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Inquiry to Seek Cause of Levee Failure

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By CHRISTOPHER DREW

Published: November 9, 2005

The [Louisiana](#) Attorney General said Tuesday that he had begun examining why the New Orleans levees failed during Hurricane Katrina, partly to increase the chances that people who lost their homes will be compensated for their losses.

Attorney General Charles C. Foti Jr. said in an interview that his review could lead to a civil suit to prove that levee design or construction errors caused the flood damage.

A favorable ruling in such a lawsuit could make it easier for those with heavy losses to collect damages from engineering firms and construction companies found negligent in the construction of the levee

Mr. Foti said he also would examine whether shoddy workmanship contributed to the levee failures, leading to a possible criminal investigation if any evidence of that surfaced.

Last week, an engineering expert told a Congressional panel that malfeasance might have led to the levee failures, based on statements - still vague and uncorroborated - from a few former levee workers and their families.

The Orleans Parish district attorney, Eddie Jordan, also has opened an inquiry.

At a minimum, Mr. Foti's effort, first reported in the New Orleans Times-Picayune, represents an attempt to protect homeowners, many of whom were angry to learn that their insurance companies would not compensate them for flood damage.

The effort also could help push the inquiries into the levee failures beyond the engineering world and into law enforcement.

"There have been plenty of allegations about everything, O.K., including that poor design of the retaining walls was the proximate cause of the flooding," Mr. Foti said.

Given the potential for significant insurance disputes, he said, his aim was to help clarify "what the law is - and what the rights of consumers and homeowners are."

Mr. Foti's inquiry comes amid mounting evidence that basic design flaws contributed to the collapse of some of the earthen levees and concrete retaining walls in New Orleans and other areas.

Independent engineers have said that pockets of weak soil and shallow steel anchors helped set off the failures in the flood walls, which let water pour into the main parts of the city. Huge earthen levees in neighboring parishes were washed away by storm surges.

Officials of the Army Corps of Engineers have said they are still examining why some of the failures occurred.

Mr. Foti's aides said they also would work closely with a team of scientists and engineers from the Louisiana State University Hurricane Center, which has been looking into the levee breaks.

Ivor van Heerden, the deputy director of the Hurricane Center, said Tuesday that his group had received a \$90,000 grant from the state Transportation and Development department to dig more deeply into the failures.

Corps officials have said the steel pilings were driven to 17 feet below sea level on the 17th Street Canal, although Dr. van Heerden said some documents suggested that they went down only 10 feet.

Soil tests show that a layer of very weak peat soil stretched about 10 to 15 feet below sea level in the area where the breach occurred.

The Corps has released only a limited number of documents. Dr. van Heerden said other records, collected from state archives, suggest that some of the steel pilings "may not have been in very good shape." They also indicate

that long sections of the pilings might have been removed at one point and then driven back in, adding to the weakness in the soil.

The accusations of corruption surfaced when an engineering professor, Raymond Seed, told a Senate committee last week that in addition to possible design errors, "There may have been malfeasance."

Dr. Seed, who led an outside team examining the levee failures, said after the hearing that the team had been contacted by the widows of levee workers and contractors who told stories of pilings being driven less deeply than planned and sand and shells being substituted for stronger soil.

He cautioned that the statements had not been verified and might not prove to be significant.

Dr. van Heerden said that even though his group had published a hot line number, it had received only one more general complaint about shoddy workmanship.

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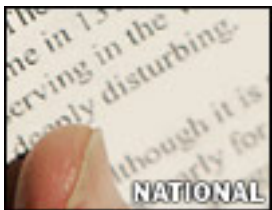
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