

**Transcript, Audio News Conference**  
**Equal Justice Society Petition on Behalf of Hurricane Katrina Victims**  
**Thursday, November 17, 2005, 1:00 p.m. EST**

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**Moderator:**

Eva Paterson, President, Equal Justice Society

**Speakers:**

Charles Ogletree, Noted Author and Professor, Harvard Law School  
John Bonifaz, Constitutional lawyer and civil rights expert

**Also Available:**

Varenise Ross and June Washington, Hurricane Katrina Victims

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**OPERATOR:** Good afternoon ladies and gentlemen, and welcome to the Equal Justice Society-sponsored conference call. All lines have been placed on a listen-only mode, and the floor will be open for your questions and comments following the presentation.

At this time it is my pleasure to turn the floor over to your host, Eva Paterson. Ma'am, the floor is yours.

**EVA PATERSON:** Thank you. Good morning and good afternoon. We welcome you to our audio news briefing to let you all know about the legal and political response of the Equal Justice Society, and the Legal Aid Society to the ineffectiveness of our government with regard to Hurricane Katrina.

The speakers, in addition to myself, will be Charles Ogletree, distinguished Professor of Law at Harvard Law School; John Bonifaz, noted civil rights and Constitutional lawyer; and then two residents of New Orleans who were in New Orleans when Hurricane Katrina hit, Ms. Varenise Ross and Ms. June Washington. Their stories are on the Web site of Equal Justice Society, and we are happy to have them answer questions at the end of this - of these remarks.

We are here today because the world watched in horror and disbelief as the richest and most powerful country on earth let residents of New Orleans and the Gulf starve and suffer during Hurricane Katrina. Many of those suffering were poor, elderly, sick, or people of color. The Equal Justice Society and the Legal Aid Society decided that the voices of those who had suffered had to be heard. So, we talked with people from the Gulf and from around the country, and concluded that action must be taken.

We are proceeding on two fronts, the second of which is the purpose of this briefing today. Last week we filed a lawsuit against FEMA and Homeland Security alleging many things, but focusing on housing problems. We noted that yesterday one of our clients heard on television that her hotel expenses will no longer be paid after December 1st, so we are talking about that in our lawsuit.

But the purpose of our discussion today is to talk about a political petition that we have filed with FEMA, Homeland Security, President Bush, the Congress, and the United Nations. We would like these entities to answer several questions.

One, why did this happen in terms of the ineffectiveness of the response of the government to the suffering of the people in the Gulf and in New Orleans? They had known beforehand that the breaching of the levees was a high probability, and they should have been prepared to take care of the citizens and the residents of the Gulf.

Secondly, how can we make sure this is not repeated? We have been told that FEMA has been advised that there are three primary incidents that they will have to respond to -- one, the breaching of the levees in New Orleans; two, a terrorist attack; and as we sit here in San Francisco, the third incident that they must be prepared for is a major earthquake in the San Francisco Bay area. We tremble and shudder at what will happen to citizens and residents of this country if there's a terrorist attack or a major earthquake and we see a repeat of the ineptitude of FEMA.

The next thing we really would like addressed is whether or not race played a factor in this. Many of us were shocked and horrified to see the faces of the people in the Superdome and in the Convention Center were faces of African-American people. We believe, as do most African-Americans in this county by about 70 percent, that if the people who were left in New Orleans had been wealthy and white, they would not have been left to suffer, and as they are continuing to suffer under government ineffectiveness.

The next thing that all citizens, no matter what their color or socioeconomic status have to face is, is our government equipped to provide for the safety of its citizens? There's an ideological battle ongoing in this country as to whether or not we believe government has any place. Obviously most citizens believe that government is to take care of the citizens when disasters occur. We should not have to rely on private agencies or our own resources. That is one of the functions of government. That is why we pay our taxes.

And finally, we wanted to voice to the widespread outrage that was felt around the world in seeing our fellow citizens and fellow human beings suffering so, and they continue to suffer.

So, we have filed suit, but more importantly today we have petitioned our government under our rights under the First Amendment to the Constitution to do something about this situation. We want Congress to act to make sure that there is adequate funding ongoing. Miss Ross, our client, where is she going to live after December 1st? There should be adequate funds to take care of people's housing problems.

We'd like to make sure that the Congress has FEMA adequately supported and staffed to make sure that when future problems occur, that there is an adequate response. And finally, we're petitioning under several treaties that the United States is a signatory to, we are petitioning the United Nations to take an independent look as to whether or not race played a factor in the non-response of the government.

I will now turn this over to Professor Charles Ogletree, who will have some comments. Professor Ogletree?

**CHARLES OGLETREE:** Thank you Ms. Paterson, and thanks to all of you participating.

I'm Charles Ogletree, the Executive Director of the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, where I'm a tenured Law Professor. I will only speak briefly, but will say that the Katrina catastrophe is one of the worst disasters in our country's history. And it had an eerie resemblance to another disaster of the 20th century that was influenced by the politics of race.

Just like these thousands of residents were left homeless, without shelter, or without any sense of hope or opportunity this past fall in New Orleans and elsewhere, in 1921 a black community known as Greenwood in Tulsa, Oklahoma, saw a prosperous and successful black community called Black Wall Street destroyed through a race riot, where whites were deputized and went into a black community, burnt down homes, burnt down businesses, destroyed lives. And that was swept under our collective local, state, and national attention for 80 years. It's only recently that the truth about what happened in 1921 has come to light.

And as one of the lawyers representing the survivors of the 1921 Tulsa race riot who never received their property or resources back, and we're fighting it in courts now, I worry as well that the same thing has happened, and will happen, in New Orleans. It is incumbent upon all of us citizens to make sure that we don't let New Orleans become the playpen for the Donald Trumps, or the Donald Ducks of America, who will see it as a place for entertainment and construction, and not as a place to return the displaced thousands of residents who do not have homes or places to go.

We filed this petition because it's the most important thing that we can do to put in writing with detail, and with specificity, the duplicity of our national policies, and the disparity in the way people are treated as a matter of race. It is ironic as you think about New Orleans that we saw firsthand that within weeks of the disaster that white residents in the community of Lakewood were allowed to return to their homes, while black residents in places like the Ninth Ward and other areas were forced through uses of force not to return. Why should the access to property and access to opportunity be conditioned on race? Race should have no place in our policies, but here is one where we see it happening and occurring in a dramatic way.

So, we are telling the President of the United States, we're telling the agencies under his watch, indeed we're telling the United Nations that we will not let this disaster go unnoticed, and that we will use every bit of our legal and political resources to fight this battle in every court of law, and court of public opinion, and courts of justice to ensure that the citizens like our clients the Ross's and the Washington's are able to get true justice. And we will not rest until there's a complete sense of vindication for the victims of Katrina and that they are fully made whole from the suffering that they've encountered these last four months.

And I'll stop there for now.

**EVA PATERSON:** Thank you Professor Ogletree. Our next speaker will be John Bonifaz, Constitutional and civil rights lawyer. Mr. Bonifaz?

**JOHN BONIFAZ:** Thank you Eva.

The federal government has a responsibility to protect the safety of its people. The federal government failed in a colossal way to carry out this responsibility in its response to Hurricane Katrina. And the petition that the Equal Justice Society has filed seeks to vindicate our rights as citizens for accountability for this disaster. At the heart of this crisis is a question of government representation. Who is our government? Who does it represent?

And what we saw in New Orleans in terms of who was left behind was a clear picture of people who are locked out of our political process, who lack any real meaningful political voice. And it is no wonder that they were disproportionately poor, disproportionately people of color. And they are kept out of the halls of power in Washington, and because of that they were wholly and willfully ignored.

And in that instance I think what we see is a real crisis in our democracy, where those who had the ability to escape, those who had the means to escape, were able to get out of New Orleans, were able to escape this disaster. And those who did not have the ability to escape were ignored by their government -- the government that's supposed to represent all of us -- and were left without any real recourse but to seek out some kind of private individual support, or private agency support.

So, what this petition really does is it seeks to lift up the political voices of all of us, particularly those who have been traditionally disenfranchised in our society, and to say that if democracy is going to be real for all of us, then it means that we have to care for all of us, and we cannot allow this kind of situation to go unremedied, and without real accountability.

And I am proud, as a board member of the Equal Justice Society, to be associated with this historic petition. Because I do think in the end if the government is not going to respond in a proper and appropriate way in our society to these kind of disasters, then it's incumbent upon all of us as citizens to demand that proper response from the grassroots level.

**EVA PATERSON:** Thank you very much.

We just want to reiterate that we thought it was very important that people stand up and express their outrage at what happened, and say that this is our government, that our government has a responsibility to take care of us and to protect us when we are in circumstances that no one can protect themselves in, like a natural disaster. We hope that we are sounding an alarm that will be heard in Washington, and will get FEMA to get its act together

and to be more effective and responsive. And our clients and the people they represent are still suffering. And it's just wrong. And our government should do better than that.

So, we'll open it up to questions at this time. So, if there's anything we can help you with, or share with you, we'd be happy to do that. And Ms. Ross and Ms. Washington are happy to answer questions as well.

**OPERATOR:** Thank you. The floor is now open for questions. If you have a question, please press star-one on your telephone keypad at this time. Questions will be taken in the order they were received. If you are using a speakerphone, we ask that while posing your question you pick up your handset to provide favorable sound quality. Again, ladies and gentlemen, if you have a question or comment, please press star-one on your telephone keypad at this time. Please hold while we poll for questions.

Our first question is from Erin Texeira of the Associated Press. Please go ahead.

**ERIN TEXEIRA, ASSOCIATED PRESS:** Hi. My question is about reference to Mr. Bonafaz's last comments, which was, it's incumbent upon citizens to demand a response. I'm wondering what a petition means in this regard? What kind of response is required, if any, and what do you expect to happen in the short-term and the near -- and in the long-term in response to your petition?

**EVA PATERSON:** We hope that the Congressional hearings, which are ongoing, will be expanded to consider whether or not race played a factor in the lack of response in the Gulf. We also hope that the Congress right now will take a look at the fact that FEMA is going to stop paying for hotel accommodations for the evacuees starting December 1st. What a nice holiday gift. Mayor Gavin Newsom in San Francisco basically said that they have not had an ability to find housing for people, so are people going to be the victims of yet another government disaster in that they'll have no place to live over the holidays?

So, we have filed this petition with Senators Frist and Reed, Representative Blunt and Representative Pelosi in the Congress. We have also filed this with a Congressional Black Caucus representative. So, we hope that this will let them know that people outside of the government are looking at this very hard. We also have let them know that we have filed suit against FEMA.

Also, we are going to the United Nations. We filed a petition in Geneva, and we're hoping to get a shadow report on the human -- from the Human Rights Commission. We're urging Special Rapporteurs on Internally Displaced Persons and Racism to get active in terms of looking at this. In the apartheid era, it was often necessary for the United Nations to look at other countries and to let them know that the international community did not like what they were doing. We're hoping that the United Nations will shine the light of understanding and clarity on the United States, and let our citizens know that what happened in the Gulf was not right.

I don't know, John, if you want to respond?

**JOHN BONIFAZ:** Well, obviously all that, I share. And I think that the point here is, is that what we've seen has been wholly inadequate to date, in terms of the response, and that that's why this petition is so important to have been filed. Because there is not yet coming from Washington any meaningful response to the disaster that we saw unfold in New Orleans and via Hurricane Katrina.

**ERIN TEXEIRA:** But they don't have to respond -- I mean they don't have to formally acknowledge or respond to your petition, is that correct?

**EVA PATERSON:** They do not. But we are exercising our rights under the First Amendment...

**ERIN TEXEIRA:** Yes.

**EVA PATERSON:** ...to petition our government. But no, they don't.

**ERIN TEXEIRA:** OK.

**EVA PATERSON:** But that would speak volumes, wouldn't it? If they just ignored the fact that 70 percent of African-Americans believe that the failure to respond was based on race.

**JOHN BONIFAZ:** I would also add that I think were they not to respond, it would simply build the case at the international level for the international community to scrutinize what happened here in the United States, and to condemn it for the willful violence that has occurred.

**CHARLES OGLETREE:** Charles Ogletree. If the government has learned any lessons from Katrina, it is that a delayed response is a further disaster. And while the President vacationed, and the Vice President vacationed, and the FEMA Director was out of touch, it became not just a national or international issue, an embarrassment to entire country.

Now that all these facts have been assembled, put into a document with actual victims and survivors coming forward and telling their stories, I think it's inconceivable that the government won't respond. And I think it's inconceivable that they will delay in responding. They have no choice but to deal with these issues, and not to allow them to fester...Because it would only grow into even more of an international disaster if they in any way decide for political or any other reasons not to respond. And to respond in a substantive way about what has to be done, what's going to be done, and how the racial disparity that is so obvious in this case is going to be addressed in a thorough and persuasive way.

**EVA PATERSON:** You should also know that in addition to giving voice to Ms. Ross and Ms. Washington, we've been on calls with people around the country as a -- as a predicate to filing this petition and the lawsuit, and the universal response from everybody we talked to was 'please go ahead.' You must go ahead. You must give voice to what -- to the despair that we felt, and everybody felt, when they were watching this on television.

So, despite the fact that this is done by the Equal Justice Society and the Legal Aid Society, there are many people from all around the country who endorse what we're doing, and think it's vital that the government deal with the fact that it wasn't prepared, isn't going to be prepared if there's an earthquake or a terrorist attack. And why were the people who were left to starve and die -- people died because the government didn't react -- why were they predominantly black people. There were Vietnamese fishermen there. There were undocumented Latino people who were being harmed. And people who were poor. So, many people in the country I think endorse what we're doing.

Are there other questions?

**OPERATOR:** Ladies and gentlemen, at this time if you have a question, please press star-one on your telephone keypad. Again, that is star-one to ask a question.

Ma'am, there appear to be no further questions at this time.

**EVA PATERSON:** Well, thank you very much for participating. You can go to our Web site for more information, for the stories of Ms. Ross and Ms. Washington. And we'll keep you posted on what response we get from the national and international community. Thank you very much.

**OPERATOR:** Thank you. This does conclude today's teleconference. We thank you for your participation. You may disconnect your lines at this time, and have a great day.

**EVA PATERSON:** Thank you.

**END.**