alleging Clinton urged her to be evasive

Former White House intern Monica Lewinsky is now alleging that President Bill Clinton urged her to be "evasive" about their relationship when he met with her privately on Dec. 28 at the White House, sources said. The meeting allegedly took place only 11 days after she was subpoenaed to give a deposition in the Paula Jones sexual harassment lawsuit. According to sources, Lewinsky was signed into the White House on the evening of Dec. 28 by the president's private secretary, Betty Currie. Currie appeared earlier this week before a federal grand jury in Washington investigating the allegations. (CNN)

*** Tobacco industry admits health harm, seeks deal

A top tobacco company executive admitted under oath to Congress for the first time Thursday that cigarettes are dangerous. The testimony by RJR Nabisco chairman and CEO Steven Goldstone came at a hearing where industry leaders pushed Congress to enact a \$368.5 billion deal giving them partial immunity from future lawsuits. Top executives from the five companies in written testimony prepared for the House

Commerce Committee hearing all defended the proposed deal, under attack in Congress. Only Goldstone bluntly admitted the "known health risks" of smoking but the others were likely to be pressed for similar concessions under questioning from lawmakers on the panel.

*** **Technical difficulties***

*** Because of technical difficulties, your InfoBeat news content for Thursday may be incomplete. Full service will return on Friday. We apologize for any inconveniences this may have caused. ***

The U.S. Political Scene

*** Babbitt testifies on casino

Interior Secretary Bruce Babbitt told Congress Thursday politics played no part in the decision to reject a proposed Indian gambling casino but acknowledged he "muddied the waters" by giving the Senate conflicting accounts of his involvement. "The allegations that there was improper White House or (Democratic National Committee) influence and that I was a conduit for that influence are demonstrably false," Babbitt said. He was the final witness in four days of House hearings on allegations that tribes opposing the casino used promises of large political donations to pressure the White House to influence the decision. These tribes eventually gave \$286,000 to the Democratic

National Committee. (Associated Press)

*** Trie linked to questionable fund raising

Charlie Trie, a longtime friend of President Bill Clinton, has been indicted by a federal grand jury in connection with campaign finance abuses, CNN reported Thursday. Sources say a sealed indictment handed down Wednesday accuses Trie of election law violations and mail fraud. However, Trie, believed to be somewhere in Asia, has not been arrested because he cannot be found. Trie has been one of the central figures in the investigations of alleged improprieties in raising money for the 1996 campaign. Congressional investigators have alleged that some of the money Trie contributed to Clinton and the Democrats may have come from sources in China, which are barred by federal law from contributing to American election campaigns. (CNN)

*** Senate panel probing Microsoft

Microsoft, already in trouble with the Justice Department for alleged antitrust violations, also is the target of a Senate Judiciary Committee investigation, a Senate aide said Thursday. "They are definitely investigating Microsoft," said Tony Williams, chief of staff to Sen. Slade Gorton, R-Wash. "They are meeting with Microsoft. They are talking with them about antitrust matters." Microsoft had no immediate comment. The government claims Microsoft is using its near monopoly with Windows operating software to unfair advantage over its rivals in the Internet browser market. The company and the government

settled part of the case last week. (Associated Press)

The Courts

*** Judge to Navy: Reinstate sailor

A federal judge ordered the Navy Thursday to reinstate a senior sailor who faced dismissal for alleged homosexuality based on information the Navy obtained from an online computer service. Lawyers for the Navy reserved the right to appeal but accepted the court's ruling, a concession that appeared to end the effort to oust Senior Chief Petty Officer Timothy R. McVeigh. In the decision, U.S. District Judge Stanley Sporkin made permanent a preliminary injunction he issued this week against the Navy, which sharply criticized the Navy's actions. The ruling marks a first in the four-year history of the Pentagon's "don't ask, don't tell" policy on gays in the military. (Associated Press)

U.S. Business and Financial News

*** Airtouch to merge with US West Media

Airtouch Communications will merge with the U.S. cellular and

wireless interests of U S West Media Group Inc in a deal valued at about \$5.7 billion, making AirTouch the second largest wireless provider in the United States, the companies said. The two companies failed in 1997 to receive federal approval for a deal but do not expect any difficulties this time. Once completed, the new definitive agreement would replace a 1994 multi-phased venture between U S West and AirTouch. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=11230948-47c>

*** Dow flirts with 8,000 again

Federal Reserve Chairman Alan Greenspan caused a good deal of exuberance on Wall Street Thursday with remarks that helped propel U.S. stocks into a third straight day of solid gains and lifted bonds and the dollar as well. The Dow Jones Industrial Average finished the day up 57.55 points at 7,973.02. The blue-chip index, which is up almost 300 points on the week, peaked over the 8,000 mark several times during the day. On the New York Stock Exchange, advancing shares clobbered decliners, 1,844 to 1,065, as 756 million shares were traded. Broader markets also rallied, with the Nasdaq Composite gaining 8.69 to 1,619.51. Meanwhile, the S&P 500 index was up 8.04 to 985.50, just under its record high of 992.65 hit earlier in the day. The 30-year Treasury bond finished the day with a yield 5.84%.

*** Greenspan sees Asian crisis moderating growth in U.S

The worst part of the Asian economic crisis' storm has yet to hit the

United States, said U.S. Federal Reserve Alan Greenspan Thursday. Spring, he warned, would bring some bad weather. Appearing before the U.S. Senate Budget Committee to give his views on the U.S. economy, Greenspan said we have seen "only the peripheral winds of the Asian crisis." Greenspan said he foresaw "reductions in demand for our exports and intensified competition from imports. All of this suggests that the growth of economic activity in this country will moderate from the recent brisk pace." (CNNfn)

*** Compaq, Radio Shack in PC deal

Fresh off its acquisition of Digital Equipment Corp., Compaq Computer Corp has turned its sights back on the consumer market, winning an exclusive deal to sell PCs at retail giant RadioShack. Prior to the agreement, which followed a competitive bidding process, RadioShack had exclusively carried PCs made by IBM. Compaq personal computers are expected to reach RadioShack shelves in March. Compaq will produce systems across a range of prices that will be uniquely configured and branded for RadioShack. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7198245-a65>

World Front Page Stories

*** Saddam warns U.S., Russia seeks to avoid strike

President Saddam Hussein declared Thursday Iraq would resist any U.S. attack with all its might, and Russia's foreign minister said he was not sure a military strike could be averted. The minister, Yevgeny Primakov, later appeared to qualify his remarks, insisting that diplomacy could yet triumph. World oil markets see-sawed on his comments. Saddam, speaking at the start of the Moslem holiday of Eid al-Fitr, appeared defiant. "The faithful will be victorious," he told leaders of Iraq's ruling Baath Party and Revolutionary Command Council. Saddam's comments came as U.S. Secretary of State Madeleine Albright headed for Europe to meet French and Russian foreign ministers in a bid to increase pressure on Iraq to allow U.N. inspections of suspected weapons sites. Russian Foreign Minister Yevgeny Primakov, in Madrid for a Friday meeting with Albright, said he had some doubts whether a military strike could be averted.

*** Ranariddh wants ceasefire, Thailand may mediate

Cambodia's deposed first prime minister Prince Norodom Ranariddh said Thursday he saw positive signs for an end to the fighting in Cambodia and the Thai government said it might help mediate a ceasefire. Ranariddh, who met Thai Foreign Minister Surin Pitsuwan to discuss if Thailand might play a mediating role in the conflict in Cambodia, also said he saw no reason for an immediate meeting with his former co-premier, Second Prime Minister Hun Sen. "For the time being we do not need any meeting between Mr Hun Sen and me. I think that both sides - one in Phnom Penh and the other one from Bangkok - should order an immediate cessation of hostilities," Ranariddh said after an

hour meeting with Surin. Ranariddh has been in Bangkok intermittently since he was overthrown by Hun Sen in a coup last July. The prince was out of Cambodia at the time of his ouster and has not yet returned.

*** S. Africa's 'Prime Evil' testifies in Winnie probe

South Africa's truth probe into Winnie Madikizela-Mandela shifts Thursday to the state's most notorious assassin who earned the label "Prime Evil" for his defense of white rule. Convicted multiple murderer and police death squad commander Eugene de Kock, currently serving 212 years in jail, arrived under heavy police escort in a bright yellow armored vehicle. He is expected to testify about the killing of a man believed to be a former lover of Madikizela-Mandela's in the late 1980s, while her then husband, President Nelson Mandela, was imprisoned for his opposition to apartheid. The 63-year-old Madikizela-Mandela, divorced by Mandela in 1996 on the grounds of infidelity, was not expected to attend the hearing on Thursday.

*** Fog causes highway carnage in Belgium, Netherlands

Thick fog in parts of western Europe caused two major road accidents involving some 200 cars Thursday morning. Six people died and several were injured in a 100-vehicle pile-up on the E17 highway in western Belgium, close to the French border, where the fog had reduced visibility to less than 30 yards. Another 100 cars crashed into each

other when a truck plowed through the central barrier of the A73 highway between Venlo and Nijmegen in the Netherlands. Dutch police said seven people were injured, three of them seriously.

The World Political Scene

*** Russia slams UN's Butler over Iraq remarks

Russia sharply criticized the U.N.'s chief arms inspector Thursday for making "inappropriate" remarks in which he said Iraq had enough biological material to "blow away Tel Aviv." "The so-called public diplomacy of Richard Butler and his contemplation of possible new measures which could be taken by the Security Council are beyond the mandate of the U.N. Special Commission," Foreign Ministry spokesman Valery Nesterushkin told a news conference. In an interview with the New York Times published Tuesday, Butler was quoted as saying the United Nations Security Council could impose new sanctions on Iraq. Those "could include extending the no-fly zone currently in force over northern Iraq and sealing off the Iraqi port of Basra to end a contraband trade in oil." Nesterushkin said: "Such statements arouse serious concern especially in the light of the increased tensions around Iraq."

*** Somaliland leader to press for Int'l recognition

The leader of the self-declared republic of Somaliland said Wednesday he would visit Italy soon to press for international recognition of his country. Mohamed Haji Ibrahim Egal told a gathering of Somaliland's parliament and assembly he would also visit neighboring Ethiopia to try to advance peace efforts in Somalia. He gave no dates for either visit. "Somaliland has been striving hard for the last few years to achieve real peace and security in the country," Egal said. "The time is ripe to go abroad and forward our case to the international community." Somaliland declared itself independent in 1991 as Somalia was carved up by clan-based factions following the overthrow of military dictator Mohamed Siad Barre. It constitutes the former British Somaliland which merged with the southern Italian Somaliland to form Somalia in 1960.

World Business and Financial News

*** BOC Group Plc sells Ohmeda

BOC Group Plc announced the long-awaited sale of its Ohmeda healthcare division for a billion dollars Thursday and said it would now direct its energies into developing its core industrial gases business. BOC said it had split up Ohmeda, one of the world's leading producers of anaesthetic gases and medical equipment, and sold its divisions for a total 640 million pounds (\$1 billion) to Finland's Instrumentarium and U.S. companies Becton Dickinson and Co. and

Baxter International Inc. See,

<http://www.infobeat.com/stories/cgi/story.cgi?id=7203696-125>.

***** Asian-Pacific equities rise; most markets closed**

Share prices moved into positive territory in the key Asian-Pacific markets that remained open Thursday, with most bourses closed in observance of the Lunar New Year. Tokyo's equities ended mixed, though Nikkei was helped back above the 17000 level by an afternoon rise in futures prices. The Stock Exchange of Thailand Index soared 3% in heavy trading, attributed the strong advance to news that South Korea was been able to reschedule \$24 billion worth of short-term foreign loans. Meanwhile, Philippine issues rose for the fourth straight session, and an overnight climb in the price of gold helped Sydney's bourse head solidly higher. A round of promising production reports issued Wednesday, which showed the gold industry is managing to cut costs while boosting output, resulted in a 6.1% rise in the market's gold subindex Thursday. Stock markets in Hong Kong, Indonesia, Malaysia, Singapore, South Korea and Taiwan were closed for the holiday. (WSJ)

***** Europe's Markets Climb as Wall Street advances**

Share prices moved mostly higher across the major markets of Europe Thursday with investors focused on domestic matters amid continued gains on Wall Street. Continued gains in the U.S. stock markets helped support European shares. Swiss and Belgian shares closed

slightly higher Thursday, following early gains on Wall Street. French shares set a new record, propelled by gains for blue-chip stocks and the dollar's continued recovery against the French franc. The Swedish market rose, with trading dominated by L.M. Ericsson after the telecommunications giant reported stronger-than-expected 1997 earnings. Dutch stocks edged higher, led by the dollar's gains against the guilder in the afternoon. But a late bout of profit-taking knocked Spanish shares lower after several days of record-setting climbs. Elsewhere, the Johannesburg Stock Exchange advanced as futures traders scrambled to snap up industrial shares. (WSJ)

Sports

*** Rookie Van Horn leads Nets past Lakers

Rookie Keith Van Horn scored 30 points and Kerry Kittles added 24 as the New Jersey Nets took control in the first half Wednesday night and went on to a 106-95 victory over the Los Angeles Lakers. Kittles had 16 points and Van Horn had 11 as the Nets built a 57-41 halftime lead. Sam Cassell contributed 13 points and 11 assists for the Nets, who at 25-19, are 13 games ahead of last season's pace, when they finished 26-56. Van Horn hit 10-of-19 shots and all seven of his free throw attempts for New Jersey, which played the last 21 1/2 minutes without All-Star center Jayson Williams, who was ejected after

picking up his second technical foul. Shaquille O'Neal collected 27 points, 19 rebounds and six blocks and Kobe Bryant added 26 points off the bench for the Lakers, who fell two games behind first-place Seattle in the Pacific Division.

*** Red Wings' Yzerman undergoes MRI for knee injury

Detroit Red Wings center Steve Yzerman, who is second on the team's all-time scoring list, underwent an MRI after suffering a left knee injury in Wednesday night's 4-4 tie with the Phoenix Coyotes.

Yzerman, who ranks second on the club this season with 40 points, left at 5:39 of the second period after being clipped in the knee by Phoenix's Rick Tocchet. Tocchet, playing in his second game following a two-game suspension for a similar hit on Edmonton's Ryan Smyth on Jan. 20, received a five-minute kneeing major. The 32-year-old Yzerman, who signed a four-year contract earlier this season, has spent his entire 14-year career with the Red Wings and has been Detroit's captain for the last 11 seasons, one short of Alex Delvecchio's team record. Yzerman's 571 career goals and 829 assists trail only the legendary Gordie Howe in Red Wings' annals.

*** Ducks' Kariya loses cool in loss to Flames

Anaheim star winger Paul Kariya, who won the Lady Byng trophy each of the past two seasons as the NHL's most gentlemanly player, lost his cool Wednesday night and the Mighty Ducks lost the game as Calgary's Marty McInnis had two goals and an assist in the Flames' 5-2 win.

Kariya had his four-game points streak snapped and received the first major penalty of his career for spearing Ed Ward at 9:06 of the third period. "He (Kariya) did this because he had to do something. Guys were chasing him all night," Ducks defenseman Ruslan Salei said. "You have to have somebody physical who can help him." Theoren Fleury added three assists as the Flames posted consecutive wins for the first time in more than a month, dating back to a four-game winning streak from Dec. 9-16. Rick Tabaracci made 26 saves for his first victory since Dec. 16.

*** Korda advances to Australian Open final

Sixth seed Petr Korda of the Czech Republic advanced to his second career Grand Slam final Thursday by holding off the streaking Karol Kucera of Slovakia, 6-1, 6-4, 1-6, 6-2, in the semifinals of the Australian Open. Korda broke Kucera seven times and had 47 winners to Kucera's 22 as he reached his first Grand Slam final since the 1992 French Open. Korda, who will jump into the top five in next week's ATP rankings, will face the winner of Friday's semifinal match between ninth seed Marcelo Rios of Chile and unseeded Frenchman Nicolas Escude.

Science and Medicine

*** Scientist wants to use mice to grow human sperm

A leading expert on reproduction is hoping to use mice to produce human sperm in a development that could transform fertility treatment, New Scientist magazine said. Roger Short of the Royal Women's Hospital in Melbourne, Australia, has already applied to the U.S. National Institute of Health for funding. He has won approval from his local animal research committee, but has not received the go-ahead or even presented the project to any committee for human trials. Biologists are worried that human sperm developed in mice might undergo genetic changes that could produce defects and there is also concern that viruses from mice could infect the sperm and be passed to humans. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7192182-275>

*** U.S. drug watchdog rules out ear candles

The U.S. Food and Drug Administration said Wednesday it had told a mail-order company to stop selling ear candles, a device used to clear blockages from the ear canal. The company, Ukiah, California-based Earth Care, advertises the ear candles in magazines as offering help for headaches, swimmer's ear, and other problems. The hollow "candle" is set alight at one end and the other end is held against the ear canal, creating a suction effect. The FDA said it could seize the company's products, fine the company or get a court injunction stopping it from selling any more of the ear candles. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7195571-28c>

Technology

*** Best Buy will no longer sell Macintosh computers

Best Buy Co. Inc. said that it will no longer sell Macintosh computers at its 284 stores citing intense competition in the PC market. Best Buy reached a mutual decision with Apple Computer to no longer sell the computers as a result of "an ever changing and fiercely competitive PC market, as well as a time of redirection for Apple," a spokeswoman for Best Buy said. Best Buy, which has stores in 32 states, will continue to sell Macintosh software. The Macintosh systems account for less than 0.5% of the specialty retailer's computer category, which includes PCs and home office equipment. Apple was not immediately available for comment.

*** Electronics industry seeks to share waste burden

The electronics industry is prepared to take responsibility for recycling and disposing of used electronic goods but it must not shoulder the burden alone, a senior manager for computer firm Hewlett-Packard said. "We need to look at the whole product lifecycle," Klaus Hieronymi of Hewlett-Packard Deutschland told a conference on product liability in Brussels. The European computing industry was willing to assume the costs of recycling or disposing of

its products but parts of the product's lifecycle, like distribution, sale, use and collection for recycling were out of their control. The European Commission's environment department is expected to finalize proposals for dealing with end-of-life electrical and electronic equipment in March. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7195888-ba1>

*** U S West to use Cisco equipment

U S WEST Communications said it has designated Cisco Systems Inc. as its strategic vendor for data network infrastructure and resale of customer-premise equipment. The companies said they signed a memorandum of understanding to form an alliance to support U S WEST's plans for deploying next-generation network services to businesses and consumers nationwide. U S WEST will extensively use Cisco equipment in a nationwide build-out of an integrated voice-data network, and in its integration services for customers.

*** Hitachi to consolidate N. American operations

Hitachi Ltd. said it will combine its North American electronic device sales and marketing and manufacturing operations into a subsidiary of Hitachi America Ltd. Hitachi said in a statement the new organization takes effect April 1 and will be headquartered in Norcross, Ga. Hitachi said the operations of the electronic devices sales and marketing divisions of Hitachi America Ltd will be transferred to Hitachi Electronic Devices (USA) Inc., a wholly owned

subsidiary of Hitachi America. Kenichi Fukuzawa will head the new organization as president. The company said the consolidation integrates "everything from administration through to production, marketing and sales, will provide a more flexible, customer-oriented organization." Hitachi Electronic Devices (USA) consists of three divisions: manufacturing, electron tube sales and flat panel display sales, the company said.

Human Interest

*** Queen Mother makes excellent progress after hip op

Britain's Queen Mother continues to make excellent progress after her hip replacement operation and has been able to take a few steps, Buckingham Palace said on Thursday. "The Queen Mother spent another comfortable night and is making excellent progress," said a palace spokeswoman. The 97-year-old mother of Queen Elizabeth broke her hip on Sunday while inspecting racehorses at the royal family's rural Sandringham estate in eastern England and underwent emergency surgery. The spokeswoman said the Queen Mother, one of the most popular royals, had twice been able to stand up and take a few steps on Wednesday. See

<http://www.infobeat.com/stories/cgi/story.cgi?id=7203275-a46>

*** Flooded Australian town faces crocodile threat

The flooded Australian outback town of Katherine, ravaged by surging waters and facing a disease outbreak, has a new menace - a rogue 12-foot crocodile. Startled police officers sighted the roaming reptile floating down the main street during a late night patrol on Wednesday, a police spokeswoman said. Every year, crocodiles kill or injure several people in the Northern Territory, one of Australia's most rugged and remote regions. The crocodile is believed to have cruised into town after the Katherine River burst its banks earlier this week. Authorities are keeping an eye out for the wandering animal, but hope it will eventually follow the receding waters back to the river.

*** Electronic nose sniffs out bad beer, bacteria

An electronic nose originally designed to sniff out bad beer may soon be used to detect bacteria that cause common infections, researchers said Wednesday. Equipped with a variety of sensors, the bionic nose can detect smells from growing bacteria by sniffing the air above it. Tests so far have shown that it is accurate and quick and can make a diagnosis within minutes. "It gives extra punch to the use of the term nose by enabling the sort of quick response that a human gives to a nasty smell," microbial biochemist Peter Mantle said. See <http://www.infobeat.com/stories/cgi/story.cgi?id=7192160-593>

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id <01ISYHF200F400Z0L2@PMDf.EOP.GOV> for reich_b@a1.eop.gov; Thu,
29 Jan 1998 17:42:37 -0500 (EST)

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by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISYHEXYSSG0064TO@PMDf.EOP.GOV> for
reich_b@a1.eop.gov; Thu, 29 Jan 1998 17:42:32 -0500 (EST)

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29 Jan 1998 17:41:55 -0500 (EST)

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with stdio id EOPA1AABVU16584; Thu, 29 Jan 1998 15:41:26 -0700 (MST)

Errors-to: news-errors@mx.lodo.infobeat.com

X-TestFile: merc-news1-text-reich_b@a1.eop.gov

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 19:19:00.00

SUBJECT: McVeigh court rules AGAIN! Navy threatens McVeigh

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

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

TEXT:
FOR IMMEDIATE RELEASE

Thursday, January 29, 1998, 2:30 PM

Contacts: John Aravosis, 202/328-5707

JUDGE MAKES MCVEIGH DECISION PERMANENT

Navy Threatens Retaliation, Sailor Fears For Safety

In an unusual and surprising move, Judge Stanley Sporkin today made final his decision to re-instate Senior Chief Timothy McVeigh to the US Navy. Earlier this week, Judge Sporkin had issued a preliminary injunction pending the final outcome of the case in court -- today the judge decided the case is over, and McVeigh wins. The judge's decision means that the Navy has been found guilty of violating both the "Don't Ask, Don't Tell, Don't Pursue policy," and the Electronic Communications Privacy Act wire-tap law, in investigating McVeigh. In an ominous development, the Navy responded by threatening to move against McVeigh again "tomorrow" if they can find enough evidence, and McVeigh expressed public concerns for his safety.

While the final decision in the McVeigh case is welcome news -- the Navy's only judicial recourse is to appeal the entire case to the court of appeals, a process that could take several years -- the Navy's warnings against McVeigh are part of a larger pattern of retaliation the Navy has launched against the decorated veteran since his case began.

Before the Navy began its illegal investigation, McVeigh was "chief of the boat," a position that put him in charge of the entire crew of the nuclear attack submarine USS Chicago. Since last Fall, the 17-year veteran, described as an "outstanding role model" in his last performance review, has been moved to a series of menial jobs -- including "supervising two individuals carting trash" according to his attorney, Christopher Wolf.

In addition, the Navy cut McVeigh's salary by \$745 per month, and that salary reduction will remain in place, the Navy says. In 1993, Senior Chief McVeigh asked his mother to move to Hawaii from Florida, so that he could care for her after she suffered a heart attack. Mrs. McVeigh to this day lives with her son, and he is her sole means of support.

Of even greater concern, is McVeigh's Navy co-workers' open hostility towards him since the judge's intervention. McVeigh's lawyer told the judge that McVeigh is "legitimately concerned about his safety," to the point of fearing for his life. "We are very concerned that a situation like that in (the film) 'A Few Good Men' does not develop," said McVeigh's lawyer, referring to the film in which the Marines "inadvertently" kill a fellow sailor while improperly administering corporal punishment.

According to today's Associated Press wire story, the government's lawyer, David Glass, told Judge Sporkin that "today's ruling will not prelude the service from acting against McVeigh...should new evidence arise, 'What if we were to get some completely separate evidence tomorrow?' Glass said."

"The Navy has lost its marbles," said John Aravosis, a lawyer and Internet consultant helping McVeigh on the case. "It wasn't enough for them to break federal law and disobey the Commander-in-Chief -- now they're threatening Senior Chief McVeigh's safety because the judge caught them red-handed. If they touch one hair on this guy, I promise them the biggest congressional investigation they've ever seen," said Aravosis, a former US Senate staffer.

"The policy is called 'Don't Ask, Don't Tell,' not 'Don't Listen, Don't Obey,'" said Bob Hattoy, a senior Clinton Administration appointee.

Online privacy and civil rights advocates are urging the public and Members of Congress to intervene in this case.

John Aravosis

Wired Strategies - Online Advocacy Consulting

Washington, DC

202/328-5707 tel.

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<http://www.wiredstrategies.com>

mailto:john@wiredstrategies.com

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29 Jan 1998 20:02:11 -0500 (EST)

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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id QAA13877; Thu,

29 Jan 1998 16:19:47 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

X-Priority: 1 (Highest)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 19:16:00.00

SUBJECT: : Gephardt writes Cohen re: McVeigh

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

January 28, 1998

The Honorable William S. Cohen

Secretary of Defense

The Pentagon

Washington, D.C. 20301

Dear Mr. Secretary:

Last November, I wrote to you to express my concern about the findings of a report, issued in February 1977 by the Servicemembers Legal Defense Network (SLDN) that indicated discharges from military service on the basis of homosexuality had increased since the adoption of the "Don't Ask, Don't Tell, Don't Pursue" policy, and to urge completion of the review of this report you ordered in May. I understand that review has still not been completed.

Meanwhile, a very troubling case has occurred in which the Navy has moved to discharge a sailor, Timothy McVeigh, who has been frequently commended

during his 17 years of service, for violating the "Don't Ask, Don't Tell, Don't Pursue" policy on the basis of information obtained under apparently highly questionable circumstances from an internet computer service provider. Although a United States District Court judge this week has ordered a Preliminary Injunction in Mr. McVeigh's legal proceeding that temporarily enjoins the Navy from discharging Mr. McVeigh, I remain concerned not only that this case be properly resolved but that the "Don't Ask, Don't Tell, Don't Pursue" policy be properly enforced.

Therefore, I again respectfully request that the review of the SLDN's report be expeditiously completed and that both the letter as well as the intent of the "Don't Ask, Don't Tell, Don't Pursue" regulations be complied with in all cases that may arise under this policy, including Mr. McVeigh's.

Sincerely,

/signed/

Richard Gephardt, M.C.
House Democratic Leader

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29 Jan 1998 16:16:57 -0800 (PST)
X-Sender: dcase@mail.sdsu.edu

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 13:01:00.00

SUBJECT: Sailor Suspected of Homosexuality May Win Early Retirement

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 30, 1998

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

Sailor Suspected of Homosexuality May Win Early Retirement

By PHILIP SHENON

WASHINGTON -- The Navy is considering dropping its efforts to dismiss a highly decorated sailor accused of homosexuality after a federal judge issued a permanent injunction Thursday barring his ouster, Defense Department officials said.

The Navy said it would appeal the injunction issued by U.S. District Judge Stanley Sporkin in Washington, who accused the Navy earlier this week of conducting a "search and destroy" mission against the 36-year-old sailor after he posted a message on a computer online service that described himself as

gay.

But Defense Department officials, speaking on condition that they not be identified, said the appeal might be unnecessary under a settlement proposed

Thursday by the sailor's lawyers that would allow him to retire with full benefits.

A settlement would bring to an end an embarrassing case in which Navy investigators have been accused of violating both federal privacy laws and the

military's "don't ask, don't tell" policy by seeking information on the sailor's sexual orientation through his online computer service. The five-year-old military policy is intended to allow gay members of the services to

remain in the military as long as they are discreet about their private lives.

A lawyer for the sailor, Senior Chief Petty Officer Timothy R. McVeigh of Honolulu, said that McVeigh might be willing to consider retirement as long as

the 17-year Navy veteran was guaranteed a full pension and other retirement benefits, which are usually granted only after 20 years in the service.

Pentagon officials said that they were willing to consider such a deal, especially given the judge's harsh criticism of the Navy's tactics in its investigation of McVeigh, who had been the senior enlisted sailor aboard a nuclear-powered submarine. He is no relation to the man convicted of the Oklahoma City bombing.

"I think many of us would like to see this case go away," a senior Defense

Department official said.

On Thursday Sporkin made permanent a preliminary injunction requiring the Navy to reinstate McVeigh. In issuing the preliminary injunction, Sporkin said the Navy had "gone too far."

The case dates to September, when McVeigh sent an e-mail message to the wife of a fellow crewman aboard the submarine, the USS Chicago, which has its home port in Honolulu.

The message bore the return address of "Boysrch," which presumably meant "boy search." The woman consulted the customer profile for "Boysrch" on American Online, the online service, which identified the customer as "Tim" of "Honolulu, Hawaii," whose hobbies included "boy watching." The woman forwarded the information to McVeigh's commanders, who sought his dismissal.

Sporkin ruled that the anonymous posting on America Online did not constitute a public declaration of homosexuality by McVeigh, and that the Navy therefore, under the "don't ask, don't tell" policy, had no right to open an investigation of his sexual orientation.

The judge said he thought that the Navy had probably violated a 1986 federal privacy law when an investigator contacted America Online and asked for the full name for "Tim."

During a court hearing Thursday, McVeigh's Washington lawyer,
Christopher
Wolf, told the judge that the Navy had given McVeigh demeaning assignments
in
the days since the case first came to light.

"The Navy has got Mr. McVeigh supervising people moving trash out of a
room
that's being renovated," Wolf said in a later interview, adding that
McVeigh's
Navy colleagues had become openly hostile to the sailor.

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30 Jan 1998 13:03:42 -0500 (EST)
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30 Jan 1998 10:01:29 -0800 (PST)
X-Sender: dcase@mail.sdsu.edu
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