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Families of slain Blackwater contractors set up legal defense fund

By BILL SIZEMORE, The Virginian-Pilot

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Facing an aggressive defense from Blackwater USA, the families of four security contractors killed in a high-profile ambush in Fallujah, Iraq, three years ago are appealing to the American public for financial help in their legal battle against the Moyock, N.C.-based military company.

The families' lawyers have set up a legal defense fund to keep up the fight against Blackwater, which in recent weeks has steered the potentially groundbreaking lawsuit into a private arbitration process.

The wrongful-death lawsuit was filed in January 2005 by the families of Wesley Batalona, Scott Helvenston, Mike Teague and Jerry Zovko, who were ambushed by insurgents in March 2004. Their bodies were mutilated, and two of them were hanged from a bridge. Images of the gruesome scene were televised worldwide, prompting a devastating U.S. military assault on the city.

Blackwater, accused of sending the men into hostile territory unprepared, has hired a series of high-powered lawyers, including current White House counsel Fred Fielding and Clinton-era special prosecutor Kenneth Starr, to defend the company.

They have argued that private soldiers have become such an integral part of the U.S. fighting force that Blackwater should enjoy the same immunity from liability as the government.

After failing to get the case thrown out of court, Blackwater has invoked a provision in the four men's contracts that calls for settling disputes by binding arbitration.

The company has also filed a \$10 million counterclaim against the lawyer who brought the lawsuit and is seeking a gag order that would keep the proceedings under wraps.

Daniel Callahan, the Santa Ana, Calif., lawyer representing the families, said Wednesday that his firm has spent more than \$2 million on the case and that Blackwater's counterclaim will cause the cost to rise steeply.

"We have a very good case, but if we can't get the funding to continue, they're going to win. It'll be Goliath defeating David," he said. "The families just don't have the money to be able to defend themselves."

Callahan's firm has set up a Web site, www.blackwatervictims.com.

Blackwater spokeswoman Anne Tyrrell said in an e-mail: "This is the latest attempt by plaintiff's attorneys to litigate in the media with outrageous tactics which above all discredit the honor of these fallen men and victimize their families, with whom our condolences remain."

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