

What Katrina Revealed

*William P. Quigley**

INTRODUCTION

When Hurricane Katrina hit in August 2005, I was inside a New Orleans hospital with my wife, who is a nurse, and about 2000 other people. Windows in our hospital started exploding and water poured down the elevator shafts. We were soon without electricity, phone service, computers, food, and running water. Bodies started to pile up in the hospital, and we could see more bodies in the water outside. We stayed there, surrounded by eight feet of water, for five days. My wife and I got out in a small fishing boat. After a few weeks living with various family members, we ended up in an apartment in Houston for several months until we could return to New Orleans. Ever since Katrina, my work has focused on advocacy with and for the most vulnerable of the displaced. Through these efforts, as well as living in New Orleans, and my regular work as a teacher, writer, and participant in Loyola University's clinical program, I have been privileged to hear thousands of people's stories. Two and a half years later, this Essay relates what Katrina has revealed about justice.

Hundreds of thousands of lives were wrecked by Katrina. Tens of thousands of people remain displaced years later. Since Katrina, I have worked alongside many great advocates and individuals and organizations.¹ Together, we successfully challenged the landlord-tenant laws of Louisiana, which were poised to evict tens of thousands of the still-displaced from their apartments without notice. We forced the state courts to physically return to New Orleans before starting any evictions. We fought a losing battle against federal efforts to evict over 10,000 people from hotels on one day. We stopped the demolition of hundreds of homes in the Lower Ninth Ward and other places across the City of New Orleans until the owners of the homes were notified of demolition plans and had a chance to recover personal property still inside. We tried, without success, to protect the right to vote of tens of thousands still displaced out-of-state. We continue to challenge—in federal and state courts and local and national legislative bodies—the expulsion of thousands of families from their public housing apartments. I have participated in other actions challenging evictions from FEMA trailers, wrongful termination of FEMA housing assistance, the refusal to enroll hundreds of

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¹ Most of the Gulf Coast advocacy in which I have been involved since Katrina has been with New Orleans civil rights attorney Tracie Washington, the Washington, D.C.-based Advancement Project, people at the Loyola Law Clinic, and Audrey Stewart, an extraordinary legal worker and friend.

returning children in public schools, and the closure of our major public healthcare facility.²

The stories of people who survived Katrina have shocked, challenged, sustained, and inspired me over these past years of struggle. A lot of my work has been with grandmothers. Many survive on less than \$700 a month. They literally do not know how they are going to pay their bills every single month. They care for their children and grandchildren. They cook, clean, take people to school, and they go to church. Despite obstacles that would humble most of us, they still find time to go to City Hall and show up at court hearings. They do not have cars, but they will go to meetings if they can walk or if someone will pick them up. In the summer, we meet outdoors in the heat sitting on the sidewalk on mismatched, battered folding chairs. In the winter, we meet in a church basement or in a cold gym. These women are weary, heartbroken, angry, and depressed. But they also laugh, and are hopeful and generous and have a broad and deep faith that melts away despair. Their lives and their stories inspire me and keep me going. Being with them regularly reminds me why respectfully listening to people can be so transformative. They remind me that at the place where injustice and oppression are the greatest, there is beauty, courage, joy, and inspiration in abundance.

This Essay examines the power that the stories of survivors of Katrina can have on social justice. The Essay makes seven arguments, each of which has been inspired and shaped by the stories of survivors. First, disasters rip off our social bandages and lay bare long-neglected injustices, providing a new lens to view the real lives and living conditions of our sisters and brothers. Second, there are social justice implications to who speaks—survivors must tell their own stories, as opposed to having the narrative framed by others. Third, we must set stories of the collapsed healthcare system against the powerful pressures of neo-liberalism in the rebuilding effort. Fourth, instead of placing equal value on every person after Katrina, some were privileged and many others discounted. Hearing survivor stories through the filter of human rights makes this injustice not only regrettable, but unconscionable. Fifth, the only way to counterbalance the powerful forces of injustice is by a community-based response from survivors who listen to each other and hammer out a common agenda for rebuilding prioritizing the most vulnerable. Sixth, in order to create a common agenda, the survivors must create real democracy, start their own rebuilding, and hold government accountable. Seventh, through all these struggles and suffering, it is critical to realize that justice is a team sport and communities of resistance and hope have emerged as the best ways to go forward in a just manner.

² In each of these actions, although I have been counsel of record, I have taken a supporting role.

I. STORIES OF SURVIVORS OF DISASTER REVEAL STRUCTURAL INJUSTICES
AND PROVIDE OPPORTUNITIES FOR LEARNING AND ACTION

Do you wonder about the role of power, race, class, and gender in society? Watch what happens when disaster strikes. Who is left behind during the disaster? Who is left behind in the repair, rebuilding, planning, and decision making? Disaster can be an excellent lens through which to examine justice issues.³ The stories of those left behind during and after Katrina illustrate the institutional injustices in our society and the need for powerful new tools to refashion and redistribute justice in our nation.

From the moment Katrina appeared on our horizon, the injustices of our actual priorities began to reveal themselves. As the storm loomed, a mandatory evacuation was announced and people were told to leave. Most people filled up their gas tanks, got in their cars, and left.

One quarter of New Orleans households, or 100,000 people, however, did not have access to a car.⁴ There was no public evacuation at all. That 100,000 or more would be left behind in a private evacuation was well known long before Katrina.⁵ A year before, a reporter asked fifty-seven-year-old Latonya Hill, who was living on a disability check and money from cleaning houses, why she was staying in New Orleans despite official pleas to pack up and leave in advance of Hurricane Ivan. She replied, "Got no place to go and no way to get there."⁶

In Katrina, then, the haves and the have-nots were separated from the start. Those with means drove away from the risk. People without means to leave or places to go stayed.

Consider the story of one of the thousands of families left behind.⁷ Robert Green, a fifty-year-old tax accountant, stayed behind because he was chief caregiver for his mother, Joyce Hilda Green, who was in a wheelchair and had advanced Parkinson's. Ms. Green could not handle a long car ride, so Robert stayed with her in her home in the Lower Ninth Ward. Her four bedroom house had been in the family for thirty-eight years. There, with help from his brother Jonathan, a teacher and coach at a local high school, he

³ David Brooks, *The Storm After the Storm*, N.Y. TIMES, Sept. 1, 2005, at A23. ("Hurricanes come in two waves. First comes the rainstorm, and then comes what the historian John Barry calls the 'human storm'—the recriminations, the political conflict and the battle over compensation. Floods wash away the surface of society, the settled way things have been done. They expose the underlying power structures, the injustices, the patterns of corruption and the unacknowledged inequalities.")

⁴ SELECT BIPARTISAN COMM. TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA, A FAILURE OF INITIATIVE, H.R. Rep. No. 109-377, at 113 (2006), available at <http://www.gpoaccess.gov/congress/house/katrina/index.html>.

⁵ Brian Wolshon, *Planning for the Evacuation of New Orleans*, ITE J. 45, CITY OF NEW ORLEANS, Comprehensive Emergency Management Plan (2005).

⁶ *Hurricane Ivan; Storm Watch*, ATLANTA J.-CONST., Sept. 15, 2004, at A14.

⁷ Vicki Ferstel, *Taking Care of Her Little 'Nai Nai'*, ADVOCATE (Baton Rouge), Apr. 14, 2006, at C1. Bruce Nolan, *Remembering Katrina*, Aug. 29, 2006, TIMES-PICAYUNE (New Orleans), at 1.

cared for his mentally disabled cousin, Herman, sixty, and three toddlers, Shaniya Thomas, Robert's granddaughter Shanai "Nai Nai" Green, and Shamiya "Muffin" Thomas. They were turned away from the Superdome because it was not set up for people with special needs. So they rode out the storm at home.

Just before dawn, water began to fill the street. It was quickly chest-high on Jonathan, who stands six feet, eight inches tall. Then the water started to pour into the house. The brothers lifted the three little girls, their mother, and their cousin into the attic. But within minutes, the water had risen to the attic too. The brothers kicked out a section of roof and pulled the family out onto the roof and into the full force of the storm.

As the water from the failed levee roared through the neighborhood, it knocked Ms. Green's wooden house off its brick foundation. The water pushed the house down the street and began to break it apart. Everyone tried frantically to hold onto the roof as the house shuddered and twisted while it moved down the street. Other than water, all that was visible in their neighborhood were treetops, some with neighbors clinging to them, and the rooftops of neighbors' homes.

After being pushed two blocks, the remains of their house jammed into another home. The brothers tried to move their family over to the other, more stable, roof. Shanai went first. As five-year-old Shaniya was being moved onto the new roof, little Shanai slipped off the roof down into the water. As the brothers reached to bring the two-year-old Shamiya over, Shaniya also toppled into the water. Shaniya was able to swim to the top of a truck, where they were able to recover her. When the rest of the family was able to get onto the roof of another house, Jonathan tried to protect the mother from the storm by covering her with his body. Sometime during the night, Ms. Joyce Hilda Green quietly died. The next day, neighbors in a fishing boat picked the surviving family members off the roof and brought them to a bridge overpass. Shanai Thomas's body was found October 25. Ms. Green's body was found December 29.

Congress estimated that over 78,000 people were left behind by counting those who found their way to the Superdome, the New Orleans Convention Center, or the I-10 cloverleaf.⁸

Prisons, hospitals, and nursing homes were left full. Most shamefully, many elderly were left behind to die alone in their homes. One eighty-seven-year-old woman, Olympia Reeves, who suffered from Alzheimer's, was moved from her home by rescue workers and taken to the New Orleans Convention Center, where she disappeared. Her family was unable to locate

⁸ SELECT BIPARTISAN COMM. TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA, *supra* note 4, at 111.

her, dead or alive, for months—she became one of 6000 who were still missing nearly two months after Katrina.⁹

After the disaster came the rebuilding, and the injustices continued. Race and poverty were prime predictors of who suffered the most.¹⁰ In the rebuilding process, those who were left behind when Katrina hit have mostly been left behind again.

This is a tremendous educational opportunity to look at what really matters in our society. Disaster pulls back the curtains. Disaster rips off the bandages. Disaster lays bare our people, our systems, and our histories of injustice for all to see.

Looking squarely at injustice takes unflinching honesty. It takes a willingness to learn how to challenge our previous ways of seeing. These are not just Gulf Coast problems. They are national problems. Just as many on the Gulf drove away from the risk of Katrina with enough room in their cars to give someone's grandmother a ride out, our nation must understand that today, in all our communities, far too many people are being left behind.¹¹

But looking alone is insufficient. People who want a better world must join in solidarity with those who are left behind and left out. The challenge for progressives is to listen carefully to those harmed and to create opportunities to use their stories to illustrate the systemic injustices that become so stark after a disaster. The voices of those left behind during and after these community tragedies articulate the need for powerful new tools to redistribute justice in our communities in order to right the obvious wrongs that disasters reveal.

II. SURVIVORS MUST TELL THEIR OWN STORIES

When my wife and I were finally safely out of New Orleans and reunited with family—who had been glued to the TV, which we had not seen for days—their first questions were “Why are people shooting at helicopters? Why is everyone looting?”

We were stunned. For days we had seen hundreds of ordinary people doing heroic work helping neighbors in the hospital and outside in the waters. People were swimming from a homeless shelter full of families to a

⁹ Kari Huus, *Lost in the Shuffle: Katrina Leaves Elderly Evacuees Displaced, Disconnected*, MSNBC.com, Nov. 11, 2005, <http://www.msnbc.msn.com/id/10180296/>.

¹⁰ CONGRESSIONAL RESEARCH SERVICE, HURRICANE KATRINA: SOCIAL-DEMOGRAPHIC CHARACTERISTICS OF IMPACTED AREAS 14–17 (2005), available at <http://www.gnocdc.org/reports/crsrept.pdf> (indicating the areas most severely affected in the hurricane, not the race and income of the people living in those areas).

¹¹ “[N]early every major American city still contains a collection of extremely poor, racially segregated neighborhoods. In cities as diverse as Cleveland, New York, Atlanta and Los Angeles, more than 30 percent of poor blacks live in areas of severe social and economic distress.” ALAN BERUBE & BRUCE KATZ, *KATRINA'S WINDOW: CONFRONTING CONCENTRATED POVERTY ACROSS AMERICA 1* (2005), available at http://www.brookings.edu/reports/2005/10poverty_berube.aspx.

nearby drugstore to carry diapers, food, and water back. Men paddled an elderly woman down the flooded street in a makeshift raft of converted trash cans. Parents were trying everything to get their children out of the water. We did hear people shoot guns in the air: they were people stranded on rooftops who were trying to try to attract the attention of the helicopters overhead. Most of what we saw in the water and in the hospital was inspiring—people helping people in unimaginable circumstances. Our families, who saw only television, saw quite a different story.

In large part, the story told will frame and prioritize responses to a disaster. That is why the people impacted by Katrina must tell their own stories.

The initial response to Katrina was shock as it was revealed that the richest country in the history of the world had such pervasive poverty that tens of thousands of people could not escape disaster. That story suggests that in our system some people are valuable and others are disposable. If that is indeed the story, then the immediate need to undertake a serious re-ordering of our national priorities is striking.

Some, reluctant to admit that our national priorities are flawed, argued that the people who remained in New Orleans were themselves at fault. In this classic blame-the-victim story, people left behind in New Orleans created their own problems, were probably criminals, and now unreasonably expected the rest of the country to care for them. U.S. Senator Rick Santorum (R-PA) immediately suggested penalizing the citizens left behind: “There may be a need, candidly, to look at tougher penalties on those who decide to ride it out and understand that there are consequences to not leaving.”¹² Conservative commentator Bill O’Reilly stated, “Many, many, many of the poor in New Orleans . . . weren’t going to leave no matter what you did. They were drug addicted. They weren’t going to get turned off from their source. They were thugs, whatever.”¹³

Looting and shooting were the featured story lines of those who blamed the victims.¹⁴ Consider two photos published the same day of people walking through high water carrying groceries.¹⁵ Their captions demonstrate the critical importance of framing. The first says: “A young [black] man walks through chest-deep floodwater after looting a grocery store in New Orleans” The second says: “Two [white] residents wade through chest-deep water after finding bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans” In this telling, the

¹² Dave Davies, *Santorum: If You Don’t Evacuate, Face Penalties*, PHILA. DAILY NEWS, Sept. 7, 2005, at 6.

¹³ *The Radio Factor*, (Westwood Radio Broadcast Sept. 13, 2005), available at <http://mediamatters.org/items/200509150001>.

¹⁴ Cheryl I. Harris & Devon W. Carbado, *Loot or Find: Fact or Frame?*, in *AFTER THE STORM: BLACK INTELLECTUALS EXPLORE THE MEANING OF HURRICANE KATRINA* 87–110 (David Dante Troutt ed., 2006).

¹⁵ Posting of Matthew Wheeland to TheMix, www.aamovement.net/news/2005/katrina_coverage.html (Aug. 31, 2005, 10:47 EST) (showing the photos in question and their captions).

disaster was not about problematic national priorities but yet another example of people not living up to expectations. In fact, to some of these people, Katrina was actually good. U.S. Representative Richard H. Baker (R-LA) was quoted by the Wall Street Journal telling lobbyists, within days of Katrina, that the damage to thousands of public housing apartments in New Orleans was God's work. "We finally cleaned up public housing in New Orleans," he was quoted as saying. "We couldn't do it, but God did."¹⁶

Telling the story truthfully and fully is a demanding part of justice advocacy during a disaster. In the months that followed, as rebuilding started, those Katrina left behind again discovered the need to tell their own stories.

After the levees failed, the waters of Lake Ponchartrain drained into the city and put eighty percent of our community under water, essentially destroying New Orleans for several weeks. As the water was pumped out, the devastation that remained was unimaginable to most of us. Once the water receded, we were left with an almost totally militarized city with no working electricity, no working traffic lights, no healthcare, no grocery stores, no pharmacies, no schools, and miles and miles of wrecked homes and neighborhoods. Just as the physical landscape was wrecked, the human landscape of family, friends, cousins, aunts, neighbors, co-workers, school mates, and fellow church-members—networks that allowed people to survive even in the tough times—was gone.¹⁷

One of our biggest immediate challenges was to come up with a way to think about what had happened and about what we were supposed to do next. In addition to being emotionally devastated by the death and loss, we did not have the ideas or vocabulary to describe what was going on. It was inadequate to describe this as the aftermath of a storm. Our city looked more like the aftermath of a war, but we had not been attacked. Some called us flood victims. Others called us refugees. Some saw us as the new migrants, like those fleeing the Dust Bowl during the Great Depression.¹⁸

Defining justice in the days and weeks after Katrina was an even harder task. If terrorists attacked us, we could at least name those who had caused our losses. Survivors did not know how to describe the combination of a powerful storm, years of poor planning, a bungled rescue, and the inability to even return to see their homes for weeks and months afterwards.

¹⁶ Charles Babington, *Some GOP Legislators Hit Jarring Notes in Addressing Katrina*, WASH. POST, Sept. 10, 2005, at A4.

¹⁷ Adam Nossiter, *With Regrets, New Orleans is Left Behind*, N.Y. TIMES, Dec. 18, 2007, at A1.

¹⁸ "Other than the Oakies leaving the Dust Bowl, I can't think of any other time in American history where this many people have just up and moved. We're all starting to wonder what the long-term political consequences will be in terms of demographics and voting trends." Johanna Neuman & Richard B. Schmitt, *Katrina's Aftermath: Political Landscape May Shift on Displaced Voters*, L.A. TIMES, Sept. 11, 2005, at A40; William Quigley & Sharda Sekaran, *A Call for the Right to Return in the Gulf Coast*, in BRINGING HUMAN RIGHTS HOME: FROM CIVIL RIGHTS TO HUMAN RIGHTS 291–94 (Cynthia Soohoo et al. eds., 2007).

It was several weeks after Katrina hit, while I was still myself displaced and working with the displaced in Texas, when I started reading articles about using human rights as an advocacy tool. A number of human rights organizations were working to spread the word that Katrina was, in addition to many other failings in the response, a human rights disaster. These early emails sparked my interest in reframing the national response to Katrina in human rights terms.

Several weeks after Katrina hit, Dr. Arjun Sengupta, the United Nations Rapporteur on Extreme Poverty, visited the Gulf Coast. Dr. Sengupta insisted that he have as much opportunity as possible to listen to people tell their own stories. This created an opportunity for some of the displaced to come together and voice their concerns about the injustices that occurred during and after Katrina. He visited with people in New Orleans, Baton Rouge, and Mississippi in October 2005.

The dozens of stories of life two months after Katrina were shocking. A woman who had been a teacher for twenty-nine years lost her home to ceiling-high water. Since the schools were closed, she had no job and lived in a shelter eighty miles from home with her seventy-year-old disabled mother and her thirteen-year-old son. Another woman cried as she shared her story of not being allowed back in her home to retrieve the American flag that draped her husband's casket. A young couple, now living in their car, spoke of being evicted from their trailer.

Dr. Sengupta was visibly moved by the stories. When a reporter asked for his reaction, he described current conditions as "shocking" and "a gross violation of human rights."¹⁹ The devastation itself was shocking, he explained, but even more shocking was that two months had passed since the storm and there was little being done to reconstruct vast areas of New Orleans. Dr. Sengupta remarked, "The U.S. is the richest nation in the history of the world. Why cannot it restore electricity and water and help people rebuild their homes and neighborhoods? If the U.S. can rebuild Afghanistan and Iraq, why not New Orleans?"²⁰

The United Nations visit helped activists in Louisiana start to define our problems and to place them in a global context. Dr. Sengupta's conclusions reinforced our feelings that something was desperately wrong. His view of our situation from a human rights perspective opened our eyes to new possibilities about thinking of ourselves and about new ways to cry out and act for justice. Many people had not heard these stories from other survivors. The telling of stories of unjust treatment to a compassionate listener helped advocates start to figure out what common issues needed to be raised.²¹

¹⁹ Quigley & Sekaran, *supra* note 18, at 293.

²⁰ *Id.*

²¹ "Survivors must be allowed to tell their stories their own way. We must not burden them with theories, interpretations, or opinions, especially if we have little knowledge of their cultural and political background." RICHARD F. MOLLICA, HEALING INVISIBLE WOUNDS: PATHS TO HOPE AND RECOVERY IN A VIOLENT WORLD 60 (Harcourt 2006).

III. UNDERSTANDING THE SUFFERING OF SURVIVORS CAN COMBAT THE FORCES OF NEOLIBERALISM

Katrina, despite its severe and tragic destruction, offers the United States an opportunity. The country can listen to the voices of the suffering and the powerless—those still burdened by the structural injustices of race, gender, or class—and together create innovative, systemic responses that respect basic human rights and dignity. Or the country could use this opportunity to demonstrate how market-driven reconstruction operates at the expense of society's most vulnerable members. At this point, market-driven principles, which reflect the fundamentals of neoliberalism, have prevailed and developed into the major force in the rebuilding of the Gulf Coast.²²

Though most people in New Orleans have never heard of neoliberalism, its principles now impact every person and every institution. Since Katrina, New Orleans has become a laboratory where the economic engines of neoliberalism have been allowed to operate in a more powerful and comprehensive manner than anywhere else in the United States.

Powerful pro-market forces mobilize immediately after a disaster. For example, the Heritage Foundation issued a report days after Katrina containing its proposals for the reconstruction of the Gulf Coast: Private entrepreneurial activity, not government, as the primary engine of rebuilding; public schools making way for increased charter schools; elimination of regulations on business to speed up private sector investment; repeal of environmental laws and regulations like the National Environmental Policy Act and the Clean Air Act; opening up the Arctic National Wildlife Refuge; and repeal of the estate tax.²³

“Let the market decide” has become the mantra of the rebuilding.²⁴ The privatization of government institutions is far along. Over half of the children in New Orleans public schools now attend charter schools and the city is now the charter school capital of the nation.²⁵ Public healthcare has been dramatically cut back, as has public transportation.²⁶ The government

²² “New Orleans’s recovery—which President Bush once suggested would be one of the largest public reconstruction efforts the world had ever seen—is quickly becoming a private market affair.” Peter G. Gosselin, *On Their Own in Battered New Orleans*, in *ON RISK AND DISASTER: LESSONS FROM HURRICANE KATRINA* 15 (Ronald J. Daniels et al. eds., 2006).

²³ Edwin Meese et al., *FROM TRAGEDY TO TRIUMPH: PRINCIPLED SOLUTIONS FOR REBUILDING LIVES AND COMMUNITIES* (HERITAGE FOUNDATION 2005), available at <http://www.heritage.org/Research/GovernmentReform/sr05.cfm>.

²⁴ *Nagin Rejects Limits on Building in New Orleans*, CNN.com, Mar. 21, 2006, <http://www.cnn.com/2006/US/03/21/new.orleans/index.html>.

²⁵ Danielle Holley-Walker, *The Accountability Cycle: The Recovery School District Act and the New Orleans Charter Schools*, 40 *CONN. L. REV.* 125 (2007).

²⁶ William P. Quigley, *Thirteen Ways of Looking at Katrina: Human and Civil Rights*, 81 *TUL. L. REV.* 955, 977, 982 (2007).

seized and sealed thousands of public housing apartments right after Katrina in order to demolish them and hand them over to private developers.²⁷

Neoliberalism is a political and economic theory whose first principle is that human well-being can best be advanced by individual and corporate freedom to pursue financial gain within a framework of strong private property rights, free markets, and free trade.²⁸ Though it has many origins and many different forms, neoliberalism has some common principles. In order to maximize the pursuit of financial gain, the role of the state is limited to security—protecting rights to private property and defending the rights of those in the financial community who are maximizing profit. From the neoliberal perspective, the state's prior commitments to education, healthcare, housing, social security, and regulations designed to protect civil rights, the environment, human rights, labor, and small business are misguided, and should be cut back as severely as possible, so only the private market will control these issues. This results in diminished power of labor, across the board deregulation of corporations and businesses, and unfettered freedom for the powers of finance.²⁹ Social programs are bad, in this view, because they shrink the overall economic pie and will ultimately harm the poor, who will do better in the long run if market forces are given maximum freedom.³⁰

Contrast neoliberalism with social justice. Social justice, as defined by John Rawls, respects basic individual liberty and economic improvement, but insists that liberty, opportunity, income, wealth, and the other social bases of self-respect are to be distributed equally unless an unequal distribution

²⁷ See generally William P. Quigley, *Obstacle to Opportunity: Housing That Working and Poor People Can Afford in New Orleans Since Katrina*, 42 WAKE FOREST L. REV. 393 (2007).

²⁸ See DAVID HARVEY, *A BRIEF HISTORY OF NEOLIBERALISM 2* (Oxford Press 2005). The term "neoliberalism" is derived from its blend of neoclassical market economics and the strong focus on individual freedom. A more critical definition of neoliberalism is available in Elizabeth Martinez & Arnoldo Garcia, *What is Neoliberalism?* CORPWATCH, <http://www.corpwatch.org/article.php?id=376> (last visited Apr. 12, 2008). According to this analysis,

The main points of neo-liberalism include:

The Rule of the Market. . . .

Greater openness to international trade and investment, as in NAFTA. . . .

Cutting Public Expenditures for Social Services. . . .

Deregulation. . . .

Privatization. . . .

Eliminating the Concept of the "public good" or "community" and replacing it with "individual responsibility."

²⁹ According to Harvey, neoliberalism is the common thread between the actions of Margaret Thatcher in England, Ronald Reagan in the United States, and even Deng Xiaoping in China, all of whom deliberately and dramatically opened up commercial opportunities and reduced governmental regulations in the period between 1978 and the early 1980s. See HARVEY, *supra* note 28, at 1.

³⁰ Martha T. McCluskey, *Thinking with Wolves: Left Legal Theory After the Right's Rise*, 54 BUFF. L. REV. 1191, 1267–68 (2007). See also Martha T. McCluskey, *Efficiency and Social Citizenship: Challenging the Neoliberal Attack on the Welfare State*, 78 IND. L.J. 783 (2003).

is to everyone's advantage and any inequalities are arranged so they are open to all.³¹

Many commentators point out the widespread incompetence of the governmental response to Katrina.³² However, this reality should not conceal the fact that most of the tragically inadequate reaction of the national government was caused by predictable structural weaknesses resulting from decades of intentional neoliberal dismantling of the public sector.³³ There was indeed a failure of leadership and execution, but there was much more than that. James Carroll said it best:

Hurricane Katrina was more than a natural disaster. It was a political epiphany, laying bare difficult truths from which, mainly, the United States has been in flight. . . . The spectacle of failure, how for days the government was powerless to help such people, only put on display how government was already failing them and everyone else . . . the United States, after a generation of tax-cutting and downsizing, has eviscerated the public sector's capacity for supporting the common good. The neglect of civic infrastructure, the destruction of social services, the abandonment of the safety net, the myth of "privatization," the perverse idea, dating to the Reagan era, that government is the enemy: It all adds up to what we saw last week—government not as the enemy, but as the incompetent, impotent bystander.³⁴

One illustration of the problem of relying on market-based solutions is the post-Katrina healthcare emergency in New Orleans. Since Katrina, the main public hospital, Charity Hospital, which provided 350,000 patient visits a year, mostly for low-income and uninsured people, has remained closed.³⁵

Lucille Moore, fifty-five, worked as a cashier after Katrina and had health insurance through her job. She lost her job when she began suffering from blurred vision in her left eye and now has no health insurance. She has thyroid problems, high blood pressure and an enlarged heart. A doctor recently advised her that she needed an eye operation. Since Charity Hospital has remained closed since Katrina, she has been referred to a facility in

³¹ JOHN RAWLS, *A THEORY OF JUSTICE* 52–54 (1971).

³² SELECT BIPARTISAN COMM. TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA, *supra* note 4. The Executive Summary of Findings states the committee "identified failures at all levels of government that significantly undermined and detracted from the heroic efforts of first responders, private individuals and organizations, faith-based groups and others."

³³ Stewart Varner, *Hurricane Katrina, Neoliberal Globalization and the Global City*, 1 *HYPHENATION* 5 (2006), <http://www.emory.edu/HypheNation/Hurricane%20Katrina.pdf>; Paul Street, *The Personal and the Structural in New Orleans*, *DOLLARS & SENSE*, Nov. 11, 2005, at 10.

³⁴ James Carroll, *Katrina's Truths*, *BOSTON GLOBE*, Sept. 5, 2005, at A17.

³⁵ Robin Rudowitz et al., *Kaiser Health Affairs, Health Affairs: Health Care in New Orleans Before and After Hurricane Katrina*, 25 *HEALTH AFF.* 393, 396 (2006), available at <http://www.healthaffairs.org> (subscription req'd).

Bogalusa, seventy miles away. Ms. Moore does not have transportation, so she must pay someone to take her. Authorities at the hospital in Bogalusa told Ms. Moore that they needed to see her on each of three consecutive days for the surgery, but will not let her stay overnight. She knows no one there who could put her up for several nights so she will have to find money for a hotel. Her follow up visits will be in Baton Rouge, eighty miles away. So far, Ms. Moore has put off surgery twice because of transportation and money problems.

Cecile Tebo is a psychiatric social worker and member of the New Orleans Mobile Crisis Unit. She told National Public Radio how difficult it was to try to get hospitals to accept mental patients. When she tried to admit a highly disturbed paranoid schizophrenic into a busy emergency room:

[T]he doctor comes out. She comes out, arms flailing, and said, "Get out, get out." I said, "What?" She said, "You take this man out of my hospital right now." And I said, "But why?" And she said, "Because we have no psych beds." And she goes, "I'm telling you right now, I want him out of my hospital."³⁶

Another time she was called to the scene of a schizophrenic jumping on top of cars, threatening people with knives:

I pull off him, along with the police officers, about six knives, a whole bunch of ice picks. I would say, maybe twelve, okay? So we go to the hospital [to drop him off for psychiatric intervention] and they were, like, "Okay, you can go now. We'll take care of him . . ." So I go, and I stopped off at a hardware store, get in my car, and who is walking down the highway but this man. It was no more than fifteen minutes. And I pull over. I said, "So did you even see the doctor?" And he goes, "Nope. Don't need to see a doctor." And I said, "Let me ask you. Did they give you your knives and your ice picks back?" And he goes, "Yes, ma'am, I got every last one of them because they're mine." And off he went.³⁷

In February 2008, Nicola Cotton, twenty-four, a New Orleans police officer, was killed by a homeless man who had recently been released from a psychiatric facility because of insufficient capacity.³⁸ Willie Lewis, forty, was taken to a hospital by police and refused treatment. Within ten minutes of returning home, he stabbed his seventy-seven-year-old mother.³⁹

Four hundred doctors at West Jefferson Medical Care Center filed a \$100 million lawsuit for payment for uncompensated care against the State

³⁶ ALL THINGS CONSIDERED, (NPR radio broadcast Aug. 29, 2007).

³⁷ *Id.*

³⁸ Rick Jervis, *Mental Health Crisis Plagues N.O.*, USA TODAY, Mar. 5, 2008, at A3.

³⁹ Laura Maggi, *Mental Patients Have Nowhere to Go*, TIMES-PICAYUNE (New Orleans), Apr. 22, 2007, at4.

of Louisiana after the number of indigent patients admitted tripled after Katrina.⁴⁰

These stories demonstrate what Thomas Schelling, the 2005 Nobel Prize Winner in Economics, declared: “There is no market solution to New Orleans There are classes of problems that free markets simply do not deal with well. If there ever was an example, the rebuilding of New Orleans is it.”⁴¹

Unless the forces of social justice, resistance, and hope are strengthened, the New Orleans community will continue to suffer from heavy doses of the same destructive economic forces that global financial powers have imposed on most nations around the world. Those same forces are alive and well across the United States and the globe. New Orleans illustrates their powers and their consequences. Unless there is a re-balancing, the individual economic freedom of a few will continue to grow stronger, but at the price of social justice for the rest. Hearing the stories of the marginalized is the first step to this re-balancing.

IV. EVERY HUMAN LIFE HAS TO BE VALUED EQUALLY

“Let me tell you about abandoned people,” whispered the homeless man resting on a wooden pew in St. Boniface’s church in San Francisco. “Those people who were abandoned in New Orleans? They were abandoned long before that hurricane hit. We all were.”⁴²

Unlike a market-driven response, a just response to extreme suffering starts with the principle that every single person is entitled to human dignity without preconditions. This is the approach of most religions and it is the central principle of human rights.⁴³ There are no forms to fill out, no criteria to meet. Every single person no matter his or her race or gender or economic situation has equal value.

Unfortunately, the opposite occurs after a disaster. The people with economic and political power get together and decide what happens next. In New Orleans, this meant a quick private meeting in Dallas between the Mayor and mostly white business leaders—during which the Mayor spoke by phone with and apparently took advice from the most powerful real estate developer in the region.⁴⁴ Those in power also try to decide which people

⁴⁰ Atul Gawande, *A Katrina Health Care System*, N.Y. TIMES, May 26, 2007, at A13.

⁴¹ Peter G. Gosselin, *On Their Own in Battered New Orleans*, L.A. TIMES, Dec. 4, 2005, at 1.

⁴² Michael Lerner, *After the Flood*, TIKKUN, Nov.–Dec. 2005, at 9.

⁴³ “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” Universal Declaration of Human Rights, G.A. Res. 217A, U.N. GAOR 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec 12, 1948). See ROBERT TRAER, FAITH IN HUMAN RIGHTS: SUPPORT IN RELIGIOUS TRADITIONS FOR A GLOBAL STRUGGLE (1991).

⁴⁴ See Christopher Cooper, *Old Line Families Escape Worst of Flood and Plot the Future*, WALL ST. J., Sept. 8, 2005; see also Robert Travis Scott, *Turf Wars, Political Strife Threaten Plans to Rebuild*, TIMES-PIYAYUNE (New Orleans), Sept. 18, 2005, at A1; Joyce Purnick, *Storm*

are “worthy” of getting help first. In New Orleans, this meant suggesting that vast areas of the city be converted from heavily residential to unpopulated areas—depopulating areas that were overwhelmingly African American.⁴⁵ Poor and working people are movable, interchangeable, and disposable. Since there is an emergency, the powers determined that there was not enough time to allow regular people to participate in the decisions.⁴⁶

After Katrina, the priorities were protection of property, corporations, and property owners. Everyone and everything else was for later. For example, right after the hurricane hit southern Mississippi, Vice President Dick Cheney’s office called the Southern Pines Electric Power Association and ordered it to restore power to a substation that moves gasoline and diesel fuel from Texas to the Northeast. That call resulted in power workers being reassigned from restoring power to two hospitals and a number of water systems.⁴⁷

Renters and property owners did receive temporary housing assistance, but only property owners and landlords were eligible for the serious money. The government sealed and seized thousands of public, low-income apartments in New Orleans so they could privatize them for economic development. Along the Mississippi coast low-income workers were displaced to allow casinos to expand and develop shipping and other commercial activities.

Many former residents of New Orleans were unable to return. Race was certainly one factor, as the return of African Americans was much slower than whites.⁴⁸ Not until December 2005 were residents in the almost entirely African American Lower Ninth Ward neighborhood even allowed to go visit their homes, and they were prohibited by law from staying in their neighborhood overnight.⁴⁹ Official population reports one year after Katrina show the white population of New Orleans dropped by thirty-five percent while the black population declined seventy-one percent.⁵⁰

and Crisis: New Orleans Memo, N.Y. TIMES, Sept. 21, 2005, at A17; Gary Rivlin, *A Mogul Who Would Rebuild New Orleans*, N.Y. TIMES, Sept. 29, 2005, at C1; Bruce Alpert & Bill Walsh, *On the Hill: News from the Louisiana Delegation in the Nation’s Capital*, TIMES-PICAYUNE (New Orleans), Nov. 27, 2005, at 7.

⁴⁵ Frank Donze, *Don’t Write Us Off, Residents Warn*, TIMES-PICAYUNE (New Orleans), Nov. 29, 2005, at 1.

⁴⁶ Cain Burdeau, *Lawsuit Filed to Stop Razing of Homes*, BILOXI SUN HERALD, Dec. 29, 2005, at A9; *In Brief / Louisiana: New Orleans Agrees to Give Demolition Notices*, L.A. TIMES, Jan. 19, 2006, at 19.

⁴⁷ Nikki Davis Maute, *Power Crews Diverted: Restoring Pipeline Came First*, HATTIESBURG AMERICAN, Sept. 11, 2005, at A1.

⁴⁸ See generally JOHN R. LOGAN, *THE IMPACT OF KATRINA: RACE AND CLASS IN STORM-DAMAGED NEIGHBORHOODS* (2006), available at <http://www.s4.brown.edu/Katrina/report.pdf>. May 2007 reports show 56% of New Orleans residents returned, but 70% of Blacks still displaced. Mafruza Khan, *Katrina Update: Most Blacks Can’t Return; Health Crisis*, RACEWIRE, http://www.racewire.org/archives/2007/05/katrina_update_most_blacks_can.html.

⁴⁹ *New Orleans: City Vote Won’t Occur Soon*, MIAMI HERALD, Dec. 3, 2005, at A7.

⁵⁰ LA DEP’T. OF HEALTH AND HOSPS., 2006 LOUISIANA HEALTH AND POPULATION SURVEY: SURVEY REPORT, ORELANS PARISH (2007), available at http://popest.org/popestla2006/files/PopEst_Orleans_SurveyReport.pdf.

Class distinction separated renters from property owners. Within a year after Katrina, the City of New Orleans dropped from a majority-renter community to only a thirty-seven percent renter community.⁵¹ As New Orleans native and professor Adolph Reed noted: “With each passing day, a crucially significant political distinction in New Orleans gets clearer and clearer: Property owners are able to assert their interests in the polity, while non-owners are nearly as invisible in civic life now as in the early eighteenth century.”⁵²

Gender was an issue in who returned as well. New Orleans before Katrina had been majority female; it was now majority male.⁵³ Louisiana lost 180,000 workers after Katrina, 103,000 were women. Female-dominated industries like health care, education and hospitality were hit extra hard. In New Orleans after Katrina, men’s median annual income rose to \$43,055 while women’s fell to \$28,932; two-thirds of single mothers had not returned to New Orleans one year later.⁵⁴

Human rights are important and effective when combined with people’s stories. The single most effective tool that human rights gave us on the Gulf Coast was the powerful idea of the right to return contained in the United Nations Guiding Principles on Internal Displacement. Because U.S. law does not have a corresponding principle, this international principle of human rights flashed like a bolt of lightning through our community.⁵⁵

Meetings of Katrina survivors took on a completely different tone once people started to understand there was an international human right to return. Instead of just asking or pleading for the opportunity to come home, people started to insist they be allowed to return. After a few months, local politicians and even the newspaper started discussing the right to return. By De-

The 2006 Louisiana Health and Population Survey Report for Orleans Parish pointed out the following changes for the City of New Orleans in the year following Katrina. Women in New Orleans dropped from 237,887 to 92,900—a 61% reduction. The population of men dropped from 206,628 to 94,227—a 55% reduction. Whites dropped from 124,591 to 81,557—a 35% reduction. Blacks dropped from 302,041 to 89,891—a reduction of 71%. Renters made up 37% of the city, while homeowners made up 62%.

⁵¹ *Id.*

⁵² Adolph Reed Jr., *When Government Shrugs: Lessons of Katrina*, PROGRESSIVE, Sept. 1, 2006, at 24.

⁵³ GNO Community Data Center, Orleans Parish: People & Household Characteristics, <http://www.gnocdc.org/orleans/people.html>.

⁵⁴ SARAH VAILL, THE CALM IN THE STORM: WOMEN LEADERS IN GULF COAST RECOVERY 4 (2006), available at http://www.wfnet.org/documents/publications/katrina_report_082706.pdf; ERICA WILLIAMS ET AL., THE WOMEN OF NEW ORLEANS AND THE GULF COAST: MULTIPLE DISADVANTAGES AND KEY ASSETS FOR RECOVERY, PART II. GENDER, RACE, AND CLASS IN THE LABOR MARKET 4 (2006), available at <http://www.iwpr.org/pdf/D465.pdf>.

⁵⁵ See Quigley & Sekaran, *supra* note 18; see also CHRIS KROMM & SUE STURGIS, HURRICANE KATRINA AND THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT: A GLOBAL HUMAN RIGHTS PERSPECTIVE ON A NATIONAL DISASTER (2008), available at <http://www.southernstudies.org/ISSKatrinaHumanRightsJan08.pdf>. This is not to say that secular human rights is the only way to raise consciousness and incite action. Spirituality and religious beliefs that emphasize universal equality are another powerful source of inspiration and guidance. See Gerald West, *The Bible and the Poor: A New Way of Doing Theology*, in THE CAMBRIDGE COMPANION TO LIBERATION THEOLOGY 129 (Christopher Rowland ed. 1999).

ember 10, 2005, International Human Rights Day, people from several cities were marching for the right to return in New Orleans.⁵⁶

Advocating that human rights and people are more important than property rights and the rights of businesses is not a popular position. Workers for human development instead of real estate development risk facing the labels of “radical,” “race-baiter” and “obstructionist” from those who do not value every life equally.⁵⁷ But the value of a human rights approach is that it connects the local struggles of activists with a universally accepted, global agenda of empowerment.

The time to insist on the value of every single person is before a disaster. If every person is not treated equally before a crisis, no one should expect fair treatment after.

V. INDIVIDUALS NEED TO REBUILD COMMUNITIES AND SHARE SUCCESSES

Instead of a market-driven response, the aftermath of disaster demands a community-based response. In India, I met with communities that were devastated by the tsunami. I was part of a Katrina delegation visiting to compare post-disaster experiences. Their experiences were both similar to and quite different from ours in the United States. The most significant difference was the Indian emphasis on community. The United States is quite an individualistic society. Here, individuals are urged from birth to pull themselves up by their bootstraps, look out for number one, and build the good life for themselves—and maybe their families. While there is increasing individualism in India, there is a much greater sense of interdependence than in the United States. We can learn much from their experiences.⁵⁸

A community-based response is challenging when the disaster shakes the foundations of the community. When regular life is suddenly and unexpectedly wrecked, you immediately understand the vulnerability of the indi-

⁵⁶ *Local News* (CBS 9 WAFB television broadcast Dec. 12, 2005) (This is the local news for Baton Rouge).

⁵⁷ Here is a sampling of some of the emails I have received:

Drunk on media recognition, you have regressed from the role of ordinary requisite academic activist to being a reflexive-contrarian crackpot—reliable fodder for local press and persistent source of obstructionist, substanceless litigation which often confounds your ostensible stated principles . . . Please, for the sake of the good name of our institution, discontinue to use Loyola Law School as the benign blood-host which sustains your insidious quest for notoriety.

Email to William P. Quigley, Assistant Professor of Law, Loyola University of New Orleans School of Law (Apr. 6, 2006, 10:56 CST) (on file with author).

“Your city of New Orleans has been dying a slow painful death for a long time and its people like you that are helping to twist the knife a little more each day with your misguided efforts.” E-mail to William P. Quigley, Assistant Professor of Law, Loyola University of New Orleans School of Law (Dec. 21, 2007, 17:12 CST) (on file with author).

⁵⁸ See William P. Quigley, “*Less Meeting, More Fighting!*”: *Lessons Learned by Grass-roots Katrina and Tsunami Social Justice Activists*, CommonDreams.org, May 29, 2007, <http://www.commondreams.org/archive/2007/05/29/1499/>.

vidual. The trauma of ripping hundreds of thousands of people apart from networks of family, home, job, school, doctors, church, and neighborhood is unimaginable until experienced.

There were myriad illustrations of the deep human need to build community after Katrina. The New Orleans Convention Center, without any planning, became a makeshift shelter for thousands of people. When everyone was finally evacuated from the center, the chairs left behind were arranged in hundreds of small circles—people had, on their own, formed up into small groups of families and friends, protecting each other.⁵⁹ Similarly, in the hospital where my wife and I were stranded, when the electricity, water, and food were gone and it became clear that established leadership had broken down, smaller groups of twenty to thirty people formed to make collective decisions, share information, watch over each other, find and share food and water, and plan evacuation.

Isolation after a disaster is a recipe for powerlessness and depression. Family, community, church, and work associations are all important. It is important to get them up and working as fast as possible or people will become demoralized.

Amanda Hill is eighteen years old, a senior in high school. She lives in a FEMA trailer with her grandmother, Dolores. Her mom died of cancer when she was eleven. She and her grandmother lost their home in Katrina. Her grandmother works at McDonald's trying to support them. More than a year after Katrina, sitting on a plastic lawn chair in a gutted home, wearing a sky blue Girl's State t-shirt, she softly cries as she tells her story.

I know what it is like not to have the finer things in life and I don't need that to be happy. But, when I wake up at 3 o'clock in the morning to hearing my grandma crying because she doesn't know if she'll have money to put milk in the fridgerator [sic] or bread on the table, it's a little eye opening. Now she is so far in debt and so stressed out, I can physically see what it is doing to her. I'm scared I'm going to lose her and she is all I have.⁶⁰

Rebuilding community as soon as possible is important for everyone, but particularly for people with fewer material resources. The prosperous, whether they live in actual gated communities or not, do not rely as much on public healthcare, public education, or publicly-assisted housing. The elderly, the disabled, low-wage working people, children, and those traditionally discriminated against are more reliant on public healthcare, public

⁵⁹ *CNN: American Morning*, (CNN television broadcast Sept. 29, 2005); Maria Montoya, *Saviors in the Storm*, TIMES-PICAYUNE (New Orleans), Dec. 4, 2005, at 1; *CNN: American Morning*, (CNN television broadcast Feb. 27, 2006).

⁶⁰ Soledad O'Brien, *Katrina 'Children' Share Emotional Stories of New Orleans*, CNN.com, Aug. 29, 2007, <http://www.cnn.com/2007/US/08/28/Soledad.childrenofstorm/index.html>; see also DAVID ABRAMSON & RICHARD GARFIELD, L.A. CHILD & FAMILY HEALTH STUDY (2006) available at <http://www.ncdp.mailman.columbia.edu/files/CAFH.pdf>.

education, and assisted housing and face troubling physical and mental health consequences when those systems are disrupted.⁶¹

One community along the Gulf Coast stands out because it started rebuilding more quickly than any other. Though the people uprooted and dispersed like everyone else, immediately after the storm they started to reconnect. Once connected, they were among the first to return. And when they returned, they started to rebuild their neighborhood collectively. They created housing for their elderly and organized politically to protect their neighborhood from disaster-related dumping. The community was the Vietnamese community connected with the church of Mary Queen of Vietnam. Disaster was not new to them. The need to build community was not new to them. Their resiliency and collective reconstruction stands as an example for us all.⁶²

Rebuilding communities works best when the organizing is done from the ground up. Within days of becoming evacuees, Katrina survivors in the Houston Astrodome announced over the microphone that they were organizing a meeting. Out of that meeting came calls for immediate assistance on five issues: “[E]mergency financial assistance; transition to dignified living outside the shelters; a database of survivors for tracking down loved ones; keeping phone companies from turning off cell phone service because phones were essential lifelines for tracking down friends and families; and a long-term recovery package.”⁶³ These meetings gave birth to several grassroots community organizations and one of the most beautiful pieces of Katrina art, a poster, which prophetically stated:

⁶¹ ABRAMSON & GARFIELD, *supra* note 60, at 3. (examining the medical and psychological needs of displaced children and families and, as part of their summary, concluding: “At a deeper level, though, the problems relate to the loss of stability in people’s lives: families that are increasingly fragile, children who are disengaged from schools, and the wholesale loss of community, workplace, and health care providers and institutions.”). Global studies of the importance of community for those without material resources show similar themes. *See, e.g.*, MICHAEL WOOLCOCK & ANNE T. SWEETSER, BRIGHT IDEAS: SOCIAL CAPITAL: THE BONDS THAT CONNECT (2002), available at http://www.adb.org/Documents/Periodicals/ADB_Review/2002/vol134_2/social_capital.asp.

⁶² David Shaftel, *The Ninth Re-Ward: The Vietnamese Community in New Orleans East Rebuilds After Katrina*, VILLAGE VOICE, Feb. 27, 2006. Another example is the Greek Orthodox community of New Orleans which connected before and after Katrina in an extraordinary way, ultimately repairing their church in just four months. *See* Peter G. Gosselin, *On Their Own in Battered New Orleans*, L.A. TIMES, Dec. 4, 2005, at A1. Yet another is the Holy Cross neighborhood in New Orleans, which was fighting against the Army Corps of Engineers before Katrina and used that community-building as a base for their post-Katrina struggles. Rebecca Solnit, *The Lower Ninth Battles Back*, THE NATION, Sept. 10, 2007, at 13.

⁶³ Naomi Klein, *Let the People Rebuild New Orleans*, THE NATION, Sept. 8, 2005, at 12; *see also* Miriam Axel-Lute, *Picking Up The Pieces*, 145 SHELTERFORCE ONLINE (2006), <http://www.nhi.org/online/issues/145/pickinguppieces.html>; *Displaced NOLA Folks Demands (sic) Action, Accountability and Start a People’s Hurricane Fund*, HOUSTON INDEPENDENT MEDIA CENTER, Sept. 5, 2005, <http://houston.indymedia.org/news/2005/09/42937.php>.

“Nothing About Us Without Us Is For Us!”
The People of the Gulf Coast Will Not Go Quietly
Into The Night

Becoming the Homeless of Countless Other Cities While Our
Own Homes Are Razed To Make Way for
Mansions, Condos, And Casinos.

“We Will Join Together To Defend Our Claim and We Will Re-
build Our Homes In The Image of Our Dreams. We Will De-
fend the rights of those who have been displaced: sustainable
jobs, wages, housing, education and health.”⁶⁴

Billions of dollars were raised by private philanthropies.⁶⁵ Yet two years after Katrina, few grassroots justice community-building organizations are funded.⁶⁶ There are plenty of well-funded opportunities for people to help rebuild and organize the real estate community, the insurance community, the banking community, and the economic development community. For the people who actually do the day-to-day dirty work of the community, bottom-up organizing, and rebuilding will likely not be funded. Thus community-building remains a community responsibility.

Groups and people, even the most well-meaning, may want to treat survivors and survivor communities like victims—saying that trauma has made them incapable of making basic decisions for themselves. Outside help in rebuilding is very important, but it must come in the spirit of solidarity and must respect the need to build and rebuild local community.⁶⁷ As our grassroots organization Common Ground reminds us, we need solidarity, not charity. Some will tell disaster victims that outsiders know best and then will act like they know best. They should be told politely to get lost. The prime cure for helplessness is taking control over your own life and joining others to fight for justice.

Leadership, new leadership, has to emerge in our communities. Though understandable, people must resist the tendency to think pre-existing leaders are going to save their communities. After a few days still trapped in the hospital, a wave of good news washed through our building—the federal government was now activated and was coming to help us! A group called

⁶⁴ New York Solidarity Coalition, Poster for a Special People’s Legislative Town Hall Meeting with Federal, State & City Elected Officials, *available at* <http://www.nykatrinarita.org/June3rdPoster11x17.pdf>.

⁶⁵ Nicole Lewis, *More than \$1.2 Billion Raised for Katrina Victims*, THE CHRON. OF PHILANTHROPY, Sept. 29, 2005, *available at* <http://philanthropy.com/free/articles/v17/i24/24001401.htm>. More than \$2 billion was raised by the Red Cross alone. See U.S. GOVERNMENT ACCOUNTABILITY OFFICE, GAO-06-712 HURRICANES KATRINA AND RITA: COORDINATION BETWEEN FEMA AND THE RED CROSS SHOULD BE IMPROVED FOR THE 2006 HURRICANE SEASON 1 (2006), *available at* <http://www.gao.gov/new.items/d06712.pdf>.

⁶⁶ Letter From the People of New Orleans to Our Friends and Allies, LEFT TURN, Apr. 1, 2007, <http://leftturn.mayfirst.org/?qNde/573>.

⁶⁷ *Id.*

FEMA was taking over. Little did we know how ineffective FEMA would be!⁶⁸

Stories of people assuming leadership roles in their communities are legion. Tricia Bliler, a waitress in Bay St. Louis, Mississippi, started cooking in the ruins and ended up creating a makeshift center helping thousands with food, medical help, supplies, and transportation.⁶⁹

After Katrina, we often heard, “Where is the social justice leader? Where is the Cesar Chavez or the Martin Luther King of the Gulf Coast?” There is no one leader waiting out there. Those who presume to be leaders have their own agenda, often not the one the community needs.

After a disaster, community members cannot wait for leaders but must become leaders. Each must become leader and follower in our community in order to bring about the necessary change. Each of us is challenged to get beyond our pre-disaster comfort zone. New leadership is essential to avoid repeating the mistakes that contributed to the disaster.

Stress and distress after a disaster are high for everyone, but community support will multiply the resources of individuals. Part of the way we can build bridges is to listen to each other and build communities. People together are much stronger than people alone.

People, politicians, and organizations not invested in our communities have their own agendas, and it helps them if our communities are fragmented. Setting one group against another, saying one group is more important than another is not helpful. What is necessary is a common agenda for rebuilding that transcends racial, religious, and socioeconomic boundaries with an emphasis on empowering and uplifting society’s most vulnerable people.

VI. INDIVIDUALS AND COMMUNITIES MUST CREATE REAL DEMOCRACY TO HOLD GOVERNMENT ACCOUNTABLE

After a disaster, despite heroic contributions by tens of thousands of volunteers, ultimately only the government has the resources to rebuild a community. It is the duty of citizens to hold the government accountable and demand that the public sector mobilize and assist equitably.

At the same time, it is unwise for a community damaged by disaster to sit back and wait on the government. Nor can the community necessarily follow all the directions of the government. After a disaster, the government will immediately respond to protect the interests those in power value most.

⁶⁸ “The federal government, in particular the Federal Emergency Management Agency (FEMA), received widespread criticism for a slow and ineffective response to Hurricane Katrina. Much of the criticism is warranted.” OFFICE OF INSPECTOR GENERAL, DEPT. OF HOMELAND SECURITY, OIG-06-32 A PERFORMANCE REVIEW OF FEMA’S DISASTER MANAGEMENT ACTIVITIES IN RESPONSE TO HURRICANE KATRINA 1 (2006), available at <http://files.findlaw.com/news.findlaw.com/hdocs/docs/katrina/fema41406rpt.pdf>.

⁶⁹ Alan Huffman, *Katrina: The Aftermath: Folks Seize Reins, Act as Own Rescuers*, ATLANTA J.-CONST., Sept. 25, 2005, at C3.

The damaged community must insist that the government respond, critique the government response where inadequate, and build their own alternative community supports.

It turns out that government helps businesses first and second and third, and, if there is anything left, maybe fourth. While that might not be surprising to some, it is to others. Progressives must look at who was in charge of government before the disaster and what their priorities were then. Current governments look immediately to the private sector and no-bid contract out all the elements of disaster response. Privatization is the preferred method for response and rebuilding. That was what the powerful wanted before the disaster, so the disaster offers them an opportunity to accelerate prior plans into action. Many corporations see disasters as opportunities to work with governments to make profit. What some see as tragedy, they see as opportunity for economic development.⁷⁰

On the Gulf Coast, we have discovered what I call the “2% rule.” That means 98% of the money distributed in a disaster ends up enriching corporations. Our most colorful example is the blue tarps that the government put on the roofs of houses after Katrina. The main contractor, Shaw Group, got \$175 a square to put on the tarps. They subcontracted the work out to another corporation for \$75 a square. The second corporation subcontracted the work out to a third corporation for \$30 a square, who in turn subcontracted it out again to people who did the work for \$2 a square. Two dollars a square for the actual worker is less than 2% of what the government paid out.⁷¹

Profiteers also look particularly for valuable land that poor people were living on before the disaster. This happened along the Gulf Coast in Mississippi, where people were moved away from the coast to make room for high-income housing and the development that follows casinos moving in.⁷² It happened in India, where communities of native fishing people were moved inland to clear the beaches for tourism.⁷³ And it happened in New Orleans where thousands of people in government housing were kept

⁷⁰ Rita J. King, *Big, Easy Money: Disaster Profiteering on the Gulf Coast*, CORPWATCH, Aug. 15, 2006, <http://www.corpwatch.org/article.php?id=14004>; Tom Englehardt & Nick Turse, *The Reconstruction of New Oraq: Corporations of the Whirlwind*, TOMDISPATCH.COM Sept. 13, 2005, http://tomdispatch.org/post/21843/the_reconstruction_of_new_oraq; Kenneth E. Bauzon, *Race, Poverty, and the Neoliberal Agenda in the United States: Lessons from Katrina and Rita*, MRZINE, Feb. 13, 2008, <http://mrzine.monthlyreview.org/bauzon130208.html>; Martin Wolk, *Contractors Rake it in as They Clean it Up*, MSNBC.COM, May 31, 2006, <http://www.msnbc.msn.com/id/12875663/>.

⁷¹ Gordon Russell & James Varney, *From Blue Tarps to Debris Removal, Layers of Contractors Drive Up the Cost of Recovery, Critics Say*, TIMES-PIYAYUNE (New Orleans), Dec. 29, 2005, at 1.

⁷² Jim Lewis, *Battle for Biloxi*, N.Y. TIMES, May 21, 2006, § 6 (Magazine), at 100.

⁷³ *Tamil Nadu Fishermen Protest Government's Plans for New Coastal Laws*, INDO-ASIAN NEWS SERVICE, Aug. 9, 2007.

away.⁷⁴ Since the occupants are poor, it was assumed they have minimal political influence. Those with power decide that there is a better economic use for that land. Then they push the government to come up with some reasons to take the land from the poor for other uses.

The result is that those with power and money before the disaster end up with more power and more money after the disaster. If government works primarily for corporations before the disaster, after the disaster it will be a hyper-corporate-friendly environment. While some think the fact that widespread destruction remains years after a disaster is an indication that the system is not working, others see it as an indication that the system is working perfectly for those who create, manipulate, and profit from it.

Real democracy insists that significant economic decisions impacting the community be political decisions. All the people should have an opportunity to participate in making those important decisions. Accountability and transparency should be a part of all decision making.

Likewise, post-disaster communities have found that they must also insist on transparency and accountability from the nonprofits and foundations and others who have raised and spent billions in the names of those in distress. Nonprofits cannot be allowed to operate like multi-national corporations—they must open their books and involve people in their decision making.⁷⁵

VII. DESPITE INDIVIDUAL SUFFERING, JUSTICE IS A TEAM SPORT

When disaster strikes, pre-disaster patterns of living stop. Without our jobs, our homes and our friends, we are lost and cut off from most relationships. We have no comparable experience to help us understand what to do. As one distraught New Orleans woman living in a shelter in Baton Rouge with her child told me eight weeks after Katrina, “I am a wreck, physically and emotionally. It all has to work together. You cannot have a home without a job. You can’t have a job without a home. And you can’t have either without any public schools open.”

Our very identities are constructed from those pre-disaster relationships. Were we the best singer in the church choir? The church, the pastor, the choir, and the congregation are gone. Were we the best nurse on the ward? The hospital is closed, no one is in the beds, and no one is coming back. Were we the best lawyer in our field? The courts are closed, the judges have left, the client and witnesses have moved away, and the records are at risk. We are lost.

⁷⁴ *U.N. Experts, HUD Disagree on Housing*, TIMES-PICTAYUNE (New Orleans), Feb. 28, 2008, at 1.

⁷⁵ Ashot Hovanesian, *Katrina Recovery: Lessons from the Developing World*, Aug. 2006, [http://www.synisys.com/resources/documents/Thought%20Leadership%20Brief%20-%20Katrina%20Recovery%20\(August,%202006\).pdf](http://www.synisys.com/resources/documents/Thought%20Leadership%20Brief%20-%20Katrina%20Recovery%20(August,%202006).pdf).

Justice is a team sport. It cannot happen through individual efforts. It is an adventure because you never know where you are going to end up. That is why we need communities of resistance and hope.

One such community is the Holy Cross neighborhood in New Orleans. It is a working class, multi-racial community. It is part of the Lower Ninth Ward. They have come back because they were fighting together for years before Katrina hit. They have been fighting as a neighborhood against efforts by the Army Corps of Engineers to widen the Mississippi River Gulf Outlet. When Pam Dashiell, a fifteen-year resident and President of the neighborhood association, returned to her neighborhood after evacuating, she pledged, "We're not going down. We want to rebuild in the best, healthiest and most sustainable way." Together, with help from others, their neighborhood is coming back.⁷⁶

Building communities of resistance and hope is long-term work. It is swimming upstream and that takes energy, support and a good sense of direction. When disaster hits, some react by working around the clock to try to set things right. Everything is an emergency. After a few weeks or months, it becomes clear that this is not sustainable. Working twenty-four hours a day is going to make even the most tender-hearted person crazy. And no one wants to be around a crank—even a crank who is working for justice.

Love is a tremendous source of the energy that rebuilding demands. Over a million people have come to volunteer on the Gulf Coast since Katrina. They have picked up trash, gutted houses, painted homes, cut grass, nursed and taught and cared for tens of thousands. Many have stayed.⁷⁷

This is real love, not greeting-card love. Real love, like a parent's love for a vulnerable child, gives us courage when we are fearful and the spirit to reach out to connect with others. We also have to love ourselves so we can keep living this resistance with others. We have and will continue to make mistakes. We have to get back up, dust ourselves off, forgive ourselves and others, and get back to working in community to create a more just world.

Hope is essential. If people lose hope, justice will never have a chance.⁷⁸ Though people are tired and frustrated, most still have hope that their community will rebuild in a more just way than before. Hope is a sense that good will triumph even when current evidence says otherwise.⁷⁹

This is not optimism, but hope. No matter how triumphant the corporations and the market-driven powers appear to be, or how cold-heartedly the

⁷⁶ Solnit, *supra* note 62.

⁷⁷ Korina Lopez, *Katrina Volunteers Come to Stay*, USA TODAY, Jan. 14, 2008, at 1D.

⁷⁸ As Augustine of Hippo said, "Hope has two beautiful daughters. Their names are anger and courage; anger at the way things are, and courage to see that they do not *remain* the way they are." Charles J. Chaput, *Hope and its Daughters*, CATHOLIC EDUCATION RESOURCE CENTER, May 20, 2005, <http://www.catholiceducation.org/articles/politics/pg0137.html>.

⁷⁹ JONATHAN LEAR, *RADICAL HOPE: ETHICS IN THE FACE OF CULTURAL DEVASTATION* (2006).

government seems to operate, there are people inside and outside of these institutions who are struggling to create a person-oriented community. Groups of grandmothers who are resisting displacement of public housing families, high school students gathering before and after school to advocate for real educational opportunity, and neighborhood associations where people meet for hours even after a full week of work and family to try to rebuild their community, all working for human rights and social justice. That is hope.

In fact, my experiences confirm that wherever there is injustice there is also beautiful courage, faith, generosity, inspiration, and hope. If you are in touch with the actual people on the ground, and you look carefully enough, you will find the most amazing and inspirational people. Their stories will give you hope.

CONCLUSION

What Katrina revealed is not unique to the Gulf Coast. Every one of our cities has its own Lower Ninth Ward and its own marginalized communities. The disempowering forces of race, class, gender, and market-driven neoliberalism are working across the world and in communities across our country. What Katrina revealed about New Orleans is not unique to the Gulf Coast—it is just a more concentrated and vivid illustration of what is going on everywhere else. The stories of the people of Katrina can fuel the fires of the radical revolution of values that Dr. Martin Luther King, Jr. called us to pursue.⁸⁰ Social justice advocates can and should use the personal experiences of the people of Katrina to develop and promote a shift in our country's treatment of the most marginalized members of our society. If we do, what Katrina revealed will offer challenges and opportunities for us all.

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I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values. We must rapidly begin the shift from a 'thing-oriented' society to a 'person-oriented' society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered. A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies.

Martin Luther King, Jr., *A Time to Break Silence*, April 4, 1967 in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* 240 (James M. Washington ed., 1991).