



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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ARLINGTON, VIRGINIA 22202-4704

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SEP 17 2009

The Honorable Mary L. Landrieu
United States Senate
Washington, DC 20510-1804

Dear Senator Landrieu:

This is in response to your letter dated August 4, 2009, concerning potentially inappropriate use of government computers by employees of the U.S. Army Corps of Engineers, Mississippi Valley, New Orleans, Louisiana (CEMVN). In an affidavit dated June 9, 2009, Mr. Jonathan Carey Donley advised that: (1) he was the founding editor-in-chief of NOLA.com, an Internet affiliate of the Times-Picayune of New Orleans; (2) as part of his responsibilities he oversaw the web site's user-engagement features to include blog postings; (3) subsequent to Hurricane Katrina he "observed perhaps 20 registered users, with a dedicated cadre of perhaps half that number" who appeared to be CEMVN stakeholders and who did not allow any criticism of the CEMVN to go unchallenged; (4) some of the blog postings included abusive comments to include racial slurs directed against African Americans; (5) in mid-2008 he became aware that there was a pattern of such comments originating from a CEMVN IP address¹; (6) he created a spreadsheet of comment IP addresses which indicated to him that one or more persons, using multiple aliases and posing as New Orleans residents, had been using CEMVN resources in time and infra-structure to conduct a systemic attack on critics of the CEMVN; and (7) since departing NOLA.com on February 11, 2009, he no longer had access to the spreadsheet and his notes on this matter.

As noted in our response dated August 11, 2009, preliminary review determined that the matter has already been subject to an inquiry by responsible COE officials. We requested and reviewed the previous investigative effort and obtained additional information from the COE Inspector General. The following information is provided:

- On December 10, 2008, the Deputy Commander, CEMVN, updated and published a Policy Statement for Use of Government Communications Resources (including e-mail and internet access).
- On December 15, 2008, a local reporter for WWL-TV contacts CEMVN and requests an interview or statement regarding a claim by Levees.org that they have tracked messages on the Levees.org internet blog site originating from CEMVN computers. The next day (December 16th), WWL-TV reports that the Levees.org founder believes that

¹ Internet Protocol Address

someone, or some people, at CEMVN are posting hostile and intimidating comments on the Levees.org blog site, using taxpayer money and government computers.

- On December 17, 2008, the CEMVN District Commander forwards an e-mail to the senior leaders asking them to remind subordinates of the policy on the use of government communications resources and stating that this type of interaction is unprofessional and subject to disciplinary action. The CEMVN Deputy Commander asks the District's Regional Information Officer (RIO), Information Technology, if it would be possible to track down who posted the comments to the Levees.org blog site.
- On December 18, 2008, the CEMVN District Commander forwarded a letter of apology to the Levees.org founder.
- On December 24, 2008, the CEMVN District Commander requested that access to the Levees.org website be blocked to all employees, except those in the Public Affairs Office. District employees are still blocked from accessing the Levees.org website (except Public Affairs), and District officials have no intentions of opening access to that website.
- On January 5, 2009, the RIO informs the CEMVN Deputy Commander that the unfavorable comments posted under the user name "SteveONawlins" were made from a computer issued to a former CEMVN employee now working under contract.
- On January 9, 2009, the CEMVN District Commander directs that the contract employee be removed from working on any projects and no longer work in the District Headquarters. On January 12th, the District Commander directs the Chief, Contracting Division, to coordinate with the contract employee's employer and remove him from CEMVN work.²
- On April 27, 2009, the CEMVN District Commander forwarded an e-mail to all employees regarding expression of personal opinions about Corps activities and the use of government position or title in a manner that could be reasonably construed to imply that the agency or the Government endorses one's personal activities.
- On June 17, 2009, a local reporter for WWL-TV requests an interview about more employees blogging from the CEMVN IP address and posing as citizens on NOLA.com. The reporter claimed that there were approximately 20 users, registering with the

² The Chief, Contracting Division, unintentionally missed informing the contractor and this was not known until August 2009. There was no indication that the contract employee sent blogs to the NOLA.com website from his government computer after December 17, 2008. As of August 10, 2009, the individual at issue no longer had access to a government computer.

CEMVN IP address, who are sending blogs dated from 2007 to 2009. On June 22nd the reporter forwarded to the CEMVN Public Affairs Officer examples of blogs that were the subject of his news report; they range in date from 2007 to 2009. The only examples which date after December 17, 2008 (the day of the CEMVN District Commander's e-mail to senior leaders), are blogs from one individual identified as "swain." The reporter further attached a copy of Mr. Donley's affidavit dated June 9, 2009.

- On July 28, 2009, the Levees.org founder forwarded 2 letters to the Public Affairs Officer, addressed to the District Commander, asking questions about the contents of particular blog messages. The Levees.org founder also attached a copy of Mr. Donley's affidavit.
- On August 4 and 5, 2009, the CEMVN District Commander forwarded e-mails to all employees about the use of government positions and titles, expressing opinions on Corps activities, and being careful to avoid situations where their opinions could be interpreted as being endorsed by the Government,
- On August 10, 2009, the CEMVN District Commander approved a request for a search to identify the person who sent messages to the NOLA.com blog site after December 17, 2008.
- On September 10, 2009, the CEMVN District Counsel advised this Agency that log files before March 2009 could not be restored. However, blogs posted by "swain" during March and June 2009 did not come through the CEMVN firewall and were, therefore, not posted from a CEMVN computer.

We believe that CEMVN officials took appropriate actions once informed of the allegations at issue. Accordingly, further review by this Agency is not warranted.

Should you have any questions regarding this matter, please contact me at (703) 604-8324.

Sincerely,



John R. Crane
Assistant Inspector General
Communications and Congressional Liaison