

November 10, 2007

BY E-MAIL AND FIRST CLASS MAIL

Sandy Rosenthal
1421 Soniat St.
New Orleans, LA. 70115

Re: Defamation Notice

Dear Ms. Rosenthal:

I am writing on behalf of the American Society of Civil Engineers ("ASCE"). The purpose of this letter is to demand that you and your groups immediately and permanently discontinue publication of the defamatory video entitled "New Orleans Levee Spin 101," as currently located on the youtube website (www.youtube.com/watch?v=XauhgHNp0), the Krewe of Truth website (www.kreweoftruth.com/web), and as linked to the www.levees.org website. This video makes a number of false and defamatory statements concerning ASCE, and we therefore insist that you remove this video from your website and cease any further dissemination of this material. By copy of this letter, I also am putting Youtube on notice of the defamatory nature of this video and demanding its immediate removal from their website.

Founded in 1852, ASCE is a not-for-profit organization dedicated to the advancement of engineering education and science. Through conscientious and ethical leadership and a sincere dedication to improving the quality of life, ASCE has developed substantial goodwill. ASCE takes very seriously its responsibility, and that of all engineers, to hold paramount the public health, safety and welfare. ASCE also takes very seriously its objective of enhancing the welfare of humanity by advancing the science and profession of engineering. It is with that spirit of public service, and a sincere desire to advance technical education and the profession, that ASCE has participated in past disaster response initiatives, including the External Review Panel.

Your video has caused and will continue to cause substantial and unfounded harm to ASCE's reputation and goodwill, as well as to the reputation and goodwill of the qualified and competent individual experts who served on ASCE's review panel. Specifically, your video makes the following false statement with reference to ASCE's review of the U.S. Army Corps of Engineers' post-Katrina report:

"The organization trusted by the White House to make sure the reports were valid were in fact controlled by the Corps, and they lied about the death count."

Furthermore, statements made in the video concerning legitimate payments of federal monies to experts retained by ASCE and awards given to members of the ASCE External Review Panel are clearly meant to convey a false, misleading and injurious

suggestion that ASCE's Panel was improperly, if not unlawfully, influenced in reporting its findings.

ASCE recognizes and supports your right to offer comment on its report and to disagree with its technical conclusions; however, your right of free speech by no means extends to publication of false and misleading information about ASCE, with the apparent intent to impugn ASCE's integrity and to injure its future dealings both in the engineering community and with the public at large.

We trust that, on reexamination, you will agree with our assessment of this video and will voluntarily remove it from your site. Nevertheless, should you ignore this letter and continue to disseminate this defamatory material, please be advised that ASCE intends to take appropriate legal action to protect its interests.

Very truly yours,



Thomas W. Smith, III
Assistant Executive Director & General
Counsel

cc: www.youtube.com

T. J. Locke, Head of School, Isidore Newman School