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## FIGHTING FOR THE HIGH GROUND: RACE, CLASS, MARKETS AND DEVELOPMENT DONE RIGHT IN POST KATRINA RECOVERY

Audrey McFarlane

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# FIGHTING FOR THE HIGH GROUND: RACE, CLASS, MARKETS AND DEVELOPMENT DONE RIGHT IN POST KATRINA RECOVERY

Audrey McFarlane

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*"I hate the way they portray us in the media. If you see a black family, it says 'they are looting,' if you see a white family it says 'they are looking for food . . . .' [T]hose are my people down there . . . . We already realize a lot of the people that could help are at war now, fighting another way and they've given them permission to go down and shoot us . . . . George Bush doesn't care about black people!"<sup>1</sup>*

*"I am deeply disturbed and angered by the number of reports claiming racism has something to do with the delay in the relief effort. These claims are unsubstantiated and a complete lie. To even suggest that our government would allow people to die simply because of the color of their skin is despicable . . . . In a time of national crisis, another media-driven race war is the last thing this country needs."<sup>2</sup>*

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<sup>1</sup> Kanye West, *A Concert for Hurricane Relief* (NBC television broadcast Sept. 2, 2005).

<sup>2</sup> See John Leo, *The Race Canard*, 139 U.S. NEWS & WORLD REP. 80, Sept. 26, 2005 (quoting a letter to the editor of the *Oregonian* in Portland, Or.).

*"Disasters often reveal how we live . . . . If you did not see race and class, you were blind."<sup>3</sup>*

*"Five damn days, five long days  
And at the end of the fifth he walkin' in like ' . . . Hey!'  
Chillin' on his vacation, sittin' patiently  
Them black folks gotta hope, gotta wait and see*

*"If FEMA really comes through in an emergency  
But nobody seems to have a sense of urgency.  
Now the mayor's been reduced to crying  
I guess Bush said 'N----s been used to dying.'*

*"He said, 'I know it looks bad. Just have to wait.'  
Forgetting folks were too broke to evacuate  
N----s starving and they're dying of thirst.  
I bet he had to go and check on them refineries first.*

*"Making a killing off the price of gas.  
He would have been up to Connecticut twice as fast  
After all that we been through, nothing's changed  
You can call Red Cross, but the fact remains that*

*"George Bush ain't a gold digger,  
but he ain't f-----n' with no broke n-----s"<sup>4</sup>*

### *I. Introduction*

Bubbling out of the chemical-laced sewage swirling through the streets of New Orleans in the immediate aftermath of the levees failing was the revelation, beamed around the globe, that the United States is a country of racialized wealth and poverty. That such wealth and poverty co-exist within a First World country illustrated stark contradictions between race, class, markets, government, and principles of fairness and justice. The enormity of devastation to the Gulf Coast yields no easy answers to the

<sup>3</sup> *Katrina*, THE NEW REPUBLIC, Sept. 19, 2005, at 9.

<sup>4</sup> Legendary K.O., *George Bush Doesn't Care About Black People*, <http://www.nathanielturner.com/lyricstogeorgebushdoesntcare.htm> (last visited on Feb. 14, 2008) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

immense challenges of rebuilding and recovery. What seems clear, however, is that the disaster and recovery efforts are impacted by racialized narratives of winners and losers, a rhetoric of normalcy and inevitability, and a willful reluctance to acknowledge structural barriers arising from social and economic inequities of twenty-first century globalized society.

Building on the different perspectives offered in the introductory quotations and my thoughts expressed above, this article will focus on the ways in which perceptions and realities of race and class interacted both with the initial governmental evacuation and aid response to Hurricane Katrina victims and also with the present botched recovery efforts. In addition to government ineptitude, real resource limitations have hampered the disaster recovery regime. Overlapping yet conflicting goals of recovery and economic development have further exacerbated the regime. Such fragmented recovery efforts have created an ineffective regime that is particularly subject to falling into the geographic race and class divide of privatized structures local government and decision-making. The privatized model of local government presents significant structural barriers: Governmental functions are divided between a myriad of local entities and players. Recovery calls for vision, inclusive collective decision-making and collaboration across racial and class boundaries as well as elite and non-elite, rich and poor, government officials and ordinary residents.<sup>5</sup>

## *II. Remembering the Disaster: Race, Class and the Bungled Rescue*

Before talking about the state of post-Katrina disaster recovery in the Gulf, it is worth recalling that many of us were located far away from the disaster in the Gulf states and have no family or friends in that region. Regardless of distance or lack of relationship, television, the Internet and

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<sup>5</sup> See David Troutt, *Katrina's Window: Localism, Re-Segregation and Equitable Regionalism*, Rutgers School of Law-Newark Research Paper No. 021, 2007, <http://ssrn.com/abstract=1005956> (forthcoming in the *BUFFALO L. REV.*) (providing an eloquent and exhaustive discussion of the racial segregation and local government fragmentation outside of New Orleans in the surrounding suburbs) (last visited Feb. 5, 2008) (on file with the Washington and Lee Journal of Civil Rights and Social Justice). Because there is an inherent tension between racialized perceptions of guilt and culpability and lack of entitlement to assistance attached to blackness and poverty that conflict sharply with perceptions of innocence and deservingness of assistance that usually apply when the labels "disaster" or "emergency" are invoked, there was an over-reliance or resort to rules, turf and lines of legal authority at a time when immediate response was needed. The race and class perceptual divide, however, is embedded geographically in local governmental structure which surrounds woefully underfunded, mostly black central cities surrounded by more affluent, white suburbs.

newspapers (and later through spiking prices at the gas pump) kept us close to the tragedy. The bungled rescue efforts unfolded in slow-motion, projecting unrelentingly distressing images of black men, women and children stuck outside the Superdome and Convention Center who were suffering from heat, dehydration, and illness, and were begging for help.<sup>6</sup> The media images portrayed a reality in the United States that sharply contrasted with our self-perception and our image abroad. A prominent journalist from Singapore remarked that the images of the failed response made him question America's capacity for world leadership, in part because the country still had such racial divisions.<sup>7</sup> As the above excerpts indicate, however, in the United States there were various interpretations of the events after the hurricane and the social meaning that was to be attached to these images. For example, Gallup Poll surveys following the storm reveal a great disparity in the views of blacks and whites about whether and how race played a role in the government's failure to respond.<sup>8</sup> Accusations and finger-pointing at not only the government, but also at the people displaced by the storm filled media coverage, blogs, and email listserv discussion lists.<sup>9</sup> Though opinion polls are grossly inadequate for considering the complexity of issues associated with how the disaster unfolded, the polls did reveal an important gap in perception and experience that needs to be addressed in relation to the governmental failures that contributed to the catastrophe.<sup>10</sup>

Hurricane Katrina did more than merely overwhelm the levees in New Orleans; it also overwhelmed our ability to collectively process and

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<sup>6</sup> See Wil Haygood, *To Me, It Just Seems Like Black People Are Marked*, WASH. POST, Sept. 2, 2005, at A1 (describing how hundreds of black families suffered in the aftermath of Hurricane Katrina and how they felt that the government ignored them because of their race).

<sup>7</sup> See Thomas Friedman, Op-Ed., *Singapore and Katrina*, N.Y. TIMES, Sept. 14, 2005, at A23 (questioning America's capacity for global leadership was Sumiko Tan, a columnist for the Sunday edition of *The Strait Times*).

<sup>8</sup> See Lydia Saad, *Blacks Blast Bush for Katrina Response*, THE GALLUP POLL TUESDAY BRIEFING, Sept. 14, 2005, at 19, <http://www.gallup.com/poll/18526/Blacks-Blast-Bush-Katrina-Response.aspx> (finding that 60% of blacks compared to only 12% of whites believed that the government was slow in rescuing people specifically because those people affected were black) (last visited on Feb. 5, 2008) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>9</sup> Peter Johnson, *Katrina Rekindles Adversarial Media*, U.S.A. TODAY, Sept. 5, 2005, [http://www.usatoday.com/life/columnist/mediamix/2005-09-05-media-mix\\_x.htm](http://www.usatoday.com/life/columnist/mediamix/2005-09-05-media-mix_x.htm) (noting that the television media vigorously criticized the government's response to the hurricane, while also acknowledging that blogs were fast becoming a primary source of news) (last visited on Feb. 5, 2008) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>10</sup> See Saad, *supra* note 8, at 19–21 (describing divergent white and black perspectives on the federal government's response to Hurricane Katrina).

constructively discuss the race and class dimensions of the catastrophe.<sup>11</sup> On one end of the inchoate discussion was the opinion that the real issue is related to the economic status of the people who suffered—the majority of those affected and stranded were mainly poor people, and thus, the poverty of the victims was the major reason for the ineffectual government response.<sup>12</sup> They were not rescued because the government failed to respond adequately to the entire region.<sup>13</sup> Another viewpoint asserts that people are poor due to a failure of personal responsibility; poor black people being disproportionately represented in all statistics of dysfunctional or criminal behavior demonstrate this.<sup>14</sup> Thus, this viewpoint essentially holds the poor responsible for their own condition.<sup>15</sup> Such an explanation is inaccurate and misleading because it blames individuals without fully considering the impact and effects of America's history of racial discrimination.<sup>16</sup> It also ignores the manner in which race has become embedded in seemingly neutral societal structures.<sup>17</sup>

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<sup>11</sup> Many people responded in a humane manner. They understood the magnitude of the disaster and responded promptly, heroically, and generously. Many individuals, state and local officials, secular charities, and religious charitable entities responded quickly. In many respects, these people responded without the stricture of rules or guidelines but directly from human empathy and perception of the overwhelming human need.

<sup>12</sup> Adam Nagourney & Carl Hulse, *Democrats Step Up Criticism of the White House*, N.Y. Times, Sept. 8, 2005, available at <http://www.nytimes.com/2005/09/08/national/nationalspecial/08democrats.html> (containing quote of former North Carolina Senator John Edwards, which highlighted that poor people were most affected by Hurricane Katrina and that the country has been severed into "rich America" and "poor America").

<sup>13</sup> See *id.* (describing the government's response).

<sup>14</sup> See Michael E. Dyson, *The Injustice Bill Cosby Won't See*, THE WASH. POST, July 21, 2006, at A17 (rebutting the assertions made by mainly conservative critics that African-Americans have failed to improve their economic plight only because many of them lack a sense of personal responsibility; the author instead highlights that social justice is also a necessary condition for the advancement of oppressed minorities).

<sup>15</sup> See Bill O' Reilly, *Many, Many, Many Hurricane Victims Who Failed to Evacuate New Orleans Are Drug Addicted Thugs*, Media Matters for America, Sept. 15, 2004, <http://mediamatters.org/items/200509150001> ("Many, many, many of the poor in New Orleans are in that condition. They weren't going to leave no matter what you did. They were drug-addicted. They weren't going to get turned off from their source. They were thugs, whatever.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>16</sup> See generally GLORIA J. BROWNE-MARSHALL, *RACE, LAW, AND AMERICAN SOCIETY: 1607 TO PRESENT* (2007) (discussing the history of racial discrimination, and examining the law and society's reciprocal impact on race and class).

<sup>17</sup> See Jason DeParle, *What Happens to a Race Deferred*, N.Y. TIMES, Sept. 4, 2005, §4, at 1 (highlighting that African-Americans constituted a disproportionate number of the total number of those people who were adversely affected by Hurricane Katrina and this phenomena was a natural consequence of the race cleavages that are embedded in New Orleans and American society in general).

Race continues to remain relevant as a shorthand measurement of who is friend or foe, guilty or innocent, worthy of attention or indifference. Although the "personal responsibility" view could ironically be interpreted as placing faith in the ability of individuals to exercise the choice to improve their own situations, it is inadequate when one takes into account the structure of race as it relates to generic institutional arrangements.<sup>18</sup> In particular, the explanation fails to consider how race has been embedded in our living patterns, distribution of wealth and income, and our selection of governmental institutional structures.

The other polar opposite view is that society is still racist and the real issue in New Orleans is the people in New Orleans were stranded and not rescued because indifference born of racism caused their plight and need for rescue not to be taken seriously.<sup>19</sup> When African heritage is seen reflected on someone's face and body, that image sends a visual cue that the appropriate response is indifference, distancing, and often active contempt.<sup>20</sup> Middle class blacks purchase their way out of some of this "contempt" by obtaining the trappings of respectability. Playing the meritocracy game, with even moderate success, makes them palatable and provides some ability to fight back. Substitute race with poverty though, and the result is very different because the black poor are the symbolic epitome of people in this society who suffer justifiable contempt. Therefore, race and class are categories we use to determine who matters in this society.<sup>21</sup>

The strong race claim, however, is insufficiently nuanced where it fails to acknowledge the impact of economic class. It must account for the reality that to most, economic segregation is considered normal and acceptable so that the racial segregation in New Orleans was also, in part,

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<sup>18</sup> See Dyson, *supra* note 14, at A17 (quoting historian Robin D.G. Kelley, who argues that, "[a]ll the self-help in the world will not eliminate poverty or create the number of good jobs needed to employ the African American community").

<sup>19</sup> A corollary of this argument is that the poor, in general, are this society's class of people who suffer what is considered to be justifiable contempt because they failed to follow the rules for success in today's society. The flip side of the American Dream is that if you are poor it is your own fault.

<sup>20</sup> The racism explanation for the botched response is tough to understand because society has changed dramatically since the old racist days. The black middle class has expanded. Many black celebrities are universally popular. We have our second black secretary of state and a black Supreme Court Justice. Moreover, the argument can be refuted categorically. If you were to depose every federal official under oath, each one could testify truthfully that he or she did not discuss race or think of race when they bungled the rescue operation.

<sup>21</sup> For example, the media's quick resort to focusing on "looters" was an attempt to distance the reporters from having to acknowledge that human suffering was happening. Why feel anguish if you can feel contempt? Contempt means the suffering has not happened, you are free from it and the simple cure is in the hands of the individual to correct.

economic segregation. Further, the strong race claim has to be refined to incorporate the present reality that disparate negative racial impact is built into our globalizing economic system such that no specific intent was required for the debacle in New Orleans. Thus, perhaps, the most correct race claim is that race and class now create a separate, unique category of disadvantage. If you are black and poor, your race and class operate together to structure your opportunities, your treatment, your hopefulness or hopelessness, and your life chances.

In short, was it because the federal response was so grossly slow, long after the reality that state and local resources were overwhelmed, long after people were suffering so painfully daily on television? The answer is yes if the race claim is understood as a shorthand word that extends beyond individual animus based solely on race. The reference to race is a shorthand way of stating that the shameful lack of response was built from many factors (including race and class) that were in place long before Katrina made landfall or the levees broke. During this time of global instability and national uncertainty over war and terrorism, as well as the clear need for effective responses to natural disasters, it is still quite important for us to understand how racial image and class perceptions, as well as existing local governmental structures, affect our ability to provide aid and assistance that any one of us, regardless of identity or income, may one day need.

### III. *The Recovery: Fighting for the High Ground*

The phrase "fighting for the high ground" is a loaded term in New Orleans.<sup>22</sup> Locally, it means giving up the struggle for the rebuilding of the Ninth Ward and seeking to finally obtain access to communities closer to the center of the city that also happen to be on higher, safer ground.<sup>23</sup> According

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<sup>22</sup> See Darryl Lorenzo Wellington, *Desire and the Deluge: Right of Return in New Orleans*, DISSENT at 35, n.4 (Fall 2006) (quoting Russell Henderson, and explaining that the term "high ground" means subsidized housing in central places with community participation).

<sup>23</sup> See *id.* (quoting Russell Henderson discussing the Ninth Ward: "The right wing knows these are the most dangerous places to live. That's why they wanted poor people here . . . . The Lower Ninth is a distraction. It's a distraction from fighting for the high ground").

Even though the Ninth Ward was primarily poor and black, sixty percent of its residents owned their homes. See Adam Nossiter, *Largely Alone, Pioneers Reclaim New Orleans*, N.Y. TIMES, July 2, 2007, at 1 ("Before Hurricane Katrina the home was occupied by an elderly brother and sister; . . . [and] was dominated by black homeowners, professionals and multigenerational."); *New Orleans In Numbers: A Pre- and Post- Hurricane Katrina Snapshot*, COMMON GROUND COLLECTIVE IN NEW ORLEANS AND THE INFO. COLLECTIVE, [www.infocollective.org/NOINfinal.html](http://www.infocollective.org/NOINfinal.html) (last visited Feb. 5, 2008) ("Prior to



to Mark Morial, there is no such thing as the "high ground" in the entire Delta region insofar as the entire area in Southern Louisiana is below sea level.<sup>24</sup> Though there may be no physical place that can be identified as the high ground, the concept is still a useful one in the context of development. The meaning of the term "high ground" must be broadened both substantively and procedurally to set a standard for what must be accomplished during the ongoing recovery efforts. Substantively, the term high ground must encapsulate what it means to make New Orleans a place where the displaced of all races and economic conditions can return. The "high ground" must be a place where renters can find decent housing and begin to rebuild their lives, where low and middle-income homeowners can reclaim and restore their property, where people can get work that pays a decent wage, and where small and local businesses can benefit from the billions of dollars invested in reconstruction work.<sup>25</sup> Procedurally, the term "high ground" must refer to the democratic processes needed to bring that substantive vision to fruition.

The extent of the physical devastation and human need is enormous, quite complex, and undeniably daunting.<sup>26</sup> Two years after the storm, there are displaced people who are still in need of housing, still emotionally traumatized, and still looking for ways to return to their homes and become economically self-supporting. Basic infrastructure, such as roads and utilities, have to be rebuilt and restored.<sup>27</sup> Basic services, such as fire, police, hospitals, ambulances, and schools, have to be put back into place. Restoring a viable economic base requires not only luring back tax paying citizens; it requires building an economy by facilitating and luring job-

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Hurricane Katrina, the 9th ward in New Orleans had one of the highest rates of black homeowners in the country. The Lower 9th Ward had 5601 total.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice). Although home ownership was mostly low-income home ownership, it nevertheless represented the residents' residential and financial stake in the neighborhood. *Id.*

<sup>24</sup> Marc Morial, President of the National Urban League and Former Mayor of New Orleans, Keynote Address at the Washington and Lee Journal of Civil Rights and Social Justice Symposium: Race and Class in the 21<sup>st</sup> Century Through the Lens of Hurricane Katrina (Apr. 13, 2007) ("There is no such thing as 'high' ground' . . . The entire delta area of Southeastern Louisiana is under sea level. The only issue is whether it is three feet under sea level, or twelve feet under sea level.").

<sup>25</sup> Kathy Chu, *Smaller Businesses Still Struggle to Bounce Back*, USA TODAY, Aug. 29, 2007, at 1B (explaining how Katrina has devastated small businesses and yet in some instances created new opportunities for reconstruction efforts).

<sup>26</sup> See Wellington, *supra* note 22, at 23 (describing a bus tour of the Ninth Ward after Katrina and the impossibility of grasping the extent of the devastation without such an in-person tour).

<sup>27</sup> See William P. Quigley, *Obstacle To Opportunity: Housing That Working And Poor People Can Afford In New Orleans Since Katrina*, 42 WAKE FOREST L. REV. 393, 395 (2007) ("Officials estimate that it will take about \$8 billion to restore the city's roads, transit systems, and utilities.").

producing businesses through port activities and tourism. Two facts accentuate the difficulty: first, the New Orleans economy was faltering even prior to the storm;<sup>28</sup> second, the economy heavily emphasized low-wage tourism jobs in entertainment, gambling, and hotels.<sup>29</sup> Overall, the goal must be to ensure that residents return, either through access to new affordable places to live or through restoration of prior residences.

The efficacy of federal assistance in the Gulf region's recovery has been disheartening.<sup>30</sup> Katrina, and the bungled rescue served as a national lesson on the limits of free markets. Unfortunately, the inexcusably slow recovery suggests that we are presently incapable of acting on that lesson.

We do not have a robust notion of the public interest or the common good. The corollary is an unquestioned belief in free markets. The complexity of issues, tensions and conflicting interests swirl in a cauldron of myopia and blindness about the magic of minimal government and free markets.<sup>31</sup> Markets are wonderful for allowing creativity and innovation in pursuit of opportunity, and, thus, have been excellent for generating wealth for some people. Free markets, however, are awful at redistribution. Markets do not work well for people without financial resources.<sup>32</sup> In the context of disaster recovery, market-based solutions, which do not fit with notions of the public interest or common good, mean ending up with survival of the fittest.<sup>33</sup>

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<sup>28</sup> See generally Michael L. Dolfman et al., *The Effects of Hurricane Katrina on the New Orleans Economy*, MONTHLY LABOR REVIEW, June 2007, <http://www.bls.gov/opub/mlr/2007/06/art1full.pdf>.

<sup>29</sup> *Id.*

<sup>30</sup> See Christopher Cooper, *In Katrina's Wake: Where Is the Money?*, WALL ST. J., Jan. 27, 2007, at A1 (describing the delays caused by procedural difficulties in gaining access to federal money for reconstruction); Rick Jervis, *Two Years After Katrina, The Pace of Rebuilding Depends on Who's Paying*, USA TODAY, Aug. 29, 2007, at 1A ("Two years after the devastating floods that followed Hurricane Katrina, the rebuilding of New Orleans, and much of the Gulf Coast, has largely taken two paths: communities that have rebuilt themselves using private funds, insurance money and sheer will—and publicly funded efforts that have moved much more slowly.").

<sup>31</sup> See Larkin M. Moore, Note, *Stranded Again: The Inadequacy of Federal Plans to Rebuild an Affordable New Orleans after Hurricane Katrina*, 27 B.C. THIRD WORLD L.J. 227, 262 (Winter 2007) ("To do this, the federal government needs to reintroduce and reconsider the Baker Bill, which would provide more federal funding to the area in a way that is not a handout, but an investment in a future without poverty.").

<sup>32</sup> See, e.g., Tom Herman, *Investing Lessons of the Eighties: Is Financial Product Explosion Perilous for Investors*, WALL ST. J., Dec. 21, 1989 ("[I]n a free-market system, the more liquidity you have, the better the system works.").

<sup>33</sup> See John Ryan, *Free Market Could Have Used a Little Guidance*, NEW ORLEANS TIMES-PICAYUNE, Jan. 15, 2007, at 4 ("Property owners who rebuild in dangerously low areas will suffer

We also must remember that markets are what government creates them to be.<sup>34</sup> Governments have the power to shape, direct, and use markets.<sup>35</sup> When the Katrina disaster and bungled rescue<sup>36</sup> were unfolding, the nation learned about the limits of free markets. The inexcusably slow and stalled recovery, which continues today, shows that we have not quite learned the lessons.

In addition to the limits of free markets, the coordination difficulties caused by the complexity of local governmental structures exacerbate the recovery problems. At least ten or fifteen relevant government actors are involved; they include the Federal Emergency Management Agency, the Louisiana Recovery Authority, the City of New Orleans, the Mayor's Office of Recovery Management, the New Orleans Redevelopment Authority, and the Housing Authority of New Orleans (Housing Authority), which both before and after the storm has been under receivership and management by the U.S. Department of Housing and Urban Development.

The Housing Authority presently is trying to implement pre-hurricane plans of demolishing public housing units to replace them with developments containing a mix of market rate privately owned homes and some (but fewer) public housing units.<sup>37</sup> The difficulty, of course, is that there is an extreme shortage of housing, and, thus, the plans seem callous at best and foolhardy at worst. Moreover, many of the units are low rise,

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extreme problems relating to insurance, mortgage financing, general livability, resale and availability of city services. The 'free market' will dictate this.").

<sup>34</sup> See Naomi Klein, *Power to the Victims of New Orleans: With the Poor Gone, Developers Are Planning to Gentrify the City*, THE GUARDIAN (U.K.), Sept. 9, 2005, at 24 (explaining that the recovery effort can be the second disaster and that disaster victims should be a part of the rebuilding efforts).

<sup>35</sup> See Donald Powell, *Seeking an Accountable, Free-Market Plan*, NEW ORLEANS TIMES-PICAYUNE, Feb. 3, 2006, at 7 (describing President Bush's principles for the federal government's role in the recovery effort, which were that State and local leaders should develop the recovery plan, taxpayer dollars should be spent wisely, and markets should work without interference from the government).

<sup>36</sup> See Gary Martin and Tracy Hamilton, *President Speaks in San Antonio*, SAN ANTONIO EXPRESS-NEWS, Sept. 26, 2005, at 1A ("Better coordination would have reduced 'simplistic' errors like five helicopters showing up to rescue the same person, as happened in New Orleans, said White, a member of the task force.").

<sup>37</sup> See Tram Nguyen, *A Game of Monopoly*, COLORLINES, May/June 2007, at 17, available at <http://www.colorlines.com/article.php?ID=220> (discussing the decision-making leading up to and the consequences of the Housing Authority's decision to demolish public housing units and rebuild mixed-income communities) (on file with the Washington and Lee Journal of Civil Rights and Social Justice); Amy Goodman, *Two Years Later, Public Housing Suffers Another Blow in New Orleans*, SEATTLE POST INTELLIGENCER, Sept. 6, 2007, at B6, available at [http://seattlepi.nwsource.com/opinion/330397\\_amy06.html](http://seattlepi.nwsource.com/opinion/330397_amy06.html) (describing the demolition of public housing and people's reactions thereto).

garden-style apartments, which are constructed of sturdy brick and steel; thus, they are worth preserving.<sup>38</sup>

Other governmental actors include two school districts, one of which the State of Louisiana runs, a sewerage and water board, the levee board, a regional transportation agency, and the Port of New Orleans.<sup>39</sup> Why do we have all of these entities? What we see reflected here is also an outgrowth of local government law. You have your traditional local government municipality, but you also have these separately created institutions which we call special purpose governments, created for a single, narrow purpose.<sup>40</sup> There are also special districts that typically have been granted special taxing powers pursuant to economic development goals.<sup>41</sup>

There are also private players, including private developers from both in-state and out-of-state, foundations, non-profits, and the residents of the city.<sup>42</sup> This last group, lumped together under the catchall label *resident*, can be broken down further into low, moderate, and upper income homeowners,<sup>43</sup> as well as low, middle and moderate income earners who rent

<sup>38</sup> See Quigley, *supra* note 27, at 405 (quoting Nicolai Ouroussoff, an architecture critic, for stating: "Modestly scaled . . . [s]olidly built, the buildings' detailed brickwork, tile roofs and wrought-iron balustrades represent a level of craft more likely found on an Ivy League campus than in a contemporary public housing complex").

<sup>39</sup> See Nguyen, *supra* note 37, at 17 (identifying some of the governmental and private actors and groups involved in the post-Katrina cleanup and recovery effort which included the Federal Emergency Management Agency, the Louisiana Recovery Authority, the City of New Orleans, the Mayor's Office of Recovery Management, the New Orleans Redevelopment Authority, and the Housing Authority of New Orleans under federal receivership and controlled by HUD).

<sup>40</sup> See *Municipal Building Authority v. Lowder*, 711 P.2d 273 (Utah 1985) (showing judicial endorsement of a public authority's purpose to privatize public decision-making by bypassing constitutional debt limits and popular referenda requirements for bonds).

<sup>41</sup> See John Grand, Comment, *Tax Increment Financing: Louisiana Goes Fishing for New Business*, 66 LA. L. REV. 851, 856 (2006) (noting that Louisiana's cooperative economic development laws create special districts with unique tax characteristics).

<sup>42</sup> See Greg Thomas, *Tower Could Power N.O. Revival*, NEW ORLEANS TIMES-PICAYUNE, Nov. 21, 2005, at 1 (discussing the role of New York and Florida based developers in the New Orleans revival); Coleman Warner, *Efforts Hope to Establish Low-Cost Housing*, NEW ORLEANS TIMES-PICAYUNE, Oct. 16, 2007 at 1 (noting that the Greater New Orleans foundation and nine other foundations launched "a \$25 million effort to help replace destroyed affordable housing in New Orleans"); Kalima Rose, *Struggling in the Crescent City* (2007), <http://www.nhi.org/online/issues/151/strugglingincrescentcity.html> (noting the role of nonprofits in rebuilding New Orleans) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>43</sup> See U.S. Census Bureau Information on Orleans Parish, Louisiana, 2006 American Community Survey, <http://factfinder.census.gov> (search "Orleans Parish, LA"; then scroll down to "Economic Characteristics" and follow "show more" hyperlink) (last visited Feb. 5, 2008) (showing that income ranges from less than \$10,000 to more than \$200,000 among current residents of New Orleans and

homes.<sup>44</sup> Each of these groups come to the table with their own set of demands and expectations, and given these competing interests, two primary questions are raised: Who is going to be responsible for this development, and how is it going to take place?

#### IV. *The Plans and the Questions*

In addition to obvious obstacles like funding and other resource issues, the failure of intergovernmental coordination is a big issue.<sup>45</sup> What seems clear is that disparate, and sometimes conflicting interests cannot be served effectively given the complexity of the governmental morass. There have been calls for an overarching federal structure or entity to cross jurisdictional boundaries, avoid turf battles, and centralize the recovery decision-making.<sup>46</sup> This entity would resemble a TVA-like structure.<sup>47</sup> Though centralization is advisable, the TVA model would not be without its own problems.<sup>48</sup> Such a structure can only reflect the capacity of individuals to see and plan creatively and effectively.<sup>49</sup>

In the absence of such a centralized authority, local jurisdictions have created their own template for recovery in New Orleans.<sup>50</sup> The debate

showing rent and mortgages as a percentage of monthly income) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>44</sup> See *id.* (showing that income ranges between less than \$10,000 to more than \$200,000 among current residents of N.O. and showing rent and mortgages as a percentage of monthly income). In addition, the divisions and groups are seemingly endless. Racially, in addition to the traditional groups of blacks and whites, there are now Latinos and Asians within all of these groups. There are also elites and non-elites, families with children, couples with no children and double incomes. These people can or do not fall within the target desirable age group of 20–34. There are also the disabled and the elderly. See *id.* (showing current demographics of New Orleans).

<sup>45</sup> See Christine L. Day and Marc R. Rosenblum, *The Politics of Katrina in New Orleans: A View from Ground Zero* (2006), <http://www.bepress.com/forum/vol3/iss4/art1> (stating that "intergovernmental coordination could be tighter").

<sup>46</sup> See Justine M. Cannon, *Accountability in Reconstruction: The Need for Federal Involvement in Post-disaster Reconstruction to Protect Housing Interests of Poor and Minority Residents*, 47 SANTA CLARA L. REV. 93, 116 (2007) (calling for federal involvement in reconstruction planning).

<sup>47</sup> See Larkin M. Moore, *Stranded Again: The Inadequacy of Federal Plans to Rebuild an Affordable New Orleans after Hurricane Katrina*, 27 B.C. THIRD WORLD L.J. 227, 242 (recommending support for a bill that would institute a TVA-like structure).

<sup>48</sup> See NANCY L. GRANT, *TVA AND BLACK AMERICANS: PLANNING FOR THE STATUS QUO* 109–34 (Temple University Press 1990) (writing that TVA was used to perpetuate racial discrimination and subordination of black residents of the Tennessee Valley).

<sup>49</sup> See *id.* (stating that TVA was used to perpetuate racial discrimination and subordination of black residents of the Tennessee Valley).

<sup>50</sup> See Margery Austin Turner & Susan J. Popkin, Urban Institute, *Affordable Housing in Healthy Neighborhoods: Critical Policy challenges Facing the Greater New Orleans Region* (Feb. 6, 2007),

over the high ground was so rancorous, and calls to turn the Ninth Ward into marshland, met with such political opposition that the city first adopted a hands-off approach, allowing neighborhoods to do their own planning.<sup>51</sup> This further decentralization of planning placed an unfair burden on disaster victims to not only try to pull their lives together, but also to prove that their neighborhoods were viable by engaging in time-consuming, resource-burning planning efforts.<sup>52</sup>

Accordingly, there are an abundance of plans to rebuild all or parts of New Orleans.<sup>53</sup> The New Orleans Mayor's Office of Recovery Management recently released a \$1.1 billion plan, which included a wide range of recovery projects spread across the cities, with \$316 million for projects in seventeen target recovery areas.<sup>54</sup> On their face, the plans are excellent. They contain state-of-the-art, creative, inclusive plans to build clusters of mixed-use communities that contain neighborhood commercial centers fully integrated into residential living areas.<sup>55</sup> The plans emphasize providing affordable "workforce housing" focused on teachers, first

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<http://www.urban.org/publications/901042.html> (describing the difficulty in jurisdiction by jurisdiction planning).

<sup>51</sup> See *New Orleans Neighborhoods Plan*, <http://www.nolanrp.com> (last visited June 3, 2008) (outlining the New Orleans Neighborhood Plan).

<sup>52</sup> See John A. Lovett, *Property and Radically Changed Circumstances: Hurricane Katrina and Beyond*, 74 TENN. L. REV. 463 (2007) (discussing the relationship between property law and events, like Hurricane Katrina, that result in radically changed circumstances).

<sup>53</sup> See Douglas A. Blackmon and Thaddeus Herrick, *The Man With the Plan—New Urbanist Leader Duany Forges Ahead With His Ideas For Rebuilding New Orleans*, WALL ST. J., May 3, 2006, at B1 (discussing the various reconstruction plans). See, e.g., Naomi Klein, *Power to the victims of New Orleans: With the poor gone, developers are planning to gentrify the city*, THE GUARDIAN (U.K.), Sept. 9, 2005, <http://www.guardian.co.uk/katrina/story/0,16441,1566200,00.html> (last visited Feb. 5, 2008) ("Jimmy Reiss, chairman of the New Orleans Business Council, told Newsweek that he has been brainstorming about how 'to use this catastrophe as a once-in-an-eon opportunity to change the dynamic.'") (on file with the Washington and Lee Journal of Civil Rights and Social Justice). In talking to Newsweek, Reiss continued:

The council's wish list is well-known: low wages, low taxes, more luxury condos and hotels. Before the flood, this highly profitable vision was already displacing thousands of poor African-Americans: while their music and culture was for sale in an increasingly corporatised French Quarter (where only 4.3% of residents are black), their housing developments were being torn down.

*Id.*

<sup>54</sup> See Mayor's Office of Recovery Management, *Rebuilding New Orleans*, <http://www.cityofno.com/portal.aspx?tabid=95> (last visited Feb. 21, 2008) (outlining the details of the New Orleans recovery and redevelopment plan).

<sup>55</sup> *Id.*

responders, and persons with low incomes.<sup>56</sup> The project calls for economically inclusive rent-to-own opportunities and further subsidized housing opportunities, including soft second ten-year mortgages.<sup>57</sup> The "clustered communities" are designed to contain 70–80% affordable housing mixed in with 20–30% market rate housing.<sup>58</sup> The plans contain strategies to retain what they identify as the essential brain pool of twenty to thirty year olds.<sup>59</sup> The project also contains a "land swap" initiative, whereby residents of neighborhoods, to which few have returned, agree to a government-subsidized land swap that would allow them to move to targeted zones.<sup>60</sup>

The substance of the plans and the accompanying drawings are beautiful, but there is something oddly disquieting about them. The unfortunate reality is that the plans do not necessarily fit the structures, economic incentives, and ethos that are already in place for cities with respect to development. What is happening now with regard to development is that core cities—even with their racialized problems of poverty, crime, and crumbling infrastructure—actually have become quite desirable places.<sup>61</sup> The widespread termination of federal financial support for economic development has forced cities to come up with bootstrapping, self-initiated, and self-financed approaches to development.<sup>62</sup>

What these cities have found is that the only economically-viable strategy is to turn themselves into destinations. Cities throughout the United States and the world place a heavy emphasis on developing entertainment amenities or facilities so that they may become a destination for tourists or

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> See Audrey G. McFarlane, *The New Inner City: Concentrated Affluence and the Obligations of the Police Power*, 8 U. PA. J. CONST. L. 1 (2006) (discussing the repopulation of inner cities with affluent residents).

<sup>62</sup> Various federally-sponsored urban development programs have existed through history: in 1934, the National Housing Act created the Federal Housing Administration which began the practice of mortgage insurance and racial redlining; in 1949 and 1954, the Housing Acts were passed which dealt with slum clearance, urban renewal, and public housing; in 1956, there was the Federal Highway Act that promoted roads to suburbs built through neighborhoods and around cities; in 1966, there was the Model Cities Program; in 1974, the Community Development Block Grant (CDBG); in 1986, the Federal Low Income Housing Tax Credit (LIHTC) was created under the Tax Reform Act; and in 1992, the Home Empowerment Zones and HOPE VI. Today, development consists largely of state and local government efforts to promote economic growth. Loss of federal revenue sharing, and support for urban development has led states and localities to compete and help themselves.

local residents with money.<sup>63</sup> The current local economic development model is an attraction strategy: To attract large business corporations (service centers for large corporations, national retailers, etc.) as well as certain types of people—preferably professional, upper middle class residents and tourists.<sup>64</sup> The typical methods include offering subsidies and incentives for stadiums, convention centers, hotels, festival marketplaces, and retailers.<sup>65</sup> The market supports, if not demands, an urban shopping and entertainment experience (the urban playground) that is privatized and segregated by affluence, and requires the exclusion of those that do not.

Enjoyment of the amenities also depends on who else is allowed to enjoy them and who is excluded. This requires that you *exclude those who contradict that status* because they detract from the communication that the environment must provide. The Claritas cluster system is used to designate which retail concepts are appropriate for which geographic areas based on race and class.<sup>66</sup> Thus, the national retail market has an economic and symbolic preference for higher socio-economic classes.

With respect to becoming a tourist or entertainment destination, what is implicit is that development has shifted to attracting or focusing on developing with the interests of the affluent in mind.<sup>67</sup> So, with the heavy emphasis on affluence, it makes sense for cities because they are trying to reestablish a tax base. It makes sense for national retailers because they are supposedly going after the people with money. The consequence of that, though, is that in order to make cities attractive it is important that you create a new identity for these cities which is attractive to the affluent. Thus, the types of development, the types of retail structures, the types of entertainment, and the types of residential housing that are built are really meant to be exclusive—exclusive in terms of class and, I would argue, race.

<sup>63</sup> Some of today's development tools targeted at the Gulf include Programs for Recovery (tax incentives), Federal Gulf Opportunity Zones, Road Home Program, and Louisiana's LIHTC Piggyback Program.

<sup>64</sup> See generally THE INFRASTRUCTURE OF PLAY: BUILDING THE TOURIST CITY (Dennis R. Judd ed., 2002).

<sup>65</sup> *Id.*

<sup>66</sup> See The Claritas Corporation, <http://www.claritas.com/claritas/default.jsp?ci=6&si=2> (last visited May 31, 2008) (describing the history of geo-demography and the use of Claritas Clusters) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>67</sup> Joel Kotkin, *Katrina and Urban Liberalism Left Behind*, THE NEW REPUBLIC, Sept. 13, 2005 ("The economics of tourism leave huge segments of the population behind . . . [w]hich is why cities that turn to elite culture to fuel their economies tend to generate unparalleled class disparities.").



They are designed to create a new image for the city as a place where the affluent and whites will be comfortable.

Nationally, the question in the inner city used to be who gets to get out; now the question is becoming who gets to stay, and who fits the profile for this new inner city living. This is fueled in part by demographic trends but also is fueled by globalization because the economy has really skewed the number of people who have money and who tend to be attracted to certain population centers around the country; and cities are trying to attract this group. So, on the one hand, the kind of mixed income housing or kind of integration between housing and commercial activities seems attractive and a good and just course of action. On the other hand, the fact is that the market is really skewed more towards segregation by income, and economic segregation in terms of the amenities.

Part of the way this is accomplished is actually through the science of geo-demography or clusters.<sup>68</sup> We are marketed to in terms of our race, income, stage of life, lifestyle, and zip code. The Claritas Corporation, an organization that studies this science, is responsible for classifying who we are and based on these characteristics they figure out where they should put an Old Navy, a Banana Republic or a Nieman Marcus.<sup>69</sup> The clusters have names like Young Digerati, Blue Blood Estates, Mid City Blues, Kids n Cul de Sacs.<sup>70</sup> These clusters are actually used to determine the profitability and viability of the project. They are also used to see how you are going to structure the environment to create the right type of environment that will attract those people who will be comfortable in that environment.<sup>71</sup>

This is the vision we see with development nationally—what I call the vision of the affluent paradise. It is heavily predicated on entertainment,

<sup>68</sup> See The Claritas Corporation, <http://www.claritas.com/claritas/default.jsp?ci=6&si=2> (last visited May 31, 2008) (defining geo-demography as "the practice of identifying and mapping to the ground different subsets of the U.S. population") (on file with the Washington and Lee Journal of Civil Rights and Social Justice); see also Audrey G. McFarlane, *Who Fits the Profile?: Thoughts on Race, Class, Clusters, and Redevelopment*, 22 GA. ST. U.L. REV. 877, 879 (2006) (examining "the race and class implications of the geo-demographic marketing profiles, known as clusters, which are used to design and manage these arenas for consumption," and arguing "that today's retail shopping concepts are based on a problematic, subjective reality and unreality of marketing techniques unduly influenced by race and class assumptions and meanings.").

<sup>69</sup> See generally The Claritas Corporation, <http://www.claritas.com> (last visited May 31, 2008).

<sup>70</sup> See McFarlane, *supra* note 68, 886 (2006) (giving examples of names of several Claritas Clusters).

<sup>71</sup> See Audrey G. McFarlane, *Who Fits the Profile?: Thoughts on Race, Class, Clusters, and Redevelopment*, 22 GA. ST. U.L. REV. 877, 891 (2006) (explaining that certain "techniques for structuring the mall environment, predicated on privatization of public space and racialized class perceptions" are used to make a select group, based on race and class, comfortable in their shopping experience).

shopping, and tourism. The question is how can New Orleans combat that trend when New Orleans and other cities are in dire need of affordable housing and jobs that pay living wages. The search for a suitable solution will be difficult but worthwhile.

#### V. *Potential for Change: The Gulf's Democratic Moment*

The only hope for combating the affluence-focused local-economic-development paradigm is to reestablish the public aspect of government as a substantive goal. All programs, residential and commercial, as well as government officials, have to be oriented towards inclusion to make that vision a reality. Meaningful participatory mechanisms have to be provided at all stages of planning, and implementation must have proper oversight. This will require leadership at the top with the federal government<sup>72</sup> and at the bottom with citizen activism. That said, meaningful citizen participation is an uphill battle because individuals will be forced to combat structural problems and biases.<sup>73</sup>

[G]iven the exclusive and privatized nature of the development decision-making process, including representatives of poor urban communities (communities that have been racialized black and classified poor) entails an act of resistance to the nature of economic development that is currently directed exclusively towards meeting the interests of the middle class and the wealthy.<sup>74</sup>

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<sup>72</sup> See, e.g., Charles Martel, *Bring it on Home: A Gulf Coast Marshall Plan Based on International Humanitarian Standards*, 32 VT. L. REV. (forthcoming 2007), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1003380](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1003380) (advocating for the federal government assume primary responsibility for an integrated recovery effort for the Gulf region) (last visited Feb. 11, 2008) (on file with the Washington and Lee Journal of Civil Rights and Social Justice); Jedediah Purdy, *Democracy and Disaster*, DIE ZEIT, Sept. 5, 2005 [http://www.newamerica.net/publications/articles/2005/democracy\\_and\\_disaster](http://www.newamerica.net/publications/articles/2005/democracy_and_disaster) ("[T]he state exists in part to do what private citizens generally will not and cannot do: plan and execute collective action to avert faraway and uncertain disaster.") (last visited Feb. 11, 2008) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

<sup>73</sup> See Audrey G. McFarlane, *When Inclusion Leads to Exclusion: The Uncharted Terrain of Community Participation in Economic Development*, 66 BROOK. L. REV. 861, 929 (2001) (arguing that a meaningful scheme of participation necessitates some amount of redistribution of decision-making power).

<sup>74</sup> *Id.* at 865.

Such participation cannot be successful without a significant shift in power away from the typically privatized economic development decision-making process. In fact, participation will inevitably lead either to a shift in power or to more exclusion to avoid changing the agenda. There is no other choice than to create avenues for community participation. Indeed, the way community members have responded to the disaster demonstrates their ability to change the business as usual patterns of behavior in local economic development, government, business, and community. There has been an incredible amount of civic activity due to necessity arising in the Gulf region. We have seen a great deal of volunteerism as well as agitation.<sup>75</sup> Professor Lawrence Powell of Tulane has defined this activity as the Gulf's "democratic moment."<sup>76</sup> Conference speaker, Professor Bill Quigley, who has worked with public housing groups in New Orleans, and Professor Wendy Brown Scott, who was once a New Orleans resident, can effectively speak to the level of activity going on locally. This leads to the conclusion that there is much more activity, and people are getting a lot more personally involved than in the past.

Why is this important? All of the local government entities that are in charge of some aspect of decision-making with respect to development are actually familiar with conducting development in a highly privatized way. Their whole purpose is to remove the public from democratic political decision-making, essentially eliminating the messiness of democracy.<sup>77</sup> It is true that democracy may be messy—the process of involving the community is oftentimes quite slow.<sup>78</sup> When you have development projects that are time-constrained, the developer only has a short time before his or her initial bridge loan is due. At that point, take-out financing may be necessary. So it is considered good business to remove the messy democratic process and get

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<sup>75</sup> See, e.g., The Student Hurricane Network, <http://www.studenthurricanenetwork.org/about2.html> (last visited May 31, 2008) ("Over 3,000 law students from over 110 law schools have traveled to the Gulf Coast through SHN over the past two years.")

<sup>76</sup> Lawrence Powell, Keynote Address at the University of South Alabama Conference: Through the Eye of Katrina: The Past as Prologue? (C-Span broadcast Mar. 7, 2007) (on file with author).

<sup>77</sup> See generally Audrey G. McFarlane, *Preserving Community in the City: Special Improvement Districts and the Privatization of Urban Racialized Space*, STANFORD AGORA: ONLINE J. LEGAL PERSP. 2003, <http://agora.stanford.edu/agora/volume4/articles/mcfarlane/mcfarlane.pdf> (examining business improvement districts and how privatized entities manage city neighborhoods).

<sup>78</sup> See Daniel P. Aldrich, *Strong Civil Society as a Double-Edged Sword: Siting Trailers in Post-Katrina New Orleans*, 15–17 (Weatherhead Center for International Affairs, Working Paper No. 06-11, 2006), available at <http://ssrn.com/abstract=960497> ("[S]trong civil society may act as a double edged sword: while providing . . . information, and organizational power to local communities . . . it simultaneously impedes the ability of local authorities to accomplish some necessary tasks after reconstruction.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

right to the development. The problem, of course, is determining what types of developments result from this privatized process. Do they reflect the public needs and preferences of all members of the variety of socioeconomic groups within the community? For whom are these projects developed, and for what purposes? Without the public adequately represented in this process, both procedurally and substantively, the answers to these questions will be inadequate. The lessons of Katrina will thus be lost in the recovery.<sup>79</sup>

It seems apparent that we cannot avoid the democratic moment. With the chaos and challenges of our personal lives, we tend to withdraw into our own concerns. However, the problems facing the residents of New Orleans have forced them to realize that they do not have that luxury. They do not have a voice unless they are willing to speak up, be impolite, and agitate.<sup>80</sup> In regards to changing the goals of development, activism at the local level is a new opportunity to reestablish the public aspect of government. The goal is to move the government away from focusing solely on how to promote the area's economic development and toward broadening the nature and notion of development. This would include strategies that are focused on inclusion of all of New Orleans' citizens. This inclusion refers to residential inclusion strategies, which will make sure that housing is available to a wide range of people. Inclusion also describes small businesses—their input will help ensure that as redevelopment goes forward, small businesses will be included in the strategy for reconstruction.

Lastly, a key part of the agitation has to be to ensure that meaningful participatory mechanisms are provided at all stages of the planning. Oversight of the recovery projects' implementation is also necessary. This requires leadership at the bottom, including grassroots participation and

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<sup>79</sup> For examples of substantive recommendations, see David Simunovich, *The Quiet of Dissolution: Post-Disaster Redevelopment and Status Preserving Compensation* (Jan. 12, 2007) (Seton Hall University, 2007), available at <http://ssrn.com/abstract=957366> (discussing Katrina's impact on New Orleans generally) (last visited Feb. 11, 2008) (on file with Seton Hall University School of Law); Lolita B. Inniss, *A Domestic Right of Return? Race, Rights, and Residency in New Orleans in the Aftermath of Hurricane Katrina*, 27 B.C. THIRD WORLD L. J. 1 (2007) (discussing the quality of education and its relationship with desegregation). These recommendations do not, however, dictate the nature of the development that should take place.

<sup>80</sup> Naomi Klein, *Power to the Victims of New Orleans: With the Poor Gone, Developers are Planning to Gentrify the City*, THE GUARDIAN, Sept. 9, 2005 ("On September 4, six days after Katrina hit, I saw the first glimmer of hope. The people of New Orleans will not go quietly into the night, scattering across this country to become homeless in countless other cities while federal relief funds are funneled into rebuilding casinos, hotels, chemical plants. We will not stand idly by while this disaster is used as an opportunity to replace our homes with newly built mansions and condos in a gentrified New Orleans.").

citizen activism. The citizens must provide the incentive for leaders at the top—particularly at the federal level—to coordinate the variety of issues, priorities and players. This is likely the only way to ensure a government that has a long-range vision as well as an effective short-term plan.

#### VI. *Conclusion*

The high ground is not just a physical place—it is also a place of substantive justice. The sole result of Katrina cannot just be to raise the levees and protect an affluent city, swept clean of racial and economic diversity, as well as authentic culture. To avoid this result, we must raise the standards for development. The losses that have occurred cannot be erased, but an engaged citizenry must use them as lessons for substantive visions of robust government. New Orleans is a lesson, as well as a laboratory, for what needs to take place in the rest of the country.