

Congress of the United States
Washington, DC 20515

February 10, 1998

President William Jefferson Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

As members of the House Judiciary Subcommittee on Courts and Intellectual Property, we are writing to express our concern regarding the much-publicized case of ETCS(SS) Timothy R. McVeigh, who faces administrative discharge from the Navy as a result of the unauthorized disclosure of confidential information by an Internet service provider, in apparent violation of the Electronic Communications Privacy Act (ECPA).


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 this case for the development of the Internet and the legitimate privacy interests of those who make use of it.


Last year, the Judiciary Committee approved legislation that would protect the security of on-line communications by providing Internet users with unrestricted access to advanced encryption technology. That legislation is opposed by federal law enforcement agencies which insist that the government be given a "key" that would unlock encrypted messages.

When concerns have been raised that a key recovery system would compromise public confidence in the integrity of confidential communications, these 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 in order to obtain private subscriber information?

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.

We respectfully urge you to order a full investigation into this case, and invite you to work with us to ensure that such incidents do not recur.


Howard L. Coble

Sincerely,

William D. Delahunt