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Levees.org reposts controversial video

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By Martha Carr, Nola.com

The Times-Picayune

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By Mark Schleifstein

Staff writer

Levees.org on Friday reposted to YouTube a satirical video filmed by high school students that is critical of the relationship between the American Society of Civil Engineers and the Army Corps of Engineers, after the group was promised free representation by two local law firms in the event it is sued.

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"We have something to say today to the president of the American Society of Civil Engineers," said Levees.org President Sandy

Rosenthal during a news conference in a restored Lakeview home a few blocks from the 17th Street Canal. "We reject your threats and we will not stop publicizing our video."

In a letter to ASCE general Counsel Thomas Smith III, one of the attorneys for Levees.org warned that any lawsuit against the organization might trigger Louisiana's "Anti-SLAPP" statute, which allows courts to weed out lawsuits designed to chill public participation on matters of public significance.

SLAPP stands for "Strategic Lawsuits Against Public Participation."

"While this may not be a criticism the ASCE enjoys, it is nonetheless a fully protected exercise of free speech on the part of Levees.org," wrote Samantha Everett, an attorney with Cooley Godward Kronish.



The announcement came three weeks after Rosenthal announced that she had taken the video off YouTube because of the threat of a cease-and-desist lawsuit from the ASCE. At the time, she said she was taking that action only because her organization could not afford the legal costs if the ASCE were to file a lawsuit.

The video was produced by her son, Sanford, who is a student at Isidore Newman School. The ASCE had sent a copy of their cease-and-desist letter to the school's principal, too.

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The Levees.org announcement comes only a few days after ASCE officials announced that they were creating an independent task force to

review the way the organization participates in national disaster investigations like the corps-sponsored review of the levee and wall failures during Hurricane Katrina.

The ASCE also has begun an internal ethics investigation in response to a 42-page complaint filed by University of California-Berkeley Engineering Professor Raymond Seed, in which he said senior ASCE and corps staffers conspired to obstruct him and other independent investigators looking into the Katrina disaster.

In the Levees.org video, narrators say, "The Army Corps of Engineers asked the American Society of Civil Engineers to hand-pick some members to find the truth," referring to the ASCE's External Review Panel, which was reviewing the investigation findings.





"Then they paid them nearly a million dollars and awarded them medals of honor. Way to go, guys!"

The ASCE accepted close to \$1 million from the corps to compensate the external review committee members for their time and expenses during the two-year investigation.

Rosenthal said the Seed letter and ASCE investigations add to the reasons why an independent "August 29 Investigation" proposed by U.S. Sen. Mary Landrieu, D-La., should be created by Congress.

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The video can be viewed by going to www.YouTube.com and searching for "Controversial Levee Video." It also is available through a link at NOLA.com, which agreed to sponsor the video on YouTube after Rosenthal initially asked YouTube to take it down in November.

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