



Written by [Joe Wolverton, II, J.D.](#) on November 23, 2009

Govt Found Negligent in New Orleans Disaster

A federal district court held last Wednesday that the federal government generally and the U.S. Army Corps of Engineers specifically were culpably negligent in the failure of Corps-constructed levees to withstand the rising tide caused by the landfall of Hurricane Katrina on August 29, 2005.



For years since the devastating flooding that completely inundated the more coastal and poorer segments of New Orleans, many have accused the Army Corps of Engineers of failing to properly build, maintain, and repair the levees designed to protect the Crescent City from precisely the sort of deadly effects that result from a sea surge that would predictably accompany a storm of the magnitude of Hurricane Katrina.

“It has been proven in a court of law that the drowning of New Orleans was not a natural disaster, but a preventable man-made travesty,” declared a spokesman for the lawyers who filed suit against the Corps of Engineers on behalf of the named plaintiffs they represent: three homeowners and one business owner who were displaced and whose property was ruined by the uncontrollable floodwaters.

According to the ruling handed down on November 18 by Clinton-appointed U.S. District Court Judge Stanwood Duval of the Eastern District of Louisiana, “The Corps’ lassitude and failure to fulfill its duties resulted in a catastrophic loss of human life and property in unprecedented proportions.” He further held that the Corps knew as early as 1988 that the deplorable condition of the levees posed a recognizable and preventable threat to people living in the low-lying areas in and around New Orleans, but remarkably and negligently did nothing to ameliorate the situation or strengthen the levees.

The judgment ordered the government to pay \$720,000 to the plaintiffs, which will amount to a thimble of water in the Gulf of Mexico compared to the hundreds of lawsuits that are sure to be filed as a result of this successful litigation. Experts estimate that there are some 100,000 legal complaints ready to be filed against the government claiming recompensable damage caused by the broken levees.

Predictably, the U.S. Army Corps of Engineers is expected to appeal the ruling. A spokesman for the Corps declined to comment on the record as that would be inadvisable considering that the “issues involved in the case are still subject to possible further litigation.”

Based on the unequivocal language in last Wednesday’s ruling, the government can certainly remove the qualifier “possible” from that statement, for there is sure to be a torrent of filings in the next few months. Nothing, it seems, would delight New Orleans Mayor Ray Nagin more. “Hopefully this ruling will open up the flood gates, if you will, for those people to receive proper compensation,” he said Wednesday after learning of the decision. In fact, Mayor Nagin said that the city of New Orleans itself



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would very soon join the line at the court clerk's office and file a tort claim seeking recovery of damages it suffered as a result of the Corps' negligence.

Photo of breached levee: AP Images



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