Professor Charles Moskos declares under penalty of perjury as follows:

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

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

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

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

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

6. It is also my opinion, based on my understanding of the facts, that the Navy violated the "Don't Ask, Don't Tell" policy in the McVeigh case by launching an investigation without there being credible evidence that Senior Chief McVeigh had engaged in homosexual acts or had openly stated that he was a homosexual. I understand that Senior Chief McVeigh sent a civilian Navy employee an e-mail which did not identify him as the source and contained no statement by the sender such as "I am a homosexual" or any similar statement. I also understand that the e-mail contained the screen name "BOYSRCH" and that the recipient was able to access an America Online user profile which, among other things, listed the sender's name as "Tim," and listed his marital status as "gay" but again, did not identify the sender as Senior Chief Timothy R. McVeigh. It is my understanding that, solely on the basis of this information, the Navy launched an investigation of Senior Chief McVeigh and may have illegally obtained information from America Online identifying him as the source of the e-mail.
7. In my opinion, the Navy's actions in this case violated the "Don't Ask, Don't Tell" policy. In simple terms, Senior Chief McVeigh did not "tell" in a manner contemplated under the policy -- he sent an anonymous e-mail which did not list his surname or his Navy connection - but by launching an investigation solely on the basis of this e-mail, which required the Navy to obtain Senior Chief McVeigh's identity from America Online, the Navy "asked" in a way that should be forbidden under the policy.

8. In my opinion, this sort of heavy-handed "enforcement" by the Navy will inadvertently undermine the "Don't Ask, Don't Tell" policy by eroding confidence among servicemen that the Navy will not "ask" if they do not "tell." It is these kinds of actions by the military, rather than lobbying by homosexual-rights advocates, that pose the greatest threat to the efficacy of the policy in balancing the military's concerns about readiness, unit cohesion and morale with what President Clinton called "a decent regard to the legitimate privacy and associational rights of all service members."

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

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

[signed original]
Charles Moskos