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OA/ID Number: 19399

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Folder Title:

Correspondence - Sandra L. Thurman - Outgoing - 2/98

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MEMORANDUM FOR VIRGINIA APUZZO

From: Sandra L. Thurman
Director, Office of National AIDS Policy
(202) 632-1090

Date: February 3, 1998

Re: **ONAP - Office Space and Parking**

As a follow-up to our recent meeting, I would like to formalize several of the items we discussed.

Moving ONAP to OEOB

I would like to request that space be made available for the Office of National AIDS Policy in its entirety within the Old Executive Office Building. This would include the following:

Office for the Director (currently OEOB 470)

Office for the Deputy Director

Office for the Executive Director of the President's Advisory Council on HIV/AIDS

Space for Agency Representatives (6)

Space for WH Interns (2-3)

This move would substantially improve the ability of our office to coordinate and participate with other domestic policy and Administrative staff. In addition, it would substantially decrease the annual costs for operating our office.

Parking

I would like to request that a parking space on West Executive Avenue be assigned as soon as possible for my use. This would greatly facilitate access to both the West Wing and to my office in OEOB, and is a courtesy extended to others within the Administration with equivalent responsibilities.

In addition, as soon as offices can be made available within OEOB for the rest of the office, I would like to request a parking space for my deputy director along State Place. As you are aware, this position is extremely demanding and often requires late night and weekend work as well as frequent visits to other federal agencies within the Washington metropolitan area. This work would be made much easier by providing access to a reserved parking space proximate to our offices.

THE WHITE HOUSE
WASHINGTON

URGENT

MEMORANDUM FOR BRUCE REED

From: Sandra L. Thurman
Director, Office of National AIDS Policy
(202) 632-1090

Date: February 4, 1998

Re: **Congressional Hearing on HIV Issues - Feb. 5, 1998**

At the request of Rep. Coburn, Rep. Bilirakis (Chair, House Subcommittee on Health and Environment) has scheduled a hearing tomorrow (February 5, 1998) on a range of HIV-related issues that could raise controversy. This memo provides you with a briefing on these issues and the existing Administration positions.

Though the specific intent of the hearing is not entirely clear, topics appear to include:

- HIV testing of pregnant women and babies
- Mandatory contact tracing
- Criminalization of intentional HIV transmission
- Mandatory HIV names reporting
- Mandatory testing of those accused of sexual assault

HIV testing of pregnant women and babies

Some conservative Members support mandatory testing of pregnant women as a way to identify those with HIV so as to provide treatments that reduce the likelihood of transmission of HIV to the baby. This is both unnecessary and ill-advised. The Ryan White CARE Act already includes a provision that requires states to implement testing of babies if they are unsuccessful in achieving specific reductions in perinatal transmission. In fact, pediatric AIDS cases have declined 43% since 1992, largely because of the efficacy of voluntary efforts and advances in therapy.

Mainstream health and public health organizations oppose mandatory HIV testing. They believe, as we do, that such an approach will drive the epidemic underground.

Administration Position: Maintain current policy of supporting states to implement voluntary counseling and testing of pregnant women. Oppose mandatory testing as an unproven strategy that is more likely to inhibit care than enhance it.

Mandatory contract tracing

Proponents of mandatory contact tracing argue that traditional models of infectious disease control (e.g., TB) would be effective in identifying those who are HIV positive. Rather than have providers counsel HIV-positive persons to notify their partners and ask if they would like assistance, a mandatory approach would turn the tracing over to health departments. Mandatory and coercive strategies will drive people underground and inhibit access to testing and treatment. Currently, all states are required to have voluntary partner notification systems in place as a requirement of receiving CDC funding.

Administration Position: *Oppose overly-prescriptive Federal requirement of contact tracing as an unnecessary infringement on state prerogatives to establish their own prevention strategies.*

Criminalization of intentional HIV transmission

Several Republican subcommittee members are believed to be proponents of creating federal criminal sanctions for intentional or reckless HIV transmission in response to the Chautauqua, New York case involving one man infecting many teenage girls. This is unnecessary given the fact that all 50 states have laws in place that criminalize the intentional transmission of HIV (either specifically or through reckless endangerment and assault provisions).

Administration Position: *Oppose federal criminalization of HIV transmission; leave that decision to states, where it belongs.*

Mandatory HIV names reporting

Rep. Coburn will likely use the hearing to push to implement a Federal names-based HIV (not AIDS) surveillance system that includes a centralized, Federal registry of names. This particular approach is not supported either by the community or the CDC. The Administration's position on names-based HIV reporting systems at the state level is under current and active review. While we do believe that the time has come for tracking HIV infections in addition to AIDS cases, the use of surveillance systems based on names raises significant and real concerns about confidentiality, stigmatization, misuse of data, and utility of the data gathered that must still be addressed.

Administration Position: *Oppose the imposition of a Federal names-based HIV surveillance system. Instead, work with states, the community, and the CDC to develop standards for state surveillance systems.*

Mandatory testing of those accused of sexual assault

There has been for many years a call to require HIV testing of those indicted, accused and/or convicted of sexual crimes. Already existing legislation (The Crime Bill of 1994, the Ryan White CARE Act) speaks to this issue, providing that those accused of certain sexual offenses can, with a court order, be tested at the request of a victim; convicted sex offenders can be compelled to be tested. If anything additional is needed in this area, it is more support and counseling of the victim, with rapid HIV testing and follow-up care if necessary.

Administration Position: *Oppose mandatory testing, and instead promote counseling, testing, and support of victims. This is an issue best resolved at the state level.*

MEMORANDUM TO BRUCE REED

FROM: Eric P. Goosby MD, Office of National AIDS Policy

SUBJECT: HIV Legislation to be Introduced by Rep. Coburn (R-OK)
March 13, 1997 -- For Your Information

This memo is to give you a heads up on the HIV Prevention Act of 1997 being introduced tomorrow by Rep. Coburn (R-OK) at a morning press conference. The American Medical Association endorses the bill, and this is likely to generate press. **At this time it would be appropriate for the Administration to defer comment on this legislation, and put the State public health officials and Governors on the front line of this debate.** Listed below are key provisions of the legislation with some preliminary analysis, and an overview of the advocacy and public health community response.

Coburn Bill

The proposed legislation would amend the Medicaid statute to require States to take the following actions as a condition of receipt of Medicaid funds:

- o States must require providers to report all positive HIV tests to the State health department
Current Policy: All States require reporting of AIDS cases; only 26 require HIV infection reporting. Many states with large HIV caseloads (including NY, CA, TX) have chosen not to require HIV reporting.
- o State public health officers must do partner notification of all sexual or drug-using partners of each HIV + person
Current Policy: States are required to have partner notification programs in place as a condition of CDC funding. The Coburn provision is more prescriptive and would entail significant costs to States.
- o States must cooperate with CDC in carrying out a national program of partner notification, sharing information across state lines
Current Policy: States work cooperatively on tracing possible contacts of persons with sexually transmitted diseases. This has not routinely been done across State lines for HIV due to differences in state reporting and partner notification programs for HIV.

- o Defendants for whom an indictment or an information is presented accusing them of committing sexual crimes can be tested for HIV if the victim requests it or if the nature of the crime has placed the victim at risk for HIV
Current Law: The Crime bill of 1994 allows victims of defendants charged with certain sexual offenses to get a court order to have an HIV test required of the defendant. The Crime bill placed a focus on the information and counseling for the victim. The Coburn provision places no focus on the victim. The optimal public health response would be to provide victims with immediate HIV tests for themselves in order to benefit from new drug therapies that could prevent the HIV infection taking hold.
- o States authorize health professionals to require that patients undergo an HIV test prior to medical procedures; providers and patients must be notified of positive HIV test results
Current Policy: There is no precedent in medical practice for making receipt of a necessary procedure contingent upon a test for infectious disease. There is no protection here that patients won't be denied a medically necessary or appropriate procedure after their HIV status is known. The CDC has long promoted universal precautions, not testing, as the most effective way to prevent HIV transmission in all settings.
- o States must authorize funeral services providers to, at their discretion, require HIV tests of bodies; States must also require health care entities (such as hospitals) to notify funeral services providers if a body is HIV positive
Policy Response: Universal precautions, used correctly by health care providers and funeral service providers, provide the safest, most consistently effective protection against HIV transmission. Disclosing an HIV test result may be a falsely negative finding, and no additional health benefit is gained.
- o States must require that applicants for health insurance who undergo an HIV test as part of their application have the right to the results of that test. This does not extend to ERISA with respect to group health plans
Policy Context: This provision responds to a court case where an HIV+ man was denied knowledge of his HIV disease by a health insurer. His wife sued and won in court.
- o States are required to ensure that adoption agencies notify prospective adoptive parents of a child's HIV status at the parent's request
Current Policy: States have exercised different approaches in dealing with their adoption programs.

Page 3 - Coburn bill

Two additional Sense of Congress provisions are included, stating HIV+ health professionals should notify their patients if their duties convey any risk of HIV transmission, and that States should have laws in effect making it a felony for an HIV+ person to knowingly engage in behaviors that place others at risk of HIV. [Since 1990, all States have been required to have laws criminalizing knowing transmission of HIV infection.]

Current Context of the Legislation

The National Governors Association passed a policy resolution at their Winter meeting opposing Federal restrictions and requirements on funding which interfere with State prevention strategies. They specifically opposed HIV testing mandates and requirements that would divert funding from one public health activity to another. The Association of State and Territorial Health Officers also oppose federal restrictions on States' flexibility to design locally effective responses to the HIV epidemic. The HIV/AIDS advocacy community will vigorously oppose this legislation on public health grounds.

The AMA is supporting this bill, while also indicating they are willing to help improve it. Some victims' rights groups have supported these provisions in the past. The issue remains identifying what response is the best, most compassionate and effective public health response to safeguard the health of victims of sexual assault.

Administration Response

The Administration has significantly increased its investment in prevention activities to reduce the number of new infections occurring and to help people learn their HIV status at the earliest stages of disease. The effect of these prevention and treatment interventions are now yielding encouraging data, with a 27% reduction in new pediatric AIDS cases and a drop in AIDS-related deaths for the first time. We have always worked in close partnership with State and local health departments, who are on the front lines of fashioning effective public health responses to the characteristics of their local epidemic. Local flexibility in designing appropriate responses remains an important tenet of effective action. The Administration should continue to strongly support the role of State and local public health officials, as they as they strive to maximize effective use of resources to reduce the toll of HIV in their communities.

THE WHITE HOUSE
WASHINGTON

February 15, 1998

Jihan Ripoll
10931 Kinneil Road
New Orleans, LA 70127

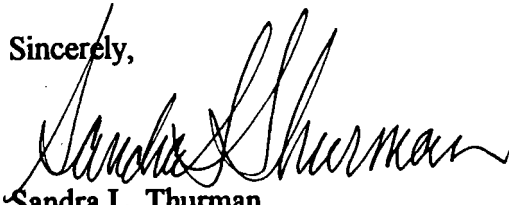
Dear Ms. Ripoll:

I apologize for the delay in responding to your letter dated December 26th, 1997. Attached please find the information you requested concerning HIV/AIDS research and funding.

The information was taken from 'The National AIDS Strategy', a booklet put together by The White House. In Clinton's proposed budget for fiscal year 1999, 1.731 billion was allotted for AIDS research at the National Institutes of Health. In addition, President Clinton challenged scientists, in May 1997 to develop an AIDS vaccine within the next ten years.

I hope this information will be helpful to you and I commend you on your interest in HIV/AIDS developments. Good luck on your project and in your studies.

Sincerely,



Sandra L. Thurman
Director
Office of National AIDS Policy

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Thank you

10931 Kinneil R.d
New Orleans L.A. 70127
December 26, 1997

Dear Ms. Thurman,

I am an 8th grade student at Marian Central Catholic Middle School. I am doing a Social Studies project on AIDS. Please send me any information that you may have concerning AIDS research, and how much is spend to find a cure for AIDS. Please send it as soon as possible. Your attention is greatly appreciated.

Sincerely,
Lihan Ripoll

THE WHITE HOUSE
WASHINGTON

February 15, 1998

Linda M. Nuneman
218 Sharon Drive
Sleepy Hollow, IL 60118

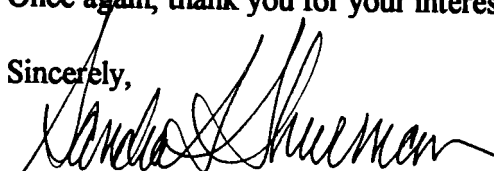
Dear Ms. Nuneman:

Thank you so much for your letter dated January 21st, 1998 and for your kind wishes on my appointment as Director of the Office of National AIDS Policy. I commend your involvement and commitment to fighting this epidemic.

With regards to your inquiry, the Office of National AIDS Policy is part of the Executive Office of the President and is based in Washington, DC. However, I encourage you to contact local service and care organizations in the Chicago area. A good place to start might be the Chicago AIDS Foundation, which I recently visited in early November.

Once again, thank you for your interest and continued efforts.

Sincerely,

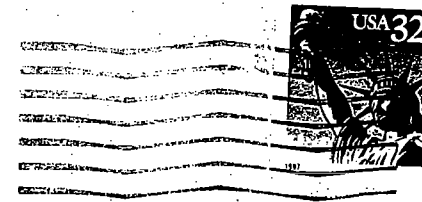

Sandra L. Thurman
Director
Office of National AIDS Policy

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*Ms. Linda M. Nuneman
218 Sharon Drive
Sleepy Hollow, IL 60118*



Ms. Sandra Thurman
Office of National AIDS Policy
The White House
Washington, D. C. 20013

20300/0003



February 11, 1998

Linda M. Nuneman
218 Sharon Drive
Sleepy Hollow, IL 60118

Dear Ms. Nuneman:

Thank you so much for your kind wishes for my appointment as Director of the Office of National AIDS Policy. I appreciate your involvement and commitment to the HIV/AIDS movement.

The White House Office of National AIDS Policy is part of the Executive Office of the President and is based in Washington, D.C. We do not directly work in the Chicago area. However, I recently gave a speech for the AIDS Foundation in Chicago. Perhaps you would like to contact them about opportunities for getting involved with them or other worthwhile organizations.

Once again, thank you for your interest and efforts. Please continue to fight against the terrible HIV/AIDS epidemic.

Sincerely,

Sandra L. Thurman
Director

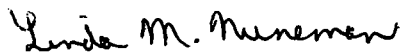
218 Sharon Drive
Sleepy Hollow, IL 60118
January 21, 1998

Ms. Sandra Thurman
Office of National AIDS Policy
The White House
Washington, D. C. 20013

Dear Ms. Thurman:

Belated congratulations on your appointment as Director of the Office of National AIDS Policy. I also am an AIDS activist, and am an active volunteer with HIVCO, PATH, and Hospice, trying to assist those with HIV/AIDS. I would like to do more. Is your Office involved somehow in the Chicago area? And, if so, are you in need of staff in this area? Please let me know if I can be of help. I enclose my business card. (I am ready to switch careers, and do something "worthwhile.") Thank you, and best of luck in your endeavor with the AIDS policy.

Sincerely,



Linda M. Nuneman

THE WHITE HOUSE
WASHINGTON

February 10, 1998

David E. Hohman
Chairman
Exchange Visitor Review Board
Washington, D.C. 20201

RE: Exchange Visitor Waiver for Ciro Robert Martins, MD

Dear Dr. Hohman:

I would like to offer my support for the application of Dr. Ciro Martins for an extension of his residency waiver. It is our understanding that his application for extension was originally denied and is under appeal.

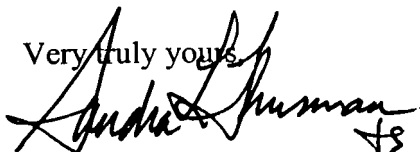
The work in which Dr. Martins is engaged, involving the dermatologic manifestations of HIV disease, is extremely important to those who are struggling with HIV infection. As you are aware, this Administration places a very high priority on medical research to address the many needs of those who are living with HIV and AIDS.

It seems clear from the materials presented to support the appeal that Dr. Martins is integral to important clinical studies on HIV-related folliculitis, psoriasis, and Kaposi's sarcoma. These are all common manifestations of HIV disease or side effects of related treatments. Maintaining Dr. Martins' ability to support this research at Johns Hopkins School of Public Health and Medicine should be of paramount consideration in your review of the appeal.

We very much appreciate your willingness to reconsider the earlier decision. The additional information and clarification provided by Johns Hopkins and Dr. Martins should satisfy the concerns raised in the notice of denial.

Should you have any questions, please feel free to contact me or Todd Summers, my Deputy, at (202) 632-1090. Again, thank you for your consideration of Dr. Martins' appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sandra L. Thurman", with a stylized flourish at the end.

Sandra L. Thurman
Director
Office of National AIDS Policy

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR VIRGINIA APUZZO

From: Sandra L. Thurman 
Director, Office of National AIDS Policy
(202) 632-1090

Date: February 3, 1998

Re: **ONAP - Office Space and Parking**

As a follow-up to our recent meeting, I would like to formalize several of the items we discussed.

Moving ONAP to OEOb

I would like to request that space be made available for the Office of National AIDS Policy in its entirety within the Old Executive Office Building. This would include the following:

- Office for the Director (currently OEOb 470)
- Office for the Deputy Director
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- Space for Agency Representatives (6)
- Space for WH Interns (2-3)

This move would substantially improve the ability of our office to coordinate and participate with other domestic policy and Administrative staff. In addition, it would substantially decrease the annual costs for operating our office.

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In addition, as soon as offices can be made available within OEOb for the rest of the office, I would like to request a parking space for my deputy director along State Place. As you are aware, this position is extremely demanding and often requires late night and weekend work as well as frequent visits to other federal agencies within the Washington metropolitan area. This work would be made much easier by providing access to a reserved parking space proximate to our offices.

Thank you so much for your help!

THE WHITE HOUSE

WASHINGTON

February 10, 1998

Mr. Aaron Williams
Director
USAID/South Africa
Department of State
Washington, DC 20521-9300

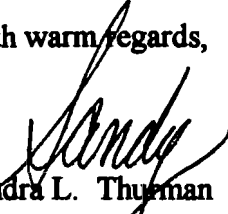
Dear Aaron:

I was delighted to have met with you in South Africa during my recent visit there. I was extremely impressed with the magnitude of the HIV/AIDS problem in South Africa, as well as USAID's response to it. During the course of my week, I had the opportunity to meet many wonderful and dedicated South Africans. I believe there is a great opportunity to share lessons and to learn from one another.

I would like to thank and recognize Ms. Renee Saunders of your staff for her efforts in organizing my visits while I was in Capetown and in the Pretoria/Johannesburg area, especially under such a tight timeframe. I was very pleased with the series and breadth of appointments that she was able to arrange for me, and it made all the difference. Her added attention to my logistical details also made my stay most enjoyable. Please extend my thanks to all of the other USAID staff who helped make my trip a success.

I look forward to continuing our discussions and to a successful launch of the new USAID HIV/AIDS Program in South Africa.

With warm regards,



Sandra L. Thuman
Director
Office of National AIDS Policy

cc: R. Saunders



U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Africa
Office of Sustainable Development
Rosslyn, VA 22209

Date:

1/26/98

To:

SANDRA THURMAN

Phone:

Fax:

254-9835

From:

ALEX ROSS

Phone:

703-235-4453

Fax:

(703) 235-4466

Number of Pages Including Cover Sheet:

2

Message

Sandra,
Per my phone message, I took the liberty of drafting a thank
you letter for Renee Saunders at the USAID mission, addressed
to the Mission Director -- it's only a draft, please change
as you see fit. (Renee was instrumental in pulling together
four agenda).

Thanks

Alex

Handwritten signature/initials.

January 26, 1998

Mr. Aaron Williams
Director
USAID/South Africa
Department of State
Washington, DC 20521-9300

Dear Mr. Williams: *Aaron*

I was delighted

~~It was a pleasure~~ to have met with you in South Africa last week. I was extremely impressed with the magnitude of the HIV/AIDS problem in South Africa, as well as USAID's response to it. During the course of my week, I had the opportunity to meet many wonderful and dedicated South Africans. I believe there is a great opportunity to share lessons and to learn from one another.

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I look forward to continuing our discussions and to a successful launch of the new USAID HIV/AIDS Program in South Africa.

Sincerely, *With warm regards*
Sandra

Sandra Thurman

cc: R. Saunders

THE WHITE HOUSE
WASHINGTON

February 18, 1998

Mr. Ronnie Mealy
Executive Director
Carl Vogel Center
1012 14th Street, N.W.
Suite 707
Washington, D.C. 20005

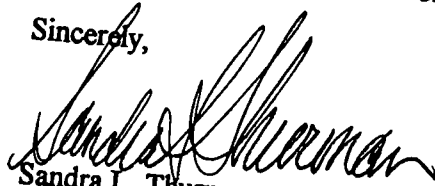
Dear Mr. Mealy:

Thank you for your kind letter inviting me to be the keynote speaker at your Spring Gala on April 24, 1998. I would be most pleased to accept the invitation.

Please coordinate the scheduling of my remarks to the Carl Vogel Center with Sarah Holewinski of my office. Sarah can be reached at (202) 632-1090.

Thank you again for the invitation and I look forward to seeing you.

Sincerely,



Sandra L. Thurman
Director
Office of National AIDS Policy

THE WHITE HOUSE
WASHINGTON

February 23, 1998

Chris Wolf, Esq.
Proskauer, Rose LLP
1233 Twentieth Street NW, Ste. 800
Washington, DC 20036

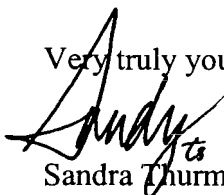
Dear Chris,

Thank you for sending along the brief that you prepared on behalf of Timothy McVeigh.

I am reminded to thank you again for helping to set up the World AIDS Day activities at Food and Friends for the Vice President. The organization, as usual, presented itself so well. I know that the Vice President and Mrs. Gore truly enjoyed the time they spent there.

I do hope that we get to see each other again soon. Rob Weiner, here at the General Counsel's office, mentioned to Todd that you and he are friends. He speaks very highly of you (naturally)!

Very truly yours,


Sandra Thurman

ONAP Letter Tracking

Letter ID	Writer First Name	Writer Last Name	Received Date	
10506	Christopher	Wolf	1/30/98	
Addressed To				
Thurman, Sandra				
Sender's Organization				
Sender's Street1				
Sender's Street2				
Sender's City	Sender's State	Sender's Zip		
Subject				
CPO McVeigh and Navy				
☒ Response Needed?	Response Type	Response Date	Responder ID	
Responder Name	Action Promised	Action Complet	Action Date	
Notes				

ask
TODD about
a response

PROSKAUER ROSE LLP

1233 Twentieth Street NW
Suite 800
Washington, DC 20036-2396
Telephone 202.416.6800
Fax 202.416.6899

NEW YORK
LOS ANGELES
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Christopher Wolf
Member of the Firm

Direct Dial 202.416.6818
cwolf@proskauer.com

January 28, 1998

Ms. Sandra L. Thurman, Director
White House Office of National AIDS Policy
808 - 17th Street, N.W., Suite 820
Washington, D.C. 20006

Dear Sandra:

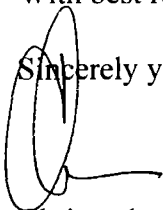
Enclosed is the recent decision of Judge Stanley Sporkin in the case we brought against the United States Navy on behalf of Senior Chief Petty Officer Timothy McVeigh, whose service in the Navy was being threatened on the basis of information the Navy illegally obtained from America Online.

The decision is significant for three reasons: It sets limits on whether and how the Navy can proceed under the "Don't Ask, Don't Tell" policy; it implements an exclusionary rule for information obtained in violation of the Electronic Communications Privacy Act and it underscores the injustice and wastefulness of homophobia at the workplace.

It was gratifying for me to serve as lead counsel in this case, and I thought you might be interested in seeing this decision.

With best regards,

Sincerely yours,

A handwritten signature in black ink, appearing to be "Christopher Wolf", written over the typed name.

Christopher Wolf

Enclosure

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 26 1998
Clerk, U.S. District Court
District of Columbia

TIMOTHY R. McVEIGH,

Plaintiff,

v.

WILLIAM S. COHEN, et al.,

Defendants.

Civil Action No. 98-116
Judge Stanley SporkinMEMORANDUM OPINION

This matter comes before the Court on Plaintiff's Motion for a Preliminary Injunction. Plaintiff Timothy R. McVeigh, who bears no relation to the Oklahoma City bombing defendant, seeks to enjoin the United States Navy from discharging him under the statutory policy colloquially known as "Don't Ask, Don't Tell, Don't Pursue." See 10 U.S.C. § 654 ("new policy"). In the course of investigating his sexual orientation, the Plaintiff contends that the Defendants violated his rights under the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. § 2701 *et seq.*, the Administrative Procedure Act ("APA") 5 U.S.C. § 706, the Department's own policy, and the Fourth and Fifth Amendments of the U.S. Constitution. Absent an injunction, the Plaintiff avers that he will suffer irreparable injury from the discharge, even if he were ultimately to prevail on the merits of his claims.

STATEMENT OF FACTS

The Plaintiff, Senior Chief Timothy R. McVeigh, is a highly decorated seventeen-year

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veteran of the United States Navy who has served honorably and continuously since he was nineteen years old. At the time of the Navy's decision to discharge him, he was the senior-most enlisted man aboard the United States nuclear submarine U.S.S. Chicago.

On September 2, 1997, Ms. Helen Hajne, a civilian Navy volunteer, received an electronic mail ("email") message through the America Online Service ("AOL") regarding the toy-drive that she was coordinating for the Chicago crew members' children. The message box stated that it came from the alias "boysrch," but the text of the email was signed by a "Tim." Administrative Record ("AR") at 110. Through an option available to AOL subscribers, the volunteer searched through the "member profile directory" to find the member profile for this sender. The directory specified that "boysrch" was an AOL subscriber named Tim who lived in Honolulu, Hawaii, worked in the military, and identified his marital status as "gay." See AR at 111. Although the profile included some telling interests such as "collecting pics of other young studs" and "boy watching," it did not include any further identifying information such as full name, address, or phone number. However, on other occasions, Hajne had communicated with the Plaintiff about his participation in the drive.

Ms. Hajne proceeded to forward the email and directory profile to her husband, who, like Plaintiff, was also a noncommissioned officer aboard the U.S.S. Chicago. The material eventually found its way to Commander John Mickey, the captain of the ship and Plaintiff's commanding officer. In turn, Lieutenant Karin S. Morean, the ship's principal legal adviser and a member of the Judge Advocate General's ("JAG") Corps was called in to investigate the matter. By this point, the Navy suspected the "Tim" who authored the email might be Senior Chief Timothy McVeigh. Before she spoke to the Plaintiff and without a warrant or court order,

Lieutenant Morean requested a Navy paralegal on her staff, Legalman First Class Joseph M. Kaiser, to contact AOL and obtain information from the service that could "connect" the screen name "boysrch" and accompanying user profile to McVeigh. See AR at 13. Legalman Kaiser called AOL's toll-free customer service number and talked to a representative at technical services. Legalman Kaiser did not identify himself as a Naval serviceman. According to his testimony at the administrative hearing, he stated that he was "a third party in receipt of a fax sheet and wanted to confirm the profile sheet, [and] who it belonged to." AR at 14. The AOL representative affirmatively identified Timothy R. McVeigh as the customer in question. See id at 11-15.

Upon verification from AOL, Lieutenant Morean notified Senior Chief McVeigh that the Navy had obtained "some indication[] that he made a statement of homosexuality" in violation of § 654 (b)(2) of "Don't Ask, Don't Tell." AR at 27-28. In light of the Uniform Code of Military Justice prohibition of sodomy and indecent acts, she then advised him of his right to remain silent.¹ See id. at 28, 30. Shortly thereafter, in a memorandum dated September 22, 1997, the Navy advised Plaintiff that it was commencing an administrative discharge proceeding (termed by the Navy as an "administrative separation") against him. The reason stated was for "homosexual conduct, as evidenced by your statement that you are a homosexual." AR at 107.

On November 7, 1997, the Navy conducted an administrative discharge hearing before a three-member board. At the hearing, the Plaintiff made an unsworn oral statement that explained

¹ Plaintiff suggests that Lieutenant Morean acted inappropriately somehow when she advised Plaintiff of his rights at this time. The Court finds no merit to this claim. Given the state of the investigation against the Plaintiff, it was appropriate in all respects for Lieutenant Morean to have given Plaintiff a warning.

the substance of his email to Ms. Hajne, and thus by inference confirmed his authorship of the correspondence. See AR at 84. The Plaintiff presented evidence of a prior engagement to a woman and several other heterosexual relationships to rebut the presumption of homosexuality, pursuant to § 654(b)(2). See AR at 82-84. This evidence was rejected by the Board. At the conclusion of the administrative hearing, the board held that the government had sufficiently shown by a preponderance of the evidence that Senior Chief McVeigh had engaged in "homosexual conduct," a dischargeable offense.

The Navy accelerated Plaintiff's separation to take effect at 5:00 a.m. EST on Friday, January 16, 1998. On January 15, Plaintiff commenced this lawsuit and the government postponed his separation until Wednesday, January 20. This Court held a hearing on that Wednesday morning. There, the Navy initially declined to honor this Court's request for an additional amount of time to consider this matter. The Plaintiff was scheduled to be discharged on Friday, January 23. However, on January 22, the Navy extended the time for this Court to render a decision until Tuesday, January 27, when Plaintiff is now scheduled to be discharged barring relief from this Court.

ANALYSIS

STANDARD FOR PRELIMINARY INJUNCTION

To prevail on a request for preliminary injunction, the plaintiff must demonstrate 1) a substantial likelihood of success on the merits; 2) irreparable harm or injury absent an injunction; 3) less harm or injury to the other parties involved; and 4) the service of the public interest. See Dendy v. Washington Hosp. Center, 581 F.2d 990, 992 (D.C. Cir. 1978) (footnote omitted); Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir.

1977). For the reasons set forth below, this Court concludes that the Plaintiff is entitled to the relief that he seeks at this time, a preliminary injunction barring his discharge.

I. Substantial Likelihood of Success on the Merits

Plaintiff in this case demonstrates a likely success to prevail on the merits. At its core, the Plaintiff's complaint is with the Navy's compliance, or lack thereof, with its new regulations under the "Don't Ask, Don't Tell, Don't Pursue" policy. Plaintiff contends that he did not "tell," as prescribed by the statute, but that nonetheless, the Navy impermissibly "asked" and zealously "pursued."

In short, this case raises the central issue of whether there is really a place for gay officers in the military under the new policy, "Don't Ask, Don't Tell, Don't Pursue." Although there have been a series of challenges to the constitutionality of the statute that codifies the policy, see, e.g., Phillips v. Perry, 106 F.3d 1420 (9th Cir. 1997); Thomasson v. Perry, 80 F.3d 915 (4th Cir. 1996), cert. denied, 117 S.Ct. 358 (1996); Richenberg v. Perry, 97 F.3d 256 (8th Cir. 1996), cert. denied, 118 S.Ct. 45 (1996); Able v. United States, 88 F.3d 1280 (2d Cir. 1996), civil courts thus far have not interpreted the requirements of the statute assuming its constitutionality. The limits on the Navy's right to investigate sexual orientation and the restrictions on an officer's right to be a gay man or woman in the military—i.e., what it practically means not to ask, not to tell, and not to pursue—have yet to be litigated in the courts.

In 1993, leaders of Congress and the President reached a compromise designed to recognize the important role that officers who happen to be gay play in the defense of our nation. See Policy Concerning Homosexuality in the Armed Forces: Hearings Before the Senate Committee on Armed Services, 103d Cong. 595 *et. seq.* (1993) (statements of General Colin

Powell, Chair of the Joint Chiefs of Staff, Admiral David Jeremiah, Navy, and General Merrill McPeak, Air Force). While the heads of the Armed Forces expressed fear that unit cohesion and military preparedness would be compromised by openly gay conduct, they acknowledged that homosexuality itself was not necessarily incompatible with military service. The statute that came to embody this position, "Don't Ask, Don't Tell, Don't Pursue," was specifically drafted to allow members of the military to live private lives as gay men and women, so long as their sexual orientation remained unspoken.

The facts as stated above clearly demonstrate that the Plaintiff did not openly express his homosexuality in a way that compromised this "Don't Ask, Don't Tell" policy. 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. See Guidelines for Fact-Finding Inquiries Into Homosexual Conduct, Department of Defense Directive No. 1332.14 ("Guidelines"). An investigation into sexual orientation may be initiated "only when [a commander] has received credible information that there is a basis for discharge," such as when an officer "has said that he or she is a homosexual or bisexual, or made some other statement that indicates a propensity or intent to engage in homosexual acts." *Id.* Yet in this case, there was no such credible information that Senior Chief McVeigh had made such a statement. Under the Guidelines, "credible information" requires more than "just a belief or suspicion" that a Service member has engaged in homosexual conduct. *Id.* In the examples provided, the Guidelines state that "credible information" would exist in this case only if "a reliable person" stated that he or she directly observed or heard a Service member make an oral or written statement that "a reasonable

person would believe was intended to convey the fact that he or she engages in or has a propensity or intent to engage in homosexual acts." *Id.*

Clearly, the facts as stated above in this case demonstrate that there was no such "credible information." All that the Navy had was an email message and user profile that it suspected was authored by Plaintiff. Under the military regulation, that information alone should not have triggered any sort of investigation. When the Navy affirmatively took steps to confirm the identity of the email respondent, it violated the very essence of "Don't Ask, Don't Pursue" by launching a search and destroy mission. Even if the Navy had a factual basis to believe that the email message and profile were written by Plaintiff, it was unreasonable to infer that they were necessarily intended to convey a propensity or intent to engage in homosexual conduct. Particularly in the context of cyberspace, a medium of "virtual reality" that invites fantasy and affords anonymity, the comments attributed to McVeigh do not by definition amount to a declaration of homosexuality. At most, they express "an abstract preference or desire to engage in homosexual acts." *See* Guidelines. Yet the regulations specify that a statement professing homosexuality so as to warrant investigation must declare "more than an abstract preference or desire"; they must indicate a likelihood actually to carry out homosexual acts. *Id.*

The subsequent steps taken by the Navy in its "pursuit" of the Plaintiff were not only unauthorized under its policy, but likely illegal under the Electronic Communications Privacy Act of 1986 ("ECPA"). The ECPA, enacted by Congress to address privacy concerns on the Internet, allows the government to obtain information from an online service provider—as the Navy did in this instance from AOL — but only if a) it obtains a warrant issued under the Federal Rules of Criminal Procedure or state equivalent; or b) it gives prior notice to the online

subscriber and then issues a subpoena or receives a court order authorizing disclosure of the information in question. See 18 U.S.C. § 2073 (b)(A)-(B), (c)(1)(B).

In soliciting and obtaining over the phone personal information about the Plaintiff from AOL, his private on-line service provider, the government in this case invoked neither of these provisions and thus failed to comply with the ECPA. From the record, it is undisputed that the Navy directly solicited by phone information from AOL. Lieutenant Karin S. Morean, the ship's principal legal counsel and a member of the JAG corp, personally requested Legalman Kaiser to contact AOL and obtain the identity of the subscriber. See AR at 13. Without this information, Plaintiff credibly contends that the Navy could not have made the necessary connection between him and the user profile which was the sole basis on which to commence discharge proceedings.

The government, in its defense, contends that the Plaintiff cannot succeed on his ECPA claim. It argues that the substantive provision of the statute that Plaintiff cites, 18 U.S.C. § 2703 (c)(1)(B), puts the obligation on the online service provider to withhold information from the government, and not vice versa. In support of its position, Defendants cite to the Fourth Circuit opinion in Tucker v. Waddell, 83 F.3d 688 (4th Cir. 1996), which held that § 2703 (c)(1)(B) only prohibits the actions of online providers, not the government. Accordingly, Defendants allege that Plaintiff has no cause of action against the government on the basis of the ECPA.

Under the circumstances of this case, it is unlikely that the government will prevail on this argument. Section 2703 (c)(1)(B) must be read in the context of the statute as a whole. In comparison, § 2703 (a) and (b) imposes on the government a reciprocal obligation to obtain a warrant or the like before requiring disclosure. It appears from the face of the statute that all of the subsections of § 2703 were intended to work in tandem to protect consumer privacy. Even if,

however, the government ultimately proves to be right in its assessment of § 2703(c)(1)(B), the Plaintiff has plead § 2703 (a) and (b) as alternative grounds for relief. In his claim that the government, at the least, solicited a violation of the ECPA by AOL, the Court finds that there is likely success on the merits with regard to this issue. The government knew, or should have known, that by turning over the information without a warrant, AOL was breaking the law. 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. While the government makes much of the fact that § 2703 (c)(1)(B) does not provide a cause of action against the government, it is elementary that information obtained improperly can be suppressed where an individual's rights have been violated. 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.

The government has produced no evidence that would indicate that it would have proceeded without this information from AOL affirmatively linking the email to Senior Chief McVeigh. That the Plaintiff may have made incriminating statements at the subsequent administrative hearing does not bootstrap the Navy out of its legal dilemma of not only violating its own policy, but also a federal statute in its attempt to charge the Plaintiff with homosexuality.

In Plaintiff's case, this Court finds that the Navy has gone too far. The "Don't Ask, Don't Tell, Don't Pursue" policy was clearly aimed at accommodating gay men and women in the military. In effect, it was intended to bring our nation's armed forces in line with the rest of society, which finds discrimination of virtually every form intolerable. It is self-evident that a person's sexual orientation does not affect that individual's performance in the workplace. At

this point in history, our society should not be deprived of the many accomplishments provided by people who happen to be gay. The "Don't Ask, Don't Tell, Don't Pursue" policy was a bow to society's growing recognition of this fact. For the policy to be effective, it has to be implemented in a sensitive, balanced manner. Under the policy as it stands today, gay service members must be permitted to serve their country honorably, so long as they are discrete in pursuing their personal lives.

In this case, the Plaintiff has had an exemplary service record for some seventeen years. Indeed, he has risen in the ranks to become the most senior non-commissioned officer on his ship. His evaluations have been of the highest order. Nothing has been produced before this Court which would in any way suggest that his sexual orientation has adversely affected his job performance. Senior Chief McVeigh's place in the Navy might even be characterized by some to be the very essence of what was hoped to be achieved by those who conceived the policy. The Plaintiff is no less an officer today than he was on January 5, 1998, the day before he was told of his imminent discharge from the Navy because of his sexual orientation.

As this Court stated in Elzie v. Aspin, 897 F. Supp 1, 3 (1995), it cannot understand why the Navy would seek to discharge an officer who has served his country in a distinguished manner just because he might be gay. Plaintiff's case "vividly underscores the folly . . . of a policy that systematically excludes a whole class of persons who have served this country proudly and in the highest tradition of excellence." Id. at 4. Although this case specifically does not reach any of the constitutional issues underscoring the "Don't Ask, Don't Tell, Don't Pursue" policy, see Able v. United States, 968 F. Supp. 850 (1997), the Court must note that the defenses mounted against gays in the military have been tried before in our nation's history — against

blacks and women. See Elzie v. Aspin, 841 F. Supp. 439, 443 (1993). Surely, it is time to move beyond this vestige of discrimination and misconception of gay men and women.

II. Irreparable Harm

Without this Court's immediate intervention, the Plaintiff will lose his job, income, pension, health and life insurance, and all the other benefits attendant with being a Naval officer. Having served honorably for the last seventeen years, Plaintiff will be separated from a position which is central to his life on the sole ground that he has been labeled a "homosexual," and thus by definition unfit for service. The stigma that attaches to such an accusation without substantiation is significant enough that this Court believes it must grant the injunctive relief sought. In cases nearly identical to this, courts have accordingly granted a preliminary injunction, see Elzie v. Aspin, 841 F. Supp. 439, 443 (D.D.C. 1993) (loss of benefits and "rights as a Marine" constitute irreparable harm); May v. Gray, 708 F. Supp. 716, 719 (E.D.N.C. 1988) (same); see also Saunders v. George Washington University, 768 F. Supp. 843, 845 (D.D.C. 1991); Huynh v. Carlucci, 679 F. Supp. 61, 67 (D.D.C. 1988).

III. Harm to other Parties

In contrast to the serious injury that Plaintiff immediately faces if discharged, there is no appreciable harm to the Navy if Senior Chief McVeigh is permitted to remain in active service. Indeed, the Navy will only be enhanced by being able to retain the Plaintiff's seventeen years of service experience.

IV. Public Interest

Certainly, the public has an inherent interest in the preservation of privacy rights as advanced by Plaintiff in this case. With literally the entire world on the world-wide web,

enforcement of the ECPA is of great concern to those who bare the most personal information about their lives in private accounts through the Internet. In this case in particular, where the government may well have violated a federal statute in its zeal to brand the Plaintiff a homosexual, the actions of the Navy must be more closely scrutinized by this Court. It is disputed in the record exactly as to how the Navy represented itself to AOL when it requested information about the Plaintiff. The Defendants contend that Legalman Kaiser merely asked for confirmation of a fax sheet bearing Plaintiff's account. Plaintiff contends, and AOL confirms, however, that the Naval officer "mislead" AOL's representative by "both failing to disclose the identity and purpose [of his request] and by portraying himself as a friend or acquaintance of Senior Chief McViegh's." See AOL Statement on the Matter of Timothy McVeigh, Ct. Ex. 1. At the final injunction hearing, this issue should be fully explored.

The Court believes that when this case is finally determined, it will become clear that the case will be able to be disposed on the basis of the "Don't Ask, Don't Tell, Don't Pursue" policy. This provision draws a fine balance between the interests of gay service members and the Armed Forces. It is a way of permitting gay women and men to serve in the Armed Forces, a right that the military did not provide them prior to the adoption of "Don't Ask, Don't Tell, Don't Pursue."

To make the policy work requires each of the parties to refrain from taking certain actions. Under the provisions of the policy, if the gay member agrees to remain silent about his or her sexual orientation, he or she is permitted to serve. For its part under the policy, the military is required to refrain from asking any of its members about their sexual orientation or pursuing an inquiry into a member's sexual orientation without a reasonable basis in fact. So far, pursuant to the record developed in this case, while Plaintiff complied with the requirements

imposed upon him under "Don't Ask, Don't Tell, Don't Pursue," the Defendant went further than the policy permits. Although Officer McVeigh did not publicly announce his sexual orientation, the Navy nonetheless impermissibly embarked on a search and "outing" mission. Therefore, when this case is finally heard, if the record remains as it is now, the Plaintiff will likely prevail. It is accordingly for this reason that a preliminary injunction will issue. An appropriate order follows.

Jan 198

Date

Stanley Sporkin

Stanley Sporkin
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY R. McVEIGH,

Plaintiff,

v.

WILLIAM S. COHEN, et al.,

Defendants.

Civil Action No. 98-116
Judge Stanley Sporkin

ORDER

For the reasons set forth in the opinion above, it is hereby

ORDERED that good cause having been shown pursuant to Rule 65 of the Federal Rules of Civil Procedure that immediate and irreparable injury and damage will result to Plaintiff before a trial on the merits can be heard and decided, that Plaintiff's Motion for a Preliminary Injunction is **GRANTED**; and it is

FURTHER ORDERED that Defendants, their officers, agents, servants, employees, and attorneys and those persons in active concert or participation with them who receive actual notice of the Order by personal service or otherwise, shall be preliminarily enjoined from taking any adverse action against Plaintiff, including discharging Plaintiff from the United States Navy or otherwise hindering Plaintiff's Naval Service, on the basis of his alleged sexual orientation pending final resolution of Plaintiff's Complaint; and it is

FURTHER ORDERED that the parties shall appear before this Court on January 29, 1998 at 10:00 in Courtroom 6 for a status conference, at which time a briefing schedule and date

for a hearing on final injunctive relief will be determined.

1/21/98

Date

Stanley Sporkin

Stanley Sporkin
United States District Judge

THE WHITE HOUSE
WASHINGTON

February 23, 1998

Jonathan Y. Richmond, Ph.D.
9460 Prestwick Club Drive
Duluth., Georgia 30097

Dear Dr. Richmond:

Thank you for your letter of December 22 offering to assist our office implement the President's initiative to increase HIV prevention efforts to adolescents. I appreciate your efforts in educating the public about HIV/AIDS, and I enjoyed the materials you sent me about developing HIV/AIDS awareness programs for college students.

Our office will not have a direct implementation role in the President's prevention initiative targeting adolescents. Rather, we will provide policy guidance and technical assistance, and coordinate the development of plans by Federal agencies to implement the initiative. We are currently working with the Public Health Service agencies through the Office of HIV/AIDS in the Department of Health and Human Services. We would be pleased to have your assistance included in the Center for Disease Control and Prevention's response. I would suggest that you work with Dr. David Holtgrave, Director, Division of HIV/AIDS Prevention, Intervention, Research and Support, 1600 Clifton Road NE, Atlanta, Georgia 30333, in formulating CDC's response.

Once again, thank you for your offer of assistance and for the information which you sent us. I urge you to continue your very valuable work in increasing awareness of this disease, especially among the younger population of this country.

Sincerely,

Sandra L. Thurman
Director, Office of National AIDS Policy

BOB-

Thanks so much for
letter + info. As you
know... initiatives on youth
prevention recently....
Unfortunately we do not
have any positions open
in our office @ the
current time - BUT
good luck, etc.

9460 Prestwick Club Drive
Duluth, GA 30097
December 22, 1997

Sandra L. Thurman, Director
The White House Office of
National AIDS Policy
Washington, DC

Dear Director Thurman:

Greetings from Atlanta!

I want to tell you a bit about an HIV/AIDS education program that was started in 1995 that may be useful to you in meeting President Clinton's desire to target youths between 15 and 21 years old. I had been involved with a program of the Chi Phi Fraternity (with national offices in Atlanta) since 1991, presenting a seminar on Men's Health Issues during their summer College of Excellence for undergraduate leaders. The seminar focused on prevention of STDs, with particular emphasis on HIV/AIDS.

In the fall of 1994, the National leadership of the Fraternity adopted a policy to actively promote STD/HIV education within its membership, on all campuses where they have chapters, and within the surrounding communities. Through a series of focus group discussions, the undergraduate men clearly stated that they did not want to have another slick video presentation ... they wanted to have a live presentation by a knowledgeable individual able to communicate with them. After considerable deliberation, I accepted the challenge to lead this program and have subsequently visited XX college and university campuses across the country bringing a solid public health message to thousands of men and women. I have also had the opportunity to deliver a similar message to high school students, primarily in the Atlanta area. All of this work has been on my own time.

Enclosed you will find copies of some of the materials that we developed to assist in assisting student to promote this program on their campuses, along with some other stuff that may be of interest. I currently offer three different programs, **45 Minutes that Could Save your Life, What's New in Your World of HIV**, and **HIV and Women**. Hand-out materials come from the AIDS Clearinghouse, selected to meet individual campus demographics whenever possible. Some of these programs have also been presented in a train-the-trainer mode at national meetings of fraternity and sorority advisors.

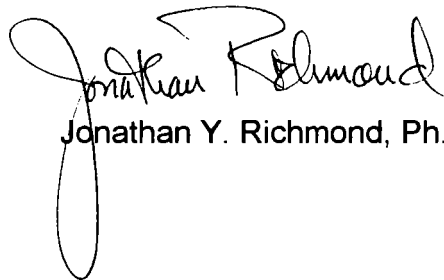
I began my involvement with AIDS education back when it was still called GRID. I had moved to the NIH in 1983 and developed a training program for laboratorians working with patient samples and amplified cultures. We eventually developed a video, **Working Safely with HIV**, which was eventually distributed world-wide. At about the

same time I began speaking to church groups, high school, and anyone else anxious to hear a factual presentation on the subject.

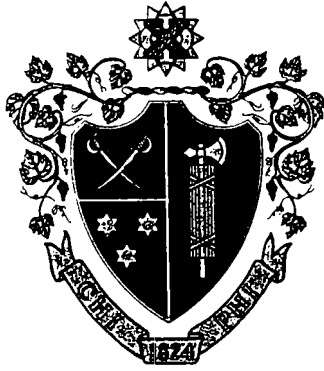
Presently I serve as the Director of the Office of Health and Safety at the Centers for Disease Control and Prevention, where I have had tremendous support in developing some of the slide materials that I use in my presentations. Several years ago I led the educational effort to bring the **HIV/AIDS in the Workplace** program to 5000 CDC employees, as well as developing and delivering an **HIV/AIDS Education Program for Supervisors**.

In my global travels for CDC I have had opportunities to assist in the development of laboratories for work with HIV and TB and to advise laboratorians in safe work and safe life practices. Recently I have visited in Côte d'Ivoire, Uganda, Kenya, India, Thailand, and Bangladesh. I also advise the Veteran's Administration, the Federal Bureau of Investigation, and the World Health Organization on related matters.

Why am I writing this? To let you know that I have had some reasonable experiences in training young folks about STDs and HIV, that my credentials are solid, and that I have a deep desire to continue my educational efforts to prevent the spread of these diseases, particularly in the face of growing complacency in the US, and even if it is just one kid at a time. How can I help you?

A handwritten signature in black ink, reading "Jonathan Richmond". The signature is stylized with a large, looping "J" and a cursive "Richmond".

Jonathan Y. Richmond, Ph.D.



THE CHI PHI FRATERNITY

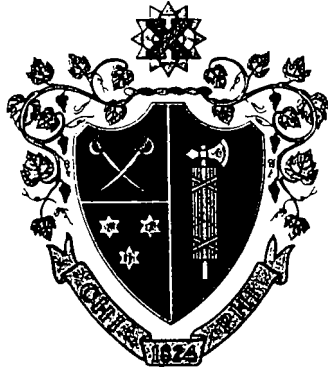
Jonathan Y. Richmond holds a BA (zoology) and MS (genetics) from the University of Connecticut, and a PhD (genetics) from Hahnemann University. For twelve years he conducted basic virology research for the US Department of Agriculture, publishing more than thirty scientific papers. He has devoted fifteen years to the biological safety profession.

While at the National Institutes of Health (NIH), Dr. Richmond developed HIV/AIDS training programs for researchers and other potentially at-risk employees, including the video **"Working Safely with HIV"**. During the early-mid 1980s he also began his community and school-based education programs.

Since 1990, Dr. Richmond has served as an advisor to the Chi Phi national fraternity in developing their HIV/AIDS awareness program. His educational program, **"45 minutes that could save your life"**, has been heard by thousands of college students across America.

Dr. Richmond is currently Director of the Office of Health and Safety at the Centers for Disease Prevention and Control in Atlanta. Among other things, he is responsible for conducting programs on **"HIV/AIDS Workplace Education"** and **"HIV/AIDS Awareness for Supervisors"** at CDC.

Jonathan and his wife, Anne, serve on the Commission on HIV/AIDS for the Episcopal Diocese of Atlanta and are involved with several HIV-related activities in Atlanta.



THE CHI PHI FRATERNITY

Chi Phi Position Statement on HIV/AIDS

The Grand Council of the Chi Phi Fraternity, fully aware of the health issues facing today's students, expresses its deepest concern and recognizes the need to address the serious issue of sexually transmitted diseases within, and external to, the college community.

Therefore, the Chi Phi Fraternity will strive to educate all members as to the nature of HIV/AIDS on a chapter and national level. Educational programs will focus on the realities of the AIDS disease and on practices that will help prevention of the spread of AIDS and other sexually transmitted diseases, now fully identified as heterosexual health issues. Furthermore, on the interfraternity level, Chi Phi Fraternity will strive to be a leader in disseminating information about HIV/AIDS on the campus and national levels.

Further, in the spirit of friendship upon which Chi Phi Fraternity is founded, Chi Phi Fraternity, and Brothers thereof, will treat any person known to have the HIV virus with the same compassion and respect given to any other individual and pledge emotional support to the same.

DRAFT

Vision Statement

Students living without HIV/AIDS and other sexually-transmitted diseases ... through prevention.

Mission Statement

To promote healthy lifestyles among students, to minimize the risk of acquiring sexually-transmitted diseases through abstinence and other means of prevention, and to encourage responsible behaviors;

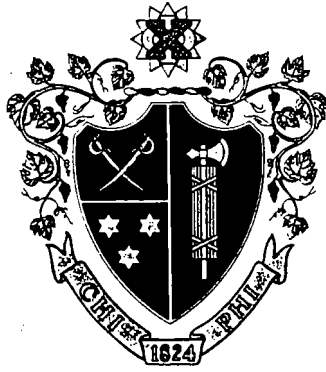
To foster leadership among Greeks to become peer educators for all students, to become advocates for meaningful dialog, and to be positive role models;

To work within the college and university system to encourage awareness and support among administrators, faculty, staff and students, to be proactive in outreach programs, and to respect and support all students in our global villages of academia.

CPVISMIS, STD

Goals

- ▶ For Chi Phi to be known as the leader in the interfraternity world as the Fraternity that has taken on social issues education for the benefit of all.
- ▶ To educate Chi Phi, Greeks, and the campus community to the realities of HIV/AIDS; to understand the trends and statistics; to assess the risks; to modify behavior appropriately and influence others to do the same.
- ▶ To encourage members to accept and support others afflicted with HIV/AIDS.
- ▶ At the Chapter level, to encourage Chapters to reach out and spread the message interfraternally and campus wide.
- ▶ At the national level, to work with other Greek groups to spread the message.
- ▶ To further develop our educational programs presented at National gatherings so these programs may be offered to other National Greek organizations.
- ▶ To develop programs to provide assistance to people with HIV/AIDS.
- ▶ To generate positive image/public relations for the Fraternity and Greek Community.



THE CHI PHI FRATERNITY

3400 Peachtree Road, N.E. - Suite 1011 ● Atlanta, Georgia 30326
Phone (404) 231-1824 ● FAX (404) 237-5090

January 31, 1995

Chi Phi Fraternity Chapters and Colonies
Attention: Alpha

Dear Brothers:

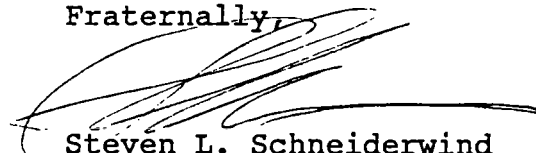
I am pleased to present a fantastic opportunity for your Chapter. And, in the process, perhaps we can save the life of a Brother or a friend.

The opportunity comes from a Chi Phi Brother, Dr. Jonathan Richmond, Z'62 ZD'62. A Director at the Centers for Disease Control, Jonathan has worked closely with the National Fraternity since 1990 in developing "Chi Phi Responds to AIDS".

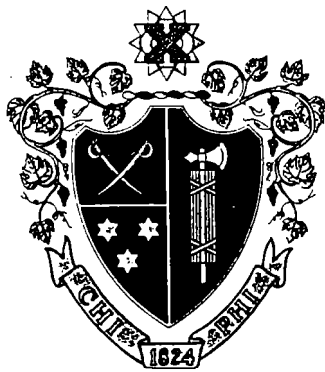
His program "45 minutes that could save your life" has been developed with the help of a number of Chi Phi undergraduates, with the goal of creating a program that is **both** interesting and informative. Enthusiastic response from our Brothers at the College of Excellence, and Chi Phi Congress demonstrate that this goal has been accomplished.

Take advantage of his offer which is contained in this packet. Make this program happen on your campus. Everything you need can be found in this packet. Act now.

Fraternally,



Steven L. Schneiderwind
National Director



THE CHI PHI FRATERNITY

3400 Peachtree Road, N.E. – Suite 1011 ● Atlanta, Georgia 30326
Phone (404) 231-1824 ● FAX (404) 237-5090

Dear Alpha:

As a Chi Phi brother, I am very pleased to offer your chapter an opportunity you may have experienced at the College of Excellence or at Congress. As you know, I have been providing HIV/AIDS awareness programs on campuses for the past few years, mostly through the sponsorship of the local chapters. Here is what you need to do to make this happen:

1. Call me (404-242-0528) to arrange a date for my visit to your campus; this should be done about two months in advance. I will need to know a FAX number to reach you, as well as a local mailing address. An INTERNET number would also be helpful.
2. Determine who will cover the cost of my transportation and incidental expenses. There is no honorarium involved. I will stay in the chapter house, alumni house, or any other reasonable accommodations. I will make travel arrangements and communicate them to you.
3. Sign and deliver the enclosed letters to the appropriate people. Please share this information with the Presidents of the IFC and Pan Hellenic Council and anyone else you think should be involved. Do the necessary follow-up for each contact.
4. Arrange a suitable auditorium, generally 200-400 seats, depending on your best estimates, publicity, and other promotional activities. I shall need a 2x2 slide projector with remote control and a lavalier microphone. Some campuses choose to videotape my presentation.

That's fine; but please arrange for me to get a duplicate copy.

5. Develop your publicity strategy, including campus newspaper, radio station, banners, etc. You can use some of the posters I'll send; just add date, time, place, etc.

6. Many chapters have arranged a dinner before the evening lecture, to include various campus leaders, faculty, chapter advisors, administrators, representatives of each co-sponsoring organization, etc. This may be an excellent opportunity to impress the College President, Dean, or other influential folks.

7. Consider a simple reception after the lecture ... whatever is appropriate and works on your campus.

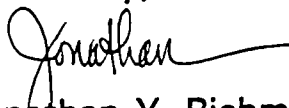
8. Note that I thoroughly enjoy the opportunity for teaching classes. I have given presentations for biology and nursing students, students of political sciences and current affairs, and other interested groups. Feel free to make initial contacts for me (you know your campus best); I'll negotiate with the professors after you give me the particulars.

9. Arrange for a supply of condoms to be available for distribution and demonstration during the evening presentation.

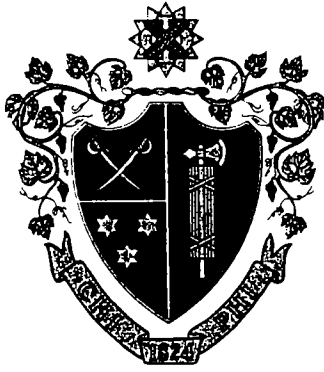
10. Please arrange to collect copies of the publicity materials and any newspaper clips that are associated with my visit. This material can be very useful in promoting future campus visits.

Thanks for your efforts. Keep me informed of your progress!

Fraternally,

A handwritten signature in cursive script, appearing to read "Jonathan", followed by a long horizontal flourish.

Jonathan Y, Richmond,
Z, '62; ZΔ, '62



THE CHI PHI FRATERNITY

Dear Health Clinic Director:

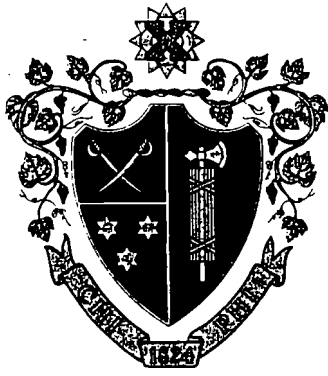
The local chapter of the Chi Phi Fraternity is sponsoring a visit to our campus by Dr. Jonathan Y. Richmond. He is a brother who has been an HIV/AIDS educator for the past decade. Dr. Richmond is currently the Director of the Office of Health and Safety at the Centers for Disease Control and Prevention in Atlanta.

When Dr. Richmond visits college campuses, he requests an opportunity to visit with the Director of the Health Clinic and the health educators who are involved with STD education. I will call you with details of his visit and to arrange for an appointment.

At that time I would also like to discuss the possible co-sponsorship of his program so that we can maximize student/faculty participation.

In the meantime, I have enclosed information that describes this HIV/AIDS awareness program further.

Sincerely,



THE CHI PHI FRATERNITY

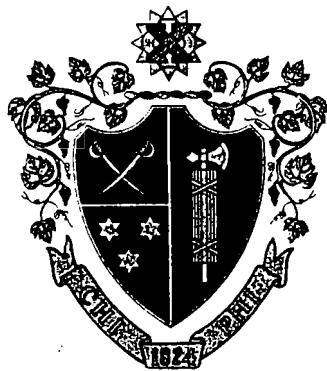
Dear Director of Campus Ministries:

In a few weeks, Dr. Jonathan Y. Richmond will be visiting our campus to present an HIV/AIDS awareness program called "45 minutes that could save your life". His visit is being sponsored by the Chi Phi fraternity, and we are seeking your support in insuring outstanding student/ faculty participation.

Dr. Richmond believes that education is our only means of preventing the further spread of this and other STDs, particularly among college students. He explains that abstinence is a health choice being selected by increasing numbers of young adults. He also presents a straight-forward public health message, for Dr. Richmond is currently the Director of the Office of Health and Safety at the Centers for Disease Control and Prevention.

"45 minutes that could save your life" has been presented on campuses across America, and we are very pleased that he will be visiting us. Please review the enclosed information; I will call you in a few days to discuss this exciting opportunity with you in more detail.

Sincerely,



THE CHI PHI FRATERNITY

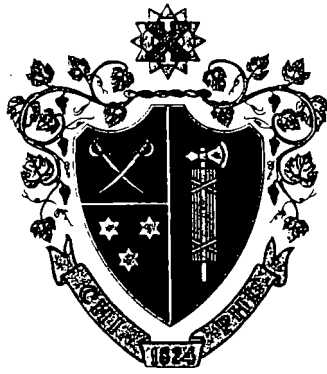
Dear Dean:

The Chi Phi fraternity is pleased to inform you that we are sponsoring a visit to our campus by Dr. Jonathan Y. Richmond, currently the Director of the Office of Health and Safety at the Centers for Disease Control and Prevention in Atlanta. The purpose of his visit is HIV/AIDS education.

When he visits campuses, Dr. Richmond offers his services to participate in class room discussions on various related topics (e.g., "The Politics of AIDS", "Safe Work Practices for Nursing Students", etc.). He meets with campus health educators, faculty, and administrators who are interested and concerned about this epidemic. Dr. Richmond's main discussion, "45 minutes that could save your life", is typically attended by hundreds of students, faculty and community members.

Enclosed is information about this program; I will call your office for an appointment to discuss gaining official support for this visit with you. We believe this to be a wonderful opportunity and know that your backing will help insure the best possible reception for Dr. Richmond.

Sincerely,



THE CHI PHI FRATERNITY

Dear Greek Advisor:

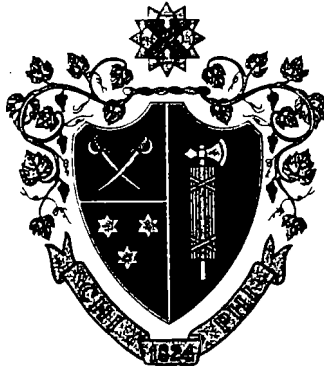
The Chi Phi National Fraternity has developed an HIV/AIDS awareness program with three primary objectives: educate its membership; educate other Greeks; educate the campus and community.

Components of this program have included distribution of HIV/AIDS related literature to all chapters, development of a video, and presentations to undergraduate brothers attending Chi Phi's annual College of Excellence.

A Chi Phi brother, Dr. Jonathan Y. Richmond, has been presenting a program "45 minutes that could save your life" on college campuses for the past several years. The local Chi Phi chapter is sponsoring Dr. Richmond's visit to our campus in the near future, and we are seeking your additional support to make this a significant event.

I have enclosed information concerning this opportunity and will call you to discuss working with you to make this actually happen.

Sincerely,



THE CHI PHI FRATERNITY

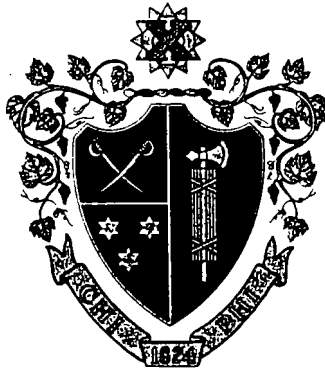
Dear Chairperson, Gay and Lesbian Association:

Dr. Jonathan Y. Richmond, currently Director of the Office of Health and Safety for the Centers for Disease Control and Prevention, will be visiting our campus in the near future to present and HIV/AIDS awareness program entitled "45 minutes that could save your life". His visit is being sponsored by the Chi Phi fraternity, and we hope you will be interested in publicizing his visit to assure the largest possible student/faculty turn-out.

Dr. Richmond believes that education is our only means of prevention and is particularly concerned about the spread of this disease among young adults. He further believes that it is not *who* you are that is the issue, but rather *what you do* that counts.

While he is here, Dr. Richmond will meet with a variety of campus leaders. If you would like to visit with him, let me know. I'll call in a few days to discuss how we can coordinate publicity. Additional information is enclosed.

Sincerely,



THE CHI PHI FRATERNITY

CHI PHI RESPONDS TO AIDS

The main response by the men of the Chi Phi Fraternity is a positive education and marketing program for the entire campus community as to the realities of HIV/AIDS.

In the marketing/promotion area there are two broad areas --
Endorsement/Supporters/Partners and Marketing/Release.

Endorsement/Supporters/Partners

a. The Process

- ask for statements of support from the campus
- ask for help publicizing campus-wide

b. The Participants

- student government, campus administrators, student media, coaches, faculty, residence hall staff, campus ministers, others

c. The Outcomes

- program is campus wide
- creates many credible spokespersons
- Chi Phi feels invested in the program

Marketing/Release

- * Letters to Campus Administration, Ministers, Student Organizations
- * Utilization of campus media --
 - newspaper, radio, television, computer bulletin boards
- * Announcements by faculty, ministers, student leaders
- * Table tents in dining halls
- * Flyers on bulletin boards
- * Library exhibition of related books, posters, etc.
- * Announcements during athletic events
- * Participation by the chapter in the campus health fair
- * Seminars in conjunction with main speaking event

THE WHITE HOUSE
WASHINGTON

Jonathan Y. Richmond, Ph.D.
9460 Prestwick Club Drive
Duluth., Georgia 30097

THE WHITE HOUSE

WASHINGTON

February 12, 1998

TO WHOM IT MAY CONCERN:

I am writing in support of a film documentary project proposed by Kelly Gibbs. She is seeking to provide a perspective on how the AIDS epidemic is impacting on South Africa, to make a comparison of the epidemic there and in the United States, and to articulate how lessons learned in both countries can be brought to bear on the global pandemic.

Having visited that region several times in the past few months, I know too well the incredible human suffering that AIDS is wreaking. With nearly 6 million people per year becoming infected with HIV annually, 90% of whom are in developing nations, it is a tragedy that has global implications.

Kelly has the talent, the compassion, and the insight to present this tragedy in a way that will engender the kind of awareness that has heretofore not existed. Too many of us remain unaware of the magnitude of the global AIDS epidemic and the devastation it is wreaking.

I would hope that you would join in support of Kelly's project, and to invest in a journalist who has truly made a difference in the AIDS epidemic.

Sincerely,



Sandra L. Thurman

Director

Office of National AIDS Policy