

**PETITION
TO
PRESIDENT GEORGE W. BUSH,
UNITED STATES CONGRESS,
DEPARTMENT OF HOMELAND SECURITY,
FEDERAL EMERGENCY MANAGEMENT AGENCY
AND
THE UNITED NATIONS**

**A PERPETUAL NIGHTMARE:
THE WILLFUL NEGLECT OF KATRINA/RITA DISASTER VICTIMS**

SUBMITTED BY:

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INTRODUCTION

In the wake of Hurricanes Katrina and Rita, Americans looked to our national government to provide leadership and direction in the face of the wide-scale devastation of the Gulf Coast. Hurricane Katrina turned 90,000 square miles of Louisiana, Mississippi and Alabama into a domestic disaster area.

As forecasters warned of Katrina's deadly potential, residents with readily available transportation, options for shelter and means to relocate evacuated before Katrina hit our nation's shore. But tens of thousands, many lacking the resources to evacuate, were left behind and abandoned by our national government. Overwhelmingly, those left behind were people of color and poor.

Forever memorialized in our minds and in American history are vivid images of the left-behind pleading to be rescued from rooftops, deserted on highway overpasses surrounded by floodwaters, wading through toxic water in futile attempts to escape, screaming for deliverance from a living nightmare. As we watched and waited, we wondered whether we are all just one economic, manmade, or natural disaster away from similar fates.

In the face of such tragedy, the lack of concern among our national leaders became painfully clear: Our President vacationed at his ranch, riffed a guitar at a military base in California, and celebrated a senator's birthday in Arizona, while Black Americans pleaded for help from their rooftops in New Orleans. Our Vice President vacationed in Wyoming, our Secretary of State shopped for thousand-dollar-shoes in New York, and our Director of Federal Emergency Management made it a priority to locate restaurants for evening dining, as poor people of color begged for mercy from the churning waters of New Orleans.

For many who watched the force of Hurricane Katrina leave state and local agencies nearly powerless, the wholesale abandonment of tens of thousands of Americans by their national government was incomprehensible. Caught in the fury of the storm, state and local governments reeled under the weight of disrupted communications and disabled facilities, with their own

equipment underwater and the fate of many of their employees uncertain. Groups of private volunteers tried to help, commandeering small boats to rescue the stranded from their rooftops, only to leave them on stretches of road surrounded by toxic flood waters, where many died awaiting deliverance. The valiant efforts of these private individuals simply were not – nor could they have been – enough.

Our national government is uniquely positioned to prepare the nation's communities and to develop a coordinated response including direct aid, financial assistance, emergency services, and rehabilitation strategies in the wake of domestic disaster. In fact, only an entity with resources such as those of our national government and the ability to organize and lead from an undamaged area outside the disaster zone could possibly have provided the assistance needed by those caught in the aftermath of Katrina.

Given the widespread knowledge that a hurricane of greater than a Category 3 would utterly destroy the city of New Orleans and projections that between 25,000 and 100,000 would be killed, our federal government should have taken every measure to fortify protection for New Orleans and stand fully prepared to mitigate the harm caused by any such natural disaster. Instead, funding for preventive measures was slashed by this Administration, which diverted the money to its failed efforts in Iraq. New Orleans' infrastructure fell into disrepair, leaving tens of thousands of poor New Orleans residents – the majority of whom were people of color – vulnerable to natural disaster. The federal disaster response agency was demoralized and became ineffectual as its funding was diverted to overseas interests in the name of the President's "War on Terrorism." The disaster response agency was buried under levels of bureaucracy in the Department of Homeland Security ("DHS") and staffed with unqualified political appointees by the President. The Federal Emergency Management Agency ("FEMA") utterly failed to prepare for the disaster that befell New Orleans, failed to coordinate a response, and failed to mitigate the damage wrought by Katrina; thereby compounding the extensive suffering of people in the Gulf Coast.

The federal government's performance in the wake of Hurricane Katrina constitutes one of the great racial justice tragedies of our time. The class and color lines drawn by this disaster are undeniable. As President Bush appropriately acknowledged:

There's also some deep, persistent poverty in this region, as well. That poverty has roots in a history of racial discrimination, which cut off generations from the opportunity of America. We have a duty to confront this poverty with bold action. So let us...rise above the legacy of inequality.

In stark contrast, remarks by other government officials and influential people are deeply troubling and cast doubt upon the Administration's true commitment to take bold action in fulfillment of its "duty to confront this poverty." After visiting the Houston Astrodome where 10,000 evacuees slept on cots, wondering if they would ever have a home to return to, former first lady Barbara Bush told a reporter that "so many of the people in the arena ... were underprivileged anyway, so this is working very well for them." In a showing of compassionate conservatism, Representative Richard Baker from Baton Rouge told a lobbyist, "We finally cleaned up public housing in New Orleans. We couldn't do it, but God did." Secretary of Housing and Urban Development, Alphonso Jackson, confirmed that "New Orleans is not going to be as black as it was for a long time, if ever again." In the immediate aftermath of the hurricanes, while survivors mourned the loss of their homes, ways of life, and loved ones, House Speaker Dennis Hastert spoke blithely of bulldozing the most underprivileged parts of New Orleans. Such statements call into question the "bold action" contemplated by the President and make clear our national leaders' disdain for the plight of millions of American people.

Accordingly, we hereby articulate our collective contempt for the policies and misguided priorities of our national leaders: we protest the Bush administration's systematic dismantling and defunding of federal programs intended to protect the citizenry, particularly people of color and low-income; we protest FEMA's failure to prepare for the anticipated natural disaster in New Orleans and to implement relief programs in a timely and lawful manner, particularly for low-income people of color; and finally, we protest the glaring racism imbedded in our federal government's approach to disaster preparedness and mitigation in the wake of Hurricanes Katrina and Rita.

Under the First Amendment to the United States Constitution and in light of the disproportionate harm to poor people of color caused by the federal government's failures, we petition President George W. Bush, the Congress of the United States, the Department of Homeland Security, the Federal Emergency Management Agency, and the United Nations to take action to rectify the injustices that have resulted from our government's willful disregard for human suffering and ensure that such injustices never again occur.

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PETITIONERS

EQUAL JUSTICE SOCIETY

The Equal Justice Society (“EJS”) is a national organization giving voice to those reaching for racial and social justice. Using a three-prong strategy of law and public policy advocacy, cross-disciplinary convenings, and strategic public communications, EJS seeks to restore racial issues to the national consciousness, build effective progressive alliances, and create a discourse on the positive role of government. More than 3,000 individuals and organizations throughout the country support EJS, including advocates, attorneys, jurists, scholars, social scientists and communicators. Learning from the innovative legal and political strategists of *Brown v. Board of Education*, EJS also utilizes social science theories on race and discrimination to reshape jurisprudence and ensure that the rights of all are expanded

THE LEGAL AID SOCIETY – EMPLOYMENT LAW CENTER

The Legal Aid Society – Employment Law Center promotes the stability of low income and disadvantaged workers and their families by addressing issues that affect their ability to achieve self-sufficiency. Using the law as a tool, the LAS-ELC helps workers attain financial security by preserving employment opportunities. We believe that stable working conditions and adequate income strengthen families and build communities. By protecting the legitimate employment status of wage earners, we provide families the means to pull through adverse times, avoid the downward spiral caused by job loss, and be fully contributing members of society.

The individual accounts that follow, though shocking, are indicative of the conditions suffered by many survivors of the natural disaster caused by Katrina and the far greater disaster caused by our government’s failures.

VARENISE ROSS

Resident, New Orleans

Ms. Varenise Ross is a resident of New Orleans. She was initially advised that the Superdome would not be open to the general public for shelter. Only the sick and elderly would be allowed entry. It was not until noon on Sunday, August 28, 2005 that she learned that the Superdome had become open to the public. Ms. Ross asked a relative with transportation to take her and her young son to the Superdome.

She waited for hours with her child to get into the Superdome. Even as the rain began, they stood outside with thousands in a line stretching around the Superdome. Each person had to be searched before allowed entry to shelter. Ms. Ross and her son were finally allowed into the Superdome, and out of the rain, around 6:00 p.m. on Sunday evening.

For nearly five days, Ms. Ross and her son remained in the Superdome. Lines for food and water stretched around the Superdome several times each day. Officials would often run out of

food and water supplies before everyone in line was fed or received anything to drink. Those who missed out had to wait until the next serving time to get something to eat. Parents began waking their children up at 4:00 a.m. to stand in line for food to ensure they would receive something to eat. The sick and elderly were often pushed to the side or left without assistance to maneuver through the long lines for food or water. Many of them expired where they sat, seemingly without notice by officials.

When the buses started arriving to carry people to safety, Ms. Ross, with her child in her arms, stood in line waiting to board. The sea of people waiting to get on buses that held only 50 people was too dense for her to let her child out of her arms. Many adults began using children's diapers because there were too many people to move through to get to the restroom and they would lose their place in line. After standing in line for almost 28 hours, Ms. Ross and her child boarded a bus to Texas.

Once in Texas, Ms. Ross met up with other evacuated family members. They were able to make contact with a relative in California who drove to meet them in Texas. When they arrived in California, Ms. Ross and her family attempted to contact FEMA by telephone for several days to no avail. They located a FEMA office in Oakland and went to seek assistance. Upon arrival, they explained that they had unsuccessfully tried to reach FEMA by phone and wanted to know what to do next to start putting their lives back together. Ms. Ross and her family were told that the local office could not assist them. They had to go through the 800-telephone line for assistance.

JUNE WASHINGTON

Resident, New Orleans

Mrs. June Washington is a resident of New Orleans. She and her husband waited through the storm in their New Orleans home with their son, who suffered a heart attack the Saturday before the storm, and other family members. The water began rushing into the house early Monday morning, just as the storm passed. Having no time to grab clothing or food, the family was barely able to escape to the attic, where they remained for more than 24 hours. A neighbor rescued them by boat, but could not help them leave New Orleans; the best he could do was drop them on a dry stretch of a flooded road.

The Washingtons eventually made their way to the Superdome. Inside, they reeled from the stench of feces and were told that medical services would not be available, despite their son's fragile condition. After suffering through days in squalid conditions, the family, along with nearly 30,000 others who sought refuge in the Superdome, was told to line up for buses arriving to carry them to safety in Houston. June Washington stood in line with her husband, recovering son, and other family members for more than 24 hours waiting for the buses to arrive. When they requested water from guardsmen watching over them, bottles of water were pitched hard at their bodies; other times, bottles of water would be haphazardly tossed into the crowd, like candy tossed from a parade float. The bus that Mrs. Washington finally boarded did not go to Houston. Separated from her husband, she learned hours into the drive that she would instead go to Dallas.

En route to Dallas, the passengers were searched repeatedly – their bodies and their belongings – and told that they were refugees who would not be allowed to “do to their destination town what they had done to New Orleans.” Throughout the ordeal, Mrs. Washington feared for her son’s health, as they were repeatedly unable to obtain medical assistance. Mrs. Washington’s fears were well placed: denied medical assistance for nearly a week, he suffered a subsequent heart attack. Nearly two months later, he still has not fully recovered; doctors are unsure whether he ever will.

I. THE FEDERAL GOVERNMENT HAS A DUTY TO ADEQUATELY PREPARE FOR AND RESPOND TO LARGE-SCALE DISASTERS.

“In America, we do not abandon our fellow citizens in their hour of need.”
– President George W. Bush, Sept. 3, 2005

“[T]o the extent that the federal government didn't fully do its job right, I take responsibility.”
– President George W. Bush, Sept. 13, 2005

The federal government, being the only entity capable of the coordination and resource management required in times of large-scale disasters, is responsible for the maintenance of our nation's infrastructure, large-scale disaster preparedness and relief, and the provision of guidance in times of national disasters. Such responsibilities cannot be placed upon state and local governments, as many natural disasters are of such severity and magnitude that effective response is beyond the capabilities of state and local governments. Accordingly, the responsibility for such events rests squarely upon the shoulders of the federal government.

A. The Bush Administration Violated its Duty to the American People by Attempting to Systematically Dismantle the Governmental and Social Infrastructure of the United States.

1. The Administration intentionally diverted funds from the Army Corps of Engineers to fight the Administration's war in Iraq.

As a result of our President's focus upon his war in Iraq and his diversion of resources from national infrastructure to military weaponry, New Orleans and its people were left with inadequate protection from Hurricane Katrina.

Despite the U.S. Army Corps of Engineers' need for millions of dollars to complete flood and hurricane projects in New Orleans, this Administration has consistently slashed the agency's funding. Since 2003, the flow of federal dollars to disaster-preparedness in Louisiana has been reduced to a mere trickle. In 2001, the Corps spent \$147 million on construction projects. By 2004, that amount was down to \$82 million – a 44.2 percent reduction from 2001 expenditures.

The cuts came as a result of a number of factors: the rising costs of the war in Iraq, increased focus on terrorism through the Department of Homeland Security, and the Bush Administration's federal tax cuts. When Bush proposed cuts for the entire Corps in 2002, his appointee to oversee the agency complained publicly; Bush fired him.

A year ago, the U.S. Army Corps of Engineers proposed to study how New Orleans could be protected from a catastrophic hurricane, but the Bush administration ordered that the research not be undertaken. In early 2004, as the cost of the war continued to soar, the President proposed spending less than 20 percent of the amount the Corps said was needed to build up levees and protection for pumping stations in New Orleans. Although the Army Corps needed \$20 million to complete one project in New Orleans, the President's 2005 budget allotted only \$3.9 million.

In its 2006 proposed budget, the Bush Administration proposed an enormous reduction in funding for the Lake Pontchartrain project, which included projects to build and improve levees, floodwalls and pumping stations in the recently flooded St. Bernard, Orleans, Jefferson and St. Charles parishes. Bush's budget proposed to allot \$10.4 million to the project, a mere sixth of the amount local officials said was required.

Because money was siphoned off from disaster preparedness and funneled to aggressive overseas activities, people within our nation's borders were left vulnerable, unable to defend themselves or their homes from the ravages of nature.

2. The Administration's demotion of FEMA from a cabinet level position, slashing of its funds, and appointment of unqualified individuals, resulted in a demoralized and incompetent agency that failed to ensure the security of the American people.

Cognizant of its duty to protect its citizens in times of disaster, Congress enacted the Stafford Disaster Relief and Emergency Relief Act ("Stafford Act") to alleviate the suffering and damage resulting from natural disasters. In passing the Stafford Act, Congress declared that impending natural disasters to our nation necessitate "special measures" to assist States and local governments in the expeditious rendering of aid, assistance and emergency services, and the reconstruction and rehabilitation of devastated areas:

- (1) Because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and
- (2) Because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity.

By congressional mandate, the Federal Emergency Management Agency (“FEMA”) “prepares the nation for all hazards and manages federal response and recovery efforts following any national incident.” In times of disaster, coordination of relief efforts by the federal, state and local governments becomes one of FEMA’s most critical functions. The coordination directive is composed of four integrally related areas: preparedness, response, recovery, and mitigation. Despite contrary assertions by DHS Secretary Michael Chertoff, the bedrock of the agency’s ability to fulfill its duty lies within its preparation function.¹ Because successful execution of each of FEMA’s duties relies upon the successful execution of each preceding function, lack of preparation before disaster strikes undermines FEMA’s post-disaster response.

From the outset, the Administration has hindered FEMA’s ability to prepare for or respond to this disaster by demoting FEMA from a cabinet level position, burying it deep within DHS, cutting its funding, and using FEMA as a catch-all agency for political handouts to Administration supporters. The Administration’s actions have resulted in a major redirection of staff priorities, driven away many experienced staff, and left FEMA with a leadership not adequately prepared for disasters.

B. FEMA Violated its Duty by Failing to Fulfill its Statutorily Mandated Responsibility to Protect the American People Due to the Agency’s Complete Failure to Adequately Prepare.

In 2001, FEMA issued a report stating that a hurricane striking New Orleans was one of the three most likely disasters in the U.S., including a terrorist attack on New York City. Still, despite FEMA’s own four-year advance warning, despite widespread knowledge that levees would be breached and floods would ravage the New Orleans community, despite the fact that DHS Secretary Michael Chertoff and FEMA Director Michael Brown were told of the storm surge that

¹ See CRS Report RL 33064, *Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress*, by Keith Bea.

would swamp New Orleans, despite the personal warning given to President Bush by the Director of the National Hurricane Center on August 28, 2005, and despite an NOAA National Weather Service Advisory broadcast at 10:11 a.m. that same day predicting “a most powerful hurricane with unprecedented strength” that would leave the area “uninhabitable for weeks” and result in “water shortages [that] will make human suffering incredible by modern standards,” FEMA did little to prepare for Hurricane Katrina. Medical supplies were not stocked; food and water supplies were inadequate.

Local authorities issued a mandatory evacuation the day before the hurricane, but no provisions were made for more than 100,000 New Orleanians without transportation. A coordinated response had not been planned; instead, small communications and rescue teams were placed in the Gulf. Though officials knew that hundreds of thousands would be stranded in New Orleans, FEMA Director Brown waited until hours after the Hurricane struck to request 1,000 Homeland Security employees be dispatched to the area, and DHS Secretary Chertoff waited a vital 36 hours after the hurricane struck before authorizing wide-scale deployment of federal assistance. Homeland Security employees who were dispatched did not arrive for another 48 hours due, in part, to a 24-hour disaster training course each was required to attend before arriving in New Orleans. In the end, those stranded in New Orleans were left without provisions for nearly a week before significant federal help arrived.

At the Superdome, FEMA had a total of one employee to help assist the more than 26,000 people who took refuge from the storm. The Louisiana National Guard delivered three truckloads of water and seven truckloads of “meals ready to eat” – enough to feed 15,000 people for three days. Inside the Superdome, conditions were insufferable: insufficient food, water and medical supplies; smoldering heat; overflowing toilets; standing in line for hours waiting for food only to discover the food had run out; parents forced to wake their children at 4:00 a.m. to stand in line for food; the bodies of the dead propped in wheelchairs amidst the crowd; and local national guard units taking out their frustration upon civilians. At 5:00 a.m. on September 1, 2005, the announcement was made that buses were coming to take the survivors to Houston. Survivors gathered on the bridge outside the Superdome to await the bus – they remained waiting for more

than 24 hours with no food, little water, and unable to use a restroom for fear of again being left behind.

For survivors who remained in their homes in New Orleans, an even greater ordeal lay ahead. Despite the issuance of a flash flood warning by the New Orleans office of the National Weather Service at 8:14 a.m. Monday morning, August 29, 2005, and news reports of the flooding by National Public Radio and CBS throughout the day, DHS Secretary Chertoff said he was unaware of the breaches or flooding until Tuesday morning – a full 24 hours later. As breaches in the 17th Street Canal levee opened, water poured into homes forcing entire families into attics without time to grab food, water or supplies. Believing they would be rescued, those who were able punched, kicked, or clawed their way through ceilings to stand on their roofs, where many found themselves lingering for nearly a week under the scorching sun.

Across the city, scores of people survived the Hurricane only to die for lack of water and medicine. A majority of those who died were elderly, and many were Black.

II. REMEDIAL MEASURES MUST BE TAKEN TO RECTIFY THE RACIALLY DISCRIMINATORY POLICIES OF OUR GOVERNMENT LEADING UP TO AND IN THE WAKE OF KATRINA

The events following Hurricane Katrina are one of the great racial justice tragedies of our time. The federal government has purposefully and systematically withdrawn resources from public services in a direct attack against poor people and people of color. As we continue to witness people of color in need of shelter, clothing, and basic necessities, it has become clear that this disaster is less about rain and wind than it is about race and class.

A. People of Color and Low-Income Continue to be Disproportionately Affected by Hurricane Katrina.

Hurricane Katrina displaced an estimated half-million to 1 million people, creating one of the largest internal displacements in United States history. In the hardest-hit areas of southern Louisiana and Mississippi alone, hundreds of thousands of homes were damaged or destroyed, and up to 600,000 families are in need of transitional housing.

Prior to Hurricane Katrina, New Orleans was two-thirds African American. Families had lived there for generations, carrying culture and family and community ties with them through the years. Yet, the Secretary of Housing and Urban Development, Alphonso Jackson, says that “New Orleans is not going to be as black as it was for a long time, if ever again.” Today, with most of New Orleans’ African American community arbitrarily scattered across the country, the future of New Orleans and the culture of its people are uncertain.

The ease of transition from New Orleans resident to evacuee in the days and weeks following Katrina depends largely upon evacuees’ economic status and, too often, the color of evacuees’ skin. Following the devastating natural disasters, poor victims of color were then further displaced by arbitrary one-way flights or bus rides from the disaster area to unfamiliar distant states without regard for their life, dignity, liberty or security. Those without financial resources – including the 159,000 poor African Americans who lived in the greater New Orleans area – were among 200,000 evacuees scattered among 750 shelters in 18 states.

Today, many of the South’s poor people of color remain internally displaced living in temporary shelters, motel and hotel rooms, with the meager financial assistance provided by FEMA dwindling. Those from the poorest sections of New Orleans are still prohibited from returning, which in many cases is moot: without assistance from the federal government, most lack the resources to return to their homes or salvage their personal belongings. They have been left in limbo, unsure of when or if they will return home, unsure of where they will go next.

In New Orleans, where 67 percent of the population was Black, and 91 percent of the poor were people of color, a disproportionate number of those most heavily affected – those arbitrarily displaced with no foreseeable method of return – are people of color. United States treaty obligations under the International Convention on the Elimination of All Forms of Racial Discrimination places an affirmative duty on the national government to protect the right to freedom of movement and residence within the border of the state and the right to housing free from discrimination on the basis of race.² Furthermore, displacement based upon race is a form

² The International Convention on the Elimination of All Forms of Racial Discrimination, art. 5, Nov. 20, 1994, 660 U.N.T.S. 195.

of genocide—prohibited under the Genocide Convention.³ Similarly, international law prohibits arbitrary displacement and recognizes the destruction of a people’s culture, by official action or depraved inaction, as an offense against humanity.

B. The Policies Surrounding the Prohibition of Return and the Future of New Orleans Neighborhoods are Fraught with Racism.

1. Residents of affluent white communities were given preferential treatment over residents of communities of color by being allowed to return to their homes.

Hurricane Katrina left parishes – rich and poor, black and white – under water. However, residents of wealthier, whiter parishes were treated differently than residents of poorer, blacker parishes in the weeks following the hurricane.

A recent report indicated that the National Guard and police quietly allowed residents of Lakeview, a parish composed of a 94 percent white population, back in two weeks after the storm, while toxic waters still lapped at their doorsteps. Residents were permitted to survey their properties and gather their salvageable belongings. Soon thereafter, renovations began: houses have been stripped to the beams to fight off the encroaching mold, workers are hauling debris away, and the neighborhood is slowly coming back to life.

On another side of town, in the lower Ninth Ward, where African Americans comprise 98.3 percent of the population, residents were completely barred from entering more than six weeks after Katrina struck. When most of the parish became dry, authorities still refused to allow residents back in to the area to survey the damage to their properties or retrieve salvageable belongings. The government claims that Ninth Ward residents are being prevented from returning out of concern for their safety due to lack of electricity, running water, or sewage ring hollow when placed alongside evidence of individuals from richer, whiter neighborhoods returning to their homes despite equally “unsafe” conditions.

³ The Convention on the Prevention and Punishment of the Crime of Genocide, Nov. 25, 1988, Pub. L. No. 100-606, 78 U.N.T.S. 277.

2. Residents of low-income communities of color suffer from disparate treatment regarding the future of their community.

With few resources to return and less than a \$27,000 cap on the assistance FEMA will provide, the future looks bleak for many poor people of color from New Orleans. Having been given a one-way ticket to “Somewhere, U.S.A.,” homeowners from low-income areas of New Orleans must make a decision: spend a portion of the funds provided by FEMA to travel to New Orleans, assess the damage, and attempt to rebuild, or use the money to make ends meet where they are, cut their losses, and attempt to build a new life.

In the Lower Ninth Ward, where the home-ownership rate is 60 percent, a large-scale decision to cut one’s losses and remain in their newly found area would result in a massive shift in the demographics of the neighborhood. Though many residents wish to return and begin rebuilding, they are currently being prevented from doing so by the authorities. They have essentially been told to wait while the authorities decide what will become of their neighborhood, their homes, and their culture. No assurance has been offered that the community will be rebuilt for use by its former residents, and few residents are certain that they will ever again return.

In contrast is the community of Lakeview, whose residents were allowed into their homes though access was technically prohibited. Although Lakeview is as prone to flooding as the Ninth Ward, residents of Lakeview do not wonder if their community will be rebuilt. In fact, they have no doubt that it will be. Lakeview was their home, their community, and they have the money to rebuild. Suggestion of bulldozing Lakeview or portions thereof would be greeted by all as laughable.

C. The Federal Government’s Preparation for and Response to the 2004 Hurricanes in Florida Compared to its Preparation for and Response to Hurricane Katrina in 2005 Demonstrates the Imbedded Racism in the Government’s Social Policy Making.

Most telling are the gross disparities between the federal government’s response in the wake of the 2004 Florida hurricanes and its response in the wake of Hurricane Katrina.

In 2004, FEMA, under the direction of Michael Brown, prepared to respond to Hurricane Charley days before the storm reached Florida's shores. Truckloads of ice, water, cots, blankets, baby food and building supplies were pre-positioned at nearby depots for rapid post-hurricane deployment. Two days after the hurricane passed, the President and his brother were on the ground, handing out ice to survivors of Charley, and surveyors were on the ground assessing the damage. Desperate to keep voters happy before the upcoming election, FEMA became overzealous in its willingness to distribute funds to Florida residents, whether or not the residents were in need.

A 2005 DHS audit found that FEMA wrongly distributed to Miami-Dade residents: \$8.2 million in rental assistance to 4,308 applicants who "did not indicate a need for shelter" when they registered for help; \$17,424 in rental assistance to 24 people who reported that their homes were not damaged; and \$97,500 for 15 automobiles with a combined total "blue book" value of \$56,140. In addition, housing inspectors were on the ground two days after the hurricane struck.

The federal response to FEMA stands in startling contrast. Despite the President's August 29, 2005 assurances to a California audience that, "We're in place. We've got equipment in place, supplies in place. And...once we're able to assess the damage, we'll be able to move in and help those good folks in the affected areas," the federal government was woefully ill prepared to respond to Katrina. Not only did the government fail to stock basic supplies for the stranded population, but FEMA actually dissuaded local first-responders from providing any assistance. Officials were aware that an estimated 134,000 residents of New Orleans – including 35 percent of the black population and 59 percent of poor black households – did not have transportation and were unable to evacuate. Nonetheless, FEMA issued an edict prohibiting nearby first-response agencies from going to the devastated areas unless specifically requested to do so by local officials – most of whom were left with no communications capabilities – and actively blocked the delivery of desperately needed supplies to the devastated areas.

The lackadaisical federal response was epitomized in the recently released emails of former FEMA Director Michael Brown. More than two days after the hurricane struck, Marty Bahamonde, the sole FEMA representative in New Orleans from August 27, 2005 until August

30, 2005, wrote a frantic email to Mr. Brown advising that “thousands [are] gathering in the streets with no food or water,” they were “out of food and running out of water at the dome,” and estimating that “many will die within hours.” Michael Brown’s response: “Thanks for the update. Anything specific I need to do or tweak?” Despite President Bush’s assertions that his political appointee was “working 24 hours a day,” the public record indicates that Mr. Brown was far more concerned about his wardrobe and restaurant choices than about helping thousands of victims who remained stranded in New Orleans.

Whatever the purported intention behind the disparate treatment of victims of the 2004 and 2005 hurricanes, the Administration’s message to the American people of color and low income is the same: We can protect you, but we will decide when to do so and whether you are deemed worthy of our protection.

CONCLUSION

At minimum, for all of the foregoing reasons, the following “bold action” should be taken:

We petition our President to:

- Cease his continuing disregard for, and willingness to sacrifice, the economic and physical well-being of the American people – especially poor people of color – in pursuing his agenda to weaken our federal government; and
- Reorder national priorities to restore funding to federal agencies responsible for fortifying the nation and administering relief programs to mitigate the human suffering experienced by our entire nation, including poor people of color, due to economic, manmade, and natural disasters.

We petition our Congress to:

- Establish a \$100 million fund to provide legal services for victims of natural disasters to rectify our administration’s insensitivity and abandonment of poor communities of color;
- Establish a “Katrina Victims Fund” to rectify past and present discrimination and help rebuild lives;
- Hold congressional hearings to study the role of race and poverty in FEMA disaster response;
- Insist that Katrina’s victims have a right to return and funds with which to rebuild their homes and their lives; ensure that FEMA develops a plan to make their return possible;
- Ensure that special provisions are made for the care of sick and elderly in times of disaster; and
- Audit FEMA and implement necessary measures to prevent further and future injustices.

We petition the Department of Homeland Security and the Federal Emergency Management Agency to:

- Fully explain to victims all of the assistance available to them and the conditions that must be met to become or remain eligible for relief;
- Ensure that all disaster plans include special provisions to meet the needs of the sick and elderly;

- Prepare a report for the public of actions taken to locate and return displaced victims; and
- Fully exercise its powers to coordinate and direct comprehensive rebuilding of affordable housing; and
- Require, as a condition of receipt of federal funding, that state and local agencies and other federal contactors immediately plan for providing non-discriminatory, affordable housing opportunities, including the right to return, for displaced victims.

We petition the United Nations, including the Commission on Human Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and Special Rapporteurs on Internal Displaced Persons, Racism and the Right to Adequate Housing:

- Pursuant to the principles of the United Nations Charter, to monitor and investigate the willful human rights violations committed by the United States government in violation of the International Bill of Human Rights and other U.S. treaty obligations. The United States government must be held accountable; therefore, the findings of any investigation should be publicized to the people and nations of the world.