

# Army Corps critic sues La. university over firing

14 February 2010, By CAIN BURDEAU , Associated Press Writer

(AP) -- Ivor van Heerden, a Louisiana State University scientist and a widely cited expert on levee failures after Hurricane Katrina, sued his college on Wednesday, alleging he was fired for his criticism of the Army Corps of Engineers.

In the lawsuit, van Heerden alleges that LSU officials violated his free speech and civil rights. Van Heerden claims LSU officials were afraid of losing federal grants and contracts because of his outspokenness. The suit alleges wrongful termination and seeks unspecified damages.

LSU Chancellor Michael Martin said he could not comment on the lawsuit. But he added that LSU "wholeheartedly supports its faculty and values their research, teaching and scholarly publishing."

Amanda Jones, a corps spokeswoman, said the agency would not comment on pending litigation.

LSU officials have said van Heerden was not qualified to speak as an expert on the wide range of issues he was commenting on in interviews with a plethora of media outlets and groups after Katrina.

The lawsuit, filed in state court in Baton Rouge, names the LSU board of Supervisors and four top-level LSU officials as defendants. The individuals named in the lawsuit - Brooks Keel, Robert Twilley, George Voyiadjis and David Constant - either did not return telephone calls seeking comment or could not be reached.

At a news conference at a New Orleans hotel, Van Heerden said the case is "about the right of academics to speak out."

"I came to America because of the [freedom of speech](#)," the South African native said. "This is sending a very chilly message to academics across the country, but especially here in Louisiana."

Van Heerden was told last year that his contract would not be renewed when it ends in May. Van Heerden was an associate professor not protected by tenure.

His firing became a flashpoint, drawing the ire of numerous academics, activists and residents who felt that a rare voice of dissent was being punished. On Wednesday, several prominent figures - including two well-known writers, a law professor at Tulane University and Harry Shearer, a New Orleans actor and filmmaker - spoke in support of van Heerden at the news conference.

"This is the classic instance of speaking truth to power," said John Barry, the author of "Rising Tide," an important work on the Corps of Engineers and the Mississippi River.

Shearer said that to his knowledge "no one has been demoted, no one has been fired, no one has lost their job" at the Corps of Engineers because of the levees failures. Contrasting that with van Heerden's case, he added: "I found something very wrong with this picture."

Martin, the LSU chancellor, said he reviewed the decision not to renew van Heerden's contract and determined that it was "handled appropriately." The decision to fire van Heerden was done before Martin took over at LSU.

Martin said that LSU "values its role as the state's flagship university" and that it would "continue its work to help preserve Louisiana's coastline, mitigate hurricane damage and search for ways to protect the state's coastal populations."

After Katrina hit, van Heerden was among the first scientists to allege that Army Corps' faulty designs and engineering had led to the collapse of floodwalls and levees protecting New Orleans.

He also led a state forensic analysis, known as

Team Louisiana, into the levee breaches. Van Heerden described his work and theories in a book called "The Storm: What Went Wrong and Why During [Hurricane Katrina](#)."

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