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IN MEMORY: A Marine writes a slogan on the bridge in Fallouja where the bodies of U.S. civilian contractors were hung last March.

Families of Slain Private Security Contractors Sue for Negligence

Lawsuit alleges that the company failed to give protection to the four killed in Fallouja.

By HENRY WEINSTEIN
Times Staff Writer

Families of four American men who were killed and burned by Iraqi insurgents in Fallouja last March sued Blackwater Security Consulting on Wednesday, accusing the high-profile private security firm of fraud and of putting its employees at unnecessary risk.

After the men were killed, two of the bodies were strung up on a bridge over the Euphrates River, and photos were transmitted around the world.

The suit, filed in Raleigh, N.C., near where the firm has its headquarters, alleges that the men were not provided with armored vehicles or the weapons they were promised. The suit also charges that the employees were sent out in vehicles in two-man teams, although they had been told that each security mission Blackwater performed would be handled with at least three people per car — a driver, a navigator and a rear-gunner.

In order to save money, "Blackwater intentionally and

knowingly failed to provide" the four slain men "with the protections, tools and information" that it had promised, according to the lawsuit, which was filed by Daniel J. Callahan, a lawyer based in Santa Ana who has won a number of large civil damage awards.

"The suit seeks not only compensation for the victims' families but also sends a message to Blackwater and other security companies that their contractors and those who they protect must be treated fairly," Callahan said.

In a statement issued by its Washington-based spokesman, Chris Bertelli, the company said: "Last March, Blackwater was deeply saddened by the tragic loss of our four colleagues as a result of a terrorist act. Our thoughts and prayers were with them and their families then and are with them now."

Bertelli said the company had no immediate comment on the suit, because its officials had not yet been served. He also said he did not know whether the company had offered to compensate the families.

The men on whose behalf the families sued are Stephen "Scott" Helvenston, 38, a former Navy SEAL known for creating a physical fitness video and his work on the movie "G.I. Jane";

Jerko "Jerry" Zovko, 32, an Army veteran who spoke five languages; Wesley J. Batalona, 48, an Army veteran; and Michael Teague, 38, an Army veteran who won a bronze star in Afghanistan.

Blackwater has employed a number of military veterans to provide protection to U.S. officials in Iraq, including L. Paul Bremer III, former head of the Coalition Provisional Authority, and John D. Negroponte, the U.S. ambassador.

In promotional material, the firm describes its training facility in North Carolina as the "most comprehensive private training facility" in the country.

Professor Scott L. Silliman, director of the Center for Law, Ethics and National Security at Duke University Law School, said the suit was potentially important because of the growing use of private security contractors in theaters of war and the lack of standards governing their activities.

The families face at least one major hurdle in their suit, Silliman said — language in the contract the men each signed.

The contract said that the workers agreed "to assume any and all risks of personal injury including death" because of "the hazardous nature of the Duty Station and the Services to be

provided."

The contract detailed that the area in which the work would be done was "volatile, hostile and extremely dangerous" and listed a number of risks, including "being shot, permanently maimed and or killed by a firearm or munitions, falling aircraft or helicopters, sniper fire, landmine, artillery fire, rocket propelled grenade, truck or car bomb earthquake or other natural disaster, poisoning, civil uprising, terrorist activity, hand-to-hand combat, disease, poisoning, etc. . . ."

The plaintiffs will argue that the four men agreed to those provisions based on Blackwater's promises that they would be protected. The company's failure to provide those protections amounted to fraud, which should make the contracts void, Callahan's partner Marc P. Miles said.

Silliman said the clause appeared clearly designed to benefit the company and was very troubling.

"You have a lot of people coming out of military service and lured by the prospect of big money" — up to \$650 a day under this contract, he said. "If I had a young son or daughter and I was being asked should they sign this contract, I would have advised against it."