

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ringleader to Eugenie Bisculco at 12:46:00.00. Subject: Re: ardent embassies program. (5 pages)	02/04/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ([Don't Ask, Don't Tell])
OA/Box Number: 1100000

FOLDER TITLE:

[01/29/1998 - 02/19/1998]

2015-0017-F
ab1581

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 14:56:00.00

SUBJECT: fwd: McVeigh Wins Permanent Injunction

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

READ:UNKNOWN

TEXT:

Original Text

From: <SLDN1@aol.com>, on 1/29/98 2:31 PM:

To:

PRESS RELEASE

CONTACT: Kevin

Winston

January 29, 1998

(202) 667-0901

Rich Klein

(212) 969-3061

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?

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," stated Osburn. "There are limits. And those limits must be followed."

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 filed in federal court.

"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.?

SLDN is a 501(c)(3) organization. All contributions are tax-deductible to

the

extent allowed by law. If you would like to support the work of SLDN in

other

ways, please visit our web site at

<http://www.sldn.org/scripts/sldn.ix?page=helpsldn>.===== 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 <01ISYBOJ803K00AURU@PMDF.EOP.GOV> for montoya_dc@a1.eop.gov; Thu,
29 Jan 1998 14:58:27 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISYBOFLIY800CYR6@PMDF.EOP.GOV> for
montoya_dc@a1.eop.gov; Thu, 29 Jan 1998 14:58:22 -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 <01ISYBNKJ78Q000NFY@STORM.EOP.GOV> for montoya_dc@a1.eop.gov;
Thu, 29 Jan 1998 14:57:41 -0500 (EST)

Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTP; Thu,
29 Jan 1998 14:57:25 -0500 (EST)

X-Incognito-SN: 410

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

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

X-Priority: 3 (Normal)

X-Incognito-Version: 4.11.23

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: marklacy (marklacy@flash.net@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:29-JAN-1998 19:05:00.00

SUBJECT: Re: fwd: McVeigh Wins Permanent Injunction

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

READ:UNKNOWN

TEXT:

daniel:

thanks for the news on mcveigh and the presidents state of the union

which i missed because i was on my way home from the ranch. keep me on

the list-sure do hope we see you one of these days,

mll

p.s. when is your birthday ??????

Daniel_C._Montoya@oa.eop.gov wrote:

>

> Message Creation Date was at 29-JAN-1998 17:39:00

>

> FYI -

>

> dcm

> ----- Forwarded by Daniel C. Montoya/OPD/EOP on

01/29/98 05:36

> PM -----

>
> LAGomez @ efaches.navfac.navy.mil
> 01/29/98 02:56:00 PM
> Record Type: Record
>
> To: Daniel C. Montoya
> cc:
> Subject: fwd: McVeigh Wins Permanent Injunction

>
> -----

> Original Text
> From: <SLDN1@aol.com>, on 1/29/98 2:31 PM:

> To:

>
> PRESS RELEASE CONTACT: Kevin

Winston

> January 29, 1998

(202)

> 667-0901

>

Rich

> Klein

>

(212)

> 969-3061

>

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> Don't Pursue. , 8

>

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

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> &gay 8 to describe his marital status on an America Online user profile,

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> a lawsuit last week against the government. His suit claims that the

Navy

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> 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 8 policy.

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> essence

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> investigate to determine whether to commence discharge proceedings. In

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> extent allowed by law. If you would like to support the work of SLDN in

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> ways, please visit our web site at

> <http://www.sldn.org/scripts/sldn.ix?page=helpsldn>.

>

> -----

> The following attachments were included with this message:

> _____

> TYPE : FILE

> NAME : 012915CH.TXT

> _____

>

> -----

>

> Subject: 012915CH

>

> RFC-822-headers:

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

> id <01ISYBOJ803K00AURU@PMDF.EOP.GOV> for montoya_dc@a1.eop.gov; Thu,

> 29 Jan 1998 14:58:27 -0500 (EST)

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

> by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id

<01ISYBOFLIY800CYR6@PMDF.EOP.GOV> for

> montoya_dc@a1.eop.gov; Thu, 29 Jan 1998 14:58:22 -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 <01ISYBNKJ78Q000NFY@STORM.EOP.GOV> for

montoya_dc@a1.eop.gov;

> Thu, 29 Jan 1998 14:57:41 -0500 (EST)

> Received: by ches02.efaches.navfac.navy.mil with VINES-ISMTP; Thu,
> 29 Jan 1998 14:57:25 -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===== 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 <01ISYKBMGGPS00GGHF@PMDf.EOP.GOV> for "Daniel C. Montoya"@oa.eop.gov; Thu,

29 Jan 1998 19:05:23 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDf V5.0-4 #6879) id <01ISYKBHNE0G00AUYJ@PMDf.EOP.GOV> for
Daniel_C._Montoya@oa.eop.gov; Thu, 29 Jan 1998 19:05:16 -0500 (EST)

Received: from endeavor.flash.net ([209.30.0.40])
by STORM.EOP.GOV (PMDf V5.1-7 #6879)
with ESMTP id <01ISYKAR86WA000P51@STORM.EOP.GOV> for
Daniel_C._Montoya@oa.eop.gov; Thu, 29 Jan 1998 19:04:39 -0500 (EST)

Received: from default (auasc8-118.flash.net [208.194.194.118])
by endeavor.flash.net (8.8.7/8.8.5) with SMTP id SAA23975 for
<Daniel_C._Montoya@oa.eop.gov>; Thu, 29 Jan 1998 18:04:36 -0600 (CST)

X-Mailer: Mozilla 3.01C-FlashNet (Win95; U)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Jeff.Trandahl (Jeff.Trandahl@clerk.house.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:30-JAN-1998 08:41:00.00

SUBJECT: Re: McVeigh Wins Permanent Injunction

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

READ:UNKNOWN

TEXT:

Thanks for the message.....Its a WINNER!

Lunch still on for Today?

> -----

> From:

> Daniel_C._Montoya@oa.eop.gov[SMTP:Daniel_C._Montoya@oa.eop.gov]

> Sent: Thursday, January 29, 1998 5:39 PM

> To: rdupaix@aol.com; agarner72@aol.com;

> sean.m.grimes@bankamerica.com; zguerra@admissions.caltech.edu;

> Harveyapc@aol.com; dc@nrharural.org; gjones1@os.dhhs.gov;

> dkinch@health.org; Marklacy@flash.net; Jeffrey_Levi@compuserve.com;

> MARTINB@dmdbb.com; HMolina451@aol.com; joneill@hrsa.dhhs.gov;

> palmer1@us.ibm.com; rsorian@osaspe.dhhs.gov; Trandahl, Jeff;

> paul_yandura@hud.gov; Ktuerff@4env.com; Richard_Socarides@oa.eop.gov

> Subject: fwd: McVeigh Wins Permanent Injunction

>

> <<Message: 012915CH>>

> Message Creation Date was at 29-JAN-1998 17:39:00

>

> FYI -

>
> dcm
> ----- Forwarded by Daniel C. Montoya/OPD/EOP on
> 01/29/98 05:36
> PM -----
>
>
>
> LAGomez @ efaches.navfac.navy.mil
> 01/29/98 02:56:00 PM
> Record Type: Record
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> To: Daniel C. Montoya
> cc:
> Subject: fwd: McVeigh Wins Permanent Injunction
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> From: <SLDN1@aol.com>, on 1/29/98 2:31 PM:
> To:
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> PRESS RELEASE CONTACT: Kevin
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> January 29, 1998
> (202)
> 667-0901
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> <http://www.sldn.org/scripts/sldn.ixe?page=helpsldn>.

>

>

>

>
> The following attachments were included with this message:

> _____

> TYPE : FILE

> NAME : 012915CH.TXT

> _____===== 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 <01ISZCTWAOSG00ZBTM@PMDF.EOP.GOV> for "Daniel C. Montoya"@oa.eop.gov; Fri,

30 Jan 1998 08:41:49 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISZCTSWIN400NE73@PMDF.EOP.GOV> for
Daniel_C._Montoya@oa.eop.gov; Fri, 30 Jan 1998 08:41:44 -0500 (EST)

Received: from iodine.house.gov ([137.18.128.25])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ISZCTIS27U000ROC@STORM.EOP.GOV> for
Daniel_C._Montoya@oa.eop.gov; Fri, 30 Jan 1998 08:41:31 -0500 (EST)

Received: from clerk3.house.gov ([143.231.123.100]) by iodine.house.gov with
ESMTP id HAA29160 for <Daniel_C._Montoya@oa.eop.gov>; Fri,
30 Jan 1998 07:38:03 -0600 (CST)

Received: by CLERK3 with Internet Mail Service (5.0.1458.49)
id <CW30CM70>; Fri, 30 Jan 1998 08:41:37 -0500

X-Mailer: Internet Mail Service (5.0.1458.49)

X-Priority: 3

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 15:23:00.00

SUBJECT: CNN Impact - Program Focuses on Don't Ask, Don't Tell policy

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

READ:UNKNOWN

TEXT:

CNN has forwarded this press release to Stonewall Democratic Club and asked
that we distribute it to all of our members.

CABLE NEWS NETWORK - IMPACT - FOR IMMEDIATE RELEASE

January 29, 1998 Rick Perera CNN Impact (404) 827-2755

ATLANTA - With the recent case of a Navy seaman facing discharge over his
America Online profile, the military's "Don't Ask, Don't Tell" policy on
homosexuality is once again in the spotlight. But there's a twist to the
story that has rarely been told. The policy on gays serves as a ready
weapon
against military women. Those who reject the advances of a male superior
run
the risk of being investigated as lesbians.

"Impact," CNN's weekly news magazine, takes on the subject this Sunday,
February 1. Correspondent Art Harris talks with women affected by the
policy, and reveals internal military documents that show the Pentagon has

long been aware of the threat.

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

Defense

Network, "when women report sexual abuse, they find that their commands

respond, not by investigating the complaint of sexual abuse, but by

investigating them, and their private lives."

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

lesbianism

- two weeks after rebuffing a male superior at an on-shore bar. Unlike

others

in her position, she fought back with a lawsuit. But it was too late to

save

her career.

Ask retired Air Force Captain Barbara Wilson, who served from 1949 to 1971.

"When women first went in service," she said, "the adage was that only

queers

or prostitutes went in service. And I think that has just carried down

from

generation to generation."

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

unflinching portrayal of sex and power in the U.S. military.

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

Sunday

at 10:00 p.m. Eastern time and again at 10:00 p.m. Pacific time, on CNN.===== 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 <01ISZPR73800010CFE@PMDF.EOP.GOV> for socarides_r@a1.eop.gov; Fri,
30 Jan 1998 14:52:17 -0500 (EST)

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

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISZPR413VK00V39G@PMDF.EOP.GOV> for
socarides_r@a1.eop.gov; Fri, 30 Jan 1998 14:52:15 -0500 (EST)

Received: from imo19.mx.aol.com ([198.81.19.176])

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

with ESMTP id <01ISZPQW0RM2000OGM@STORM.EOP.GOV> for socarides_r@a1.eop.gov;
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Received: from EricBauman@aol.com by imo19.mx.aol.com (IMOV12/Dec1997)

id PELMa22832 for <EricBauman@aol.com>; Fri, 30 Jan 1998 14:23:44 -0500 (EST)

X-Mailer: AOL 3.0 16-bit for Windows sub 58

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 17:01:00.00

SUBJECT: NC5938: NTY: McVeigh may get early retirement

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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NEW YORK TIMES, January 30, 1998

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

(Fax 212-556-3622)(E-MAIL: letters@nytimes.com)(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. ===== ATTACHMENT 1
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ATT CREATION TIME/DATE: 0 00:00:00.00

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30 Jan 1998 17:10:28 -0500 (EST)

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30 Jan 1998 17:09:59 -0500 (EST)

Received: (from rwockner@localhost)

by netcom11.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id OAA09489; Fri,

30 Jan 1998 14:01:35 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 13:42:00.00

SUBJECT: Navy To Appeal Judge's Ruling

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

ASSOCIATED PRESS

January 30, 1998

Navy To Appeal Judge's Ruling

By JOHN DIAMOND

Associated Press Writer

WASHINGTON (AP)--The Navy says it will appeal the first federal court finding that a military service branch wrongly enforced the Pentagon's ``don't ask, don't tell" policy on gays in the military.

As government lawyers prepared a response to U.S. District Judge Stanley Sporkin's ruling, Navy officials in Hawaii are responding to new charges that the sailor involved faces retribution from his commanders and colleagues.

The lawyer representing Senior Chief Petty Officer Timothy R. McVeigh told Sporkin in a hearing Thursday that McVeigh has been given demeaning jobs

such as supervising trash removal--work far below his skill level as the senior enlistee aboard a nuclear attack submarine.

In addition, attorney Christopher Wolf said, McVeigh fears for his safety based on the hostile reaction he has received since returning to his base at Pearl Harbor, Hawaii.

McVeigh faced dismissal from the Navy after 17 years as a highly decorated enlistee. Navy investigators used information obtained from America Online Inc. to link McVeigh to an anonymous on-line ``profile page" that contained language suggesting a sexual interest in young men.

McVeigh, 36, said he was ``very pleased" by the ruling. After the decision, he had ``a highly stressful meeting" with his superiors, he said.

McVeigh would only say his superiors told him there would be job options from which he could choose. McVeigh said he has not been offered early retirement, but would consider it if it were offered.

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

Cmdr. Kevin Wensing of the U.S. Pacific Fleet disputed Wolf's allegations of hostility toward McVeigh, saying, ``We haven't seen any evidence of those allegations regarding his reception."

Wensing, speaking from Honolulu, said McVeigh's job will be coordinating library technical publications. Regarding Wolf's allegations that McVeigh was overseeing trash removal, Wensing said the sailor was supervising an office renovation.

Sporkin's decision made permanent a preliminary injunction he had issued Monday, effectively barring the Navy from ousting the 17-year Navy veteran for alleged homosexuality. In his written opinion issued Monday, Sporkin found that "the Navy has gone too far" in investigating McVeigh.

Sporkin found that because McVeigh's AOL profile page was anonymous, the sexually suggestive statements did not constitute a public declaration of homosexuality. Because McVeigh had not "told" of his sexual preference, the Navy had no right to "ask" about it.

The decision marks the first time since 1993, when the don't-ask, don't-tell policy was enacted, that a military service branch has been found in court to have violated the policy. Previous cases have challenged the policy's constitutionality.

McVeigh, no relation to the convicted Oklahoma City bomber, focused on whether the policy was being correctly enforced--and won.

This case is likely to reverberate far beyond the military because Sporkin also ruled that the Navy violated the 1986 Electronic Communications Privacy Act by obtaining confidential information from AOL without a

warrant or court order. The Navy used the information to link McVeigh to an anonymous ``profile page" posted on AOL in which a ``Tim" from Honolulu expressed a sexual interest in young men.

The 1986 law was intended to protect people from government intrusion into the growing base of personal information available on computer networks.

A Navy official, who spoke on condition of anonymity, said the Navy decided there was no need for further argument in Sporkin's court but is planning an appeal.

``The Navy feels that the actions we took were within the letter of the law and of the Department of Defense policy," the Navy official said.

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

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

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X-Sender: dcase@mail.sdsu.edu

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: awebber (awebber@gte.net@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:30-JAN-1998 23:16:00.00

SUBJECT: How Democrats Can Win in the South

TO: James M. Teague (James M. Teague@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

The following is from the latest issue of Campaigns and Elections. I

believe all YDs should read and learn from it. It's good stuff.

Dana

"How To Win Tough Elections in the South: 10 Strategies"

by David Heller & Bob Doyle

How close did the Democrats come to retaking the House of Representatives in '96? No less than 10 Republicans won with less than 50 percent of the vote. And a handful more won by fewer than 4,000 votes (Republicans only hold an 11 seat majority).

But as close as those races were, we believe one of the main reasons Dick Gephardt is not Speaker today is because our party squandered opportunities in the Deep South. Look inside the numbers. At the same time that Democrats were defeating Republican incumbents and winning hotly contested open seats across New England, the Rust Belt, and the West Coast, we were losing Democratic-held open seats across the South. Alabama, Mississippi, Oklahoma, Louisiana and Texas all saw retiring Democrats replaced by very conservative Republican freshmen.

And, at the same time we were surrendering these open seats - many,

like Alabama 3 and 4, in districts that had not elected a Republican anytime this century - we were squandering opportunities to defeat vulnerable GOP incumbents such as Cong. Saxby Chambliss (GA-8), Charlie Norwood (GA-10) and Tom Coburn (OK-2). In fact, while GOP freshmen and sophomores in the North were losing their seats, every southern Republican incumbent outside of North Carolina was winning re-election. Democrats even lost an incumbent in Kentucky's third district (Mike Ward).

So what can we as Democrats do to stop the hemorrhaging, and win back these key southern seats? - a question that becomes all the more important with redistricting only three years away and more seats certain to move from northeastern states like Connecticut, New York, and Pennsylvania to southern states like Georgia, Florida, North Carolina, and Texas.

We believe the answers can be found in the lessons of two open seat winners we worked with in '96 and they did it in GOP-target districts. They provide real clues for Democrats running in '98.

1. Make it Personal

Personal qualities and characteristics of the candidate are vitally important. Honesty, integrity, fairness, community involvement and a commitment to keeping one's promises are all qualities in which southern voters place tremendous stock; they should be stressed in campaign's literature and early media. McIntyre, for instance, connected with voters more for his background as a Sunday School teacher, volunteer public school teacher, and Little League coach than for any single issue position.

2. Start Positive - And Stay There as Long as Possible

Too many media consultants are too quick to move into a comparative, or, worse, a negative phase of campaigning. Don't rush it. Folks in the South want to feel like they know the candidates as people; that means introducing the family - their spouses, their children, even their parents. It also means talking about things southern voters care about -work, church, school, and family. And it means candidates talking about themselves and what they would do with the job they're seeking long before mentioning an opponent.

Both McIntyre and Boyd ran six positive ads before mentioning their GOP opponents. Those positive ads proved tremendously valuable in inoculating against the inevitable Republican attacks at the end of the campaign. They also gave our candidates more credibility, so that when it came time to launch an attack, our charges were more believable.

3. Emphasize Shared Values

At the Campaigns & Elections national training conference last year, a prominent Democratic media consultant declared in front of a full audience that "bio spots don't work anymore."

Actually, bad bio spots don't work anymore. A good bio spot focuses not on the candidate's resume per se, but instead stresses values and introduces the candidate in a way that makes him or her seem less like a politician and more like a neighbor.

Boyd's first ad talked about how he'd "get up at five in the morning to go out and work on the farm." Mike McIntyre spoke about "teaching our children respect and responsibility." Voters connected with the values of both.

4. Keep the Race Local - And Leave Newt Alone

For years, Republican consultants would try to nationalize congressional races, especially in the South, while we Democrats repeatedly won by keeping the focus local.

Somehow, too many Democrats have become too eager to wrap themselves in the national mantle - witness the number of spots attacking Newt Gingrich (even in Alabama) in '96 - and embrace a nationalized message. Both McIntyre and Boyd were quick to distance themselves from the national party and assert their independence where appropriate (tobacco, gays in the military, prayer in school, support for gun owners, etc.) And neither candidate talked much about Newt Gingrich.

5. Avoid Bitter Primaries

Open seats generally bring with them contested Democratic primaries, and despite the best efforts of party leaders they are usually hotly contested. Obviously, if it is possible to avoid a primary challenge altogether, your hand is strengthened. But in the event that you do face a serious primary or runoff opponent, try at all cost to stay positive. That does not mean you should ignore attacks or jeopardize victory, it simply means that you should make every effort to win without attacking.

Primary wounds are often slow to heal, and Democrat-on-Democrat attacks frequently resurface in the general election.

Both McIntyre and Boyd won their nominations after tough primary and runoff battles, but both stayed positive throughout the intraparty contest and - because of that - were quickly able to unite the party and avoid limping into November with high negatives.

6. Raise Republican Money First

Every fundraiser advises candidates to raise money early.

Obviously, that's important; Boyd, in particular, used early fundraising efforts to keep potential opponents out of the race. But what both Boyd and McIntyre did most effectively was to raise money from traditionally Republican sources - such as the Realtors, Home Builders, Life Underwriters and Bell South - and hit up their Democratic base later.

They may not have gotten as much union money as other candidates, but they more than compensated with business money.

This strategy had the added advantage of choking off opposition fundraising as well, because every dollar they got from the Realtors was both an extra dollar for them and one less dollar for their opponent.

Both Boyd and McIntyre did so well raising money among corporate and business PACs that they were highlighted in Businessweek magazine.

7. Mute Partisanship

In small cities and towns across the South, people from all walks of life commonly help each other out. They don't ask whether someone is a Democrat or Republican; they see such partisanship as part of the problem in Washington.

Both McIntyre and Boyd understood instinctively that politics has an inherently divisive language, so they talked less about politics and partisanship and more about what the community could do to improve our quality of life. And they spoke in plain, everyday language without getting dragged into the mire of political speak and process disputes.

8. Reach Out to the Christian Right

Those in our party who are quick to denounce in public forums the "Christian Right" do a disservice to our southern candidates. Many evangelical and fundamentalist voters are still selfidentifying Democrats (or Independents), and could be persuaded to vote Democratic if the candidate is sufficiently conservative.

In both the McIntyre and Boyd races, pollster Alan Secrest detected in the data a relatively large proportion of undecided or persuadable voters among evangelicals and fundamentalists, and at his suggestion both candidates used their conservatism and their faith to appeal to this key voting bloc.

In McIntyre's race, for instance, we bought radio ads on four Christian stations accross the district, and employed biblical references in our TV ads. We may not have won the Christian Right vote, but we made real inroads and held down our opponent's margin.

9. Take Money Off the Table

Republicans know how to run one kind of campaign - "Candidate X is a tax and spend liberal." Southern Democrats can deflect this attack by stressing their fiscal conservatism and even turn the issue around to make the Republican appear the more extreme.

There seems to be a belief that it is somehow "not Democratic" to support a balanced budget amendment, spending cuts or tax reductions. This is nonsense. Southern Democrats can earn big points with voters by showing them that they believe the issue is not whether we balance the budget, but how.

McIntyre and Boyd, for example, campaigned for a balanced budget

amendment and welfare reform that would cut wasteful spending. They further advocated using that savings to increase investments in schools and health care - and honor our commitments to our veterans and seniors. They even used that pledge to cement the allegiances of the more progressive voters in the district, particularly younger women, without alienating voters on the right.

10. Use Humor

Everybody says it, but no one really does it. Humor works, especially when tied to a negative or comparative attack.

Southern voters, more so than most, have grown weary of negative ads and are more inclined to believe that what Peter says about Paul tell you as much about Peter as it does about Paul.

Hard negative ads with grainy photos, damning newspaper headlines and eerie background music often turn voters off (and, in a primary, potentially depress turnout). Humor, in contrast, is an effective way to make the case against an opponent without it backfiring.

In Boyd's race, for example, we produced a response ad featuring our candidate's 85-year old mother washing dishes in the family kitchen telling voters that if Boyd's opponent were her son, she "just might wash his mouth out with soap." Voters laughed, and after 1,000 gross rating points of TV time featuring Republican negatives, Boyd went up six points in our tracking polls.

The bottom line is simple: Democratic candidates (and their consultants) still can win in the Deep South - they just have to work harder. That means employing a positive, values-laden message that appeals to more conservative, traditional, religious, and family-oriented voters.

It also means espousing - even embracing - some views that are at odds with the national party platform. It does not, however, mandate a total retreat from core Democratic principles.

Indeed, the real challenge is to take those core principles -support for working families, concern for seniors, protecting children, etc. - and frame them in the context of Southern values and Southern lifestyle.

By championing the district's values and the region's lifestyle, and in the process adhering to our ten basic rules, Southern Democrats stand a good chance of retaining or winning back traditionally Democratic districts trending Republican.

Of course, if a candidate does not want to follow our ten-step process, they do have an alternative: move to Massachusetts.

Bob Doyle is president of Sutter's Mill Fund Raising and Strategy, a Democratic fundraising firm; David Heller is president of Main Street Communications, a Democratic media consulting firm that specializes in electing "Blue Dog" Democrats.

"How many times can a man turn his head and pretend he just doesn't see?"

Bob Dylan

Dana David Deree 5 Gregory Lane, Little Rock, AR 72205 (501)614-9029

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

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

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: tvtrack-owner (tvtrack-owner@po.databack.com@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:30-JAN-1998 02:23:00.00

SUBJECT: TV TRACK 01 29

TO: Dag Vega (Dag Vega@eop [UNKNOWN])

READ:UNKNOWN

TO: Julianne B. Corbett (Julianne B. Corbett@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

TV TRACK -- Network TV Headlines From Thursday, January 29, 1998

To: Television Writer

Contact: U.S. Newswire, 202-347-2770

WASHINGTON, Jan. 29 /U.S. Newswire/ -- The following headline summary of evening network news programs for January 29 was prepared by U.S. Newswire. Headlines are in the order that stories appeared on the broadcast and include the name of the correspondent, dateline, and running time.

<STAB>

NETWORK TELEVISION NEWS HEADLINES

Copyright 1998

Thursday, January 29, 1998

ABC World News Tonight

1 Starr-Lewinsky Deal Not Locked In; The Latest On The Case

- | | | |
|-------------|------------|------|
| Jackie Judd | Washington | 2:50 |
|-------------|------------|------|
- 2 Legal Expert Discusses Meeting Between Clinton, Lewinsky
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:40 |
|----------------|----------|------|
- 3 A Look At White House Strategy On Lewinsky Visit
- | | | |
|---------------|------------|------|
| Sam Donaldson | Washington | 1:55 |
|---------------|------------|------|
- 4 Tobacco Execs Acknowledge Smoking Risks On Capitol Hill
- | | | |
|---------------|------------|------|
| Barry Serafin | Washington | 1:20 |
|---------------|------------|------|
- 5 Attack On Birmingham Abortion Clinic Leaves 1 Dead
- | | | |
|---------------|------------|------|
| Rebecca Chase | Birmingham | 1:15 |
|---------------|------------|------|
- 6 Judge Orders Gay Sailor's Reinstatement
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:25 |
|----------------|----------|------|
- 7 Under Pressure, Tobacco Cos. Have Changed, Leaving Smokers Out
- | | | |
|--------------|----------|------|
| Deborah Amos | New York | 3:30 |
|--------------|----------|------|
- 8 Tobacco Executive Discusses Proposed Settlement
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 2:05 |
|----------------|----------|------|
- 9 Gore Proposes Increase In Funding Of Cancer Research
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:20 |
|----------------|----------|------|
- 10 Clinton, Hussein Trade Threats On TV Today
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:20 |
|----------------|----------|------|
- 11 France Warns Iraq's Time Is Running Out
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:15 |
|----------------|----------|------|
- 12 Researchers May Have Identified Gene Governing Baldness
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:20 |
|----------------|----------|------|
- 13 FCC To Require Pay Phones To Disclose Price Information
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:20 |
|----------------|----------|------|
- 14 Probe Ordered In American Couple Missing On Scuba Diving Tour
- | | | |
|----------------|----------|------|
| Peter Jennings | New York | 0:25 |
|----------------|----------|------|

15 Scientists Discover Way For Diabetics To Lead More Normal Life

Jayne Clayson Los Angeles 2:25

CBS Evening News

16 Clinton Makes Comeback: Poll Shows Highest Approval Rating Ever

Dan Rather New York 0:30

17 No DNA Evidence Found On Lewinsky Dress

Scott Pelley Washington 3:00

18 Clinton Friend Charged In Fundraising Probe, Embarrassing Clinton

Bob Schieffer Washington 1:20

19 US Preparing For Possible Military Strike Against Iraq

Dan Rather New York 0:20

20 Poll Says US Should Bomb Iraq If Nothing Changes

Dan Rather New York 0:10

21 Hussein Vows Iraqis Will Fight If Attacked

Vicki Mabrey Baghdad 1:15

22 Bombing Of Birmingham Abortion Clinic Kills 1, Injures 1

Byron Pitts Birmingham 1:50

23 Greenspan Says US Economy Can't Escape Asian Economic Problems

Ray Brady New York 1:40

24 Greenspan Lukewarm About Clinton's Social Security Proposals

Dan Rather New York 0:15

25 New FCC Policy Protects Consumers From High Pay Phone Charges

Dan Rather New York 0:15

26 Tobacco Execs Propose Settlement, Future Immunity

Jim Stewart	Washington	2:00
27 Judge Rules Military Violated "Don't Ask, Don't Tell" Policy		
Dan Rather	New York	0:20
28 Three-Man Crew Heading For Mir; Endeavor Undocks From Mir		
Dan Rather	New York	0:25
29 Newborn Baby Stolen From Kansas Hospital		
Dan Rather	New York	0:30
30 Convicted Murderer Running Out Of Time To Save Her Life		
Bob McNamara	Dallas	2:05
31 Environmentalists Upset By Deaths Of Rare Sea Lion Pups		
Dan Rather	New York	0:15
32 Nine Deaths Blamed On Blizzard In Central Appalachians		
Dan Rather	New York	0:15
33 El Nino Kicks Up High Winds, Huge Waves In Pacific Ocean		
Dan Rather	New York	0:15
34 Secret Service Fights Starr Over Testifying In Clinton Case		
Rita Braver	Washington	1:50

NBC Nightly News

35 Lewinsky & Starr Seek Agreement On Clinton Testimony		
David Bloom	Washington	2:45
36 Sources Describe Clinton Meeting With Lewinsky In White House		
Claire Shipman	Washington	2:40
37 As US Seeks Support For Strike, Sadaam Remains Defiant		
Jim Miklaszewski	Washington	1:10

38 Policeman Killed In Abortion Clinic Bombing

Kerry Sanders Birmingham, AL 2:05

39 Democratic Fundraiser Charlie Trie Indicted, Though He's In China

Tom Brokaw New York 0:20

40 Babbitt Denies Indian Casino Allegations On Capitol Hill

Tom Brokaw New York 0:20

41 Greenspan Says US Economy Is In Great Shape Despite Asia Crisis

Tom Brokaw New York 0:10

42 Many Americans Say "Enough!" To Nonstop Clinton Scandal Coverage

Bob Faw Washington 3:05

43 Death-Row Woman Facing Her Last Chance In Supreme Court Appeal

Jim Cummins Dallas 2:30

44 Hospital Security Camera Captures Kidnapping Of Baby

Tom Brokaw New York 0:20

45 Tobacco Execs Admit To Congress: Smoking Is Addictive

Tom Brokaw New York 0:15

46 Clinton Admin Proposes To Triple Spending On War Against Cancer

Tom Brokaw New York 0:20

47 A Few, Repeatedly Flooded Homes Hog Govt Flood Insurance Funds

Bob Dotson Baton Rouge, LA 2:35

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id <01ISYXOTN11S00FGX9@PMDF.EOP.GOV>; Fri, 30 Jan 1998 01:28:39 -0500 (EST)

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30 Jan 1998 01:28:35 -0500 (EST)

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30 Jan 1998 01:28:09 -0500 (EST)

Received: (from majordom@localhost) by po.datback.com (8.8.5/8.8.5)
id WAA08588 for tvtrack-outgoing; Thu, 29 Jan 1998 22:22:12 -0800 (PST)

Precedence: bulk

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:31-JAN-1998 20:54:00.00

SUBJECT: NC5948: McVeigh is worried

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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Reinstated Sailor Fears Reprisal

.c The Associated Press

By BEN DiPIETRO

HONOLULU (AP) - After winning the biggest battle of his Navy career,

Timothy R. McVeigh has gone back to work at Pearl Harbor.

Although he won an unprecedented reversal of his Navy dismissal on
homosexuality charges, the highly decorated chief petty officer doesn't
know if he can return to the job he loved - managing the day-to-day
activities of a nuclear attack submarine.

While allowed back on board, he's not back at his old post.

"I was removed from my job in charge of a nuclear sub. I had 134 people under my command," said McVeigh, 36, who is not related to the Oklahoma City bomber. "From there I was assigned to building office spaces ... then they gave me a clerk position.

"I want to continue my career," he said.

U.S. District Judge Stanley Sporkin last Monday ordered the Navy to reinstate McVeigh, a 17-year Navy veteran who was dismissed in December on charges he is homosexual and engaged in sodomy. McVeigh has not commented on his sexuality.

Sporkin said the Navy violated the military's "don't ask, don't tell" policy on gays in the military and went too far in investigating McVeigh, who was linked to an anonymous online profile page that suggested he had a sexual interest in young men.

Judge Sporkin also said the Navy violated the 1986 Electronic Communications Privacy Act for obtaining confidential information about McVeigh from America Online Inc. without a warrant or court order.

The Navy plans to appeal.

Although back in service, McVeigh is continuing his lawsuit against Defense Secretary William Cohen and Navy Secretary John Dalton. The

lawsuit seeks unspecified damages.

“I wonder how many people have been wrongfully kicked out of the Navy and not thought about fighting back because they felt too overwhelmed. They thought I would quietly go home. I'm not going,” he said.

McVeigh claims that since his return to Submarine Squadron Three, he has not been given a job commensurate with his experience as the USS Chicago's top enlisted officer with a spotless record.

While some sailors support his efforts to make the Navy follow its own rules, McVeigh fears the open hostility he feels from supervisors may at some point make him a target.

The Navy says it has no evidence of a hostile reception.

McVeigh was disciplined after the Navy linked him to an anonymous “profile page” posted on AOL in which a “Tim” from Honolulu expressed a sexual interest in young men and used the handle “BOYSRCH.”

Before AOL shut down his account on Jan. 8, McVeigh said he had several different profiles on file with the Internet service provider. None of the others contained homosexual references.

With less than three years to go until he qualifies for a full military pension and benefits, McVeigh hopes a transfer to another unit will allow him to make a fresh start.

That may not be easy.

``A lot of people don't want to be associated with a case like this,"

said his court-appointed attorney, Lt. Cmdr. Derek Cole. ``I can't imagine

with him being that high-profile that any commanding officer would want

him."

AP-NY-01-31-98 1657EST===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

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id <01IT1GRLG1EO00BAEB@PMDF.EOP.GOV>; Sat, 31 Jan 1998 20:56:05 -0500 (EST)

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by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IT1GRHV568014ZXA@PMDF.EOP.GOV>; Sat,

31 Jan 1998 20:55:59 -0500 (EST)

Received: from netcom9.netcom.com ([192.100.81.119])

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

with ESMTP id <01IT1GR2C7E6000XC3@STORM.EOP.GOV>; Sat,

31 Jan 1998 20:55:39 -0500 (EST)

Received: (from rwockner@localhost)

by netcom9.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id RAA18526; Sat,

31 Jan 1998 17:54:40 -0800 (PST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: rbuhrke (rbuhrke@acpub.duke.edu [UNKNOWN])

CREATION DATE/TIME: 2-FEB-1998 12:14:24.00

SUBJECT: Internet privacy

TO: "+dist+~peha/public/AAAS.dl"@andrew.cmu.edu ("+dist+~peha/public/AAAS.dl"@andrew.cmu.edu [UNKNOWN])

READ:UNKNOWN

TEXT:

If you're interested in issues of privacy and the internet, you might be interested in this. This has come out of the Timothy McVeigh (not related to the OK bombing case) case where the Navy, with no evidence (no search warrant, court order, or whatever) called up AOL asking for the name of an account holder who they were trying to determine if he was gay. The Navy representative said he was an old friend (didn't identify himself as either with the navy or an investigator) and aol told him the name of the account holder. aol has since apologized for it's breach of confidentiality (the Navy, of course, has apologized for nothing). More important than the violation of the "don't ask, don't tell" policy is the violation of privacy, which is relevant to all. So if you're interested in internet privacy issues, here's something you may be interested in.

for more info on the case, contact me. for more info on the talk, see phone # below.

Robin

GAYLAW, Gay and Lesbian Attorneys of Washington, is sponsoring a program

Wednesday, Feb. 4, called "Cyberspace: Privacy, Censorship, and the Gay and Lesbian Community." The program will feature panelists John Aravosis, who has advised Timothy McVeigh in his privacy concerns with America Online and the US Navy, Deirdre Mulligan, staff counsel to the Center for Democracy and Technology, and Cathy Renna of the Gay and Lesbian Alliance Against Defamation. The event starts at 7 p.m. at the Sumner School, 17th and M streets, NW. For more information, call 202-842-7723.

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 18:56:00.00

SUBJECT: Boston Globe: "Don't Ask, Don't Tell" Doesn't Work

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:
BOSTON GLOBE

February 3, 1998

(<http://www.boston.com/globe>)

Editorial

A failed policy

Nearly five years after the White House adopted its policy on gays in the military, this much is clear: "Don't ask, don't tell, don't pursue" doesn't work.

The 1993 policy seemed simple. Military authorities were forbidden to investigate a service member's sexual orientation. But they do, triggering spectacular policy failures.

Annual reports detailing these abuses are issued by the Servicemembers Legal Defense Network. Among the worst cases are those of female servicemembers who won't report being sexually harassed because they fear

being called a lesbian. Better to put up with harassment, the thinking goes, than endure a career-threatening investigation of one's own sexual orientation.

The most recently publicized case is that of Timothy McVeigh, a senior chief petty officer in the Navy (no relation to the convicted Oklahoma City bomber). The Navy moved to discharge McVeigh, who has served for 17 years, for violating the "don't tell" half of the military's policy.

Only McVeigh never said he was gay. The Navy was directed to an America Online profile page where a Tim, no last name listed, from Honolulu described himself as gay. The Navy then asked America Online for Tim's full name.

But Federal District Court Judge Stanley Sporkin ruled that the Navy's inquiry constituted a "search and outing mission" in violation of the "don't ask" rule. Sporkin issued a permanent injunction that stops the Navy from dismissing McVeigh.

But an intolerable situation continues. The defense network warns servicemembers of the risks of confiding in military health professionals and chaplains. Its grim advice, if a sexual orientation issue comes up, is to get a lawyer. The organization's next annual report is due on Feb. 26 and seems unlikely to bring news of progress.

The message is obvious. "Don't ask, don't tell" is a half-step of a policy that sometimes contributes to the discrimination it is meant to

prevent. It craves government attention.

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by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IT5PCINNHS00BYK1@PMDF.EOP.GOV>; Tue,

03 Feb 1998 21:45:10 -0500 (EST)

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with ESMTP id <01IT5PBH58SY0019KL@STORM.EOP.GOV>; Tue,
03 Feb 1998 21:44:37 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id PAA24572; Tue,
03 Feb 1998 15:56:08 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ([Don't Ask, Don't Tell])
OA/Box Number: 1100000

FOLDER TITLE:

[01/29/1998 - 02/19/1998]

2015-0017-F
ab1581

RESTRICTION CODES

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1998 20:33:00.00

SUBJECT: Anti-gay Republican to run for Oregon Senate seat

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The Seattle Times

January 28, 1998

Bayley to run for Senate

by Danny Westneat

Seattle Times Washington bureau

WASHINGTON - Twenty years after leaving public life, Christopher Bayley says he's back.

King County's prosecutor in the 1970s, Bayley yesterday declared himself a

Republican candidate for the U.S. Senate seat held by Democrat Patty Murray.

"I'm in, I've definitely decided to do it," Bayley said on Capitol Hill, where he met with Republican leaders to tell them he's running. "I think there's a real opportunity here to replace an ineffective senator."

Bayley, 59, is jumping in where few have dared. He will oppose Rep. Linda

Smith, R-Hazel Dell, in the GOP primary in September. Whoever wins would face

Murray in the November election. Murray has no primary opposition and isn't expected to have any. . . . Bayley said he opposes abortion rights and has signed Initiative 200, which would effectively ban affirmative action for minorities and women in state and local public employment, public education, state-college admissions and public contracting.

He also opposes gay marriages and gays in the military and supports a dramatic reduction of the federal role in education in favor of more local control.

Smith said Bayley, a Harvard graduate and political protege of Sen. Slade Gorton, is part of the elite wing of the Republican party that is out of touch with the concerns of blue-collar working families.

"Whoever wins is going to have to win with the support of the grass roots," she said. "They think they can outspend us and kill the people's group. I think they're just wrong.

"There is a belief that you should be rich, or have a Harvard or Princeton degree, or have been in the party for years to be acceptable," she said. "I don't have the pedigree."

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05 Feb 1998 20:35:03 -0500 (EST)

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by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id RAA03771; Thu,
05 Feb 1998 17:33:43 -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:11-FEB-1998 18:33:00.00

SUBJECT: House Internet Chairman Demands McVeigh Investigation

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:
FOR IMMEDIATE RELEASE

February 11, 1998 - 10:30AM EST

Contacts: John Aravosis, 202/328-5707

Barbara Bode, 202/588-9598

House Internet Chairman Demands McVeigh Investigation,
Warns of Encryption Debate Repercussions

In an unprecedented letter with serious ramifications for this year's Internet legislative agenda, a senior House republican -- Judiciary sub-committee chairman Rep. Howard Coble (R-6th/NC) -- has joined Rep. William Delahunt (D-10th/MA) in writing the President to urge an investigation into the Navy's illegal actions against Senior Chief Timothy McVeigh (no relation to the Oklahoma City bomber). The Coble/Delahunt letter also warns that the McVeigh case could have serious implications for the upcoming "encryption" debate, in which the Administration wants the American people to trust that it will not abuse its ability to spy on American citizens via computers and the Internet.

Rep. Coble, a republican in his seventh term from North Carolina, is a senior member of the House Judiciary Committee, and chairman of its Courts and Intellectual Property Subcommittee -- the subcommittee with primary jurisdiction over the Internet. Rep. Delahunt is also a member of the same sub-committee.

Reps. Coble and Delahunt wrote the President on February 10, 1998, to "express our concern regarding the much-publicized case of ETCS(SS) Timothy R. McVeigh." The House members urged the President "to order a full investigation into this case." They added: "Now is the time for the Administration to send an unequivocal message to Americans of every political persuasion that government agencies will not be permitted to gather private information on American citizens without their consent and in violation of federal law, or to take punitive actions on the basis of private information that has been illegally obtained."

The congressmen explained that "Both Democrats and Republicans are watching this case with the keenest attention. Some of us oppose the policy requiring the discharge of gay service members; some of us support that policy. However, while we may disagree on this underlying issue, we are united in our concern over the implications of the case for the development of the Internet and the legitimate privacy interests of those who make us of it."

The Members also warned that the McVeigh case calls into question the Administration's credibility in the upcoming encryption debate (regarding

the Administration's desire for legislative authority to break into the private computer systems of American citizens and others without the owner's consent.) "When concerns have been raised that a key recovery system would compromise public confidence in the integrity of confidential communications, these [federal law enforcement] agencies have repeatedly given their assurances that encryption keys would not be used in the absence of a warrant or court order. Yet what are we to make of such assurances when the Navy could so readily circumvent the warrant requirements of the ECPA [Electronic Communications Privacy Act] in order to obtain private subscriber information?"

"After 30 days of non-stop media coverage, we're still getting favorable editorials in places as unlikely as Tulsa, Oklahoma and Moline, Illinois," said John Aravosis, an Internet consultant assisting Senior Chief McVeigh on his case. "The Navy's actions give people the creeps, including some senior Republicans in Congress. If I were the Navy and the Administration, I'd be figuring out how to make this case go away fast," Aravosis added.

Senior Chief McVeigh was being discharged from the Navy after DOD illegally obtained his confidential email account information from America Online. The Navy used such information to charge that McVeigh was "gay." Federal Judge Stanley Sporkin (a Reagan appointee) intervened on January 29, 1998, putting a permanent injunction on the Navy's discharge efforts, finding that the Pentagon launched a "search and destroy mission" against the decorated 17-year sailor in violation of the "Don't Ask, Don't Tell" policy and the Electronic Communications Privacy Act (federal wire tap law).

The Navy responded to the judge's decision by saying it saw nothing wrong with its online fishing expeditions, would appeal the order, and continue its efforts to discharge McVeigh. McVeigh, who has subsequently returned to work in Honolulu, was the former chief enlisted man on the nuclear attack submarine USS Chicago. He has now been put in charge of base librarian duties, taking a \$745 per month pay cut -- he has been the subject of repeated harassment by his Navy superiors, eliciting concerns for his safety. Senior Chief McVeigh lives in Hawaii with his mother, whom he cares for after a recent heart attack.

PDF (i.e., Adobe Acrobat) copies of the original congressional letter are available by email and fax upon request.

John Aravosis

Wired Strategies - Online Advocacy Consulting

Washington, DC

202/328-5707 tel.

202/328-5708 fax

<http://www.wiredstrategies.com>

<mailto:john@wiredstrategies.com>

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

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11 Feb 1998 18:38:51 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.7/8.8.7) with ESMTP id PAA17788; Wed,

11 Feb 1998 15:32:47 -0800 (PST)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 12:40:00.00

SUBJECT: NC6071: House Internet Chairman Demands McVeigh Investigation

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:
FOR IMMEDIATE RELEASE

February 11, 1998 - 10:30AM EST

Contacts: John Aravosis, 202/328-5707

Barbara Bode, 202/588-9598

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John Aravosis

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202/328-5707 tel.

202/328-5708 fax

<http://www.wiredstrategies.com>

<mailto:john@wiredstrategies.com>

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

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11 Feb 1998 09:40:11 -0800 (PST)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:19-FEB-1998 18:22:00.00

SUBJECT: NC6123: False report ended military career

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

WASHINGTON, Feb. 19 (UPI) -- Sonya Harden dreamed of being an Air Force officer. But her dreams were shot down in October 1995, when a former roommate falsely accused her of being a lesbian.

``She made the accusation in retaliation for a dispute we had over household expenses," Harden said.

Harden, 30, who lives in Louisiana, knew nothing of the false charges when she was summoned by her commanding officer a few days later. ``I had applied for Officer Candidate School so I strode proudly to his office thinking he was going to tell me I had been accepted," said Harden.

Instead, her commander told her she had been accused of being gay and

said an investigation would be launched.

Once the investigation began, Harden said ``there was no way to stop that runaway train." In February 1996, she went before a discharge board. Her former roommate admitted under oath she had lied and male witnesses testified to heterosexual relationships with Harden. But the board discharged her, effective August 1996.

Harden appealed but the Air Force Inspector General refused to review her case. She then asked the Washington-based Servicemembers Legal Defense Network, which works on gay and lesbian issues in the military, for help.

The SLDN asked the Department of Defense Inspector General's office to intervene. It did and told the Air Force to review Harden's case.

But in December the Air Force upheld Harden's discharge, although she had not been interviewed and evidence the SLDN collected was not reviewed. ``This case points up the fact that so-called 'straight' members of the military can lose their careers, too, if they are falsely accused," SLDN co-executive director C. Dixon Osburn said.

The SLDN says in 1997 the Air Force violated the Clinton administration's ``don't ask, don't tell" policy on gays in the military 90 times.

An Air Force spokesman did not immediately comment on Harden's

case. ===== ATTACHMENT 1 =====
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id <01ITRV7Y4W0G00IQB5@PMDF.EOP.GOV>; Thu, 19 Feb 1998 18:30:45 -0500 (EST)

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by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ITRV7XQOTS0067QV@PMDF.EOP.GOV>; Thu,

19 Feb 1998 18:30:42 -0500 (EST)

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with ESMTP id <01ITRV72A4JO002RTA@STORM.EOP.GOV>; Thu,

19 Feb 1998 18:30:02 -0500 (EST)

Received: (from rwockner@localhost)

by netcom5.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id PAA24563; Thu,

19 Feb 1998 15:22:43 -0800 (PST)

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:19-FEB-1998 17:03:00.00

SUBJECT: NC6121: Gay harassment up in military

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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Group Cites More Gay Harassment

.c The Associated Press

By SLOBODAN LEKIC

WASHINGTON (AP) - The number of gays facing harassment in the military has risen for the fourth consecutive year, despite the Clinton administration's pledge to prevent further discrimination of homosexuals in the armed services, according to a gay rights advocacy group.

The Servicemembers Legal Defense Network attributed the increase to ``a climate in many commands where 'anything goes' in the pursuit of suspected gay personnel."

In its annual report, the group cited 563 "command violations" that servicemembers had reported to it, including instances where commands asked, pursued and harassed service members in direct violation of President Clinton's "don't ask, don't tell" policy, which sets limits on gay investigations.

In contrast, the number of violations reported in 1996 by members of all the services was 443, the group said.

Last year's report said a total of 850 people had been discharged from the military for homosexuality in 1996, a five-year high. No figures were given discharges of gays in 1997.

"The difference is that last year we received the number of discharges from the Pentagon, but, despite repeated efforts, we have not been able to get them this year," said Kevin Winston, a spokesman for the group.

"We'd love to have the numbers, but we can't get them."

A Pentagon spokesman, Capt. Jim Knotts, declined to comment on the report, saying the Defense Department had not had a chance to review it or analyze its contents.

"The reason underlying continued violations of (the administration's policy) is a lack of commitment from top military and civilian authorities," the document said.

It said the Navy was the worst service in anti-gay harassment and asking, with 193 violations.

The group's recommendations included placing strict limits on gay investigations, disciplining commanders who disobey them, and providing recourse to personnel involved in improper investigations.

``It is time for military leaders to obey the law," the report concluded.

AP-NY-02-19-98 0900EST===== ATTACHMENT 1 =====
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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

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

CREATION DATE/TIME:19-FEB-1998 17:36:00.00

SUBJECT: NC6122: SLDN action alert

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

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

TEXT:
From:SLDN1@aol.com

To: rwockner@netcom.com

Subject: Take Action: military harassment and pursuit surge

SLDN is proud to announce the release of our Fourth Annual Report on the implementation of "Don't Ask, Don't Tell, Don't Pursue" at a press conference at the National Press Club in Washington, DC this morning. For the fourth consecutive year, we have documented continued asking, harassment and witch hunts against military personnel suspected of being gay in violation of the Defense Department's own regulations. Among this year's top findings:

**** The service branches have failed to train commanders and investigators in the limits placed on gay investigations.**

**** Inquiry officers and investigators use heavy-handed tactics (including threats of criminal charges, confinement, non-judicial punishment, and "outing" to family members, friends and colleagues) in pursuit of gay, lesbian**

and bisexual servicemembers.

** "Don't Ask" violations are up by 39% over last year, indicating a sharp increase in violations of the most simple of the policy's limits: Don't Ask.

** "Don't Pursue" violations are up 23%.

** "Don't Harass" violations are up 38%.

** Total DoD violations climb 29%.

** The Navy was the worst offender in violating DA, DT, DP last year.

For a full copy of this year's report, please visit

<http://www.sldn.org/reports/fourth.htm>.

>>>TAKE ACTION: YOUR VOICE IS IMPORTANT<<<

1. Let decision makers know that the Armed Forces must live up to their promises and regulations' requirements that asking, harassing and pursuing of

suspected gay troops would stop. [see below for specific actions to take]

2. Write letters to the editors of your local newspapers alerting them to our

report and to the Defense Department's failure to live up to it's end of

"Don't Ask, Don't Tell, Don't Pursue." Express your opinion that the Armed Forces must stop asking, harassing and pursuing suspected gay troops.

3. Contact your local public and school/university libraries; ask them to obtain a copy of our report and its supporting documents. Requests can be made to SLDN at (202) 328-3244 or jadams@sldn.org.

CONTACT DECISION MAKERS

Let decision makers know that you expect military commanders and investigators to respect the limits on gay investigations required by "Don't Ask, Don't Tell, Don't Pursue." The Armed Forces must live up to President Clinton's promise that there will be a "decent regard for the privacy and associational rights" of all military members regardless of their sexual orientation.

The list below of officials to contact is longer than most SLDN action alerts.

Realizing that your time is valuable, we urge to contact as many of the leaders below as you are able regarding this important issue. The first four

are essential decision makers who ****must**** get the message that the military

must observe the limits imposed on gay investigations by DA, DT, DP. The others on the list are important leaders whose guidance and oversight bears directly on how this policy is enforced. Unfortunately, not everyone has publicly available email addresses and some of the email addresses are for the public affairs offices in the various agencies.

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

(202) 456-1111; snail: White House, 1600 Pennsylvania Ave., NW,
Washington,
DC 20500.

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

Secretary of Defense William Cohen: comment via DoD web page:
<http://www.defenselink.mil/faq/comment.html>; voice: (703) 695-5261; fax:
(703) 695-1219; snail: 1000 Defense Pentagon, Washington, D.C.
20301-1000.

General Henry H. Shelton, Chairman of the Joint Chiefs of Staff. Email:
PublicAffairs@js.pentagon.mil; voice: (703) 697-9121; mail: 9999
Defense
Pentagon, Washington, DC 20318-9999.

Your Representatives in the U.S. Senate and House of Representatives.

Visit

the Human Rights Campaign's Congressional page at

<http://www.hrc.org/actnctr/index.html> to learn who represents you in

Congress

and for a direct email link to their offices where possible.

The Honorable F. Whiten Peters, Acting Secretary of the Air Force. Air

Force

comment link:

<http://www.af.mil/comment.html>; fax: (703) 693-7553; voice: (703)

697-7376;

mail: 1740 AF Pentagon, Room 4E871, Washington, DC 20330-1740.

General Michael E. Ryan, Chief of Staff of the Air Force. voice: (703)

697-1887; mail: 1670 Defense Pentagon, Washington, DC 20330-1670.

CMSAF Eric W. Benken, Chief Master Sergeant of the Air Force. voice (703)

695-0498; mail: 1670 Air Force Pentagon, Washington, DC 20330-1670.

The Honorable Togo West, Secretary of the Army. voice (703) 695-3211;

mail:

101 Army Pentagon, Washington, DC 20310-0101.

General Dennis J. Reimer, Chief of Staff of the Army. Email:

csaweb@hqda.army.mil; voice: (703) 695-2077; mail: 200 Army Pentagon,

Washington, DC 20310-0200.

SMA Robert E. Hall, Sergeant Major of the Army. Email: [smaweb@pentagon-](mailto:smaweb@pentagon-hqda5.army.mil)

[hqda5.army.mil](mailto:smaweb@pentagon-hqda5.army.mil); voice: (703) 695-2150; mail: 200 Army Pentagon,

Washington,

DC 20310-0200.

The Honorable John Dalton, Secretary of the Navy. fax: (703) 617-3477;

voice: (703) 695-3131; mail: 1000 Navy Pentagon, Washington, DC

20350-1000.

Admiral Jay Johnson, Chief of Naval Operations. voice: (703) 695-5664;
mail: 2000 Navy Pentagon, Washington, DC 20350-2000.

General C. C. Krulak, Commandant of the Marine Corps. Email: mailm@mpg-
smtp3.usmc.mil, voice: (703) 614-2500; mail: Washington, DC
20380-0001.

MCPON John Hagan, Master Chief Petty Officer of Navy. Email:
mcpon@bupers.navy.mil; voice: (703) 614-4854.

SGTMAJ L. G. Lee, Sergeant Major of the Marine Corps. voice: (703)
614-2475;
mail: Washington, DC 20380-0001.

The Honorable Rodney Slater, Secretary of Transportation. Email:
webmaster@ost.dot.gov; voice: (202) 366-1111; mail: 400 7th Street, SW,
Washington, DC 20590.

Admiral Robert E. Kramek, Commandant of the Coast Guard. voice: (202)
267-2390; mail: 2100 2nd Street, SW, Washington, DC 20593-0001.

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

CREATOR: glbt-news-owner (glbt-news-owner@duh.org@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:19-FEB-1998 20:20:00.00

SUBJECT: [GLBT-NEWS:DL] SLDN Issues Scathing Report on Military

TO: Joseph E. Voeller (Joseph E. Voeller@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

NEWS SOURCE: The Data Lounge - <http://www.datalounge.com/>

BACKGROUND OF NEWS SOURCE:

The Data Lounge is about anything and everything gay. Daily news headlines,

culture information, and gossip--who's out, who's not, and who should be.

Visit their site, and to see the Web version of this article, click

below:

<http://www.datalounge.com/pages/sections/news/98/02/19/004.news>

Thursday, February 19, 1998

SLDN Issues Scathing Report on Military

WASHINGTON -- According to a report issued by the Servicemembers Legal

Defense Network today, military commanders routinely violate "don't

ask, don't tell" regulations by aggressively investigating the private

lives of military personnel they suspect are gay and by failing to

protect closeted gay personnel from harassment.

The San Francisco Chronicle received an advanced copy of the report which charges violations of the policy have increased every year since it was introduced by President Clinton in the face of considerable controversy in 1993.

The SLDN said the number of violations of the policy reported to the organization rose from 443 in 1996 to 563 in 1997. "The violations we are seeing are very basic; they should not be occurring five years into the policy," said Michele Benecke, co-director of the group.

"Don't ask means don't ask. The rule could not be more clear, but time and time again, investigating officers ask." Benecke said the biggest problem was ignorance. Most commanders in the field, she said, don't know the rules. On the positive side, Benecke noted that for the first time, not a single servicemember was convicted and sent to prison for consensual gay sex.

The report identifies the "heavy handed and increasingly intrusive investigative tactics" used against suspected gays. Numerous instances of coercive investigative procedures and "fishing expeditions" were cited. The report also noted there is "no recourse or redress for service members asked, pursued or harassed" and that investigating officers who violate the policy are not held accountable for their actions.

The policy allows commanders to begin an investigation only if they receive "credible information" of homosexual conduct. The report says, however, investigations are often initiated based on nothing more than "belief or suspicion," rather than on fact. Secretary of Defense William Cohen promised in February 1997 to stop any "continued pursuits and prosecutions" which constitute violations of the policy.

The report also described in detail numerous instances of anti-gay harassment, a punishable offense under the new policy. Attempts to identify the assailants were weak or nonexistent. Moreover, service members complaining of harassment were in turn investigated by commanders and, in most cases, summarily discharged.

This response was, the report alleges, in direct violation of a memo sent out by the Pentagon last year that stated that "servicemembers should be able to report crimes free from fear of harm, reprisal or inappropriate or inadequate governmental response."

The Pentagon had no immediate comment.

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19 Feb 1998 22:50:42 -0500 (EST)

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Precedence: list

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CREATION DATE/TIME:19-FEB-1998 20:20:00.00

SUBJECT: [GLBT-NEWS:PNO] SLDN Report on "Don't Ask"

TO: Joseph E. Voeller (Joseph E. Voeller@EOP [UNKNOWN])
READ:UNKNOWN

TEXT:

NEWS SOURCE: PlanetOut NewsPlanet - <http://www.planetout.com/>

BACKGROUND OF NEWS SOURCE:

PlanetOut is a web site with oodles of news, information, and just plain

Web-fun for the gay community. Visit their site and support their news

staff that bring you these articles. This particular article may have

even more links--click below for the Web version of this article:

<http://www.planetout.com/newsplanet/article.html?1998/02/19/1>

SLDN Report on "Don't Ask"

NewsPlanet Staff

Thursday, February 19, 1998 / 04:00 PM

SUMMARY: The lesbian and gay servicemembers' advocacy group has done the Pentagon's work for it again, and the increase in DADT policy violations they found may be the reason the military hasn't wanted to ask themselves.

The Servicemembers Legal Defense Network (SLDN) today released its

"Fourth Annual Report on 'Don't Ask, Don't Tell, Don't Pursue,'" finding that violations of the policy on military service by gays and lesbians continue to increase -- and that commanders still haven't learned the rules. Since the Pentagon has yet to issue the long-awaited report on its own internal review of the policy and does not systematically track its violations, SLDN's clearly-written, thoroughly documented statement remains the best available data on the subject.

Command violations continued their steady increase over each of the four years since the policy was instituted, as SLDN counted 27% more violations overall in 1997 (563) than in 1996 (443). Those broke down into a 39% increase in "Don't Ask" violations (124 in 1997 compared to 89 in 1996), a 23% increase in "Don't Pursue" violations (235 compared to 191 in 1996), and a 38% increase in "Don't Harass" violations (182 compared to 132 in 1996) including death threats and physical assaults. The Navy was the worst offender among the services with a total of 193 violations overall, leading the pack in both "Don't Ask" and "Don't Harass" violations, while the Air Force was the leader in "Don't Pursue" violations with 90.

In each of its reports, SLDN has called for training and clarification of the so-called "Don't Ask, Don't Tell" (DADT) policy by those who must carry it out, but even that type of basic education is still not being made available. The report says that, "Four years into 'Don't Ask, Don't Tell, Don't Pursue,' most leaders have not received or read a copy of the current regulations and guidelines, and most do not know

what the limits are to gay investigations." SLDN documented just one case this year in which servicemembers had received training on the policy's limits to investigations. Servicemembers in the field are completely unaware, for instance, of the ground-breaking memo from former Undersecretary of Defense Edwin Dorn clarifying that in cases of anti-gay harassment and lesbian-baiting, investigation should be focused on the perpetrators rather than the victims. SLDN notes that there have been no disciplinary actions whatever for violations of DADT in the last two years, and recommends them. SLDN also recommends providing recourse for the victims of improper investigations, adoption of an "exclusionary rule" to disallow improperly obtained evidence, and an expert review of the administrative separation process itself.

"Don't Tell" violations by servicemembers themselves actually dropped 29% (22 in 1997 compared to 31 in 1996), down by about half in the Army and Navy and about one-fifth in the Air Force; it's suggested that finding may reflect that servicemembers have learned by observation that utter secrecy is necessary if they are to remain in uniform. SLDN remains deeply concerned by the military's use of material from psychological counseling sessions, medical personnel, counseling sessions with chaplains (explicitly private under "don't ask, don't tell" regulations) and from civilian friends and family members, to discharge gays and lesbians.

This year's report features an entire section on the case of Senior Chief Petty Officer Timothy McVeigh, whose discharge was sought by

the Navy based on the "gay" content of the profile associated with one of his several America Online screen names, but was blocked in court by the first judicial finding that a branch of the service had violated the DADT policy. The report also treats other Internet and electronic privacy concerns in what it terms "Witch Hunts Online." One case cited is that of former Coast Guard Petty Officer Tim Bauer, discharged for having "used a government computer to access an internet 'chat room' for gay men" even though others in his unit were allowed to make personal use of the equipment. An unnamed Air Force servicemember resigned in the course of an investigation that included pulling 565 pages of computer materials (including his e-mail and web pages he'd viewed) along with his medical and mental health records, and interviewing 23 of his associates, following an anonymous phone tip that his web page had "homosexual images." SLDN says it has handled cases of personnel in each of the services this year involving electronic privacy.

Another twist on the "Don't Tell" situation is what SLDN calls the "prove you're gay" phenomenon, in which servicemembers who have stated that they are gay or lesbian -- usually seeking relief from harassment -- are investigated in wide-ranging fishing expeditions rather than being discharged. In the course of those investigations, some servicemembers may become trapped between facing criminal charges for lying about being gay if they can't or won't detail homosexual acts, and criminal charges for sodomy if they do. The Air Force, the first and leading practitioner of "prove you're gay," says it's a method to detect fraudulent sexual orientation claims by heterosexuals seeking

to evade their service obligations, but has never presented evidence
that such a problem exists. SLDN asserts that it has never found
evidence of "heterosexual frauds or gay slackards" in its handling of
more than 1,300 cases.

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Precedence: list

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