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Energy Department loan program staffers were warned not to use personal e-mail

By [Carol D. Leonnig](#) and [Joe Stephens](#), Tuesday, August 14, 3:52 PM

The former head of the Obama administration's controversial clean-energy loan program warned a staff member last year not to include personal e-mail addresses in official correspondence, to prevent the personal accounts from being subpoenaed, documents show.

Jonathan Silver, a political appointee who oversaw the Energy Department's \$38 billion program, sent the warning days before a centerpiece of the program — solar-panel maker [Solyndra](#) — declared bankruptcy, pushing a congressional investigation into high gear.

"Don't ever send an email on doe email with a personal email addresses," Silver wrote Aug. 21, 2011, from his personal account to a program official's private Gmail account. "That makes them subpoenaable."

The House Committee on Oversight and Government Reform wrote a letter to Energy Secretary Steven Chu on Tuesday, charging that he and Silver appear to have given "inaccurate" or "misleading" testimony to Congress about their handling of the loan program. Silver had testified that no one in the department used personal e-mails to conceal internal discussions about the program.

Silver repeatedly communicated about internal and sensitive loan decisions via his personal e-mail, the newly released records show, and more than a dozen other Energy Department staff members used their personal e-mail to discuss decisions involving taxpayer-funded loans as well. The Washington Post

received the e-mails from Republican investigators on the committee.

“The frequent use of non-government e-mail accounts and the contents of e-mails leaves little doubt that DOE officials participated in an intentional effort to shield their communications from legal scrutiny and the public,” committee Chairman Darrell Issa (R-Calif.) and subcommittee Chairmen Jim Jordan (R-Ohio) and Trey Gowdy (R-S.C.) wrote to Chu.

Silver said Tuesday that he did not mean to avoid congressional scrutiny. “I intended to advise my DOE colleagues to use their official email for official purposes and personal email for personal purposes,” he said in a statement. “It was never my intention to avoid the requirements of the Federal Records Act.”

Silver’s warning came as he and senior White House officials were desperately negotiating with Solyndra investors to try to keep the [company alive](#). The government had backed Solyndra’s panel-manufacturing facility in Fremont, Calif., with a \$535 million government loan, and one of its leading investors was the family foundation and equity firm of George Kaiser, a top Obama donor.

The Energy Department voluntarily provided the e-mails to the House oversight panel last week, department spokesman Damien LaVera said. He said that the department treated personal e-mail threads as official records in the “rare cases” in which officials had used them to discuss government business and charged that the committee had cherry-picked individual e-mails to “misrepresent the facts.”

“Nothing in these e-mails or in any of the 950,000 pages of documents we have voluntarily provided to Congress demonstrates anything except what we have consistently said from day one,” LaVera said.

The loan program has become a major issue in this year’s presidential campaign, with Republicans accusing the administration of wasting taxpayer money and backing projects that benefited [Obama donors](#). The White House and Chu have repeatedly asserted that the Energy Department staff made all loan decisions based on merit, without regard to politics or donors.

In the new e-mails, Silver cited [political considerations](#) in pressing for the administration to approve at least one loan applicant.

Silver wrote on June 12, 2011, to David Lane, counsel to White House Chief of Staff Bill Daley, arguing that approving a loan to a solar-generation facility called Project Amp would help Obama politically.

Project Amp then planned to buy from Solyndra, which investors hoped would help the [struggling solar-panel maker](#).

“Why are the most senior people in the Administration worrying about a \$200 million deal? Don’t we have bigger problems?” Silver wrote. “Obama will look like a hero if we do this to a constituency that is now worried about him.”

Silver dismissed the possibility of political interference in testimony last year before a congressional oversight committee. He said that “certainly nobody that I am aware of in the loan program even knew who the individuals were who had invested, either directly or indirectly, into these companies.”

But in August 2011, Silver left a voice-mail message asking to speak with Kaiser, records released earlier show. Silver also exchanged e-mails with staff members about Kaiser and other investors, and the status of talks to get the investors to provide more cash for the company to continue operating.

E-mails show that Kaiser declined to return Silver's call.

Silver said in a statement that in his testimony he meant loan officers did not know whether investors were donors.

Kimberly Kindy contributed to this report.

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