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NATIONAL

NEWS FROM AROUND THE COUNTRY

Divorce lawyers argue steamy e-mail not grounds for adultery accusation

■ **INTERNET:** Wife countersues husband for invasion of privacy after he read her e-mail

NEWARK, N.J. (AP) — No sex, no adultery. Divorce experts returned that verdict Wednesday in the case of a husband who accused his wife of committing adultery through sexually explicit computer exchanges.

"Lonely people at night meet people on this, it's like a pen pal," lawyer Elliot H. Gourvitz said of the Internet.

The accusations were made in a divorce lawsuit John F. Goydan filed against his wife of eight years, Diane K. Goydan.

John Goydan claims his wife exchanged steamy computer messages with a North Carolina man whose on-line name was "The Weasel." He also alleges she had another affair at their home.

Diane Goydan denies she had any affairs and plans to countersue her husband for defamation and invasion of privacy. She also claims Goydan violated state wiretap laws by retrieving her e-mail.

"Whether it's the person on the computer or someone else, this

woman has never been involved with anyone else," said her lawyer, Thomas M. McCormack.

The Goydons, who both still live in their Bridgewater home, are each seeking custody of their children, ages 7 and 3.

Divorce experts predict more relationships launched on the Internet will end up in court.

But Gourvitz, former president of the American Academy of Matrimonial Lawyers, and divorce lawyer John P. Paone Jr. both said that Diane Goydan's on-line relationship with The Weasel would not constitute adultery.

"There are no grounds for adultery, but I believe there would be grounds for divorce under our 'extreme cruelty' statute. We've had many cases regarding interception of telephone conversations, and videotaping of people who were in the act," said Paone, chairman of the family law section of the New Jersey State Bar Association.

"I don't know that we've had any cases involving the use of computers and the Internet. But it doesn't surprise me," Paone said. "I'm sure we're going to have more and more of this. I'm sure it's the new wave of divorce law."

Mike Godwin, staff counsel for the Electronic Frontier Foundation, a San Francisco-based civil liberties group dealing with cyberspace, also believes that e-mail alone isn't adulterous.

"I know of no legal reasons for counting sexy electronic mail as adultery," he said. "But it is a real alienation of affection."

Goydan says he first found an incriminating note after arriving home early Oct. 26, 1995, and watching his wife hurriedly shut off the computer and rip a page from the printer.

Goydan says he turned the computer on about 20 minutes later and saw an instruction that an item still needed to be printed. The printout revealed the relationship with The Weasel, he says, and other e-mail messages were found in a garbage can.

Goydan's lawyer, Richard Hurley, denied Diane Goydan's claim that his client invaded her privacy.

"My client did not use [her] password to get the transmissions," Hurley said. The messages may have been on the computer's hard drive, which is generally accessible to anyone sitting at the computer, he said.

On-line protest mourns Internet censorship bill

■ **LAW:** Legislation banning sex-oriented material argued to be unconstitutional

SAN FRANCISCO (AP) — Portions of the Internet will go into "virtual mourning" Thursday to protest legislation outlawing sex-oriented on-line material.

Opponents of the Telecommunications Act said they will change the background color of their World Wide Web pages to black with white or gray text as soon as President Clinton signs it into law Thursday. Congress passed the bill last week.

Normally, text on the World Wide Web is dark-colored on a light-colored background.

Web pages will remain in this virtual state of mourning for 48 hours to protest a provision that would outlaw electronic transmission of indecent and other sexually explicit materials to minors, said Shabbir Safdar, head of Voters Telecommunications Watch, a coordinator of the protest.

On another front, the American Civil Liberties Union and 19 other groups said they would file a court challenge to the indecency provision on the grounds that it is overly broad and a violation of the First Amendment.

At issue is whether the Internet can be regulated like radio and television.

Supporters of the indecency provision, led by the Christian Coalition, say it legally regulates speech to shield children from harmful material. Courts have upheld such restrictions for TV and radio.

But free-speech advocates argue that the Internet is not a broadcast medium because users not only pay fees to access it, but also must actively search out sites. They say reasonable adults can decide for themselves what they — and their children — choose to read on-line.

Lori Fena, director of the San Francisco-based Electronic Frontier Foundation, said on-line users are already concerned about the law's ramifications.

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