

THE PILEUM SHELL GAME

The depositions of Pileum Corporation and Jill Beneke were noticed to determine how USM had previously accessed its faculty's and administration's emails. Thus far, the University has been able to produce only a few of the emails I asked for in my Freedom of Information request. USM has gone so far as to suggest that it would be necessary to hire IBM to search for/recover the requested emails--a typical USM administrative ploy. The fact is, however, USM has previously searched for/recovered such emails with the assistance of Pileum Corporation and Jill Beneke. According to an article in the *Hattiesburg American*, May 5, 2004, "Thames [President of USM] testified last week that he ordered emails to and from sociology professor Frank Glamser and English professor Gary Stringer monitored as part of a probe that led him to suspend them with pay on March 5 and start termination proceedings." During those proceedings, Dr. Thames testified under oath that *"I authorized that our email system be monitored ..."* USM's policy states in part "the university has the authority to ... monitor network traffic, including email and web browsing patterns." Since this cannot be accomplished effectively in real time, there must exist some storage vehicle by which to effect such monitoring. To date, no one has been able to explain how it is done.

USM's chief technology officer, Homer Coffman, and Richard Lambert, one of USM's many lawyers, denied the University can monitor email. Homer Coffman denied under oath, in Mr. Lambert's presence, that the University had any capability to monitor our email. However, Mr. Coffman did know that there was a company named Pileum that had a contract to run the IT department for the University.

Q. Who did you take over your job from?

A. There was nobody -- it was a vacant position at the time. Pileum Corporation was -- had a contract, and they were running the I.T. department for the University.

Q. So it would be fair to say that if I wanted to ask somebody about the method by which the University monitored Glamser and Stringer's e-mails, I really ought to talk to Pileum?

A. That's -- to my knowledge, that's who it is.

Q. Do you know who in Pileum Corporation was handling the University work?

A. Jill Beneke.

Q. Can you spell that?

A. I think it's -- let me look it up. I've got her name in here. I can make sure it's spelled properly. I do believe -- I don't have it here, but I think it's B-I-L-E-N-K-I-E (sic).

Q. And this is a woman?

A. Yes.

Q. And what Pileum office does she work out of?

A. She is the CEO.

Q. She's the CEO. And where is Pileum located?

A. Jackson, Mississippi.

(Deposition of USM Corporate representative Homer Coffman, January 30, 2006, p. 12-13)

Thus, according to USM, Pileum Corporation and Jill Beneke are the most relevant, knowledgeable sources regarding technical questions about USM's capture and storage of emails.

Dr. Thames, whom USM has refused to produce as a witness—but we will depose-- directed that Drs. Glamser's and Stringer's emails be monitored and/or searched or recovered. Ms. Beneke and Pileum Corporation know how this was accomplished. Ms. Beneke and Pileum Corporation know the feasibility and cost of obtaining the emails requested by Plaintiff because she did this activity for President Thames with regard to Glamser's and Stringer's email. Ms. Beneke and Pileum Corporation know from a technical perspective how it was accomplished. Plaintiff wants, and is entitled to, access to the same information as President Thames at the same cost.

In a brief filed with the Court, Mr. Lambert made a big deal out of protecting information arising out of its compliance with the Patriot Act. What is there to protect? Mr. Coffman testified – under oath -- that USM was not in compliance with the Patriot Act and that it had no software with which to comply:

Q. Are you familiar with the Patriot Act?

A. I am.

Q. Tell us what the Patriot Act requires you to do in connection with your job here at USM.

A. Well, the Patriot Act is done for law enforcement in order to give them better accessibility to our networks and to allow them, basically, 17 wiretapping capabilities, where they can monitor our networks effectively, in order to support any antiterrorist kind of needs or requirements by the law-enforcement agencies.

Q. And what have you done to facilitate that?

A. Absolutely nothing.

Q. So are you in compliance with the Patriot Act?

A. I am not within compliance of the Patriot Act.

Q. And y'all have obtained no software for compliance with the e-mail provisions of the Patriot Act?

A. That's correct.

(Deposition of Corporate representative Homer Coffman, January 30, 2006, p. 6-7)

Are the University and its lawyers playing a Pileum shell game with the truth or are they simply not telling the truth?

In their motion to prevent me from taking Ms. Beneke's and Pileum's deposition, Mr. Lambert said he was worried about disclosing social security numbers. When did USM develop such concern to protect the privacy of its employee's social security numbers? The University and its counsel had already given me social security numbers and credit card numbers (including copies of credit cards which included security codes). The University's and Mr. Lambert's newly found concern for protecting your truly confidential information does not match their behavior. It seems to be a fair conclusion that they only worry about disclosing your social security number when they are trying to hide something else.