

# **Broken Promises**

An examination of ongoing and developing crises in the  
New Orleans region



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Nearly six months after Katrina ripped through the Gulf Coast, life in New Orleans remains a totalizing experience. It is impossible to avoid being reminded of Katrina, every hour of every day. Even in the relatively unscathed parts of town, mounds of ruined junk that was once a part of a person's life still litter the sidewalks waiting to be picked up. Orange, coded markings and spray-painted messages left by rescue workers still scream out from the sides of the houses. Rows and rows of moldy, mud-caked cars still crowd underneath the interstates. Dark, empty Po-boy shops and antique stores still rest quietly along the streets. The "neutral grounds" (known as medians in the rest of the United States) are so crowded with paper and plastic signs that one could think it was election day, except they are advertising house gutting and roof repair rather than Republicans and Democrats. Tan humvees carrying young soldiers still drive along the streets and military helicopters still occasionally thunder through the sky. The Superdome squats guiltily beneath clear skies, its shame so massive it bursts out of the cavernous building and onto everything else in the eye's photographs. The US-90 bridge into Gretna grips the Morial Convention Center like a French Quarter medium holding a crystal ball, conjuring up images of thirsty, hungry, frightened black folks being turned back around by Sheriff Lee's shotgun-wielding deputies. Make-shift stop signs have replaced stoplights all over the city without creating traffic nightmares because there are so many fewer cars on the roads. Half a million stories of sorrow and salvation are embodied in the ubiquitous bumper sticker that simply says "Thanks Houston."

Moving out into the seriously flooded areas, your body becomes tense and your mind goes into defense mode. As Mardi Gras approaches with its celebrations of life's

vibrant colors, miles and miles of hauntingly silent homes and businesses shriek death and desolation. Sixty seconds spent in Chalmette, Gentilly, New Orleans East, Violet, Port Sulphur, West Pointe a la Hache, Shell Beach, Arabi, Lakeview, and the Lower Ninth Ward is all that is needed to convince anyone of this truth: New Orleans is still a gaping, festering wound in this nation's body.

2,300 people are still missing.

400,000 displaced residents are still scattered all over the United States.

Hundreds of thousands of homes are still muck-filled and uninhabitable.

The City of New Orleans is broke.

Less than 20 percent of New Orleans businesses have reopened.

Tens of thousands of families are still waiting for FEMA trailers.

Vast swaths of the region are still without stoplights or streetlights.

Thousands of residents, workers, and volunteers are sleeping in tents.

The New Orleans criminal justice system has been obliterated and thousands of defendants from New Orleans, many of them arrested for minor violations, have been left to rot in jails and prisons all over the state without any legal representation.

The New Orleans hospital system is in crisis. Immense in-patient and emergency room bed shortages, office shortages, and staff shortages are making New Orleans a dangerous place to be for people with serious medical needs.

Residents have returned from Houston, Atlanta, Little Rock, Memphis, Dallas, Baton Rouge, and other cities all over the country and they are fiercely determined to "ReNew Orleans." With adequate support from the federal government, they will do just that.

This report's four sections seek to illuminate some of the ongoing crises currently

taking place within the New Orleans area. The first section provides brief profiles of people affected by Katrina and its aftermath. In order to comprehend how ongoing crises and stubborn obstacles are affecting the region as a whole, one must first understand how people are affected by them on an individual level. The second section offers a simple overview of the New Orleans area housing crisis, highlighting the lack of “affordable” housing. The third section explores some of the difficulties confronting workers who have come to help rebuild the area, focusing on events transpiring in City Park in New Orleans. The last section discusses how and why thousands of indigent defendants have been denied their constitutional rights to representation, due process, and a speedy trial, threatening to lead to a shutdown of the Orleans Parish Criminal Court. These are but a few of the dilemmas facing the region. Many of the root causes of these issues, however, can also be found when examining all the other problems confronting the region that are not discussed in this report.

## Voices in the Wilderness

### Joyce

*“With all this tragedy on top of tragedy...it’s like my life just exploded”*

Shortly before Katrina hit, Joyce Miller, a homeowner in the Gentilly area, and her family piled into five cars and evacuated to Rayne, Louisiana. The first night, they slept on the cold cement floor of the Rayne Civic Center. On the televisions in the Civic Center, they watched in horror as the chaos in the Superdome unfolded, frantically wondering why nobody was coming to rescue so many of their friends and neighbors. When the Rayne Civic Center asked them to leave because the building was going to be used for a rice festival, a woman in Lafayette came to their aid. This kind woman, who they had never met, provided a big house for all 25 family members to stay in. When Rita came bearing down, Joyce and her family were so exhausted that they decided not to evacuate. They boarded up the windows and stayed awake all night as Rita howled outside and the children cried and screamed “Mama, help us! Help us! We don’t wanna die.”

Shortly after Rita passed over, she decided to come back to New Orleans and check on her home, which took over 7 feet of water during the flood. Out of desperation, she went to Brother Don, the director of Hope House in the Garden District, to see if he could help her find a place to live. Luckily, Hope House had a vacant transitional housing unit that she could move into. During that time, one of her young nephews, a child that used to play on Joyce’s porch every day, drowned in a swimming pool in Texas; most of the family was unable to attend the funeral. Even though Joyce had substantial damage above the waterline left by the flood, her insurance company tried to give her only \$4000 on her \$96,000 homeowners insurance policy, arguing that almost all

the damage was caused by the flood. Eventually, though, they forked over a fair amount. Using that money and the payout on her flood insurance, Joyce paid off her mortgage and has started to rebuild her home. Of course, she still has no clue whether or not her Gentilly neighborhood will be preserved when the city finally decides what its “shrinking footprint” will look like. Prior to Katrina, Joyce had been trying to come to terms with the deaths of her husband, son, and grandchild; the series of tragedies and setbacks set in motion by Katrina, combined with those previous losses, threatened to destroy Joyce’s mental health. Counseling has helped her cope but she thinks what will help her most is returning to her job at the Kingsley House Senior Center, a non-profit assisted-living home, where she will go back to taking care of the elderly ladies that mean so much to her. “When I’m there talking to them and working with them, I don’t have time to focus on me. By the time I get back home, I’m pooped and I have heard everyone else’s situation, so I don’t think so much about me.”

## **Henry**

Henry Morgan is a retired electrician in Reggio, a fishing community in St. Bernard Parish. The Monday morning after Katrina hit, the water rose over seven feet in fifteen minutes where he was in Violet, another town in the parish. With his friends and family members, he floated in the floodwaters in a “looted” boat with no motor battery, listening to screams and cries for help from people he could not get to. They were eventually picked up and taken to the Violet Canal Bridge and then to St. Bernard High School. When his mother, who has advanced Alzheimer’s, awoke on the roof of the school and looked up at the stars in the night sky, she exclaimed, “Thank God, I’ve died and gone to heaven!” When Henry told her she hadn’t died yet, she calmly replied, “Yes I have...and he took my whole family with me.” The next day, they were taken to the Chalmette Ferry before finally being moved to a crowded area underneath the Clearview Overpass in Metairie. Even though both Governor Blanco and Jesse Jackson made media-covered visits, they spent three hot, miserable days there before being moved once more. In October, after an exodus through shelters and hotel rooms in Louisiana and Texas, Henry

came back to what was left of his house in Reggio. While he and his wife (they are separated but lived in houses right next to each other) were waiting for their FEMA trailers, he set up a makeshift bed in a gutted yellow school bus behind what was left of his house. Thirty yards away, his wife, Judy, and her friend Cheryl set up tents on the slab of what used to be her house. The state of Louisiana expropriated an acre of Henry's land where he had his boat launch to build a tide levee and paid him a non-negotiable \$400 for it. According to him, the tide levee might protect others but will essentially turn his property into a basin if another hurricane comes through. He finally got a FEMA trailer in late January but it is located in a different part of the parish. When the Times Picayune visited the property in late January, they were too late to meet Henry. Judy and Cheryl, though, told them everything they wanted to know about living in tents and trying to stay warm at night.

### **Kevin and Jerri**

*“They tell us to come home...but they don't want us”*

Kevin and Jerri Laroque thought that it was time to return to New Orleans when they saw Mayor Nagin on television urging folks to come back home. For the past few months, they have been staying at the Quality Inn/Maison St. Charles and waiting for their FEMA trailer. Around the 1<sup>st</sup> of January, the Laroques and the 24 other families that were staying in hotel rooms paid for by FEMA were given a letter by hotel management informing them that the city was entering its “season of special events” and they had to move out of their rooms by noon on January 7<sup>th</sup>. While the evicted families sat on the curb with all their belongings, Common Ground volunteers held a protest in the front of the hotel and local lawyers were busy trying to obtain a temporary restraining order to stop the eviction. A FEMA representative arrived and stated that she had been sent to talk to the media, but the evicted families quickly surrounded her. The only thing she could tell them was that they could call the FEMA hotline to get set up with a trailer...Kevin and some of the others in the crowd immediately dialed the FEMA number

almost as if it was mere muscle memory to them and proceeded to hold up their phones with the busy signals beeping. Late in the afternoon, a cheer went up through the crowd: the temporary restraining order had been granted. Even though FEMA has still not provided the trailers requested by most of the 10,000 families still staying in hotels in Louisiana, they are terminating the hotel program completely on March 1<sup>st</sup>.

## Ollie

*“I don’t know what to do...I really don’t”*

Ollie Jackson was born into a sharecropping family in Mississippi on November 15<sup>th</sup>, 1920. He was never able to go to school and never learned to read or write. In the 1950s, he moved to New Orleans because he couldn’t make enough money to feed his family in Mississippi. Being old, alone, and without transportation, he decided he would weather Katrina just like he had weathered Betsy and Camille. When the levees broke, though, he woke up in the night to discover that there was water in his bed and water all around his house in New Orleans East. Amazingly, he survived without ever being evacuated. When the waters receded, he joined up with Clyde Brumfield and Anthony Brumfield and, after the mud was swept out of Clyde’s one-bedroom apartment, he slept on a loveseat that they had dried in the sun...for the next four months. For most of that time, they went without water, heat, electricity, transportation, and access to a phone. At night, their only light came from a battery-powered lamp that Ollie had purchased; he had to have the salesclerk read the directions to him so that he could turn it on. Around Christmas, he moved into an adjacent apartment where he has been sleeping on a donated couch. Because of his age, lack of phone access and transportation, and his illiteracy, he has had a very difficult time navigating his way through FEMA’s bureaucracy. Without occasional help from the Red Cross and Common Ground volunteers, he might not have survived. As of early January, he was still eating MREs and Red Cross meals, and trying to get a FEMA trailer. Anthony left for Atlanta to be with his girlfriend, who was evacuated to a nursing home there. Clyde is still sleeping on a moldy mattress next door



and praying that his brother, Noland, will come visit him. Anthony and Clyde have been trying to find him and his wife since Katrina hit.

## **Craig**

Craig lost his ex-wife and seven-year-old daughter in the flood. Despite the unspeakable burden of this loss, Craig wakes up every morning in a cruise ship cabin and pushes forward. He is determined to give his young son everything that a father can give. At the beginning of the school year, the school tested his son and determined that he was an exceptionally bright and talented child. This realization motivated Craig to enroll in Hope House's GED program with Sister Lillianne. In this way, he can better himself and also nurture his son's potential by setting a good example. Even though she normally does not put stickers or congratulatory messages on homework papers, Sister Lillianne makes sure to put them on Craig's papers so that he can take them home to show his son. Craig was living with his mother at the time of Katrina, giving her \$300 every month to help with the mortgage. Even though the house was destroyed, he has not been deemed eligible for FEMA assistance because he and his mother had never written up a rental contract. Because he is a maintenance worker at City Hall, though, he has been able to live on a cruise ship with other city employees since the storm. When the cruise ships leave at the end of Mardi Gras, he fears that he may become homeless. Rental rates throughout the city have easily doubled since the storm, casting serious doubts as to whether or not he will be able to find a place for him and his son to stay.

## **Bobby**

*"I wasn't going to stick myself in no Superdome. That trouble in there was the worst and I would have been in the middle of it as a senior citizen, you know? I was safer here if you think about it..."*

If you drive down Chef Menteur Highway in New Orleans East, there is a good

chance you might see Bobby Rideau, 66, on the side of the road. He might be pushing a hand-truck with a propane tank on it to keep him warm at night. He might be walking to find a Red Cross van passing out meals of cold ham and baked beans. He might have his thumb stuck out with a \$5 bill in his hand, hoping to hitchhike to an open grocery store. He might be holding up a flip sign that reads “Rebuilding takes time...” on one side and “Need a safe spot to park a trailer near this location. Driveway will work. Local boy needs your help.” on the other side. At the end of the day, he lays down on a mud and mold-stained mattress in a small apartment across the yard from Ollie’s. He refuses to buy a new one because he won’t need it when he finally gets a FEMA trailer. When it rains, water pours into his tiny home through the massive hole where his ceiling used to be. Like Ollie, he never left his home during the storm. It nearly cost him his life. In October, a group of soldiers found him in a wretched condition and sent him to Ochsner Hospital, where doctors had to pump eight tanks of gray liquid out of his stomach before they could carry out a much-needed hernia operation. Like many people who are trying to tough it out in the devastated areas, Bobby didn’t really understand how dangerous the mold and muck that he was breathing in was to his body. In early January, he found a ride uptown to a T-Mobile store and got a free “FEMA phone.” This new tool will help him stay on top of FEMA, keep in touch with his sister, and, most importantly, allow him to call for help in case of an emergency.

### **“Charlie”**

*“I’d like to at least spend one night in there (FEMA trailer) with water and lights before I die...maybe if I live long enough...”*

Charlie’s house in Ycloskey vanished when Katrina slammed into lower St. Bernard Parish, leaving only the concrete foundation behind. He is living in a FEMA trailer but, as of January 16<sup>th</sup>, the subcontractors still had not come to install the water and electricity. FEMA representatives explained to him that they have no control over the subcontractors once they pass the initial site inspection seat over to them. The told him

that they didn't even have a phone number for the sub-contractor. He wants to rebuild his home but his insurance company, Louisiana Citizens Property Insurance Corporation refuses to pay anything on his homeowners insurance claim. LCPI is Louisiana's "insurer of last resort," a state-created insurance company for those who can't get insurance on the open market. Virtually all of the residents of the fishing communities of Ycloskey, Reggio, Alluvial City, and Shell Beach were covered by LCPI. When the first adjusters came out, they told Charlie and his neighbors that the area had clearly suffered both wind damage and flood damage and, therefore, they had valid claims on both their flood insurance and their homeowners insurance policies. Sometime later, though, LCPI sent out letters stating that all the damage was caused by floods and they would not be paying out on the homeowners policies. Charlie and a few of his neighbors have found a lawyer to take their case; if that doesn't work, Charlie thinks he will have to sell his land to a sport-fisherman and move away from the only place he has ever truly called "home."

## **Jeremy**

*"No, that house isn't gutted...it has a date with a bulldozer."*

Jeremy Guilbeau and his father own the last store before the checkpoint in the haunted wasteland of Port Sulphur, a town about halfway down Plaquemines Parish. They want to rebuild their 5,000 square foot building, but are having a tough time getting a permit and building materials. In the meantime, Jeremy is selling gasoline, beer, cigarettes, and candy bars out of a 10x12 shed. He lives in a FEMA trailer a few feet behind the shed; like many other folks who have received trailers, he had to break into it because FEMA never delivered the keys. In October, Jeremy met with FEMA adjusters who told him he would be getting some money to help replace the contents of his house. When Katrina ripped through lower Plaquemines, its muddy waters soaked everything inside his brick home and ripped away all of the bricks and about 90 percent of the sheetrock. Sometime later, he received a letter from FEMA telling him that his house had not received enough damage for him to qualify for compensation.

## **Don and Jodie**

*“We’re living in a third world atmosphere here...”*

Don and Jodie were living in Florida when Hurricane Charlie came through and destroyed almost everything they had. They applied with FEMA but received no assistance. After losing their home in Florida, they decided to move to Jodie’s home town of Galveston, Texas. They had just bought an older home that they were going to fix up when Hurricane Rita prompted them to evacuate to Houston. Under normal conditions, they could make the trip in less than an hour but, because of the traffic congestion, it ended up taking them 26 hours to get to Houston. When they came back to Galveston, they found that the house had taken more damage than most of the other homes in the area. FEMA denied their application for assistance on the grounds that they did not own the home and that the home had not suffered enough damage to qualify. They reapplied and submitted the bill of sale, mortgage deed, and the title to the house; they were again denied. That setback, combined with Don’s lack of success finding work as a plumber, prompted the couple to pack up their car and move to New Orleans to help rebuild the city and start a new life. They tried to find a house or an apartment but, due to the skyrocketing rental rates in the area, were unable to find anything they could afford. They encountered a similar situation when they tried to find a reasonably priced motel room. They quickly realized they had only one option: pay \$300 per month for a small plot of land in City Park to pitch tents in. The campsite that they and a few hundred other workers are living at has no electricity, no lights, and no drinking water. The entire area is muddy, littered with trash, and infested with mosquitoes. The port-o-potties are not changed frequently enough. If the campers want to wash the sweat, mud, and debris dust off their bodies, they have to go to a different part of the park and pay \$5 for a shower. In an effort to help improve conditions at the campsite, Don is teaching other campers the basics about camping outdoors (how to keep mud out of the tents, how to sanitize cooking tools, how to build a campfire, how to properly store food, etc.) and Jodie has

become a spokesperson for a group of workers who have organized to press for better living conditions.

## **Chris and Annie**

*“Living in a tent in winter sucks...”*

Chris, Annie, and Rebel (their pet pitbull) were hitchhiking in the rain, hoping to get to Biloxi, when they were picked up by a contractor who ended up driving them all the way to New Orleans. They started out working as day laborers through LaborReady, Inc, but quickly found permanent gigs; Chris cleans out storm drains and Annie drives a dump-truck. They work 70-80 hours a week for \$10/hour, without any benefits or overtime pay. Unable to find an affordable place to rent, they have been living in a tent city in front of a closed Wal-Mart in the Garden District of New Orleans. In late December, they got tired of freezing in their tent and decided to start squatting in an old trailer that had been sitting vacant since October. If the contractors that left it there ever come back to reclaim it, they will have to move back into the tent and huddle around an oil-drum fire to keep warm. One thing is certain, though; Wal-Mart is re-stocking its shelves and the workers there will soon have to find another place to live. Given that City Park is no longer accepting any more tent campers and all the traditional campsites have been appropriated by FEMA to house displaced residents in trailers, there doesn't really seem to be anywhere else for them to go.

## **“Chris”**

Chris, 17, was arrested in July for allegedly breaking into a car and stealing a stereo. When Katrina flooded the Orleans Parish jail, Chris and the other prisoners were put on buses and transferred to facilities all over the state. Chris ended up in a maximum security adult facility. The foster family that had taken care of him since he was 8 lost

their home in the 9<sup>th</sup> Ward; their relatives down the street perished in the storm. Chris's foster family was evacuated to Mississippi and then re-evacuated to Houston before ending up in Arkansas. In December, Chris's foster parents were finally able to track down a lawyer who would help them get Chris out of jail. The charges against Chris had never been accepted by the District Attorney and Chris was still just *accused* of stealing the stereo. Nobody had bothered to find out if any of the witnesses or police officers involved were still around, or if any of the evidence still existed. Chris's foster parents, the lawyer, and someone from the Department of Children Services went to the federal court building where the Orleans Parish Criminal Court has been borrowing courtroom space since Katrina. The judge issued a \$200 surety bond for Chris, which Chris's foster parents couldn't pay. When a well-known local lawyer pulled \$200 out of her purse to give it to them, the judge was embarrassed enough that he ordered Chris released on his own recognizance. Chris is one of the lucky ones...there are an estimated 4,500 individuals that have been sitting in jail since Katrina without seeing a lawyer.

### “Alex”

At the time of Katrina, Alex was awaiting sentencing for simple possession of cocaine. Because he has an advanced case of AIDS, he was being housed in a medical unit at Orleans Parish Prison and his attorney with the indigent defenders office was negotiating with the judge to get him sent to a medical facility where he could receive adequate medical care. Before he was officially sentenced and that deal could be finalized, though, Katrina hit and he was evacuated to a remote parish prison. For the past five and a half months, he has not been receiving his Protease inhibitors and he has only been given side-effect medication. Because of this, his health has been deteriorating rapidly and he has been hospitalized five times since the storm. His attorney was laid-off from the indigent defenders office and he has been unable to get in contact with his family. Without help, it is realistically possible that he may end up with a de facto death sentence for a simple possession charge.



## **“It’s time for you to come back home”**

On Monday, February 13<sup>th</sup>, 12,000 families nationwide, many of them in New Orleans, packed up all their belongings and carted them out of their FEMA-paid hotel rooms and onto the pavement outside. This is only the second wave of evictions in the FEMA hotel program, the rest of the families will be forced out between now and March 1<sup>st</sup>. Bill Quigley, a professor at the Loyola University School of Law in New Orleans, states, "These people are going to be homeless. We've heard from a lot of people who are going to be sleeping in their cars."<sup>i</sup> According to FEMA, 88 percent of the families evicted have received rent-assistance checks. The problem, though, is that the rent checks are woefully inadequate considering how scarce and expensive housing in the region has become.

More than 200,000 of the city’s homes were destroyed and most of them will either never be livable again or will not be livable in the immediate future. This housing crunch, though, like many other elements of the post-Katrina world, is especially devastating to lower-income New Orleanians because the scarcity of housing has been accompanied by an unbelievable spike in house prices and rental rates. Rental houses that were once \$500 per month are now going for more than \$1000 per month and the cheapest motel rooms in the city are still more than \$70 per night. As a result, tens of thousands of New Orleanians are currently living in horribly sub-standard conditions. Area residents are living in tents, barns, buses, and cars (including the moldy, flooded ones that are arranged like tombstones in a cemetery underneath the elevated highways).



Some are packing themselves into tiny apartments, sleeping 3 or 4 to a bed. Some are sleeping in moldy, once-flooded homes and gutted garages. Those that have bitten the bullet and rented a house or an apartment are often spending more than a third or even a half of their income on housing. For those evicted from the hotels on the 13<sup>th</sup>, housing prospects are bleak; acting FEMA chief David Paullison did tell reporters, though, that he had just gotten approval to purchase another 10,000 trailers...

FEMA trailers were initially envisioned as a way to rapidly re-house displaced residents. Nearly half a year into the recovery, though, the program has been a disappointment. Less than half of the more than 64,000 trailers that have been requested in Louisiana and Mississippi have been delivered. In New Orleans, as of Jan.10, around 3,000 trailers had been placed in the city.<sup>ii</sup> The city needs at least 30,000 total. Furthermore, a large number of the trailers that have been placed are not fully functional because the contractors still have not come out to set up the water, sewage, electricity, and heat. In some cases, trailers have been sitting in yards or driveways for weeks but nobody has even delivered the keys yet. The issue is rapidly approaching a critical stage because FEMA's hotel program and cruise ship program are both ending at the beginning of March.

Many of the 10,000 families in the FEMA hotel program are in the same situation as Kevin and Jerri Laroque; they don't like living in a cramped hotel room without refrigerators or places to cook and they are praying that a trailer will come soon. Life on the cruise ships isn't necessarily a party either, but many city employees still have nowhere else to go. For instance, as many as 500 police officers on the ships are still

waiting on FEMA trailers.<sup>iii</sup> In other words, a third of the New Orleans police force will be homeless if those trailers are not delivered by Fat Tuesday...and that doesn't even include the officers who have trailers that are still without electricity, water, etc.

Basic FEMA trailers are estimated to have a sticker price between \$16,000 and \$20,000 without factoring in any volume discounts. FEMA's total cost per trailer, though, is \$59,800 when looking at the "life-cycle" of each trailer, which includes the cost of transporting, installing, cleaning, maintaining, and eventually disposing of the trailer.<sup>iv</sup> Due to the bottleneck that has developed in the distribution of trailers, FEMA is also paying a fortune to store the tens of thousands of trailers that have been built but not yet distributed. The FEMA trailer program is slated to end about a year from now, precisely 18 months after the day Katrina hit. The high cost and temporary nature of the trailer program have led to a number of questions in the New Orleans area: (1) Is the trailer program a wise use of more than \$4 billion dollars in recovery funds?; and (2) what will happen to the people when those trailers are removed?

Although the trailer program has performed poorly in its goal of rapidly re-housing displaced residents, some of its difficulties would have been very hard to predict in the first few weeks after New Orleans flooded. The obstacle that seemed to shock FEMA the most actually came from Louisianans themselves. Sprawling lots of pristine, white trailers can be found throughout the region partly because public officials can't agree on where to place them. Faced with the prospect of having concentrated groups of trailers placed in their neighborhoods parks, fields, parking lots, etc., a surprisingly large number of residents have taken a "not in my backyard" stance. Many city council

members, neighborhood groups, and individual residents have expressed their fierce opposition to having trailer parks in their areas. They have voiced concerns that such parks might lower their property values, increase crime in their communities, and hurt the aesthetic and cultural value of their neighborhoods. Although it is hard to tell, it seems that many of these “concerns” are subtly but strongly tied to race and class differences. It is easier and quicker to install a large group of trailers in one convenient and accessible location than to put single trailers in lots of different locations, but local leaders and residents have made that much harder to do.

Another possible reason as to why the program has moved so slowly and inefficiently can be found in the complex network of contractors and sub-contractors involved in the process. As Charlie in Ycloskey put it, “They aren’t running it like a business...The left hand don’t seem to know what the right hand is doing.” Sometimes contractors come to hook up the electricity and water for a trailer that has been sitting in the driveway for a month. Sometimes, they come to come to hook up the electricity and water for a trailer that hasn’t even arrived yet. More than that, FEMA doesn’t seem to have the manpower to keep a close eye on what each contractor is doing. Perhaps that is why Charlie and others have reported that FEMA told them they did not even have a phone number for the contractors involved. Judging by the busy signals that have so often confronted people trying to reach a FEMA representative, the agency is obviously pretty swamped with work to do in the bayou city.

It is impossible to know exactly what the housing situation will look like once the trailer program ends. It will probably depend heavily on what plans are articulated by the

candidates in the upcoming mayoral race and who wins. It will also depend heavily on what sort of buyout program, if any, the various levels of government agree upon.

Congressman Baker had put forth a bill that would create a temporary agency with the power to buyout residents for 60 percent of the pre-Katrina value of their property.

Despite the bill's popularity in Louisiana, it encountered significant opposition from the administration and has been all but scrapped. On January 13<sup>th</sup>, though, the leaders of the five metropolitan parishes hardest-hit by Katrina agreed on a plan to present to the federal government that would offer residents the option of either a buyout at 100 percent of pre-Katrina value or a grant to cover 80 percent of the gap between insurance payouts and home repairs. The plan would cap assistance at \$150,000 per homeowner and would only cover "owner-occupied" homes that took in more than 2 feet of water (businesses and rental properties would not apply).

It is very unclear what sort of proposal will finally be settled upon, but it is crystal clear that a mortgage crisis is beginning to unfold. Between the 2<sup>nd</sup> and 3<sup>rd</sup> quarter of the 2005 calendar year, mortgage delinquency rates exploded in Louisiana. In the 2<sup>nd</sup> quarter, 8.1 percent of payments on sub-prime loans were a month overdue compared with 25.7 percent in the 3<sup>rd</sup> quarter.<sup>v</sup> For many Louisianans, insurance payouts have not been sufficient to cover mortgages, much less build or buy new homes. When the city finally determines what its "smaller footprint" will look like, which neighborhoods it will preserve and which ones it will abandon, another problem is certain to occur: homeowners in the abandoned areas will find themselves with practically worthless properties in blighted neighborhoods. Some type of comprehensive, well-funded plan is

essential if New Orleans is to avoid being crippled by a massive mortgage crisis.

The continuing struggle between insurance companies and individuals over compensation amounts will also play a significant role in the long-term housing picture. Although flood policies have generally been fully honored, companies have tried to minimize compensation from homeowners policies by claiming wind damage either played no role or only a small role in causing damage to homes. The Louisiana Senate Committee recently decided that insurance companies shouldn't be able to point to floodwater marks or homes shifted from their foundations as the only reason for denying homeowners claims, but the Senate has yet to pass any specific legislation. "I think we all know that a hurricane is wind and storm surge," explained Metairie Senator Julie Quinn.<sup>vi</sup> The wind-versus-water debate has affected homeowners all over the Greater New Orleans area, from Slidell all the way down to the tip of Plaquemines Parish, and how it is resolved will play a role in whether or not many residents, and even entire towns, can successfully rebuild.

Struggles between insurance companies and property owners have also played a significant role in the explosion of rental rates. Prior to Katrina, much of the available "affordable" housing in New Orleans was provided by small-scale landlords, ordinary people with an extra house or two to rent out. As these landlords, many of whom also lost their jobs or their own homes, struggle with insurance companies, it exacerbates the housing crisis by preventing rental units from quickly being repaired and made available.

Local activists fear that many of these landlords, especially those in areas above the floodplain, will end up selling their land to gentrifying developers. Given the scarcity

of housing in the city, the basic laws of supply and demand all but guarantee that the forces of gentrification will conquer many of New Orleans low-income neighborhoods, taking no prisoners. Unless strong government action is taken to ensure that New Orleans will have an ample stock of affordable housing, market forces will continue to make the city a very difficult place for low-income families to live. Unfortunately, affordable housing does not seem to be as high priority for the politicians and city planners involved in the reconstruction process as it should be. The much ballyhooed proposals that have been presented to the public have tended to focus on homeowners and completely ignore renters (about half of New Orleanians prior to Katrina) and rarely discuss low-income housing options other than to empty say, “HUD will do what is appropriate.”

New Orleans was a high-poverty city before the storm; more than 21 percent of Orleans Parish residents earned less than \$10,000 a year and the waiting list for Section 8 and public housing assistance was more than 17,000 names long.<sup>vii</sup> New Orleans, LA, had an emerging affordable housing crisis before Katrina; now it is turning into New Orleans, Los Angeles. If the federal, state, and local governments are to make good on their promises to make New Orleanians, regardless of race or economic status, “whole” again, they must be sure to aggressively pursue affordable housing initiatives.

## **“Come hell or high water, I work”**

In Katrina’s wake, tens of thousands of workers have come to New Orleans to help rebuild the city, make some money, and possibly make permanent homes. They gut homes, pick up debris, fix roofs, do plumbing work, paint walls, repair wiring, clean storm drains, cut down broken trees, scrap metal, and just about everything else a worker can do. They are playing a key role in the resurrection of New Orleans. Unfortunately, life in New Orleans has been far from pleasant for most of them. There is no affordable housing for them to live in, so they end up sleeping in their trucks, in tents, in flooded cars underneath the highway, in moldy, once-submerged houses, or crowded together in expensive motel rooms.

The People’s Hurricane Relief Fund and Oversight Coalition, working with law students from around the country, has been conducting surveys with workers about their working and living conditions. Over half of the workers that the law teams have surveyed report that they have been working without legally required overtime benefits and/or have not paid by one or more of the contractors that they have worked for.<sup>viii</sup> Most (but certainly not all) of the violations seem to have been committed by small, “fly by night” contracting firms rather than by the larger, more well-known firms.

The fact that many workers are not receiving any safety training and are not being given the necessary safety equipment (hazmat suits, respirators, chemical boots, etc.) is even more concerning. The work sites where people like Chris and Annie go every day are full of potential dangers: toxic mold, rusty nails and broken glass, toxic chemical

fumes, and heavy machinery all pose serious threats to workers who are not equipped with the right protective equipment and safety knowledge. According to Marylee Orr, executive director of the Louisiana Environmental Action Network, even though the sediment covering the city contains dangerously high levels of arsenic, bacteria, heavy metals, and other toxic substances, a recent survey of about 500 workers found that only two men were working with respirators.<sup>ix</sup> When these uninsured workers break limbs, get infections, or catch viruses from their unsanitary living conditions, their world can very easily come crashing down; the possible long-term effects, such as cancer, are scarier still.

Undocumented immigrant workers are especially vulnerable to labor abuses. According to the Gulf Coast Latin American Association, more than 30,000 workers are estimated to have gone to the Gulf Coast to work in the months since Katrina.<sup>x</sup> They are frequently either underpaid or not paid at all. They have not necessarily enjoyed a very warm reception from New Orleans residents either; racial tensions are rising as New Orleanians loudly complain that Hispanics are getting all of the jobs in the city and that they are “taking over” New Orleans. Mayor Nagin himself has made public statements worrying about how to “make sure New Orleans is not overrun with Mexican workers.”

Like it or not, though, these workers are not going away any time soon. There is so much work that needs to be done that New Orleans realistically might still be hosting thousands of workers at least 2 years from now, and possibly longer. Despite this reality, though, it is apparent that government officials have done very little planning, if any, on how to accommodate thousands of workers in a city with very little affordable housing.



When workers show up, they usually try to find a place to rent but give up quickly when they see what kind of prices they are dealing with. These workers could set up camps at KOAs and other traditional campsites, which have bathroom facilities and utility hookups, but FEMA has already taken most of the spaces in the hopes that they can be used to house temporary trailer parks for displaced residents. The only place where a worker has been reliably able to rent a campsite is City Park; other than that, they just have to squat without permission in fields and parking lots until somebody eventually kicks them out.

City Park is the fifth largest park in the United States. It receives no government funding, instead relying primarily on golf course fees, fundraisers, and large private donations. The governing board is comprised of wealthy and influential New Orleans donors. When Katrina blew over, it seriously flooded the park and damaged or destroyed all of the structures. In the early phase of reconstruction, contracting firms and workers set up camp in the park without permission and caused millions of dollars of damage, going on top of the more than \$75 million in damages caused by the storm. Due to budget failures created by Katrina, the park now has less than 10 percent of its staff of more than 200 workers. Unable to manage the park by itself, City Park was more than happy to accept an offer from Storm Force, an Alabama-based contracting firm, to manage the campsites and start collecting rent. Under their deal, Storm Force, which is just four men (Ronnie Hyer, Mike King, Ron Briggs, and his son Justin Briggs), gets half of the net profits from the rents collected. While they have been managing the campsites, the three older men have been sleeping in campers and Justin has been sleeping in a bunk

bed in the un-insulated office. Rental rates vary, but the typical contract is \$300 per month for a 40x50 foot camp site. Renters can put as many tents as they want on the plot.

City Park has never been set up for camping. Other than occasional short camping trips by the Boy Scouts, nobody has camped at City Park since the Union army camped there during the Civil War. Scout Island, where many of the tent campers have been living has no electricity, no lights, no postal service, no on-site drinking water, etc. Because of so much car and foot traffic through the camp, the entire area is muddy and filled with tire ruts. The port-o-potties are often filthy and full of flies. The ground is littered with trash. When workers need to take showers after working in dust and debris all day, they have to walk the distance to Shelter 7, one of the only usable buildings left at the park, and pay \$5 per shower. As Jodie put it, “We don’t have any of the things that people should expect for basic human living.”

The Peoples Hurricane Relief Fund and Oversight Coalition, with the help of local attorneys and law students from all over the nation, has been organizing workers to press for better working and living conditions for months. Lee Circle and City Park are the two primary locations where large numbers of workers congregate. Every morning, crowds of day laborers make their way to Lee Circle hoping to get a chance to hop into the bed of a contractor’s truck. They don’t ask where they are going or how much they are going to be paid because the fewer questions you ask, the more likely you are to be chosen. Those that don’t get picked up in the morning rush often wait around all day, only to trudge home dejected when the sun starts to go down.

From a research and organizing perspective, City Park is a much more effective place for activists and lawyers to work than Lee Circle. The faces at Lee Circle change all the time as new workers come into the city and people who have worked as day laborers for awhile get hired on for longer-term gigs. At City Park, though, the organizing teams and legal teams can build relationships with campers and track their individual cases over an extended period of time.

Those efforts seemed to pay off when an organized group of workers, with PHRF's support, convinced Storm Force to have a negotiating meeting with them the evening of January 27<sup>th</sup>. Standing around an oil drum fire as car headlights broke through the darkness, Jodie and Ronnie Hyer went down the list of requests one-by-one while activists, TV and print reporters, and the other campers observed. Storm Force argued that there was no feasible way for them to meet most of the requests, such as electricity hookups, lights, free on-site showers, but was agreeable on other items, such as getting more port-o-potties and posting camp rules.

After the long negotiating meeting, Justin Briggs explained, "When you've got just four guys taking money out of their own pockets to do all these things, the government has to step in and help..." Ron Briggs seconded that sentiment. According to him, they had tried to get FEMA help but had been completely blown off; if they could get \$100,000 (less than the cost of two FEMA trailers), they could make all kinds of improvements for the campers.

*"We've done this because we've seen such a need for it and it is a critical element down here. They need areas like this (for the workers), but we*

*need help...We don't like that these people have to live like this out here in tents, but what can we do...If we got some government help, it would be greatly appreciated...Then we would be able to spend that money to do different things to improve the situation. But what everyone needs to understand is when all of this is over, this park has to be restored to its natural state. So, it's not only getting the money to do these things, it's about having the money to take it all back out when this is over.”<sup>xi</sup>*

At the end of the meeting, Storm Force had agreed to a follow-up meeting with the workers for the following Wednesday. When the People's Hurricane Relief Fund organizers showed up for the meeting, though, they were met by New Orleans Police Department officers who told them they were trespassing without proper meeting permits and had to leave under threat of arrest. The NOPD was also in the process of evicting about a hundred people who could not provide proof that they had paid rent. Gabriel Strachota, a PHRF organizer, stated, “They're trying to break everyone up and separate them so they're weaker. It's no coincidence that the night we're supposed to get a firm agreement on changes at the camp the cops arrive.”<sup>xii</sup> Even though Storm Force has pulled out of the negotiating process, they have not blocked PHRF organizers and lawyers from continuing to survey and organize the campers in City Park.<sup>xiii</sup>

On February 12<sup>th</sup>, Ron Briggs described the current situation in the camp as he saw it. Apparently, thanks largely to the media coverage, the situation in City Park finally got the attention of a number of government officials. The previous Friday, Storm Force met with representatives from the Mayor's office, the Army Corp of Engineers, the

National Guard, and the Department of Homeland Security, and they were very receptive toward them. Although it is still too early to tell, Briggs is cautiously optimistic that the camps might receive some government help. With or without help, though, Storm Force plans on installing more showers, a convenience store, and a pay laundry-mat at Shelter 7. Briggs also explained that most of the campers at muddy Scout Island have been moved to a significantly dryer and cleaner campsite at the rugby fields. He did state, though, that City Park and the Park Association were very upset with the controversy at Scout Island and had asked Storm Force to stop accepting any new applications from tent campers.<sup>xiv</sup> Overall, the update was positive, although far from rosy

The next day, though, New Orleans City Business reported that City Park is seeking ways to get all of the campers, whether they are in tents or trailers, off park grounds, taking Storm Force with them. City Park CEO Bob Becker stated:

*We want to eliminate the tents immediately and, if we could find a source of funding to take the place of the trailers, we'd like to move them out, too. City Park isn't a giant public campground and it's never been that... We hired them (Storm Force) as a temporary management entity to help keep track of what's going on. We never expected them to be here a long time and hopefully as the situation gets smaller and smaller we won't have a need for them. This is a temporary measure based on a disaster that occurred and we'd be happy if the people remaining leave as thousands already have.<sup>xv</sup>*

Storm Force contractor Ronnie Hyer had a different view: "If I shut down Scout Island

where are all these tent people going? They're going out under the interstate and into the neighborhoods. They'll be out trying to camp on public and private property.

There is no affordable housing for workers in New Orleans, and now the only open campsites, the ones at City Park, appear to be headed for a shutdown. Furthermore, as businesses and parks begin to come back to life, the workers that have been squatting on those properties, people like Chris and Annie, are going to be kicked out. The people who are rebuilding New Orleans will have nowhere to go, and they will suffer even more. New Orleanians could suffer too. If the new buyout bill being proposed by the parish leaders or something like it is enacted, there will be an immediate surge of demand for workers to help reconstruct homes. If the workers have nowhere to live, though, who will do the work?

If FEMA or some other government entity does not get seriously involved and come up with a plan to help provide for the workers, labor could become both scarce and more expensive when the expected building boom finally materializes. Workers from all directions have flocked to New Orleans, many of them following contractors who promised them the world, to help rebuild the city and help ensure that New Orleans emerges from the storm as a new city of promise, not just tragedy. The government must get involved in ensuring that these workers are treated fairly and have affordable, humane housing options.

## Justice Delayed...

On February 10<sup>th</sup>, Judge Arthur Hunter, declaring that “for all practical purposes, the public defender program no longer exists,” called a halt on all prosecutions involving defendants with publicly appointed lawyers in his courtroom and ordered Mayor Nagin, House Speaker Salter, and Senate President Hines to appear before in his court on February 23<sup>rd</sup>.<sup>xvi</sup> Chief Judge Calvin Johnson indicated that he was going to follow suit and expects the other 10 judges in the Orleans Parish Criminal Court system to do the same. The Orleans Parish Criminal Court is on the verge of screeching to a near-complete halt because thousands of indigent defendants from the New Orleans area are being denied their constitutional rights to representation, due process, and a speedy trial.

According to Rafael Goyeneche, executive director of the Metropolitan Crime Commission of Greater New Orleans and a former assistant district attorney, the New Orleans public defender’s office, which is funded primarily by traffic tickets and court fines, has been one of the worst in the country for many years.<sup>xvii</sup> Prior to the storm, the public defender’s office had 42 attorneys, 6 investigators, and a modest support staff. These 42 attorneys were assigned to represent at least 80 percent of the more than 12,000 criminal cases that are tried each year in Orleans Parish. It is impossible for 42 lawyers and 6 investigators to provide adequate representation to nearly 10,000 people per year. According to Rachel Jones, a former public defender, “The system was broken before the storm and the storm has just highlighted the ways in which it was broken and remains broken.”<sup>xviii</sup>

When Katrina hit, more than 6,000 people were in Orleans Parish Prison. OPP does not typically house convicted violent offenders; instead, it is primarily used to house individuals who are being detained prior to a determination of guilt or innocence and individuals who have been convicted of minor offenses. The Orleans Parish Sheriff turned down offers to evacuate the prisoners in OPP; instead, prisoners from Plaquemines Parish and St. Bernard Parish were actually evacuated to OPP.

When OPP flooded, the prisoners were corralled and put on buses without any identification or records and flung into Department of Corrections facilities all over the state. They were not allowed to take any of their belongings with them. Essentially, the prisons accepting them had no idea who they were or what they were charged with/convicted of and the prisoners were without the personal files and phone numbers that they needed. From their prison cells all over the state, the evacuees from OPP had no way to find out if their families had made it through the storm unhurt (FEMA and Red Cross don't normally accept collect calls from prison) and their families had no idea how to find them and let them know they were okay. Even though many of them would have qualified for FEMA assistance, the circumstances of their incarcerations have hampered their efforts to work with FEMA. Meg Garvey, a New Orleans attorney who is working to get OPP evacuees released, explains:

*Some of these people were arrested right before the storm on very minor charges like trespassing and public intoxication. Say you went out one weekend and got sloppy in the French Quarter and then the next thing you know, you are locked up all the way out in West Carrol Parish and nobody*



*knows where you are... In this situation, not allowing someone to be in contact with their family when they know that the whole city was practically washed off the map, their neighborhood doesn't exist anymore, and that many people died or were injured in the storm...that is practically cruel and unusual punishment.*<sup>xix</sup>

In the aftermath of Katrina, most of the funding that the public defender's office had received from traffic tickets and court fines evaporated and they laid off almost all of their staff. Currently, the office has just six attorneys with no investigators or support staff. These six lawyers, without offices or work phones, have been responsible for tracking down and representing thousands of pre-Katrina defendants all over Louisiana as well as more than 1,000 people who have been arrested since the storm. As any sane person would predict, the situation has only gotten uglier as the months have slowly passed. Finally, though, Judge Hunter called a hearing and spent much of Friday listening to testimony from several competing factions. Tilden Greenbaum, the Chief Public Defender proposed that the six public defenders each take 200 of the oldest cases and withdraw from the more than 3,000 remaining cases; under his proposal, the judges would recruit lawyers to volunteer to take those cases.<sup>xx</sup> Richard Teissier, a former public defender appointed by Judge Hunter to study the situation, replied that Mr. Greenbaum's proposal would still not provide defendants with their constitutionally guaranteed rights to "effective assistance of counsel" and argued for a dramatic change in the way the office is funded.

Rachel Jones goes much further. She believes that the entire system needs to be

reformed:

*The people in the system are so invested in believing that it actually works that they are not willing to let people they consider “criminals” be released even if the state can not legally justify incarcerating them...There are so many problems in the way that the public defender’s office is organized, in the way the courts are organized, in the way the jails are organized, that I think it is much more complicated than just putting money into the problem. I think there needs to be a real top-down reorganization.”*

Whatever is going to be done needs to be done soon. Although Judge Hunter’s order to halt prosecutions of indigents in his courtroom does not, in itself, provide lawyers to indigent defendants, get them released, or move them back to OPP, it might spur the legislature to comply with state laws requiring them to fully fund indigent defender systems. Maybe his hearing with the local politicians might even lead to some serious debate about reforming the criminal justice system in New Orleans. None of that will matter too much to Alex, though, if a lawyer doesn’t show up to help him get his Protease inhibitors. As quickly as possible, political leaders need to do whatever it takes to address the legal rights and real-life suffering of the thousands of poor New Orleans defendants that have been left behind in the recovery process.

Imagine that you were convicted of simple possession of marijuana and ending up spending six months in a rural county jail while your family was displaced in Texas and had no way to check in on you. Imagine that you are 17 years old and spent three months

in a maximum security adult prison for a crime for which you were never convicted. Imagine that you had just given birth to twins when you were arrested for parole violation and missed the first six months of your babies' lives without ever having a revocation hearing. Imagine that you are innocent. While we can only imagine these things, indigent New Orleanians are living these stories. When these people do get released, where will they go? Many of them lost their housing in the flood, but there will be no FEMA hotel vouchers for them. They won't have FEMA trailers waiting for them. They will be broke, unemployed, and possibly homeless. They will be victims of a broken promise, the constitutional promise that they would be granted due process and have lawyers to fight for them.

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<sup>i</sup> "Storm victims leave hotels for trailers, neighbor's couches, cars" Associated Press 2/13/06

<sup>ii</sup> "Jobs are plentiful in New Orleans, but housing is not." Chicago Tribune 1/24/06

<sup>iii</sup> "Officers on ship may be homeless." Times Picayune 2/11/06

<sup>iv</sup> "The price of trailers." Times Picayune 1/25/06

<sup>v</sup> "Katrina Index" Brookings Institution 1/04/06

<sup>vi</sup> Deslatte, Melinda. "La. Bill would bar automatic denial of claims based on water marks." Associated

vii NPACH Testimony submitted to House Financial Services Committee on 1/13/06

viii Interview with Jen Lai, PHRF, 2/13/06

ix "Shortchanged." Houston Press, 2/9/06

x *ibid.*

xi Interview with Ron Briggs, Justin Briggs, and Mike King 1/27/06

xii "Unhappy Campers." New Orleans City Business, 2/6/06

xiii Interview with Jen Lai, PHRF, 2/13/06

xiv Interview with Ron Briggs 2/12/06

xv "City Park will fold 'tent city.'" New Orleans City Business 2/13/06

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xvi “Public defender cases in limbo.” Times Picayune 2/11/06

xvii “Judge halts prosecutions of N.O. Indigents.” Associated Press 2/10/06

xviii Interview with Rachel Jones 1/28/06

xix Interview with Megan Garvey 1/28/06

xx “Public defender cases in limbo.” Times Picayune 2/11/06