

## AFFIDAVIT OF PERSONAL WITNESS

STATE OF Texas

COUNTY OF Wilson County

Jonathan Carey Donley, being duly sworn to tell the truth, deposes, stating:

That I have personal knowledge of the facts and circumstances stated in this affidavit.

Subject: User Comment Activity on NOLA.com Emanating from U.S. Corps of Engineers  
Internet Protocol Address

My name is Jonathan Carey Donley, age 54, current resident of 114 Shady Oaks, Floresville, Texas, 78114. At the time of the incidents described in this affidavit, I resided at 600 Hutchinson Street, Mandeville, Louisiana, 70448.

I am owner of Dawnsinger LLC, a commercial writing, editing and web consulting firm working actively in both San Antonio and New Orleans. From September 1997 to February 11, 2009, I was the founding editor-in-chief of NOLA.com, the Advance Internet affiliate of the Times-Picayune of New Orleans, as well as MardiGras.com. NOLA.com is the leading news, entertainment and community engagement site in New Orleans. I departed NOLA.com as part of company layoffs announced Feb. 11, 2009.

As part of my responsibilities at NOLA.com, I oversaw the web site's user-engagement features, working to build and nurture online community through community photo and video submissions, forums, community blogging and public commenting on blog posts. I also oversaw adherence to our Terms of Service – particularly the rules guiding forums and comments. During and after Hurricane Katrina, blogs became the primary method for distribution of breaking news from the Times-Picayune, and user comments were a major part of our mandate to bring the community into active participation in the news process on NOLA. I also recruited and oversaw a network of paid and unpaid bloggers, based on our commitment to community-contributed content.

In the course of these audience engagement duties, I was aware that beginning in the latter half of 2006, a group of registered users developed whose comments led me to believe that they were employees, colleagues or friends of the U.S. Corps of Engineers. This group became active as news stories evolved that questioned the Corps' flood protection system design, criticism of the Corps by outside engineers, and the role that the Mississippi River Gulf Outlet (MRGO) may have played in the levee failures that inundated New Orleans in the wake of Hurricane Katrina.

I observed perhaps 20 registered users, with a dedicated cadre of perhaps half that number, who appeared to be Corps of Engineers stakeholders, presenting themselves as

ordinary citizens of New Orleans, residents of Lakeview and other areas that had been devastated by the levee failures. (By “ordinary citizens,” I mean that the posters took pains to say that they were the authentic voice of New Orleans and that critics of the Corps were fringe elements) The wording of these posts often was similar to Corps of Engineers talking points – at times almost verbatim. Such use of our user-engagement tools were within the scope of our Terms of Service, in my determination.

As time went on, however, it was clear that a number of these posters were keeping watch over the forums and blog comments, and not allowing any criticism to go unchallenged. At times, this rose to verbal abuse of critics of the Corps, ad-hominem attacks. Others posts were more problematic, in that they appealed to racial division and at times engaged in racial slurs against African Americans. An example of the first was a running theme that criticism of the Corps of Engineers was being orchestrated by the African-American community; accusations that the Corps bore blame for the levee failures was the result of the African-American community playing racial politics. An example of a more overt type of comment was that the city might have been improved by the scouring of African-American neighborhoods and the dispersal of residents of those neighborhoods away from New Orleans. My impression was that some of these posters in trying to appear to be average citizens of predominantly white areas of the city, were attempting to tap into potential racial hostility and gain support for the Corps. Any such examples were dealt with as appropriate under our Terms of Service, and by the company Interactivity Management group, which received and deleted offensive posts flagged by our readers.

I did not become aware until mid-2008 that there was a pattern of such comments coming out of the Corps of Engineers' internal network. Upon learning of the connection of the IP address of 155.76.159.253 to the Corps of Engineers' New Orleans division, I began spot-checking comments emanating from that office. Later that year I conferred with Times-Picayune writer Mark Schleifstein, regarding comments on his own stories about the Corps. He also confirmed that he had seen such comments coming from the Corps IP address, through the backend tools available to any blogger on NOLA.com. My recollection is that he told me that he had raised the issue with Corps officials, who assured him it was an isolated incident.

My own observations, however, led me to believe it was not an isolated incident, but an ongoing pattern involving one or more individuals at the Corps, using taxpayer-funded time and resources in activity that not only defended the Corps and derided any criticism, but was at times overtly abusive to critics of the Corps. As a veteran journalist, as well as a person responsible for protecting NOLA's user engagement environment, I began to look into these postings more systematically, focusing specifically on the Times-Picayune's Breaking News blog, where the bulk of original stories about the Corps of Engineers stories would have run. I also reviewed the forum covering the Lakeview neighborhood, and the Levees.org blog.

Due to the sheer mass of postings, I was unable to parse the body of comments with the Corps IP address via the site's internal search tools . . . such a search repeatedly crashed

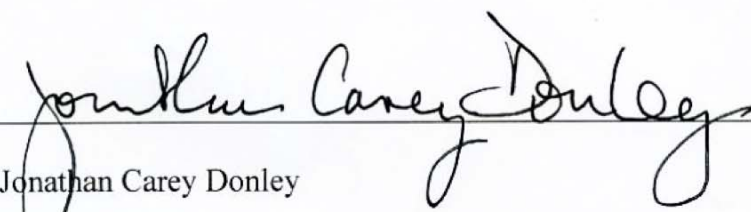


the admin tool. I did, however, create a spreadsheet of comment IP addresses on the Breaking News blog that covered a roughly six-week period of late 2008 and early 2009. What I found in that period was a body of nearly 700 comments emanating from the Corps IP address, an average rate of about 15 posts a day on this single blog. Many of the alias names were familiar to me from my observations over the post-Katrina years, part of the group of posters described above.

This indicated to me that for more than two years, one or more persons, using multiple aliases and posing as regular New Orleans residents, had been systematically using tax-funded resources in personnel time and federal computer infrastructure to conduct a systematic attack on critics of the Corps of Engineers via NOLA.com's user-engagement features.

I was actively reviewing this situation when I departed NOLA.com. I no longer have access to my spreadsheets or notes on this matter.

FURTHER AFFIANT SAYETH NAUGHT


  
Jonathan Carey Donley

Sworn to and subscribed before me by Jonathan Carey Donley, who did take an oath, and is:

personally known to me AMY GOLLINGER (notary public)

produced the following identification: Louisiana Drivers License

Dated: June 9<sup>th</sup>, 2009

  
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My commission expires: May 5, 2013

