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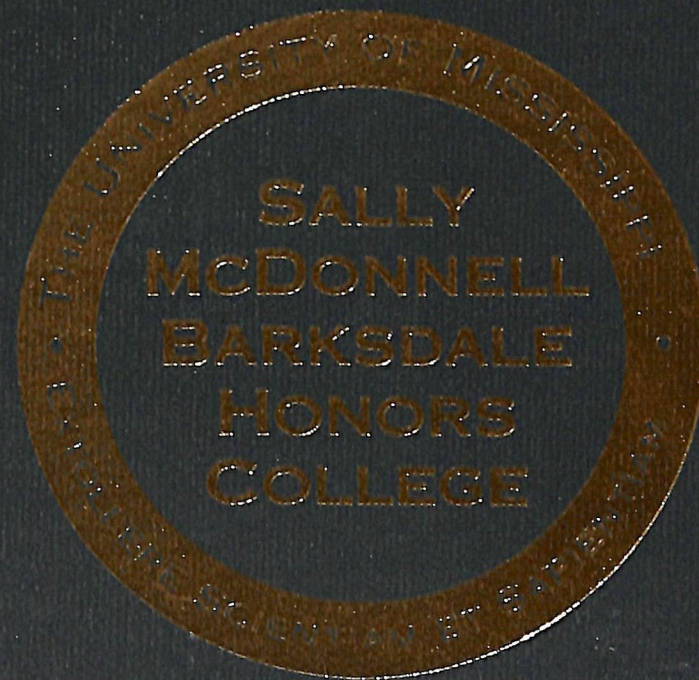
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SENIOR THESIS 2013



PARALLELS IN PLIGHT: FINDING COMMONALITIES IN AFRICAN
AMERICAN AND LATINO EXPERIENCES IN POST-KATRINA NEW ORLEANS

by
Caroline Elliott Gillespie

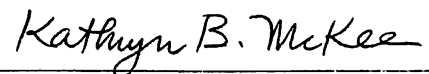
A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of
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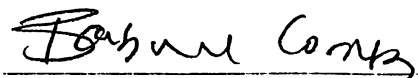
Approved by



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ABSTRACT

CAROLINE ELLIOTT GILLESPIE: *Parallels in Plight: Finding Commonalities in African American and Latino Experiences in Post-Katrina New Orleans*
(Under the direction of Charles Reagan Wilson)

Hurricane Katrina hit the Gulf Coast region on August 29, 2005 and caused extensive damage throughout the affected areas. In New Orleans, flooding due to levee breaches compounded the damage and created a need for a sizable labor force to clean up and rebuild the city. Non-local Latinos overwhelmingly responded to this call and began to arrive in New Orleans in the weeks after the storm. This influx sparked new tensions between New Orleans' traditional low-income African American community and the new group of low-income and often undocumented Latinos. Despite these tensions, both African Americans and Latinos faced considerable and similar injustices in post-Katrina New Orleans. These injustices did not affect Latinos and African Americans in identical ways, but both constitute serious threats to the abilities of the two minority communities to succeed in post-Katrina New Orleans. This work attempts to document three specific scenarios of injustice and disadvantage—labor, housing, and criminal justice—that constitute some of the issues most pressing to the Latino and African American communities in post-Katrina New Orleans.

LITERATURE REVIEW

Since Hurricane Katrina hit the Gulf Coast in 2005, much time and effort has been devoted to understanding the changing roles of African Americans and Latinos in New Orleans. This literature approaches the study of African American and Latino experiences in post-Katrina from a multitude of angles, from which several general themes have emerged. One trend of current literature focuses on the statistical demographic changes that have occurred since Katrina. Because of the extreme demographic changes that occurred in New Orleans as a result of Katrina, documenting and understanding these changes is necessary in order to fully comprehend the experiences of African Americans and Latinos in New Orleans. A second general theme in current literature tends to focus on the injustices in post-Katrina New Orleans. Although not always specifically discussing the injustices that African Americans and Latinos faced, this literature helps provide a fuller picture of the problems that New Orleanians faced after the storm. From this general discussion of injustices, specific injustices related to African Americans and Latinos become evident. A third, but much smaller trend in literature, tends to focus on the ways in which Latinos and African Americans faced similar discrimination and injustices. Understanding each of these different yet interrelated trends in current literature helps clarify more clearly the roles and experiences of African Americans and Latinos in post-Katrina New Orleans.

The first general theme examines demographic changes from a statistical standpoint. The Brookings Institution and The Greater New Orleans Community Data

Center (GNOCCDC) have invested considerable time in charting the changes in population to understand how Katrina affected New Orleans' demographics and what New Orleans' population looks like now. GNOCCDC's reports "Who lives in New Orleans and the metro area now?," published in 2012, and "Homeownership, Household Makeup, and Latino and Vietnamese Population Growth in the New Orleans Metro," published in 2011, both discuss extensively the changes in the African American and Latino communities in terms of size, settlement patterns, wealth, education status of the communities. Similarly, the Brookings Institution's "Katrina Index" and "Resettling New Orleans: The First Full Picture from the Census" also give statistical bases that chart the changing experiences and roles of African Americans and Latinos in New Orleans. This statistical literature provides a very recent look at the state of African Americans and Latinos in New Orleans and makes it possible to draw conclusions about their current experiences in the city.

The second trend in current literature focuses on the injustices facing New Orleanians after Katrina. Hartman and Squire's *There is No Such Thing as a Natural Disaster: Race, Class, and Hurricane Katrina* discusses the impact of Hurricane Katrina from a variety of different lenses. The authors address issues of housing, education, and crime in post-Katrina New Orleans and how problems within each of these systems disadvantages certain minority groups based on gender, race, and age. Brunsmma, Overfelt, and Picou similarly approach Katrina's effects from a multi-faceted view in their *The Sociology of Katrina. Perspectives on a Modern Catastrophe*. It charts the experiences of a variety of different groups (students, families, racial minorities, elderly residents, etc.) in New Orleans before, during, and after Katrina to understand how each of these groups'

experiences in and perceptions of Katrina differed and overlapped based on the discrimination and difficulties they faced.

Situated within this general trend of examining injustices is the strand of literature that specifically examines the plights of African Americans and Latinos in post-Katrina New Orleans as well as the ways in which these plights share commonalities. The Advancement Project's "And Injustice for All: Workers' Lives in the Reconstruction of New Orleans" describes the challenges that African Americans and Latinos faced in the post-Katrina labor market and the perspectives that emerged on the issue of labor after Katrina. Oxfam America's study "Building Common Ground" similarly seeks to understand the ways in which African Americans and Latinos faced shared burdens in the labor market, but it expands its scope to understand how African Americans and Latinos faced discrimination in a variety of different societal settings. The Oxfam study also seeks to understand how their plights overlap and the gains that African Americans and Latinos can make based on alliance-building and the recognition that they face similar problems.

Each of these trends offers a distinct perspective on the African American and Latino experiences in post-Katrina New Orleans. Recognizing these different trends and perspectives creates a more comprehensive understanding of the individual and shared experiences African Americans and Latinos in post-Katrina New Orleans face. This work incorporates and addresses each of these themes, as well as other trends that exist in current literature, in order to accurately portray the experiences of African Americans and Latinos in New Orleans since Katrina.

TABLE OF CONTENTS

INTRODUCTION	1
KATRINA AS A CATALYST: SHIFTS IN AFRICAN AMERICAN-LATINO RELATIONS AND THE FORMATION OF NEGATIVE PERCEPTIONS	6
EXPLOITATION AND EXCLUSION: LATINOS AND AFRICAN AMERICANS IN NEW ORLEANS' POST- KATRINA LABOR FORCE	22
DISADVANTAGE AND ISOLATION: HOUSING IN POST-KATRINA NEW ORLEANS	36
CRIMINAL INJUSTICE: LATINO AND AFRICAN AMERICAN DISCRIMINATION IN POST-KATRINA NEW ORLEANS' CRIMINAL JUSTICE SYSTEM	55
CONCLUSION: KATRINA'S SILVER LINING	72
BIBLIOGRAPHY	76

I. Introduction

When Hurricane Katrina made landfall on August 29, 2005, the city of New Orleans breathed a sigh of relief. Although weather reports predicted New Orleans as the direct point of landfall for the Category 5 hurricane, the storm decreased in strength and shifted its course at the last minute, just sparing New Orleans. Instead of a direct hit from a Category 5 hurricane, New Orleans suffered only a glancing blow from a lesser Category 3 storm.

The sigh of relief was premature.

New Orleans' levee system experienced breaches at dozens of different points, allowing billions of gallons of water from the Mississippi River and Lake Pontchartrain to flood into the city even after the worst of the hurricane passed. The flooding was worse, naturally, in the sections of the city with lower elevations. And in New Orleans, lower topography has always coincided with lower socio-economics.

There was a severe breakdown in communication among local, state, and national officials. Abysmal pre-planning was exacerbated by even worse execution of the inadequate disaster-response plans that did exist. These breakdowns hindered the rescue and evacuation process for thousands of New Orleanians who had failed to comply with the mandatory evacuation orders and remained in the city—whether by choice or

because they lacked the financial means to go anywhere else. News footage showed helpless residents stranded on roofs throughout the city. Particularly searing images and accounts emerged of appalling misery and mayhem at the Convention Center and the Superdome, where thousands of people—mostly poor and African American—waited on relief.

It soon became apparent that this was not just a Category 3 hurricane. Rather, Katrina's effects on New Orleans came to be viewed as the "perfect storm"—a hurricane with effects that extended far beyond the death and physical destruction caused by wind, storm surges, and rain. Although these are the images most often associated with the concept of the perfect storm, the issue of race relations serves as an alternative view. Katrina not only exposed longstanding racial issues; it created new ones of its own. .

Historically, New Orleans functioned as a city dominated by African American-white relations and featured a majority African American population. Latinos shared an equally long history and presence in the city, but they constituted a much smaller percentage of New Orleans' population than the African American community. Thus, they remained largely a silent minority. Because of this, African Americans and Latinos in New Orleans had little cause or opportunity for interaction before Katrina.

This relationship in New Orleans, however, did not reflect the national trends in African American-Latino interactions throughout the U.S. In metropolitan areas across the U.S. Latino immigration had steadily risen since the 1980s. The Gulf Coast, in particular, began to see a massive influx of Latinos throughout the late 1990s into the 2000s. The majority of Latino immigrants came for jobs specifically in the construction industry, but found work in other low-skill industries as well. As Latinos increasingly

settled throughout the U.S. and became integral parts of the U.S. labor force, they challenged the standing of African Americans as the U.S.'s traditional working class minority. Tensions between the two communities flared, straining the potential for a positive relationship between them.

Although New Orleans did not reflect these trends in African American-Latino relations before Katrina, Katrina served as a catalyst that catapulted New Orleans into the national trend. The reconstruction process after the storm demanded thousands of low-skill workers, and Latinos overwhelmingly responded to this call. As they established roots in the city, however, the new Latino community came into closer contact with New Orleans' African American community. Almost overnight, New Orleans became a microcosm of the growing issue of African American-Latino relations present in the rest of the U.S. African Americans and Latinos in New Orleans competed for the same jobs, and with this competition came the formation of the same perceptions echoed on the national scale—African Americans assumed that all Latinos were illegal and stole their jobs, while Latinos believed that African Americans were lazy and did not want to work for their fair share. Suddenly, New Orleans became a stage where the tensions that had taken decades to develop and heighten throughout the rest of the nation developed and played out within a matter of months. Post-Katrina New Orleans offered a much more time-compressed view of African American-Latino relations in the U.S. and it was only possible because of Katrina's effects.

Although these tensions appeared to define African American and Latino experiences in post-Katrina New Orleans as well as their interactions with each other, the realities of their experiences present a different image. Both communities faced

significant discrimination in all sectors of society—labor, housing, criminal justice, education, healthcare, etc.—that affected their ability to succeed socially and economically in New Orleans. The disadvantages present throughout society worked to both geographically and socially isolate African Americans and Latinos from greater society, leaving the two minority groups removed from those who might be able to help improve their conditions. Although they both experienced this isolation and the accompanying injustices and disadvantages, African Americans and Latinos did not carry identical burdens. The injustices against them manifested themselves differently and provided different challenges for African Americans and Latinos. Despite these differences, the disadvantages facing African Americans and Latinos overlap in fundamental ways that create parallels among their individual plights.

This work attempts to examine these realities and the paralleling problems that continue to face African Americans and Latinos in New Orleans. In order to understand how these issues play out, this work attempts to do several things. It first examines the ways in which Hurricane Katrina acted as a catalyst in the formation of negative perceptions. By providing a historical context of both African Americans' and Latinos' experiences in New Orleans before the storm, Katrina's impact and the drastic changes in African American-Latino relations that it caused become more clear. This work then focuses specifically on three different issues—labor, housing, and criminal justice—that each affect and disadvantage Latinos and African Americans in New Orleans. The first issue, labor, focuses primarily on their shared disadvantage in the clean up and reconstruction process which took place in the months after Katrina. The competition between African Americans and Latinos for these jobs constituted one of the major

factors in the formation of negative perceptions in post-Katrina New Orleans, but it remains one of the issues that most disadvantageously and disproportionately affects African Americans and Latinos in the city and their ability to succeed economically. The issue of housing similarly disadvantages African Americans and Latinos. Discriminatory ordinances, public housing, and homelessness, among other issues, affect both African Americans and Latinos and limit their ability to live affordably and comfortably in New Orleans. Criminal justice constitutes a third issue that negatively affects African Americans and Latinos in post-Katrina New Orleans. The injustices committed against them determined solely by the color of their skin serve to alienate African Americans and Latinos from the New Orleans criminal justice system, thus leaving them vulnerable to further exploitation. By examining these different issues, it is possible to see that the resentment these two communities feel towards each other does not reflect the realities that they both face in the city.

II. Katrina as a Catalyst: Shifts in African American-Latino Relations and the Formation of Negative Perceptions

Long known as a city dominated by African American-white relations, New Orleans underwent serious changes in its racial dynamics as a result of Katrina. Although the city accommodated a small and established Latino population before the storm, African Americans served as the prominent minority group prior to the storm, and there was little cause for interaction between the two racial communities. Katrina, however, caused a sudden influx of Latinos to New Orleans, thus creating a new low-income minority in a city that already featured a prominent low-income African American working class. This Latino influx challenged African Americans' standing in the city and sparked tensions between the two minority groups. Because of this, the stories that came out of New Orleans in the months after the storm focused on the growing resentment between the African American and Latino communities, especially among those in competition for the same jobs. Tensions between the two groups flared as Latinos took center stage in the cleanup effort, often under challenging and dangerous conditions for little or no pay, while African Americans believed they were being pushed aside as this new minority group took their jobs. In this way, Katrina acted as a catalyst in the formation of negative perceptions each community developed about each other.

Understanding these shifts in African American-Latino interactions and the role each group held in the city before and after Katrina is essential to understanding the tensions that developed and how these tensions and negative attitudes manifested themselves.

When French settlers founded the city of New Orleans in the early 1700s, it was little more than a swampy outpost. Soon, however, it developed into a thriving port city and cultural hub.¹ Throughout its early history, New Orleans operated under the control of both French and Spanish rule, bringing in cultural, political, and demographic influences from both, as well as influences from around the world because of the port city's extensive trading networks. Sociologist Elizabeth Fussell explained that during this period, from the late eighteenth century to the mid nineteenth century, New Orleans featured a "tripartite racial order" in which Anglo-American, African, and Latin American cultures and people wove together to blur racial and cultural lines and form a Creolized culture.² African slaves built levees, cleared forests, and drained swamps during the initial construction of New Orleans and they brought with them their cultures, languages, and knowledge of crops and irrigation systems.³ The people of the Caribbean and Latin America saw New Orleans as an attractive destination because of its proximity and its cultural diversity. In 1809, for example, the city's population almost doubled because of nearly 10,000 refugees who fled the Haitian slave rebellion that lasted from

¹ Peirce F. Lewis, *New Orleans: The Making of An Urban Landscape* (New York: Center for American Places, 2003), 57

² Elizabeth Fussell, "Constructing New Orleans, Constructing Race: A Population History of New Orleans," *The Journal of American History* 94 (Dec 2007): 3, accessed December 15, 2012, <http://0-www.jstor.org.umiss.lib.olemiss.edu/stable/25095147>.

³ Amy Sumpter, "Segregation of the Free People of Color and the Construction of Race in Antebellum New Orleans," *Southeastern Geographer* 48 (May 2008): 4, accessed November 28, 2012, doi: 10.1353/sgo.0.0010.

1794-1804.⁴ This melding of peoples and cultures encouraged constant interaction of different peoples and cultures.

From the mid 1700s through the mid 1800s, the city's neighborhoods and residential patterns reflected the Creolized society and the "tripartite racial order" established during the city's phase of European control. By 1810, African slaves accounted for about one third of the city's total population. These slaves lived in close proximity to their owners, regardless of neighborhood or region.⁵ Similarly, free Creoles of color, who also accounted for one third of New Orleans' population by 1810, lived throughout the city in mixed neighborhoods. Although there was some degree of racial segregation visible in the residential patterns of these free Creoles of color during this period, it was much less racially defined than what it would become in later decades. As geographer Richard Campanella explained, it was a city of "salt-and-pepper" racial residential patterns, in which each neighborhood represented a blend of the population.⁶ This fluidity provided an opportunity for people of different races and classes, especially Africans and Creoles of color, to interact frequently.

The city's fluid ideas of race and racial relations—and, therefore, the possibility for interaction—began to change as the American presence in the city increased throughout the nineteenth century. The Louisiana Purchase of 1803 ended the period of European control and the racial fluidity that came with it. New Orleans slowly became a city dominated by Anglo-American customs and ideas, thus replacing the concept of a tripartite order with a "rigid, two-tiered" racial caste system defined solely by black and

⁴ Fussell, "Constructing New Orleans," 3.

⁵ Fussell, "Constructing New Orleans," 6.

⁶ Richard Campanella, "An Ethnic Geography of New Orleans," *Journal of American History* 94 (Dec 2007): 2, accessed November 25, 2012, <http://www.journalofamericanhistory.org/projects/katrina/Campanella.html>.

white.⁷ During and after the Civil War, slaves in the surrounding area left their plantations and came to New Orleans in search of work. This influx doubled the city's total African American population, which increased from 25,423 in 1860 to 50,456 by 1870. Faced with low incomes and racially segregated housing policies that excluded them from more convenient housing, these freedmen were forced to settle in less desirable areas of the city. While the freedmen were confined, for the most part, to these back-of-town areas, Creoles of color remained where they had been in the lower-city neighborhoods.⁸ The beginnings of residential segregation created geographical barriers between Africans and Latinos, which diminished the opportunity for interactions between the two groups—a problem that would persist into the next centuries.

Although economic stagnation in the South during the nineteenth century curtailed the high level of Latin American immigration that occurred from the 1700s through the early 1800s, Latino immigration to New Orleans significantly increased during the first decades of the twentieth century because of Latin American wars of independence and political violence. The unrest provided new trading opportunities with the U.S., and many of these countries turned to New Orleans as a logical and convenient port city. Banana and coffee trading companies in Guatemala, Honduras, and other Latin American countries began to ship their goods to New Orleans and soon established strong economic and cultural relationships with the city. Wealthy planters sent their children to New Orleans for schooling and their employees to the city to establish company offices. Political refugees from countries such as Cuba also flocked to New Orleans during this

⁷ Campanella, "Ethnic Geographies," 3.

⁸ Campanella, "Ethnic Geographies," 5.

period for safety during the violence in their home countries.⁹ By 1970, Census data indicates that 50,828 Latin American immigrants lived in New Orleans.¹⁰ Other estimates suggest even higher numbers. According to the city's Social Security Administration office, for example, as many as 80,000 Latin American immigrants lived in New Orleans by 1970.¹¹ However, Latino immigration to New Orleans began to taper off again in the 1980s and continued to remain low throughout the next decades.

During this mid-century period of population growth, Latinos began to change their traditional residential settlements in the city. In the 1950s and 1960s, New Orleans' Latino residents began to move from the city itself to suburban parishes still within the city limits but inside the New Orleans metro area. By 1970, Jefferson Parish and St. Bernard Parish, both in the metro area, had Spanish-speaking populations of 3.64 and 9.17 percent, respectively, of their total populations.¹² Simultaneously, as this metro area growth occurred, the Latino population in the city declined. From 1980 to 2000, Jefferson Parish's Latino population increased by 49 percent while Orleans Parish's Latino population decreased by 23 percent.¹³ Latinos continued to leave the city in large numbers, widening their distance from the growing inner-city African American population.

This Latino out-migration from the city to other metro-area parishes mirrored a larger, simultaneous trend of white flight that occurred among New Orleans' white

⁹ Thomas L. Karnes, *Tropical Enterprise: The Standard Fruit and Steamship Company in Latin America*, (Baton Rouge: Louisiana State University Press, 1978), 39.

¹⁰ Elmer Lamar Ross, *Factors in Residence Patterns Among Latin Americans in New Orleans, Louisiana: A study in Urban Anthropological Methodology* (New York: Arno Press, 1980), 5.

¹¹ Lewis, *Urban Landscape*, 58.

¹² Ross, *Residence Patterns*, 6.

¹³ Allison Plyer, "Homeownership, Household Makeup, and Latino and Vietnamese Population Growth in the New Orleans Metro," Greater New Orleans Community Data Center, May 2011, 2 accessed November 30, 2012, <http://www.gnocdc.org/HomeownershipHouseholdMakeupLatinosAndVietnamese/index.html>.

residents throughout the mid-1900s. Fearful of the increased racial integration that began in the 1950s, middle- and upper-class whites left the city in favor of suburban areas. They often employed racially discriminatory tactics to ensure their separation from African Americans. In the 1930s, the Housing Authority of New Orleans constructed legally segregated housing projects in the urban center of the city. When these projects integrated in the 1960s, whites immediately moved away to suburban alternatives, leaving the poorest inner-city African Americans to live in the projects and experience continued de facto segregation. Such tactics worked to consolidate low-income African Americans in the city with little chance of escape, a trend that is still evident today.¹⁴ From 1960 to 1970, Jefferson Parish experienced a 61 percent increase in its population and St. Bernard Parish experienced a 59 percent increase; simultaneously, Orleans Parish witnessed a 5.4 percent decrease.¹⁵ Although other factors do play a role, many of these demographic changes can be attributed to white flight. African Americans soon became the largest demographic group in New Orleans.

By the 1970s, New Orleans' Latino and African American communities featured few economic or residential similarities—and, therefore, few opportunities or reason for interaction. While African Americans accounted for a majority of the city's population and continued to grow, the Latino population remained small. The increase in Latino immigration during the first half of the century had tapered off by the 1970s and 1980s. From 1980 to 2000, while the national Latino population increased by 141 percent, New Orleans' Latino population rose by only 15 percent. The city's Latino growth remained so stagnant, in fact, that it no longer served as a significant gateway for Latinos coming to

¹⁴ Campanella, "Ethnic Geographies," 7.

¹⁵ Ross, *Residence Patterns*, 12.

the U.S., even though its centrality as a port city since its founding.¹⁶ By 2005, just months before Katrina hit, Latinos accounted for three percent of New Orleans' population, but represented slightly larger percentages throughout the New Orleans metro area, where they made up six percent of the total population.¹⁷ African Americans, on the other hand, accounted for 67 percent of New Orleans' population in 2005.¹⁸ While significant numbers of middle-class African Americans moved to suburban areas throughout the second half of the twentieth century, most African Americans remained in the city.¹⁹ White flight served as a major contributor to the consolidation and growth of the city's low-income African American population, but others existed, as well. Many of the jobs for the unskilled poor had shifted to the urban core during the mid-1800s, where they continued to remain for low-income African Americans during the twentieth century.²⁰ On the eve of Hurricane Katrina, New Orleans' African American and Latino communities operated on separate trajectories with little cause for interaction, but Katrina reversed these trends.

The effects of Katrina devastated New Orleans and all of its residents, but it seemed to disproportionately affect the city's low-income and African American population. African Americans comprised 75 percent of the population that lived in damaged areas in the city, more than 29 percent of the damaged area's population lived

¹⁶ Plyer, "Latino Population Growth," 1.

¹⁷ William H. Frey et al., "Resettling New Orleans: The First Full Picture from the Census," The Brookings Institution, September 2007, 8, accessed May 1, 2012, <http://www.brookings.edu/research/reports/2007/09/07katrinafreysinger>.

¹⁸ Campanella, "Ethnic Geographies," 11.

¹⁹ Campanella, "Ethnic Geographies," 7.

²⁰ Campanella, "Ethnic Geographies," 5.

below the poverty line, and 10.4 percent did not have employment.²¹ Further, research compiled by the Brookings Institution shows that those who evacuated the city—both before and after the storm—were poorer, younger, and more likely to be African American as opposed to those who remained in the city or returned after the storm.²² This suggests that low-income African Americans were among the most likely to leave New Orleans because of Katrina. Once out of the city, it proved difficult for many of these low-income African Americans to return to New Orleans quickly. A study conducted by the U.S. Department of Labor found that housing, infrastructure, school, and job opportunities all constituted major considerations in these evacuees' decision of when to return.²³ The study concluded that the cost to return for these low-income African Americans, a disproportionate number of whom were renters and poor, was high and that these considerations made it difficult for them to return to the city immediately.²⁴ These obstacles help account for the decrease in the city's African American population after Katrina. From 2005 to 2006, New Orleans' African American population decreased by 57 percent, from 67 percent of the total population to 58 percent.²⁵ This decrease signified the financial difficulty that so many low-income African Americans faced in returning to their homes.

In the days following Katrina, the necessity of a large-scale cleanup force became apparent, but a labor shortage hampered the effectiveness of the reconstruction process.

²¹ John R. Logan, "The Impact of Katrina: Race and Class in Storm-Damaged Neighborhoods," *Spatial Structures in the Social Sciences*, 2006, 7, accessed November 19, 2012, <http://www.s4.brown.edu/katrina/report.pdf>.

²² Frey et al., "Resettling New Orleans," 13.

²³ Jeffrey A. Groen and Anne E. Polivka, "Going Home after Hurricane Katrina: Determinants of Return Migration and Changes in Affected Areas," U.S. Bureau of Labor Statistics, September 2009, 6, accessed November 19, 2012, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3000040/>.

²⁴ Groen and Polivka, "Determinants of Return Migration," 18.

²⁵ Frey et al., "Resettling New Orleans," 7.

Much of the city's construction force, which included many low-income and low-skill African Americans, had evacuated because of the storm. In the weeks and months following Katrina, nearly half of New Orleans' construction labor force still had not returned to the city. Between August and September 2005, in the weeks leading up to and following the storm, the construction labor force in the New Orleans metro area dropped by 43.9 percent, from 40,100 workers in August 2005 to 22,500 workers in September 2005.²⁶

As the city scrambled to find enough construction labor to clean and rebuild the city, non-local Latinos began to arrive to take part in the cleanup effort. These non-local and often undocumented Latinos constituted an ideal construction force. With no evacuated families or flooded homes to worry about, Latinos laborers could afford to come to the city and work—unlike many of the low-income African Americans who were not yet able to return to New Orleans. By early 2006, Latinos accounted for nearly half of the reconstruction workforce. Of these new Latino laborers, 54 percent were undocumented.²⁷

As evacuees began to return to the city in the weeks after the storm, local, state, and national officials made hurried attempts to understand the post-Katrina demographic makeup of the city to find out who came back and for what reasons. At first, Latino growth throughout the metro area was thought to be minimal, remaining at about six

²⁶ Amy Liu et al., "Katrina Index: Tracking Variables of Post-Katrina Recovery," The Brookings Institution, August 8, 2006, 21, accessed January 21, 2013, http://www.brookings.edu/metro/pubs/200512_katrinaindex.pdf.

²⁷ Laurel E. Fletcher et al., "Rebuilding After Katrina: A Population-Based Study of Labor and Human Rights in New Orleans," June 2006, 2, accessed May 1, 2012, http://www.payson.tulane.edu/katrina/katrina_report_final.pdf.

percent—the same percentage as before the storm.²⁸ However, the true growth of the Latino population actually accounted for a much larger percentage, but proved difficult to report because of the nature of the growing population. For the first months of post-Katrina cleanup, these Latino laborers lived in extremely transitory and non-traditional living arrangements. They lived in hotels, vans, under bridges, in tents, even in the houses and buildings they were gutting. Because many of the population surveys conducted immediately after Katrina did not take into account transitory quarters or group housing, there was no way to accurately account for or record much of the new Latino population.²⁹ Further, many undocumented Latinos feared legal repercussions, such as deportation, so they avoided talking to government officials.³⁰ Although the short-term Latino population trends remained unclear, long-term changes more accurately depicted the changes in New Orleans' Latino population. From 2000 to 2010, New Orleans metro's Latino population rose by 57 percent, significantly higher than the national Latino growth rate of 43 percent during the same decade.³¹

Regardless of the inaccuracy of the earliest attempts to track the Latino population changes in the city, New Orleans' residents felt and saw the changes that the incoming Latinos brought. Although pleased with the reconstruction of their city, many New Orleanians and Louisianans expressed less happiness concerning those responsible for the rebuilding. Often, they made their resentment towards the growing Latino community

²⁸ Katharine M. Donato et al., "Immigration, Reconstruction, and Settlement: Hurricane Katrina and the Emergence of Immigrant Communities" in *The Sociology of Katrina: Perspectives on a Modern Catastrophe*, ed. David L. Brunnsma et al. (New York: Rowman and Littlefield Publishers, 2010), 274.

²⁹ Donato et al., "Emergence of Immigrant Communities," 274.

³⁰ Ylan Q. Mui, "Five Years after Katrina, New Orleans sees higher percentage of Hispanics," *The Washington Post*, August 21, 2010, accessed December 18, 2012, <http://www.hispanictrending.net/2010/08/five-years-after-katrina-new-orleans-sees-higher-percentage-of-hispanics.html>.

³¹ Plyer, "Latino Population Growth," 2.

very visible. Louisiana Senator Mary Landrieu, for example, described it as “unconscionable that illegal workers would be brought into Louisiana aggravating our employment crisis and depressing earnings for our workers.”³² Despite assumptions made about their legal status and the general uneasiness that the city’s residents expressed towards them, many of Latinos intended to stay as long as reconstruction jobs continued and they began to set down roots in the city. Small Latino-run grocery stores and restaurants began to pop up throughout New Orleans. The increasing number of taco trucks parked at street corners garnered significant community disapproval. In 2007, Jefferson Parish went so far as to ban the trucks from the parish.³³

Although the negative response towards Latinos emerged from a variety of sources, the most acute response came from the African American community. Immediately after the storm, as Latinos continued to arrive in the city, newspaper articles began to speculate about how African Americans would feel about the Latinos, and about how Latinos would affect African Americans in the city. In a speech several months after Katrina, New Orleans mayor Ray Nagin asked what he could do to “stop New Orleans from being overrun by Mexican workers.”³⁴ In another speech, he pledged to return New Orleans to its role as a “chocolate city” because “it’s the way God wants it to be. You

³² Judith Browne-Dianis et al., “And Injustice for All: Workers’ Lives in the Reconstruction of New Orleans,” Advancement Project, July 2006, 13, accessed March 19, 2013, http://archive.uua.org/news/gulfcoastrelief/pdf/And_Injustice_for_All_Report.pdf.

³³ “2006: Hispanic people help rebuild, revive New Orleans,” *The Times-Picayune*, accessed January 26, 2013.

http://www.nola.com/175years/index.ssf/2012/01/2006_hispanic_people_help_rebu.html.

³⁴ Manuel Roig-Franzia, “In New Orleans, No Easy Work for Willing Latinos,” *The Washington Post*, December 18, 2005, accessed December 18, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/17/AR2005121700932.html>.

can't have New Orleans no other way.”³⁵ Although Nagin later apologized for these statements and attempted to clarify what he meant by them, they sent a strong message concerning the African American reaction to the growing number of Latinos: that the city—and, more specifically, African Americans in the city—did not want them. As a public African American figure, Nagin's comments not only helped shape the African American community's response to Latinos, but they also established what type of response would be permissible from African Americans towards Latinos in the future.

Other African Americans after Katrina echoed these negative sentiments. Gerod Stevens, a radio station program director in New Orleans, told a *Washington Post* reporter about the angry calls he received from African Americans every day. These callers expressed their frustration about Latinos, whom they felt came to the city and took jobs away from African Americans. They believed that Latinos attempted to “piggyback on the gains blacks have made after hundreds of years of discrimination.” As one caller put it: “Who has fought all of the civil rights, human rights battles since Day One? It's been us.”³⁶

In the minds of many African Americans, Latinos came to New Orleans, a city long-defined solely by black-white relations, and began to redefine the existence of African Americans. As Wilkinson pointed out, when “a new group enters, blacks may recognize that Hispanics, just like any other racial group, will draw whites' attention away from blacks and more resources and privileges will be given to Hispanics.”³⁷ For

³⁵ “Full video of Nagin's chocolate city speech,” WWLTV New Orleans, April 28, 2010, accessed April 15, 2013. <http://www.wwltv.com/news/local/Full-video-of-Nagins-chocolate-city-speech-92368619.html>.

³⁶ Mui, “Five Years.”

³⁷ Betina Cutatia Wilkinson and Natasha Bingham, “The Aftermath of a Hurricane: African Americans' Attitudes toward Hispanic Immigration in New Orleans” (PhD diss., Louisiana State University, 2008), 12.

many African Americans, the Latino population influx constituted an attack on their standing as a working class group in search of jobs, but it also constituted an attack on their social and economic standing as a—even *the*— minority group in the city. Latinos threatened to redirect the focus previously placed on the African American community onto their own needs and desires in their new city.

Confronted with such vocal negative attitudes, the new Latino population created its own unfriendly attitude towards New Orleanians unhappy with their presence, especially African Americans. The growing number of Latino laborers understood that their role and significance in the reconstruction process that occurred in New Orleans after Katrina. As day laborer Dennis Soriano explained, “[w]hen I arrived to this city, the city was destroyed. We rebuilt it.”³⁸ Considering the contributions they made to the reconstruction effort, many did not understand why there remained continued distrust and negativity towards them. Marco Topete, a Latino construction worker who came to New Orleans from Houston after Katrina, remarked that “[e]ven to this day, a lot of people do not understand the idea of Hispanics...They have to get used to the idea that we are here to stay.”³⁹ These Latino laborers faced widespread forms of discrimination in the post-Katrina construction workforce, often working difficult and dangerous jobs for little or no pay for contractors who regularly took advantage of them. But the challenges of the workplace were only compounded by the constant barrage of opposition from other minority groups in New Orleans.

Latinos commonly responded by stereotyping African Americans as lazy. As explained by Tomas Hernandez, a Salvadoran laborer who came to New Orleans from

³⁸ Mui, “Five Years.”

³⁹ Mui, “Five Years.”

New York after the storm, “[t]here is this idea that we have come to take jobs away from blacks. This is definitely not true because in the time that I have been here, I have never seen a black man working beside me or looking for work like we do.”⁴⁰ Latinos believed that if African Americans wanted to work, they could, but they chose not to. Many Latinos felt that African Americans, unwilling to work as hard as Latinos in the same deplorable conditions, stood aside and watched as Latinos took their jobs. Latinos laborers, frustrated by the negative attitudes that confronted them in New Orleans, commonly adopted this attitude of African Americans.

The pervasiveness of racial tensions between Latinos and African Americans in post-Katrina New Orleans has become the subject of much discussion and focus. In 2008, Oxfam America commissioned a report on these tensions and perception between African Americans and Latinos in New Orleans. The study found that 46 percent of African American respondents “strongly/somewhat strongly” agreed that “Latino workers limit job opportunities for African Americans” while 62 percent of Latino respondents “strongly/somewhat strongly” disagreed that they limited job opportunities for their African American counterparts.⁴¹ Both African American and Latino respondents also conveyed varying levels of discomfort when asked how they felt about interacting with members of the opposite community, whether at work or in social settings. Interestingly, Latinos generally reported less enthusiasm about the possibility of working and socializing with African Americans than African Americans reported about Latinos.⁴²

⁴⁰ Browne-Dianis et al., “Injustice For All,” 23.

⁴¹ “Building Common Ground,” Oxfam America, September 2008, 4, accessed April 29, 2012, <http://www.oxfamamerica.org/publications/building-common-ground>.

⁴² “Building Common Ground,” 3.

Regardless, the tensions and negative perceptions between Latinos and African Americans towards each other appeared evident throughout the study.

Much of this can be attributed to what sociologist Silas Lee, who conducted the Oxfam study, calls “the view from outside.” Both communities feel that they face discrimination in several key areas (criminal justice, housing, job opportunities, education, etc.) but both perceive that the discrimination facing their own community is harsher and more apparent than the discrimination facing the other community—that the other community experiences fewer problems in the same areas.⁴³ This view from outside caused a breakdown in communication between African Americans and Latinos, which has only served to exacerbate the negative perceptions they have of each other. Further, this perception prohibits each community from understanding the real problems that persist for both of them. The study found that discrimination towards African Americans and Latinos in New Orleans was “more pervasive than isolated.” 51 percent of African American respondents and 60 percent of Latino respondents believed that this discrimination was a “major” problem that prevented them from succeeding in society.⁴⁴

It is important to note that these negative perceptions are not across-the-board race issues that pit all African Americans against all Latinos in New Orleans. Although these perceptions are based on race, it is also a class-driven issue. The Oxfam study found that 38 percent of African American families earning \$21,000 to \$30,000 “strongly” agreed that Latinos limit job opportunities for them. At the same time, 39 percent of African American families earning \$45,000 and above “strongly” disagree that Latinos limit job opportunities for African Americans. Therefore, it is the “African

⁴³ “Building Common Ground,” 3.

⁴⁴ “Building Common Ground,” 2.

Americans who are competing for the same low-wage, post-Katrina jobs as many Latinos” who feel more threatened by the presence of Latinos in New Orleans.⁴⁵ Similarly, a study conducted by doctoral students at Louisiana State University found that African American attitudes towards Latino immigration in New Orleans were more favorable among higher-income respondents and less favorable among lower income respondents because of the increased competition lower-income African Americans faced in securing work post-Katrina.⁴⁶

Although Katrina radically altered African American-Latino relations and encouraged strife between the two communities, it also revealed the ways in which African Americans and Latinos both faced similar burdens and discrimination in New Orleans. It was not just a story of anger and resentment, but one of shared burdens and paralleling plights. The following chapters focus on issues that significantly affect and disadvantage African Americans and Latinos in post-Katrina New Orleans: labor, housing, and criminal justice. By examining each of these issues, it is possible to see that the resentment these two communities carry towards each other does not reflect the realities that they both face.

⁴⁵ “Building Common Ground,” 4.

⁴⁶ Wilkinson and Bingham, “African American Attitudes,” 17.

III. Exploitation and Exclusion: Latinos and African Americans in New Orleans' post-Katrina Labor Force

In the months following Katrina, one of the most visible sources of conflict and hostility between African Americans and Latinos occurred in the labor market, which was dominated by the construction industry and its need for thousands of low-skill workers to help clean up and rebuild the city. Promises of high wages and long hours meant, at least theoretically, that post-Katrina New Orleans provided an opportunity for workers to earn considerably high salaries and work long hours. This hope, however, did not translate into reality for minorities, especially Latinos and African Americans. Instead, gross discriminatory practices characterized the reconstruction process and served to disadvantage both Latinos and African Americans. Discrimination did not affect African Americans and Latinos in the same way. Rather, the post-Katrina labor system exhibited simultaneous exploitation of Latino workers and exclusion of African American workers that locked Latinos in at the same time that it locked African Americans out.⁴⁷ Their respective exploitation and exclusion meant that Latinos and African Americans fostered different perceptions about their roles in the reconstruction process, as well as the reconstruction process as a whole. Despite these differing roles

⁴⁷ Browne-Dianis et al., "Injustice for All," 19.

and perspectives, both African Americans and Latinos shared in the discrimination and disadvantage that characterized their time in the reconstruction labor force.

Katrina's destruction created a massive and immediate demand for construction workers, at the very time that much of New Orleans' indigenous labor force had been displaced by the storm. The selective nature of return migration to the city following Katrina, in which those more socio-economically advantaged returned first, suggested that construction workers were not among the first to return.⁴⁸ In fact, New Orleans' construction labor force experienced a drastic decrease in its size after Katrina. Between August and September 2005, just before and just after the storm hit, the New Orleans metro area's labor force employed in construction and related industries dropped by 44 percent, from 38,500 workers in August to 21,600 workers in September.⁴⁹

When these construction workers did begin to return to the city, however, they found the reconstruction process already well under way. Non-local individuals, who faced none of the same economic considerations that confronted the local construction force, arrived in New Orleans almost immediately after the storm to take part in the clean-up and reconstruction effort. Latinos served as one of the largest and most conspicuous components of the new labor force, accounting for nearly one half of the total post-Katrina labor force.⁵⁰

The prominence of Latinos in the post-Katrina labor force reflected the late arrival in New Orleans of a national trend in Latino immigration and employment. Beginning in

⁴⁸ Elizabeth Fussell and Abel Valenzuela, Jr., "Getting a Construction Job in Post Katrina New Orleans: Race, Nativity, and Luck," Tulane University, 1, accessed January 15, 2013, <http://tulane.edu/liberal-arts/political-economy/new-orleans/upload/Fussell-and-Valenzuela-Getting-a-construction-job-in-New-Orleans.pdf>.

⁴⁹ Fletcher et al., "Human Rights," 1

⁵⁰ Fletcher et al., "Human Rights," 2

the 1980s and 1990s, Latinos came in increasing numbers to the U.S. to find work, predominantly in such low-skill industries as farming and construction. By 2003, workers born in Central America and Mexico accounted for 21 percent of the national construction labor force.⁵¹ Latinos moved across the United States, following the construction boom from region to region, most recently settling throughout the South and the Gulf Coast region.

Although Latino immigration to the U.S. continued to increase, New Orleans did not reflect the national trends in Latino population growth. Latino immigration to New Orleans and the surrounding area remained sluggish during the 1980s through the 2000s, even as Latino immigration—especially Mexican immigration—increased dramatically throughout the Gulf Coast region. Between 1980 and 2000, the nation’s Latino population grew by 141 percent, while the New Orleans metro region’s Latino population grew by only 15 percent in the same time period.⁵² Prior to Katrina, New Orleans’ economy simply offered no compelling reason for Latinos to come there. According to Fussell, Latinos “weren’t coming here [New Orleans] because the economy wasn’t doing the things that attract Latino immigrants” such as agriculture, meatpacking, or, most importantly, construction.⁵³

Katrina, however, changed the construction industry’s relevance in New Orleans, thus rebranding New Orleans as an extremely attractive option for Latinos in search of construction work. The abundance of jobs and the promises of high wages lured thousands of Latinos to the city in the weeks following Katrina. For these Latinos, the

⁵¹ Fussell, “Constructing New Orleans,” 8.

⁵² Plyer, “Latino Population Growth,” 1.

⁵³ “New Orleans’ immigrant flavor since Katrina,” *The World*, August 27, 2010, accessed February 1, 2013, <http://www.theworld.org/2010/08/new-orleans%E2%80%99-immigrant-flavor-since-katrina/>

city and its opportunities for monetary success represented “a modern-day El Dorado, where the streets are paved with gold.”⁵⁴ The opportunity that existed in New Orleans after Katrina helped to account for the rapid Latino population increase after the storm and the influx of Latinos into the city’s construction workforce.

The federal government’s suspension of certain labor regulations in the aftermath of Katrina further incentivized Latinos’ desire to come to the city. On September 6, just one week after Katrina hit, the federal government suspended the Davis-Bacon Act, a labor regulation which required that contractors and subcontractors pay their employees no less than the local prevailing wage for government-contracted projects. The government also suspended other regulations concerning employers’ responsibility to identify employees’ legal status and affirmative action hiring practices. The suspension of these regulations sought to help local construction workers and contractors who might have lost their documentation in the storm come back to work quickly. More significantly, though, these suspensions allowed contractors to hire workers without verifying their legal status, which appealed to Latino workers who often came to the U.S. without proper documentation. Word of this news spread quickly among Latino laborers throughout the U.S. By 2006, undocumented workers accounted for 54 percent of the Latino labor force in New Orleans.⁵⁵ However, as will be discussed later in this chapter, these suspensions had other, more detrimental effects on Latino workers that were not visible in the early stages of the reconstruction process.

During this unregulated, “wild west” environment in post-Katrina New Orleans, negative attitudes about the newcomers began to surface. Comments by then-mayor of

⁵⁴ Roig-Franzia, “No Easy Work.”

⁵⁵ Fletcher et al., “Human Rights,” 2.

New Orleans, Ray Nagin, in which he questioned what he could do to ensure that New Orleans was not “overrun by Mexican workers” highlighted the negative feelings New Orleanians fostered towards Latinos.⁵⁶ Others echoed this contempt and uneasiness with the growing Latino community, as well. During a November 2005 town hall meeting, while Mayor Nagin fielded questions from angry residents, he spoke to one disgruntled African American man who explained that “I’m working for six dollars an hour!...They’re bringing in Mexicans and expecting us to work for the same money. Is slavery over, or what?”⁵⁷

On the opposite side of the debate, Latinos expressed disbelief and anger concerning the labor situation. They felt frustrated that their hard work faced criticism or went unnoticed by the city that so desperately needed help rebuilding. As one Latino construction worker explained, “[w]hen I arrived to this city, the city was destroyed. We rebuilt it...Do you want us to go back [home]?”⁵⁸ Another laborer expressed his sadness in the situation that faced Latinos in New Orleans. He explained that “[s]ometimes we are walking and we have to look behind us... What can you do in a place where you are not wanted?”⁵⁹

These emotions created a very tangible tension between African Americans, angry at Latinos for taking their jobs and depressing wages, and Latinos, frustrated with the cold reception they received as they came to help the city rebuild. This tension between African Americans and Latinos, although new in New Orleans, only reflected

⁵⁶ Roig-Franzia, “No Easy Work.”

⁵⁷ Arian Campo-Flores, “A New Spice in the Gumbo,” *Newsweek* 147 (December 2005): 56, <http://web.ebscohost.com/ehost/detail?sid=02da72dd-f938-4c76-a15f-a0b299e014fe%40sessionmgr11&vid=1&hid=24&bdata=JmF1dGh0eXBIPWdlbyZnZW9jdXN0aWQ9bWFnbjA4OTcmc2l0ZT1laG9zdC1saXZlJnNjb3B1PXNpdGU%3d#db=f5h&AN=19249865>.

⁵⁸ Mui, “Five Years.”

⁵⁹ Browne-Dianis et al., “Injustice for All,” 19.

the general stereotypes that African Americans and Latinos fostered towards each other throughout the rest of the U.S.—the African American idea that Latinos took their jobs and the Latino idea that African Americans did not want to work because of their laziness.⁶⁰

Although negative attitudes between African Americans and Latinos persisted throughout the reconstruction process in New Orleans, tensions escalated most rapidly during the first phase of the clean up and recovery process. During this phase of reconstruction, work consisted mainly of demolition, debris removal, and cleanup. This work did not require a high level of skill, which attracted many of the low-skill Latino laborers arriving in the city.⁶¹ However, this work also provided an ideal opportunity for low-skill African American laborers, many of whom had evacuated during the storm. As they slowly came back to the city, they found the jobs available to their skill set in post-Katrina New Orleans already taken by Latinos who had arrived to the city before them.

Yet, at the same time these tensions formed in the months after the storm, initial reports of unfavorable working conditions also began to surface which seemed to alter the perception of New Orleans as an “El Dorado” for Latino workers. Although this first phase of clean up required the largest number of laborers, providing thousands of Latinos with work, it also constituted some of the most hazardous and lowest-paying labor of the reconstruction process.⁶² Jobs during this phase brought workers in close contact with hazardous materials such as mold and asbestos, but workers had little access to protective

⁶⁰ Browne-Dianis et al., “Injustice for All,” 23.

⁶¹ Donato et al., “Emergence of Immigrant Communities,” 277.

⁶² Fussell and Valenzuela, “Construction Job,” 2.

gear.⁶³ Laborers worked long hours in these grueling conditions, often 70 hours a week, with high risks of disease or injury.⁶⁴ As one Latino remarked, “[t]his is no way to live. I don’t know how much longer I can take it.”⁶⁵ The work proved extremely demanding and presented these Latinos with concerns that they did not anticipate upon arrival to the city.

The issue of wage theft compounded the problems that Latino laborers faced. As the reconstruction process continued, workers began to complain that their employers did not pay them the full amount promised or that they did not pay them at all. A study conducted by UC Berkeley and Tulane in June 2006 found that 28 percent of undocumented workers (all of whom were Latinos) and 13 percent of documented workers reported problems regarding payment.⁶⁶ Further, many workers reported that, despite the long hours they worked each week, they did not receive compensation for overtime.⁶⁷ If they chose to confront their employers about their wages, they often faced threats of legal action or violence. Contractors and employers also disappeared without paying their employees or changed their identities so that even if they tried to, employees could not find them. One Peruvian laborer recounted a story in which he worked for four days on a project and on the day he intended to receive his pay, his employers left and never returned. “It’s as if the earth had opened up and swallowed them,” he explained.⁶⁸ Another worker noted that “[w]hen we weren’t paid, we didn’t even have money for

⁶³ Haley E. Olam and Erin S. Stamper, “The Suspension of the Davis Bacon Act and the Exploitation of Migrant Workers in the Wake of Hurricane Katrina,” *Hofstra Labor and Employment Law Journal* 24, 2, accessed February 1, 2013.

⁶⁴ Donato et al., “Emergence of Immigrant Communities,” 280.

⁶⁵ Roig-Franzia, “No Easy Work.”

⁶⁶ Fletcher et al., “Human Rights,” 17.

⁶⁷ Browne-Dianis et al., “Injustice for All,” 30

⁶⁸ Browne-Dianis et al., “Injustice for All,” 31.

food...These companies are robbing us of our money after we worked so hard.”⁶⁹ Workers had little explanation for the location of their wages and even fewer options for how to get them back. The desperate financial situation they faced caused many to consider leaving in New Orleans to return to wherever they had come from.

Much of the poor treatment that Latinos faced, such as the widespread accounts of wage theft, can be attributed to the suspension of the labor regulations mentioned earlier. Originally, these suspensions attracted Latinos to the city because they created an environment with huge opportunity for employment and little threat of deportation. In reality, however, these suspensions acted as a double-edged sword. Extensive problems, such as the health concerns and wage theft, quickly replaced the early benefits that these suspensions offered Latinos. As Fussell points out, “[w]ith the stroke of a pen, laws governing worker protections and fair hiring practices were legally ignored.”⁷⁰ The suspension of the Davis Bacon Act proved most detrimental to Latinos. Without Davis Bacon in place, contractors did not have to pay their employees with regard to minimum wage standards. This accounted, in part, for much of the wage theft that occurred in the post-Katrina New Orleans labor market. On August 30, just one week before the suspension of Davis Bacon, the Occupational Safety and Health Administration (OSHA) suspended regulations that enforced job safety and health standards. This suspension made it possible for employers to avoid providing their employees with appropriate safety gear.⁷¹ Although the suspensions of these labor regulations intended to speed up the reconstruction process and bring as many workers onto the scene as quickly as

⁶⁹ “SPLC Seeks Justice for Katrina’s Migrant Workers,” Southern Poverty Law Center, February 2, 2006, accessed November 29, 2012, <http://www.splcenter.org/get-informed/news/splc-seeks-justice-for-katrin-as-migrant-workers>.

⁷⁰ Fussell and Valenzuela, “Construction Job,” 2.

⁷¹ Browne-Dianis et al., “Injustice for All,” 34.

possible, it did not take long before the more negative consequences began to manifest themselves. As the government began to realize the full effects of these suspensions, it took action to put the regulations back in place (Davis Bacon, for example, was reinstated on November 8, 2005, just two months after its suspension), but by then, it was too late. A “culture of non-regulation” already existed in the city, in which oversight and punishment for wrong-doing on the part of contractors did not exist. Because many of the large contracts began while Davis Bacon and other regulations remained suspended, the terms controlling the contract were “grandfathered in,” meaning that, for the remainder of the contract, contractors did not have to guarantee their workers the wage and safety standards that the regulations, when in place, guaranteed.⁷²

Increased dependency on employers further compounded the vulnerability and disadvantage Latinos experienced in the post-Katrina labor market. When Latinos first arrived in New Orleans in the weeks after the storm, they relied on their employers to secure housing, food, and transportation because of the widespread damage and electricity outages still present in the city. The issues of dependency increased considerably for those Latinos who came to New Orleans not from other locations in the U.S., but from their home countries in Central and South America. One Mexican laborer working in New Orleans explained that after he and a group of friends saw advertisements in their local paper for construction jobs in the U.S., they began the process of applying to come to the U.S. They paid large processing fees and signed contracts that tied them to certain contracting companies for a fixed amount of time. These men then received their H-2B temporary work visas that allowed them to work temporarily in the U.S. Lured by promises of high wages that they planned to send home

⁷² Fussell and Valenzuela. “Construction Job,” 3.

to their families, they went to New Orleans to work in the cleanup effort. Once in New Orleans, however, they worked only sporadically and did not receive adequate pay for their labor. Despite the minimal work they completed under their assigned contractor, they feared quitting or finding different side jobs. Under the terms of the contracts they had signed, working for anyone but the original contractor constituted a punishable offense—they could be fired and their visas could be revoked, leaving them undocumented and with little financial opportunity to return home.⁷³ Their contracts, therefore, forced the men to remain with their employers and depend on them for finding work. In most cases, however, this dependency only resulted in contractors taking advantage of Latino laborers.

The growing tendency of contractors to take advantage of Latinos resulted in a system often portrayed as a form of modern day slavery—ironic in a city with such a long history of slavery tied to the African American experience. Simultaneous dependence on the system and exploitation by the system only served to hurt Latino workers who came to help rebuild a city that was not their own. As Marielena Hincapié, director of programs and staff attorney for the National Immigration Law Center, explained, “a lot of what immigrant workers are facing is very much like slavery, which resonates with people of the South, where the repercussions and discussion of slavery are still alive and well.”⁷⁴ In post-Katrina New Orleans a “plantation mentality” existed, in which employers and contractors wanted a workforce but did not feel obligated to pay their workers.⁷⁵ They

⁷³ Browne-Dianis et al., “Injustice for All,” 48.

⁷⁴ “Katrina Recovery: Building Alliances to Counter Exclusion and Exploitation, New Orleans Workers’ Center for Racial Justice,” *On Message: Using Strategic Communications to Advance Social Change in Black and Latino Communities*, A Philanthropic Partnership for Black Communities and Hispanics in Philanthropy, April 2008, 27, accessed March 13, 2013, http://centerformediajustice.org/wp-content/files/On_Message_Full_Report.pdf.

⁷⁵ Browne-Dianis et al., “Injustice for All,” 31.

found their answer with the thousands of Latinos who came to the city in search of work. Although as the recovery process continued and these Latino laborers made small strides in their independence, much of their early time in New Orleans featured this simultaneous dependence on and exploitation by their employers.

While Latinos faced exploitation in a system reminiscent of slavery, African Americans faced different, although equally detrimental, problems in the post-Katrina labor market. As the reconstruction process began, many African Americans still remained evacuated from the city. Because of the geographical patterns of destruction caused by Katrina, low-income African Americans faced disproportionate damage to their homes. Parts of these low-lying neighborhoods remained flooded long after floodwaters receded from other areas of the city, simultaneously forcing its residents to stay away longer and increasing the damage caused to the houses. The extent of the damage to the houses in these neighborhoods made it difficult for their low-income residents to come back and rebuild. These considerations postponed the return of many low-income African Americans to the city.⁷⁶ As they slowly trickled back, however, they found that many of the low-skill jobs in the reconstruction labor force had already been taken by non-local Latinos. As native New Orleanians—and Americans—they felt cheated out of jobs that should have been theirs, but that were instead given to thousands of foreign workers, many of whom were undocumented.

African Americans, frustrated by their exclusion from the labor force, directed their anger in several directions. First, and most prominently, they expressed anger with Latinos. As one African American explained, “[b]ut when the immigrants came down here they started underbidding....we worked too but when they underbid they start

⁷⁶ Groen and Polivka, “Determinants of Return Migration, 3.

blocking the people that been here that really needs it.”⁷⁷ This notion that Latinos underbid or undercut the city’s labor market constituted a frequent complaint among African Americans. They believed that Latinos’ willingness to work long hours for virtually no pay served to hurt the labor force as a whole, but as a competing minority labor supply, they felt particularly disadvantaged by Latinos’ growing prominence in the labor force.

African Americans expressed their anger not just with the Latinos who they felt had taken their jobs, but with the system that allowed this to happen—the contractors and construction companies that facilitated the exclusion of African Americans from work. They argued that these construction companies and contractors exacerbated and took advantage of the competition between African Americans and Latinos in the labor force to secure the cheapest labor possible. “It sends a bad message,” said Harry Alford, president of the National Black Chamber of Commerce. He went on to explain that “[w]hat they’re basically saying to the minority in New Orleans is, ‘We’ll make it harder for you to find a job. And if you do, we’ll make sure you get paid less.’”⁷⁸ African Americans felt they would have to lower their standards as American workers just to get hired in their own city—and their own country.

Further, African Americans faced racial stereotypes from the contractors and employers that prevented them from working. As one African American worker explained, “[t]hey told me they’re not hiring those looters from New Orleans,” a clearly

⁷⁷ Fussell and Valenzuela, “Construction Job,” 15.

⁷⁸ “Minority firms getting few Katrina contracts.” Associated Press, October 4, 2005, accessed February 25, 2013, <http://www.nbcnews.com/id/9590752#.UWufabVm3rN>.

racialized and discriminatory reference to African Americans that developed in the days after Katrina as reports of looting throughout the city increased.⁷⁹

Anger towards the post-Katrina labor system did not exist solely among the lowest-skilled African American laborers. African American construction contractors felt excluded from the clean-up effort, as well. Under normal circumstances, a stipulation requires that at least five percent of FEMA contracts be awarded to minority firms, but in the immediate aftermath of Katrina, the government waived or suspended several of the regulations regarding contracts in order to get help to the city as quickly as possible. These suspensions included affirmative action regulations, which aimed to ensure that a fair amount of contracts went to minority firms. As a result, many no-bid contracts awarded after the storm went directly to larger firms with little local connection.⁸⁰ This left smaller, local, and often African American firms excluded from the clean-up process in the first months after the storm hit.⁸¹ As Derrick Lawrence, an African American landscaper and contractor in New Orleans, explained, “I have brothers right now that would love to go to work, but there’s so much bureaucracy and red tape...It’s just been a discouraging situation for a black man in this area to get a job.”⁸²

Further, African Americans felt that, even in their own city, they could not look for work in the same ways that Latinos could. After the storm, large groups of Latinos commonly congregated at certain points around the city to look for work. These meeting places served as “open air markets” for contractors to come to and hire workers for

⁷⁹ Browne-Dianis et al., “Injustice for All,” 25.

⁸⁰ Browne-Dianis et al., “Injustice for All,” 30.

⁸¹ “Minority firms.”

⁸² Browne-Dianis et al., “Injustice for All,” 28.

different jobs.⁸³ Lee Circle, for example, served as one of the most well-known gathering spots, but others existed throughout the city. One African American expressed his disbelief that it would work the same way for African Americans looking for work as it did for Latinos. He explained that “I know full well that I’ve been blessed to have been born here and not have to stand on the corner. But to be perfectly honest with you, I don’t believe you could stand on the corner. If you put 75 black guys standing in front of the Home Depot on Elysian Fields, I guarantee you’d have 90 policemen there in about 15 minutes.”⁸⁴ This perception, echoed by many African Americans, only served to broaden the divide between African Americans and Latinos and their views of each other.

As the reconstruction process continued, the plight of African American and Latino workers became more apparent and local, state, and federal officials made attempts to correct the inequalities that African Americans and Latinos faced in the job market. By this point, however, the culture of non-regulation already served to disadvantage African Americans and Latinos in ways that made it extremely difficult to find fairness and equality in the system. Instead, the simultaneous Latino exploitation and African American exclusion during the reconstruction process left the two minority communities in a situation that plagued them both with the realities of institutional discrimination. Although they often focused on the job competition and resulting tensions that divided them, the same labor competition that divided them ultimately served to unite them in a common struggle against institutional discrimination that faced both minorities in the post-Katrina New Orleans labor force.

⁸³ Fussell and Valenzuela, “Construction Job,” 6.

⁸⁴ Fussell, “Construction Job,” 11.

IV. Disadvantage and Isolation: Housing in Post-Katrina New Orleans

The widespread flooding and destruction throughout New Orleans caused by Hurricane Katrina ensured that the issue of housing would constitute a major concern in the storm's aftermath. Immediate questions of housing presented themselves for New Orleans' displaced residents. Katrina scattered evacuees throughout the United States who went in search of temporary housing while they waited to hear the status of their homes in New Orleans. While these evacuees, many of whom were African American, experienced housing woes away from the city, Latinos experienced a set of different, yet equally challenging circumstances in New Orleans as they tried to take part in the rebuilding process. Long-term questions of how to rebuild the city also appeared, as did concerns about what the city's future "footprint" should look like. These questions persisted beyond Katrina's immediate aftermath and continue to affect Latinos and African Americans. Discriminatory ordinances, public housing, and homelessness are among the most pressing issues that face African Americans and Latinos in their search for adequate and affordable housing and each serve as examples of the issues that shape the experiences of Latinos and African Americans in New Orleans. Combined, these issues caused both minority groups to experience a very physical isolation from greater society, which further served to disadvantage African Americans and Latinos. Although

they do not share identical struggles in their attempts to find housing, these issues remain critical components in the struggle these two minority communities face in finding adequate and affordable housing in New Orleans.

During the first months after Katrina, African American out-migrants from and Latino in-migrants to New Orleans both faced the inadequacies and stresses associated with transitory and transitional living. For African Americans, these stresses of transitional living took place, for the most part, outside of New Orleans. Because housing damage disproportionately affected lower-income African Americans, New Orleans out-migrants after the storm were poorer and more likely to be African American.⁸⁵ But, in an effort to secure temporary housing after the storm, they faced a temporary housing program that, as National Low Housing Coalition CEO Sheila Crowley described, “could not have been more poorly designed and executed if it had been purposefully intended to fail.”⁸⁶ Although shelters across the country adequately housed and fed thousands, the extent of damage in the city meant that evacuees needed to find longer-term temporary housing, such as rental housing. Worried that such a large influx of African Americans into the housing market might result in a higher amount of housing discrimination in violation of the federal Fair Housing Act (established as part of the Civil Rights Act of 1968), the National Fair Housing Alliance (NFHA) conducted a test program from September to December 2005 that measured the extent to which landlords used racially discriminatory tactics to select renters and how this affected African Americans. NFHA, which conducted the program in Georgia, Florida, Texas, Tennessee, and Alabama, found

⁸⁵ Frey et al., “Resettling New Orleans,” 13.

⁸⁶ Sheila Crowley, “Where Is Home? Housing for Low-Income People After the 2005 Hurricane,” in *There Is No Such Thing as a Natural Disaster: Race, Class, and Hurricane Katrina*, ed. Chester Hartman and Gregory D. Squires (New York: Taylor and Francis Group, 2006), 121.

that in 66 percent of the tests—43 of 65 separate tests—landlords used discriminatory methods against potential African American renters as opposed to potential white renters.⁸⁷ NFHA used a variety of different methods during the program, some of which “revealed egregious types of discrimination.”⁸⁸ The report found that landlords offered discounts to potential white testers, failed to tell African American testers about available apartments or return calls to African American testers, and quoted higher prices to African American testers.⁸⁹

Other violations of the Fair Housing Act existed, as well. In December 2005, the Greater New Orleans Fair Housing Action Center (GNOFHAC) filed complaints with the U.S. Department of Housing and Urban Development (HUD) accusing five internet sites of using racially discriminatory practices. The use of internet sites that sought to match Katrina evacuees with potential volunteers across the country willing to temporarily house storm victims became a common occurrence after Katrina, but GNOFHAC accused five of these sites of publishing “illegally discriminatory ads” in which volunteers asked for evacuees that were not African American. FEMA funded and sponsored one of the sites.⁹⁰ These violations of the Fair Housing Act, as well as other unreported violations and racially discriminatory attitudes, made it considerably more difficult for African American evacuees to find housing after the storm.

While African Americans confronted issues of temporary housing away from New Orleans, Latino in-migrants also faced stressful and unstable issues of housing in

⁸⁷ “No Home for the Holidays: Report on Housing Discrimination Against Hurricane Katrina Survivors,” National Fair Housing Alliance, December 2005, 1, accessed March 10, 2013, <http://www.nationalfairhousing.org/FairHousingResources/ReportsandResearch/tabid/3917/Default.aspx>.

⁸⁸ “No Home for the Holidays,” 1.

⁸⁹ “No Home for the Holidays,” 3.

⁹⁰ Crowley, “Where Is Home?” 127.

New Orleans. Mostly non-local and challenged by the lack of access to basic amenities such as running water or electricity, these Latinos faced extreme difficulty in finding affordable and adequate housing in New Orleans. Hotels and motels either proved too expensive for many laborers to rent or they remained closed after the storm. Trailers were also expensive and not always in close proximity to worksites. Because many laborers did not have cars or were told by their employers not to bring them, transportation presented another obstacle in the search for convenient and easily accessible housing. During the first phase of reconstruction, Latino laborers lived in a variety of extremely transitory and unstable settings, none of which presented ideal or even adequate living conditions in terms of cleanliness or privacy. Thousands lived in large group settings such as warehouses or hotel ballrooms and conference rooms. These spaces accommodated as many as several hundred people, but the proximity in which they lived meant an increase in tensions that often resulted in violent disputes.⁹¹

Because of the obstacles that faced Latinos in finding housing, many relied on their contractors or employers to find housing for them during the first phase of reconstruction, but this often presented additional problems. Often, contractors recruited Latinos to New Orleans by guaranteeing housing and meals for their employees. Although this attractive offer convinced many Latinos from across the country to sign contracts and come to New Orleans, employers often broke these promises. Laborers arrived in the city to find much less than they expected. They lived in large group housing and did not receive adequate food or access to basic amenities that their employers had guaranteed.⁹²

⁹¹ Donato et al., "Emergence of Immigrant Communities," 278.

⁹² Donato et al., "Emergence of Immigrant Communities," 281.

Despite broken promises, workers increasingly relied on their employers for housing and additional support. As one laborer explained, “[t]hey [employers] brainwashed us” into staying in the city despite the poor living conditions and low pay.⁹³ Workers needed to provide for their families that they left behind in other cities, so they often had no other choice but to accept the housing employers found for them and the wages they paid them. As Raoul Arcentales, a Mexican laborer who left Mexico to come to New Orleans after Katrina, explained, “[t]hey keep saying, don’t worry, here’s your housing, there’s your food, we’re going to place you [in work]. But meanwhile, the family is waiting for us to send money...”⁹⁴ If workers complained about their living conditions and pay or quit their jobs, their employers could take away their living arrangements, thus turning them onto the streets with few alternative options. As Arcentales explained, “[r]ight now, he has to pay for our hotel and food. If we start working for someone else he could just say ‘they are no use to me,’” and kick them out.⁹⁵ Living on the streets without employment was not an option for these laborers who had come to earn money for their families, so compliance with the housing and support—or the lack of—that their employers provided remained their only option.

Although Latino laborers constituted a crucial component during the first stage of clean up and reconstruction in New Orleans, construction work began to slow in late 2005 and into early 2006. The problem reflected not a lack of available construction work, but rather the city’s dilemma in deciding where and how to rebuild. New Orleans is a bowl-shaped city that sits, on average, about six feet below sea level and is surrounded by Lake Pontchartrain, the Mississippi River, and various other bodies of

⁹³ Donato et al., “Emergence of Immigrant Communities,” 280.

⁹⁴ Browne-Dianis et al., “Injustice for All,” 47.

⁹⁵ Browne-Dianis et al., “Injustice for All,” 48.

water and marshlands. To keep this water out, New Orleans relies on an extensive network of levees that pumps water away from the city.⁹⁶ As Katrina showed, however, this levee system failed miserably, breaching at dozens of points and causing extensive flooding throughout the city's lowest-lying areas. Once the repairs to the levee took place and the floodwaters subsided, city leaders faced the perplexing issue of how to deal with these low-lying areas. It was, as Tulane geographer Richard Campanella titled it, "the great footprint debate." New Orleans' "footprint"—its spatial and geographical reaches into the environment around it—grew into many of these low-lying areas throughout the mid twentieth century during a period of population growth.⁹⁷ But, in the aftermath of Katrina, the city's population declined drastically and left much of this space empty. In 2006, nearly a year after the storm, New Orleans' population still remained only about one half of its 2005 pre-Katrina population.⁹⁸ With such a decreased post-Katrina population, city officials needed to determine whether or not rebuilding in these low-lying areas constituted a worthwhile goal, especially considering that these same areas would surely bear the brunt of inevitable future flooding caused by hurricanes or other natural disasters.

The possible effects of shrinking New Orleans' footprint extended beyond geographical, environmental, or ecological concerns by speaking to issues of race and class that had long been present in the city, but had yet to be revealed in such a stark light until Katrina. Most of the low-lying areas in the footprint debate featured low-income,

⁹⁶ Brian Handwerk, "New Orleans Levees Not Built for Worst Case Events," *National Geographic*, September 5, 2005, accessed March 10 2013, http://news.nationalgeographic.com/news/2005/09/0902_050902_katrina_levees.html

⁹⁷ Nathaniel Rich, "'The Lower Ninth Ward in New Orleans Gives New Meaning to 'Urban Growth,'" *The New York Times*, March 21, 2012, accessed March 15, 2013, <http://www.nytimes.com/2012/03/25/magazine/the-lower-ninth-ward-new-orleans.html?pagewanted=all>.

⁹⁸ Frey et al., "Resettling New Orleans," 2.

predominantly African American populations.⁹⁹ New Orleans East, Gentilly, and Broadmoor, three low-lying areas among those hardest-hit by Katrina, featured pre-Katrina African American populations of 87 percent, 70 percent, and 69 percent, respectively. The Lower Ninth Ward, another area heavily populated by African Americans (96 percent), also suffered severe flooding, but it was not as low-lying as the other targeted areas; the flooding here occurred because of the proximity of two Industrial Canal levee breaches on the western side of the Lower Ninth Ward.¹⁰⁰ Further, these neighborhoods featured higher rates of poverty and unemployment among their residents than other areas of the city.¹⁰¹

For these low-income African American residents, the question of whether or not the city would allow them to rebuild was absurd. As Campanella explained, “that’s where the trouble started. Suggesting that some residents would not have the ‘right to return’ to their homes proved very bitter and contentious.”¹⁰² For these residents, it was as if the city government was telling them that their neighborhoods were not important and that other areas—other people, races, ethnicities—had priority over their survival in the city. As Lower Ninth Ward resident Caroline Parker explained, “I don’t think it’s right that you take our properties. Over my dead body.”¹⁰³

Residents directed much of their anger towards Mayor Nagin’s Bring New Orleans Back Commission, which formed in late 2005 to address the debate over the

⁹⁹ Logan, “Storm Damaged Neighborhoods,” 7.

¹⁰⁰ Rich, “Lower Ninth Ward.”

¹⁰¹ Logan, “Storm Damaged Neighborhoods,” 11.

¹⁰² Rebecca Firestone, “New Orleans Rebuilding: Could Topography Make it Right?” *The Architects’ Take*, January 25, 2012, accessed March 10, 2013, <http://thearchitectstake.com/editorials/new-orleans-rebuilding-could-topography-make-it-right/>.

¹⁰³ Kate Randall, “City residents denounce ‘Bring New Orleans Back’ rebuilding plan,” *World Socialist Website*, January 14, 2006, accessed March 11, 2013, <http://www.wsws.org/en/articles/2006/01/newo-j14.html>.

city's footprint and determine where and how to rebuild. After conducting research for several months and contracting with outside firms for additional opinions, the Committee released its decisions and recommendations in January 2006. Instead of immediately deciding whether or not to rebuild in the targeted low-lying areas, the Commission delayed making a decision until FEMA could release new Elevated Flood Level maps in April 2006; these maps would act as indicators to determine which areas would be safe to rebuild in.¹⁰⁴

The Commission also recommended the creation of "neighborhood planning areas" in all neighborhoods across the city to prove their commitment to rebuilding. Intended to "help the citizens of New Orleans take action on their future," these plans intended to demonstrate community commitment to the rebuilding of their own neighborhoods.¹⁰⁵ The stipulations of these plans included, among other things, the assurance that a majority of the residents had already moved back or were planning to move back by early summer 2006. Residents of the targeted neighborhoods, however, fostered skepticism towards the plausibility of this plan. "I don't think four or five months is close to enough time given all we would need to do," explained Robyn Braggs, a resident of New Orleans East.¹⁰⁶ With extensive damage and neighborhood residents still scattered across the U.S., repopulating these neighborhoods in such a short period of time proved a more difficult process than repopulating the neighborhoods that had sustained less damage. Further, because these neighborhoods had disproportionately

¹⁰⁴ "Urban Planning Committee: Action Plan for New Orleans Executive Summary," Bring New Orleans Back Commission, January 2006, 17, accessed March 13, 2013, http://www.columbia.edu/itc/journalism/cases/katrina/city_of_new_orleans_bnobc.html.

¹⁰⁵ "Action Plan for New Orleans," 13.

¹⁰⁶ Randall, "Residents Denounce Rebuilding Plan."

poorer populations than less affected neighborhoods, their residents were less likely to be able to afford to rebuild or repair the damage done to their homes.

After months of debating, FEMA released its maps in April 2006. Contrary to what many expected, the maps offered relatively lenient guidelines, allowing residents to rebuild as they saw fit.¹⁰⁷ Regardless, the debate over the footprint disproportionately tied up low-income African Americans in months of back-and-forth debate, speculation, and tension while whiter, wealthier neighborhoods escaped this dispute and rebuilt much earlier in the reconstruction process.¹⁰⁸

The footprint debate, although finally resolved in a manner that pleased most residents in the targeted low-lying areas, did not represent the beginning or the end of the housing debate in New Orleans or the perceived assault on minorities' standing in the city. Other policies and conditions, both explicit and subtle, negatively and disproportionately affected African Americans, Latinos, and other minorities in New Orleans after Katrina. These discriminatory tactics and conditions have made it more difficult for Latinos, African Americans, and other minorities to find adequate, and affordable housing in New Orleans since Katrina.

One of the more explicitly racist moves in the post-Katrina housing market has been the implementation of discriminatory housing policies that target minorities. A series of ordinances enacted by the St. Bernard Parish government offers one of the clearest examples of policies aimed at keeping minorities out. St. Bernard Parish, located within the New Orleans metro region, featured a majority white population before

¹⁰⁷ Crowley, "Where Is Home?" 151.

¹⁰⁸ Crowley, "Where Is Home?" 167.

Katrina—86 percent of the total population in July 2005.¹⁰⁹ St. Bernard, like other parishes in the metro region, sustained extensive damage during Katrina and lost much of its housing stock. During the reconstruction process, however, St. Bernard chose to be selective in how it allowed the reconstruction and rebuilding of its damaged housing stock to progress. In November 2005, the parish government imposed a twelve-month moratorium on the construction or re-establishment of any multi-family dwelling. To many, this moratorium represented the parish government's discriminatory attempt to keep racial and ethnic minorities out of the predominantly white parish. Traditionally, minorities are more likely to live in multi-family homes and to be renters than whites are. New Orleans reflected these trends in minority housing patterns. In the New Orleans metro area, African Americans are twice as likely as whites to live in rental housing.¹¹⁰ Between 2004 and 2009, Latino rental rates in New Orleans increased by 44 percent.¹¹¹ Because the tendencies of multi-family home housing patterns tend to fall along racial lines, St. Bernard's moratorium appeared to be a directed assault on minorities. In a case filed against the parish in January 2012 by the United States under the terms of the Fair Housing Act, the plaintiffs argued that the moratorium "disproportionately disadvantaged African-Americans seeking to rent housing in St. Bernard Parish."¹¹² Although the case focused solely on the negative effects for African Americans, these discriminatory ordinances affected other minorities, including Latinos, in the same ways.

¹⁰⁹ United States of America v St. Bernard Parish, U.S. District Court for the Eastern District of Louisiana, January 2012, 2, accessed March 14, 2013, <http://www.justice.gov/crt/about/hce/documents/stbernardcomp.pdf>.

¹¹⁰ "U.S. v St. Bernard," 4.

¹¹¹ Kimberly A. Geaghan, "'Forced to Move: An Analysis of Hurricane Movers,'" U.S. Census Bureau Working Paper, June 2011, 11, accessed March 15, 2013, http://www.census.gov/hhes/www/hlthins/publications/HK_Movers-FINAL.pdf.

¹¹² "U.S. v St. Bernard," 4.

Amidst the initial backlash against the moratorium, St. Bernard Parish put in place a “blood-relative ordinance” in September 2006, which prohibited homeowners of single-family homes from renting their homes to anyone not related to them by blood.¹¹³ The blood-relative ordinance further discriminated against minorities attempting to live in the parish because whites accounted for 93 percent of the parish’s single-family homeowners.¹¹⁴ In response to the blood-relative ordinance, parish president Craig Taffaro said that “all we’re doing is saying we want to maintain the demographics.”¹¹⁵

Although this use of discriminatory tactics and policies affected both African Americans and Latinos, other examples of discriminatory policies aimed directly at Latinos also constituted additional problems for Latino renters. In 2011, GNOFHAC conducted tests—much like the ones conducted in 2005 to monitor the level of discrimination against African American evacuees—to measure the amount of discrimination directed towards Latino renters in the New Orleans metro area. It found that in 35 percent of the test cases, landlords chose white renters instead of Latino renters. This statistic, however, fell in line with national trends. It was not until GNOFHAC began to examine the stories of potential Latino renters more closely that it uncovered the discrete ways in which Latinos faced severe discrimination and exploitation in the rental market. Latino renters and housing activists reported that landlords often charged higher rents for less valuable properties and neglected to do necessary repairs and upkeep for their Latino renters. Landlords engaged in these discriminatory practices because they

¹¹³ “U.S. v St. Bernard,” 4.

¹¹⁴ “U.S. v St. Bernard,” 2.

¹¹⁵ “U.S. v St. Bernard,” 5.

assumed that their Latino renters were illegal immigrants and that they had fewer legal rights to fight back against the discriminatory practices.¹¹⁶

The plight of public housing in post-Katrina New Orleans is another issue that has disproportionately disadvantaged minorities, including African Americans and Latinos, and that has opened a very contentious and racialized debate about the role and future of public housing in New Orleans. Prior to Katrina, public housing complexes housed about 5,000 people,¹¹⁷ of which nearly 100 percent were African Americans.¹¹⁸ The buildup in African American representation in public housing occurred slowly throughout the twentieth century. The first public housing complexes in New Orleans were built in the late 1930s as racially segregated units—some complexes for whites and others for African Americans. In the 1960s, as the result of integration and the white flight that accompanied it, African Americans began to increasingly comprise the majority of public housing complexes in New Orleans. Katrina, however, forced these residents to evacuate, and their return to the city was slow.

In their absence, questions began to arise concerning the future of public housing in New Orleans. Many viewed Katrina as an opportunity to change the nature of New Orleans public housing. In late 2005, for example, U.S. Representative Richard Baker of Louisiana commented that “[w]e finally cleaned up public housing in New Orleans. We couldn’t do it, but God did it.”¹¹⁹ Many found offense at his comment, which they believed spoke more about the new absence of low-income African Americans from New

¹¹⁶ Kate Scott, interview by Caroline Gillespie, April 4, 2013, phone.

¹¹⁷ Rick Jervis, “Demolition of public housing in N.O. draws protest,” *USA Today*, December 13, 2007, accessed March 12, 2013, http://usatoday30.usatoday.com/news/nation/2007-12-13-no-public-housing_N.htm.

¹¹⁸ Crowley, “Where Is Home?” 153.

¹¹⁹ Crowley, “Where Is Home?” 153.

Orleans than it did on the actual state of public housing. But for other city, state, and national officials, Baker's words echoed a growing sentiment that Katrina did, in fact, make it possible to "clean up" public housing. City and Housing Authority of New Orleans (HANO) officials argued that public housing complexes were in an increasing state of decay, and that the damage caused by Katrina accelerated this process. Because of this damage, officials did not allow residents to come back to the city's public housing complexes for several months after the storm. In June 2006, nearly one year after Katrina, HUD announced that it planned to demolish four of the largest public housing complexes in New Orleans: St. Bernard, Lafitte, C.J. Peete, and B.W. Cooper. These four complexes, known collectively as the "Big Four," accounted for more than 4,500 public housing units. They needed to be demolished, HUD explained, because of the damage sustained to them during the storm.¹²⁰ In their place, HUD planned to build mixed-income developments which, officials argued, would de-concentrate poverty by mixing people of different economic backgrounds.¹²¹ HUD Secretary Alphonso Jackson claimed the demolition of the Big Four and the redevelopment of mixed-income developments would serve as a "renaissance" for the city's neighborhoods.¹²² Officials cast it as an opportunity to improve public housing for its residents and the people of New Orleans.

Many public housing residents, as well as other critics in the community, found extreme fault with officials' plan to demolish the Big Four, and viewed it as no more than a masked attempt to keep minorities out of the city. St. Bernard housing complex resident

¹²⁰ Rachel Wilch, "Shades of Gray: Race, Class and Coalition Building in the Fight to Save New Orleans' Public Housing" (PhD diss, Massachusetts Institute of Technology, 2007), 28.

¹²¹ Gwen Filosa, "Four housing complexes will be demolished," *The Times-Picayune*, June 15, 2006, A1, accessed March 16, 2013.

¹²² Pam Fessler, "New Orleans' Public Housing Slowly Evolving," *NPR*, August 28, 2010, accessed March 10, 2013, <http://www.npr.org/templates/story/story.php?storyId=129448906>.

Endesha Jukali explained that “[t]hey’ve had an agenda for St. Bernard for a long time, but as long as people lived here, they couldn’t do it. So they used the disaster as a way of cleansing the neighborhood when the neighborhood is weakest...This is a great location for bigger houses and condos. The only problem is you got all these poor black people sitting on it.”¹²³ In June 2006, after HUD announced its plans for demolition, public housing residents filed a suit against HUD and HANO claiming that the housing complexes they intended to demolish could be fixed without being razed.¹²⁴ Further, residents found fault with officials who refused to let them return to their homes for several months after Katrina; they believed that officials’ decision to deny residents’ return to the housing complexes stemmed not from the concern over actual damage to the complexes, but from an attempt to grant themselves more time to plan and secure permission for the demolitions.¹²⁵ Despite vocal opposition to the demolition of the Big Four, the city’s plans went ahead and piecemeal construction began on the new mixed-income complexes. Many public housing residents, however, still remained unhappy. As former C.J. Peete (now Harmony Oaks) resident Bobbie Jennings said after moving into the new unit, “[i]n their eyesight it might be better but in my eyesight it’s not.”¹²⁶

The redesign of public housing created a scenario in which not all of the previous public housing residents would be able to live in public housing complexes, causing additional problems for public housing residents in New Orleans. Because the new mixed-income developments increased the amount of units available at market rates, the

¹²³ Davida Finger, “Public Housing in New Orleans Post Katrina: The Struggle for Housing as a Human Right,” *The Review of Black Political Economy* 38 (2011): 6, accessed March 15, 2013, doi: 10.1007/s12114-011-9096-0.

¹²⁴ Finger, “Housing as a Human Right,” 5.

¹²⁵ Wilch, “Shades of Gray,” 28.

¹²⁶ Fessler, “Public Housing Evolving.”

amount of units available for low-income public housing residents decreased. HUD, in order to provide those eligible for public housing but who remained waitlisted or did not receive public housing units, increased the number of housing vouchers that it provided. Housing vouchers, part of the Housing Choice Voucher Program established by Section 8 of the Housing Act of 1937, provide eligible public housing residents with a voucher that they are able to use to towards rent payments on non-government run housing units.

In theory, the concept of the voucher system works to de-concentrate poverty by allowing voucher recipients alternatives to public housing complexes and letting them decide for themselves where to live, but conditions in post-Katrina New Orleans tested this theory. Because of the large amount of housing stock damaged or destroyed by the storm, a housing shortage emerged after Katrina. As a result, both housing and rental prices throughout the metro area skyrocketed. By August 2006, exactly one year after the storm, rent prices for the metro region had spiked by 39 percent of their pre-Katrina rates.¹²⁷ Although housing prices increased, wages did not increase at a similar pace, which made it even more difficult to pay rent. Cassandra Morris, a lifelong New Orleans resident, voiced her concern about the effects that rent increases had on renters' ability to continue living in New Orleans. She explained that New Orleans was "only for the rich folks. There is not going to be Section 8 homes. No one can afford to live here anymore. They want to take the little bits of pieces we had and the houses that poor people have built."¹²⁸

The increase in rent, however, did not solely affect Section 8 voucher holders. Rather, it affected low-income minorities throughout the city. After Katrina, African

¹²⁷ Liu et al., "Katrina Index," 1.

¹²⁸ Browne-Dianis et al., "Injustice for All," 36.

Americans and Latinos comprised major portion of New Orleans' renters. The share of Latino renters in New Orleans increased by 44 percent from 2004 to 2009, creating a larger Latino renter population in the city than it had ever experienced. Although the number of African American renters in the city decreased after Katrina (reflective of the high African American out-migration rate), a considerable share of African Americans still rented in 2009 (44 percent).¹²⁹ These factors served to disproportionately affect African Americans and Latinos, along with other minorities, in the search for affordable rental housing.

Because the increase in rental prices after Katrina made it impossible for thousands of New Orleans's residents to afford housing, homelessness became a serious issue in the city. By 2010, homelessness in New Orleans had nearly doubled since Katrina, to about 12,000 people.¹³⁰ Many of the homeless lived in the abandoned buildings not yet restored or demolished since sustaining damage in Katrina or other recent hurricanes. In these abandoned buildings, the homeless faced terrible conditions including toxic molds, lack of food, and exposure to the elements.¹³¹ Tent cities also began to pop up throughout the city and acted as makeshift, semi-permanent communities for homeless people. One, in particular, formed outside New Orleans City Hall so that city officials, including Mayor Nagin, would be forced to see them every day. This group of homeless New Orleanians hoped that, if city officials saw them every day, their plight might become a more pressing concern. The groups made daily chants of "Hey, Ray!

¹²⁹ Geaghan, "Forced to Move," 11.

¹³⁰ "Search and Rescue Five Years Later: Saving People Still Trapped in Katrina's Ruins," UNITY of Greater New Orleans Abandoned Buildings Outreach Team Report, August 2010, 3, accessed March 15, 2013, <http://images.bimedia.net/documents/UNITYABReporAugust2010.pdf>.

¹³¹ "Search and Rescue," 4.

How about a house today!” outside Nagin’s office window with the hope that the city would take action.¹³²

Homelessness was particularly an issue for Latinos in post-Katrina New Orleans. Since their arrival in the city after Katrina, thousands of Latino laborers became homeless while they worked to rebuild the city. When large group living arrangements, such as shelters or warehouses, filled to capacity, Latinos left with no other options began to sleep on the streets or in cars and vans. Workers also slept in the same damaged and gutted buildings and houses that they worked on during the day. Those lucky enough to secure rooms in hotels or motels often found that they could not pay the bills because their employers underpaid them or did not pay them at all, leaving them with little or no money for living expenses. Hotel staff threatened them with calls to ICE if they did not leave, so those who could not pay, by no fault of their own, went back to the streets. Tent cities, as mentioned earlier, became a popular living arrangement for Latinos during the reconstruction process. However, officials attempted to remove these tent cities in early 2006 as the city prepared for Mardi Gras.¹³³

Post-Katrina New Orleans’ housing crisis and debates have disproportionately disadvantaged minorities, including both the large number of African American residents who returned after Katrina as well as the large influx of Latinos who came to the city for the first time after Katrina, preventing them from finding affordable housing. Because of this, isolation of low-income minorities became a major problem. The homelessness discussed earlier serves as one form of isolation, but there are others. The Section 8 voucher system, although intended to “de-concentrate” poverty, had the opposite effect.

¹³² “Katrina Homeless Make Tent City of Despair,” *Associated Press*, February 11, 2009, accessed March 10, 2013, http://www.cbsnews.com/2100-201_162-3516943.html.

¹³³ Donato et al., “Emergence of Immigrant Communities,” 283.

A report compiled by *The Lens* Contributor Ariella Cohen noted that, instead of integrating Section 8 voucher holders into the community, people have remained separated by financial status. According to Southeast Louisiana Legal Services attorney Amanda Golob, “[i]n practice, it has not changed very much. Everyone is in the same neighborhoods.”¹³⁴ Further, Cohen found that many recipients “feel their choices are limited because landlords in more affluent neighborhoods do not accept vouchers, and that recipients tend to look for housing in neighborhoods they are familiar with or have family or friends, which means that many move to areas with demographics similar to the community they left.”¹³⁵ Voucher recipients ended up living in the same neighborhoods with no real gains in the goal of the de-concentration of poverty. Because of this, poverty—regardless of race—remains concentrated, isolated from greater society and from the people who have the financial and political power to help change their status.

Although this isolation created a geographical and a physical distance between low-income minority groups and greater society, it also created a more internal divide. African Americans and Latinos realized the effects of such isolation, as well as other factors, on their ability to live and succeed in the city. These realizations and the knowledge of their struggles in housing prompted both African American and Latino respondents of the Oxfam “Building Common Ground” study to cite housing as a major obstacle in finding equality in New Orleans. 66 percent of African American respondents and 59 of Latino respondents felt that “access to decent affordable housing” served as a “major” problem and contributed to the barriers both groups felt they faced to succeed in

¹³⁴ Ariella Cohen, “Even with plenty of subsidized housing, most still clustered in poorest areas,” *The Lens*, November 11, 2010, accessed March 15, 2013, <http://thelensnola.org/2010/11/11/hano-vouchers-locations/>.

¹³⁵ Cohen, “Most Still Clustered.”

society.¹³⁶ The housing system in post-Katrina disproportionately disadvantaged and isolated African Americans and Latinos in fundamental ways that served only to perpetuate the struggles they faced.

¹³⁶ "Building Common Ground," 2.

V. Criminal Injustice: Latino and African American Disadvantage in Post-Katrina New Orleans' Criminal Justice System

The issue of criminal justice in post-Katrina New Orleans serves as one of the most compelling and yet most difficult issues to dissect and comprehend in terms of its effects on African Americans and Latinos. Issues of corruption and mismanagement plague New Orleans' criminal justice system in ways similar to other metropolitan areas. New Orleans, however, differs from other metropolitan cities in that its legacy and extent of corruption, mismanagement, and discrimination present in its criminal justice system are much more ingrained and far-reaching. The consequences of this corruption and mismanagement within the criminal justice system fall disproportionately on those who cannot afford to fight back; low-income minorities are increasingly becoming police targets for criminal offenses. Hurricane Katrina and the resulting breakdown in law and order that occurred compounded the racial discrimination that has long plagued New Orleans. As the city recovered from the physical destruction of the storm, corruption and discrimination in the criminal justice system remained. This discrimination, which has disproportionately affected African Americans and Latinos (as well as other minorities), has damaged these minorities' ability to rely on the criminal justice system and has

alienated them from the system, thus allowing continued exploitation of these two groups.

The issues that play out in New Orleans' criminal justice system are not unique to the city. Rather, they are present throughout the United States, especially in other large metropolitan cities. Racial discrimination manifests itself at all points along the criminal justice system process—from arrest to jail time to access to defense lawyers to sentencing time, race plays a part. New Orleans is no exception to the system of “criminal injustice” and yet, in many ways, it goes beyond the issues that confront the criminal justice system throughout the rest of the nation. New Orleans has an extensive and record-breaking history of crime, but it has an equally deep-rooted and controversial legacy of scandal, mismanagement, and inefficiency in its police department and other branches of the city's law enforcement. The 1990s marked the height of police scandal in New Orleans. A 1996 *New York Times* article entitled “The Thinnest Blue Line” chronicled some of the problems facing the city's police department at the time. The article noted that “in recent years the department has behaved less like a police force than a loose confederation of gangsters terrorizing sections of the city.”¹³⁷ During the 1990s, New Orleans Police Department (NOPD) officers took part in cases of bank robberies, murders, rapes, and drug rings, among other things. One of the most infamous cases to come out of this period of NOPD misconduct centered on Len Davis, an officer targeted by the FBI during a sting operation that caught Davis and ten other officers guarding nearly 300 pounds of cocaine planted in an empty warehouse by FBI agents. During this drug investigation, the FBI wiretapped Davis's phone and agents overheard Davis, in an unrelated incident to the

¹³⁷ Paul Keegan, “The Thinnest Blue Line,” *The New York Times Magazine*, March 31, 1996, accessed March 21, 2013, <http://www.columbia.edu/itc/journalism/cases/katrina/Press/NYT%20Keegan%201996.pdf>.

drug sting, ordering the murder of a woman who filed a police brutality report against him.¹³⁸ Cases like this hindered New Orleans' ability to trust in such a mismanaged and corrupt law enforcement system.

Although NOPD began to make slight progress throughout the later 1990s into the early 2000s, Hurricane Katrina halted this progress and instead compounded and exacerbated many of the long-standing issues that already affected the city's criminal justice system. Almost immediately, the storm affected the ability of the city government, including the police department, to maintain order over deteriorating conditions throughout the city. The rising floodwaters left precinct buildings and vehicles underwater. Flooding severely limited officers' mobility—their cars were useless and the deep water in the streets meant that they could not access many areas by foot. Boats provided more mobility for officers, but they proved difficult to acquire and still did not give the police department the extent of control necessary to maintain order in the city.¹³⁹ Further, widespread power outages and wind damage to telephone lines and towers severely limited communication between police officers and other city officials. Radio towers for emergency response radio systems sustained damage during the storm, replacement batteries for radios malfunctioned or lost charge, and cell phone towers did not function. Communication between the department's authorities depended largely on word-of-mouth, and messages were often mixed up, confused, or took long periods of time to relay. The inability to communicate and limited mobility severely constrained officials' ability to operate properly in the first days after Katrina. As one officer

¹³⁸ Keegan, "Thinnest Blue Line."

¹³⁹ Benjamin Sims, "'The Day after the Hurricane': Infrastructure, Order, and the New Orleans Police Department's Response to Hurricane Katrina," *Social Studies of Science* 37 (Feb. 2007): 5, accessed March 23, 2013, <http://www.jstor.org/stable/25474502.114/5>.

explained, “nobody knew who to communicate with. Nobody knew who to take directions from. The radio system went out. At that point we lost all communications. There was no backup plan as to if, you know, we lost radio communications, how we would be able to communicate. Every district basically was on their own. Every officer was on their own and, basically, did whatever they thought they had to do.”¹⁴⁰ The lack of manpower further hindered the ability of the police force. The storm stranded many officers in flooded homes while others who evacuated before the storm remained away from the city. Some officers failed to show up; in the aftermath of the storm, 250 officers abandoned their jobs.¹⁴¹ Additional law enforcement and rescue support rushed onto the scene in the days after the storm to aid the overwhelmed local law enforcement agencies, but communication between the various agencies remained jumbled and the challenges remained in the attempts to reestablish order.

While bureaucracy lagged in a timely and efficient response and communication remained a problem, the media began to paint a vivid picture both of the damaged city and the storm’s victims. Footage of the Superdome and the Convention Center, as well as that of victims stranded on roofs in deep floodwaters, showed the city’s poorest residents who could not afford to evacuate before the storm. They were, for the most part, the faces of African Americans. But along with these images of the storm’s victims came increasing reports of violence and crime throughout the city, especially at the Superdome and the Convention Center. Mayor Nagin spoke of people “in that frickin’ Superdome for

¹⁴⁰ Michael Peter Wigginton, Jr., “The New Orleans Police Emergency Response to Hurricane Katrina: A Case Study,” (PhD diss. University of Southern Mississippi, 2007), 75.

¹⁴¹ Sims, “The Day after the Hurricane,” 5.

five days watching dead bodies, watching hooligans killing people, raping people.”¹⁴² Reports surfaced of violent and armed mobs roaming the streets, of snipers shooting at the helicopters attempting to rescue people stranded on their roofs, and of murders and rape. The spread of these rumors closely paralleled the image of the victims, and the media played its part in connecting African Americans with the rumors of violence and crime reportedly taking hold of the city. Without widespread and legitimate channels of communication, law enforcement could not quell these rumors, so they continued to spread. Although the media reports were exaggerated, they helped shape the response to the situation and to the victims in New Orleans—including the response from law enforcement. The juxtaposition of images of African Americans and widespread crime in the city criminalized African Americans, so law enforcement, with minimal forms of legitimate communication to negate these rumors, began to treat African Americans throughout the city as criminals. As Mother Jones contributor James Ridgeway explained in his article “The Secret History of Hurricane Katrina,” “what took place in this devastated American city was no less than a war, in which victims whose only crimes were poverty and blackness were treated as enemies of the state.”¹⁴³ There existed a clear racial connection to the rumors and reports of crime in the city.

One of the most widespread media-created concepts that began to emerge in the days after the storm was the image of the “looter.” Stranded residents without running water, electricity, or a way to get out began to take advantage of nearby unattended

¹⁴² Susannah Rosenblatt and James Rainey, “Katrina Takes a Toll on Truth, News Accuracy,” *The Los Angeles Times*, September 27, 2005, accessed March 18, 2013, <http://articles.latimes.com/2005/sep/27/nation/na-rumors27>.

¹⁴³ James Ridgeway, “The Secret History of Hurricane Katrina,” *Mother Jones*, August 28, 2009, accessed March 21, 2013. <http://www.motherjones.com/environment/2009/08/secret-history-hurricane-katrina>.

grocery stores for basic necessities: food, bottled water, toilet paper, etc. As the media reported on people breaking into stores, different images of the people involved in these actions began to take shape. A more suspicious eye was cast towards African Americans as they broke into the stores, while whites were often given the benefit of the doubt. An assumption formed that whites' survival depended on procuring these items while African Americans stole goods for less noble reasons. Incidents such as the one that took place on Yahoo's internet homepage in the first week after the storm fueled the increasingly racialized debate over survival versus looting. Two images (from different photographers and different news outlets) both depicting storm victims wading through floodwaters with supplies from local stores, appeared next to each other on Yahoo's homepage. One showed a white couple walking through floodwaters with supplies. The caption noted that the couple was shown "after finding bread and soda from a local grocery store." The second picture showed an African American man with a case of soda and a grocery bag. The caption for this photo read that the man had just been "looting a grocery store."¹⁴⁴ The respective news outlets quickly jumped to defend the wording associated with each photo, explaining that they encouraged their photographers to write what they saw. The man who photographed the white couple did not actually see them stealing goods, while the photographer of the African American man did see the man take the goods from the store. The juxtaposition of these photos and their captions are anecdotal, and because they did not come from the same news agency, it is difficult to determine the racial motivations behind them. Yet they still speak to the greater issue of race in the aftermath of Katrina and the increasingly negative perceptions associated with

¹⁴⁴ Tania Ralli, "Who's a Looter? In Storm's Aftermath, Pictures Kick Up a Different Kind of Tempest," *The New York Times*, September 5, 2005, accessed March 18, 2013, http://www.nytimes.com/2005/09/05/business/05caption.html?_r=0.

African American victims of the storm. As one political blog summed up, “[i]t’s not looting if you’re white.”¹⁴⁵ The image of the looter became intricately linked to African Americans, and law enforcement acted on this. This is not to say that looting and its connection to African Americans did not constitute an actual issue. Looting for less noble reasons did take place in New Orleans and African Americans did take part in this, but African Americans did not act alone in the looting that occurred after Katrina and more frequently acted out of necessity instead of for personal gain.

Although the media played a significant role in associating African Americans with crime after the storm, civilians and law enforcement legitimized these perceptions through their treatment of African Americans—treatment which worked to further criminalize African Americans. As reports of looting and other forms of violence and crime continued, Mayor Nagin and the police department became increasingly desperate to re-establish order. Later, officers reported that during the first days after the storm, their superiors gave them permission to take back the city at whatever cost—including permission to “shoot to kill” looters and other criminals. Some officers claimed they heard the order from police superintendent Warren Riley, who, according to one former officer, said, “[i]f you can sleep with it, do it.”¹⁴⁶ Riley denied ever giving officers permission—whether implied or explicit—to shoot at looters. Although never confirmed as to what extent this message was communicated or who the order came from, the communications breakdown and the resulting debate over whether or not officers

¹⁴⁵ Ralli, “Who’s a Looter?”

¹⁴⁶ Sabrina Shankman et al., “Law and Disorder: After Katrina, New Orleans Police Shot Frequently and Asked Few Questions.” *ProPublica*, July 24, 2012, accessed March 19, 2013, <http://www.propublica.org/nola/story/nopd-order-to-shoot-looters-hurricane-katrina>.

received permission to shoot to kill blurred the lines of what NOPD considered acceptable treatment of New Orleans' citizens in the days after the storm.

Regardless of the debate over whether the police received direct orders to "shoot to kill" or make rash decisions concerning violence towards supposed criminals, considerable instances of police brutality and misconduct did occur after the storm. Stories of civilian murders that involved police topped the headlines. Because African Americans accounted for a majority of these victims, it is nearly impossible to view these crimes without considering the effects of criminalization of African Americans after the storm and how this criminalization affected the police response. Although they went unreported at first, they turned into some of the most well-known cases that emerged from Katrina.

Among the murder investigations, the Danziger Bridge incident remains one of the most well-known and controversial incidents of police misconduct and brutality against African Americans in post-Katrina New Orleans. According to both police reports of the incident as well as the official NOPD internal investigation, on the morning of September 4, seven police responded to calls for back-up from an injured officer at the Danziger Bridge. The seven officers who responded to the call claimed that when they arrived at the bridge, at least four armed civilians fired at them. The officers returned fire, injuring several and killing two. They then arrested Lance Madison, one of the men on the bridge, and charged him with eight counts of attempted murder against police officers.¹⁴⁷ However, after several of the shooting victims began to file civil suits against the police department and other external investigations published their own findings,

¹⁴⁷John Burnett, "What Happened on New Orleans' Danziger Bridge?" NPR, September 13, 2006, accessed March 24, 2013, <http://www.npr.org/templates/story/story.php?storyId=6063982>.

NOPD's version of the Danziger Bridge incident began to crumble. In order to avoid criminal action against themselves, the officers involved had fabricated their account of the story. They never received a call for back-up and there was no injured officer who had supposedly made the call. While witnesses did report hearing gunshots nearby, none of the victims on the bridge had guns—they only wanted to escape the city in search of family or food. The police failed to follow proper procedures upon arrival to the scene and instead began to immediately fire at the civilians, who began to scatter and run. One of the fatalities, Madison's mentally challenged brother, Ronald Madison, suffered seven gunshot wounds (although the police only reported shooting him once), five of which entered through his back. The other fatality, a young African American man named James Brissette, also suffered gunshot wounds as he attempted to run for cover from the officers' fire.

Violence against perceived African American looters was not restricted to the police, but also involved other private citizens, as well. Other cases exist that involve citizens engaging in acts of violence against African Americans with no consideration for whether the victims actually committed a crime. In his article "Katrina's Hidden Race War," *The Nation* columnist A.C. Thompson chronicled the plight of Donnell Herrington and his two companions, all African Americans, as they tried to escape the city on September 1, just several days after Katrina hit. They planned to go to the Algiers ferry terminal, where they hoped to catch an evacuation bus out of the city, but before they could make it to the ferry terminal, three white men shot at them and yelled, according to Herrington, "[g]et him! Get that nigger!"¹⁴⁸ The white men then interrogated Herrington

¹⁴⁸ A.C. Thompson, "Katrina's Hidden Race War," *The Nation*, December 17, 2008, accessed May 1, 2012, <http://www.thenation.com/article/katrinas-hidden-race-war>.

and his two companions because they believed that the three African Americans had come to the neighborhood to loot empty houses. As Marcel Alexander, one of Herrington's companions, explained, "[t]hey said they was gonna tie us up, put us in the back of the truck and burn us. They was gonna make us suffer...I thought I was gonna die. I thought I was gonna leave earth."¹⁴⁹ After the white shooters released the three men, they rushed Herrington to a nearby hospital, where he received emergency surgery to remove at least seven pellets found in his neck. Later, when Herrington went to check on the issue at the police station, he found that no one had filed a report of the incident.

The white shooters that targeted Herrington and his companions belonged to a larger vigilante militia group that emerged in the neighborhood of Algiers Point, a largely white neighborhood in the Algiers region of New Orleans, in the days after the storm. The militia, which formed after a young African American man assaulted one of the neighbors and then stole his car, operated under a "siege mentality" and established their own form of law and order.¹⁵⁰

Their form of law and order, however, came with racial bias. As Thompson noted, "some of the gunmen prowling Algiers Point were out to wage a race war." One woman, whose uncle and cousins participated in the militia group, explained that "[m]y uncle was very excited that it was a free-for-all—white against black—that he could participate in. For him, the opportunity to hunt black people was a joy." Although anecdotal, the Algiers Point militia speaks to the larger issue of discriminatory violence against African Americans after the storm.

¹⁴⁹ Thompson, "Katrina's Hidden Race War."

¹⁵⁰ Thompson, "Katrina's Hidden Race War."

As weeks and months passed after Katrina, New Orleans began to clean itself up, rebuild, and reestablish the law and order that the city had so desperately needed in the days after the storm. The reestablishment of law and order, however, did not imply that it would be a system without flaws. High crime rates continued, as did police corruption and mismanagement. The lack of community trust in the police department became such an issue that in 2011, at the insistence of Mayor Mitch Landrieu and community activists (including Romell Madison, the brother of the Danziger Bridge victim Randall Madison), the U.S. Department of Justice (DOJ) launched an investigation into the mismanagement and misconduct of the New Orleans Police Department. The resulting report offered a harsh review of NOPD's shortcomings and problems. The report noted that "[f]ar too often, officers show a lack of respect for the civil rights and dignity of the people of New Orleans" and that "the Department has failed to take meaningful steps to counteract and eradicate bias based on race, ethnicity, and LGBT status in its policing practices, and has failed to provide critical policing services to language minorities."¹⁵¹

The effects of these shortcomings directly impacted African Americans and Latinos, as well as other minority groups, in New Orleans. The report noted, for example, that NOPD officers routinely disregarded the Fourth Amendment by "engaging in a pattern or practice of stopping, searching, and arresting individuals without the requisite reasonable suspicion or probable cause."¹⁵² This disregard for the Fourth Amendment is closely related to the issue of discriminatory policing, which the report also discussed. The report explained that "[d]iscriminatory policing occurs when police officers and

¹⁵¹ "Investigation of the New Orleans Police Department," United States Department of Justice Civil Rights Division, March 16, 2011, v, accessed March 29, 2013, http://www.justice.gov/crt/about/spl/nopd_report.pdf.

¹⁵² "Investigation," 26.

departments unfairly enforce the law—or fail to enforce the law—based on characteristics such as race, ethnicity, national origin, sex, religion, or LGBT status.”¹⁵³

The report cited discriminatory policing in New Orleans as a major problem, one that could help account for extreme disparities in African American to white arrest rates in New Orleans in all age divisions and crime categories.¹⁵⁴ In the report, the DOJ summed up the effects of discriminatory policing by noting that “[t]he Department does not have a sufficiently comprehensive policy regarding discriminatory policing, fails to adhere to those policies that are in place”¹⁵⁵ and that these issues “serve to drive a wedge between the police and the public, antagonizing and alienating members of the community.”¹⁵⁶

Although the issue of discriminatory policing affected both African Americans and Latinos, the rapid increase in the Latino population in New Orleans after Katrina presented this growing community with its own, unique problems of discriminatory policing and other issues in the criminal justice system, thus shaping its own distinct relationship with New Orleans law enforcement. The threat of detention or deportation by Immigration and Customs Enforcement (ICE) serves as one issue that frightened Latinos and affected their relationship with police. A widespread connection exists between “Latino” and “illegal,” and police in New Orleans acted on these assumptions by targeting Latinos, regardless of legal status, as illegal immigrants. Fussell noted that, “Latino migrants’ physical characteristics and Spanish language use have become indicators of their legal status in the minds of law enforcement officers, employers, and

¹⁵³ “Investigation,” 31.

¹⁵⁴ “Investigation,” 38.

¹⁵⁵ “Investigation,” 34.

¹⁵⁶ “Investigation,” 35.

the public more generally.”¹⁵⁷ This assumption on the part of police officers proved especially common for Latino construction workers—both legal and illegal—during the reconstruction process.

Language barriers presented an additional problem for Latinos and the police in New Orleans. The DOJ report found that NOPD was “dangerously limited in its ability to communicate effectively and accurately” with victims who did not have sufficient command of the English language.¹⁵⁸ For thousands of exclusively Spanish-speaking Latinos who arrived in the city after Katrina, equal protection and policing by NOPD did not come as a guarantee as it did for English speakers. The report also found that NOPD did not have a sufficient number of translators for Limited English Proficient (LEP) speakers. Police who responded to calls from LEP victims could not effectively communicate in Spanish, thus adding additional stresses to the situation. Further, the report noted that police officers did not respond to calls that came from LEP victims as frequently because of the hassles that the language barriers would present.¹⁵⁹

Police brutality also affected the ways in which Latinos responded to the police department. Before Katrina, excessive force already constituted a major problem within NOPD, especially for African Americans. As the Latino population increased after the storm, however, they also began to experience similar cases of police brutality. One Salvadoran laborer explained that an officer stopped him and several Latino friends, pointed a gun at them, and robbed them. The laborer noted that “he didn’t tell us why he

¹⁵⁷ Elizabeth Fussell, “The Threat of Deportation and Victimization of Latino Immigrants: Wage Theft and Street Robbery,” *The Sociological Quarterly* 52 (2011): 6, accessed March 21, 2013, <http://www.polisci.ucla.edu/events/2011-events/papers/Fussell%20%20Threat%20of%20deportation%20and%20victimization.pdf>.

¹⁵⁸ “Investigation,” 40.

¹⁵⁹ “Investigation,” 42.

stopped us. He pointed a gun at us...There was nothing we could do. Told us that next time he saw us he was going to kill us. He was going to shoot us.”¹⁶⁰

The fear that law enforcement instilled in Latinos, especially among those in the U.S. without proper documentation, affected their ability to trust the police, which further victimized them and isolated them from the criminal justice system. Although wage theft constituted a major problem for Latino laborers after Katrina, they seldom reported these incidents because contractors, without regard for the actual legal status of the Latino laborers, threatened to report them to ICE if they attempted to report incidents of wage theft to the authorities. One laborer explained that employers “didn’t want to pay us, but you know that you can’t get involved with them because we are Latinos and they are Americans.”¹⁶¹ They understood that to “get involved” with their employers over payment for work would result in a call to ICE, a call they could not afford.

Further, because of their tendency to carry large amounts of cash instead of going to the bank, Latinos earned the title of “walking A.T.M.s” after Katrina and regularly suffered robberies, beatings, and harassment.¹⁶² Most Latinos refrained from calling the police to report these incidents. But for those who did decide to call the police, they often faced treatment as criminals rather than victims. Police who arrived on the scene demanded to see their documentation papers, rather than file a police report on the robbers.¹⁶³ Trust issues between Latinos and the police became such an issue that the Orleans Parish police department established “El Protector,” a program aimed

¹⁶⁰ Browne-Dianis et al., “Injustice for All,” 44.

¹⁶¹ Fussell, “Threat of Deportation,” 22.

¹⁶² Adam Nossiter, “Day Laborers Are Easy Prey in New Orleans,” *The New York Times*, February 15, 2009, accessed March 15, 2013, http://www.nytimes.com/2009/02/16/us/16hispanic.html?pagewanted=all&_r=0.

¹⁶³ Brendan McCarthy, “Cops falter in Hispanic outreach: Hassles reported despite Riley pledge,” *The Times-Picayune*, November 20, 2009, accessed March 15, 2013, <http://www.nola.com/news/t-p/neworleans/index.ssf?/base/news-11/1258699283139050.xml&coll=1>.

specifically at reaching out to the area's Spanish-speaking population and encouraging them to report crimes.¹⁶⁴

Although Latinos, and especially illegal Latinos, desperately tried to avoid run-ins with law enforcement, it became an inevitable aspect of life in New Orleans after the storm. As one Mexican laborer explained, "Hispanos can't even walk down the street; they get picked up and deported."¹⁶⁵ Immigration raids frequently occurred at construction sites and at meeting sites where contractors picked up day laborers for work, such as Lee Circle. If Latinos could not show their documentation papers, police arrested them and sent them to jail or detention centers, where they awaited sentencing that often resulted in deportation.

The conditions in these detention centers presented their own set of civil rights issues for Latinos that further distanced Latinos from New Orleans law enforcement and disadvantaged them in ways that made it difficult to fight back. One Louisiana detention center, in particular, gained national attention for its treatment of Latino undocumented immigrants after Katrina. Located in Basile, Louisiana, the privately-run South Louisiana Corrections Center operated under a contract with ICE to house undocumented immigrant detainees from around the region, including New Orleans. In July 2009, the New Orleans Workers Center for Racial Justice compiled a report of complaints from detainees, many of whom were Latinos and had come to New Orleans and the surrounding area to work after Katrina. The report cited "egregious violations" of civil

¹⁶⁴ David Hammer, "Survey Shows Hispanic workers often targets of wage theft, other abuses," *The Times-Picayune*, April 21, 2009, accessed March 19, 2013, http://www.nola.com/news/index.ssf/2009/04/survey_shows_hispanic_workers.html.

¹⁶⁵ Browne-Dianis et al., "Injustice for All," 42.

rights and human rights for the detainees.¹⁶⁶ Many of the detainees' accounts focused on the deplorable living conditions and their health concerns that went uncared for by staff. One detainee named Juan Marin Corona explained that he had both leukemia and diabetes, but that the detention center failed to treat him for these illnesses. He confessed that "I am preparing to die here in detention. I hope my body will provide testimony that the system needs to change."¹⁶⁷ Other detainees reported that the detention center did not give them access to legal representation and did not inform them when their lawyers came to speak to them. One detainee explained that "no immigration lawyer has come to visit me. I was never given a presentation about my rights and immigration did not give me a pamphlet on my rights and responsibilities. I was not given a list of free attorneys."¹⁶⁸ Language barriers presented another problem at Basile. The staff only allowed detainees to submit requests or complaints in English—Spanish was not accepted.¹⁶⁹ As one detainee summed up: "We are not animals, and don't deserve to be treated like animals. We are human beings."¹⁷⁰

Although not identical, the injustices against African Americans and Latinos in the New Orleans criminal justice system worked to disadvantage both communities in ways that challenged their ability to succeed in the city. Racial profiling and stereotyping, excessive force and brutality at the hands of police officers, and discriminatory misconduct have victimized the two communities. This is not to say that all African Americans and all Latinos were completely innocent in New Orleans, either before or

¹⁶⁶ "Detention Conditions and Human Rights Under the Obama Administration: Immigrant Detainees Report from Basile, Louisiana," New Orleans Workers' Center for Racial Justice, July 2009, 1, accessed March 17, 2013 <http://nowcrj.guestworkeralliance.org/wp-content/uploads/2009/07/detention-conditions-report.pdf>.

¹⁶⁷ "Immigrant Detainees," 11.

¹⁶⁸ "Immigrant Detainees," 20.

¹⁶⁹ "Immigrant Detainees," 23.

¹⁷⁰ "Immigrant Detainees," 14.

after Katrina: many African Americans were guilty of looting, theft, drug charges, and other crimes. Many Latinos who came to New Orleans both before and after Katrina did come illegally, without proper documentation. These violations surely warrant legal action and proper punishment. But it appears that in post-Katrina New Orleans, a city already riddled with issues of racial equality and criminal injustice, race, as much as actual guilt or innocence, predetermined their treatment.

VI. Conclusion: Katrina's Silver Lining

The issues of labor, housing, and criminal justice are just a selection of the multitude of issues that face African Americans, Latinos, and other minority groups in post-Katrina New Orleans and hinder their ability to succeed economically and socially in the city. Although Katrina created many of these problems, others were nothing new for a city with such a long history of poor race relations. These different issues—both new and old—melded together to form serious obstacles for African Americans and Latinos in post-Katrina New Orleans. In revealing, exacerbating, and creating these problems, though, Hurricane Katrina simultaneously created an opportunity for African Americans and Latinos—as well as the city of New Orleans as a whole—to move beyond these obstacles, to learn from them, and to fix the inadequacies that tormented the city. Although specifically referring to the opportunities for the criminal justice system in New Orleans, Community United for Change leader W.C. Johnson's comments that “[w]e're looking at a point in time where we have an opportunity to have a true revolution in New Orleans and we don't have to fire a shot... We've got to take advantage of that” apply to

the greater story of New Orleans after Katrina.¹⁷¹ Although Katrina raised so many questions of inadequate and discriminatory policy, injustice, and inequality, it also brought awareness to these issues and presented the city with a situation in which it could make amends and move beyond these problems.

The opportunity for change has been realized, at its most basic level, by African Americans' and Latinos' acknowledgement that they face the same obstacles in post-Katrina New Orleans. In the years since Hurricane Katrina, growing numbers of Latinos and African Americans in New Orleans have come to realize the similarities in their plights and the commonalities in their experiences. Executive Director of New Orleans' Twomey Center for Peace Through Justice Theodore Quant explained that it is the ability of African Americans and Latinos to sit down together that allows them to understand their similarities rather than to dwell on their differences. He explained that when these two groups sit down together, they have the ability to "look at what is our current reality and instead of being polarized, we can begin to stand on the same side and say, 'What do you need? How do you see this? This is what I need. How can we get there together?'"¹⁷² This realization has given African Americans and Latinos a commonality, thus relieving some of the most negative tensions between them and creating a basis for alliance. Although this acknowledgment of similarity and bonding based on commonality is not present in totality in both communities, it is a growing number.

Once African Americans and Latinos began to realize the commonalities of their plights, united attempts at reform became an option—a necessity even. In fact, the Oxfam

¹⁷¹ Edmund W. Lewis, "Community reacts to DOJ's report on NOPD," *The Louisiana Weekly*, March 28, 2011, accessed March 23, 2013, <http://0-search.proquest.com.umiss.lib.olemiss.edu/docview/868918013>.

¹⁷² Theodore Quant, "The Multiethnic City: Race Relations Between Latinos and African Americans in New Orleans," Tulane University panel discussion, February 2009.

America “Building Common Ground” study found that 60 percent of African American respondents and 55 percent of Latino respondents felt that it was “very important” for the two communities to “establish alliances to achieve social and economic equity.”¹⁷³ African Americans and Latinos began to form alliances, both official and unofficial, in order to see the change they knew was necessary for them to succeed in New Orleans. Their calls for reform and alliances became part of a larger reform movement that took place in post-Katrina New Orleans. The issues of labor, criminal justice, and housing, in particular, have all witnessed growing consciousness, alliance, and attempts at reform that serve to benefit African Americans and Latinos. The New Orleans Workers’ Center for Racial Justice (NOWCRJ), for example, reaches across racial and class lines to fight injustices in both the housing and labor sectors. Formed as a response to the post-Katrina injustices evident in New Orleans, NOWCRJ serves as the umbrella organization for several different programs, each with a different aim in regards to equality in housing and labor. There have also been attempts to reform the criminal justice system. At the insistence of Mayor Mitch Landrieu and other community activists, the Department of Justice launched an in-depth review of the shortcomings of the New Orleans Police Department that concluded in 2011. The acknowledgement of mismanagement and misconduct within the system constituted the first step towards real action to right these wrongs. The extent of misconduct that the study reported also served to make the issue of criminal justice reform a more pressing issue.

Katrina provided not only the potential for reforms that affect African Americans and Latinos, but that affect the state of New Orleans as a whole. New Orleans has long prided itself as a melting pot of cultures and people. Its cultural system during the 1700s

¹⁷³ “Building Common Ground,” 5.

and its tripartite racial order most clearly reflected this amalgam of different people, cultures, languages, and experiences, but the increasing number of Latinos in post-Katrina New Orleans has the potential to reinforce these ideas of culture established in New Orleans so long ago. Taco trucks and Spanish-speaking radio stations are among the new additions to New Orleans. As Committee for a Better New Orleans president Keith Twitchell noted, “[t]here’s plenty of room for a little more spice in the gumbo.”¹⁷⁴

Although examples like these serve to exhibit the changes and reforms taking place in the city, serious issues still remain. Many of the reforms have not yet been fully—or even partially—realized, and it will take many more years to see concrete and meaningful changes. Major problems throughout all sectors continue to jeopardize African Americans’ and Latinos’ ability to succeed in New Orleans. Despite efforts at unity and understanding, strife and miscommunication continue to characterize relationships between African Americans and Latinos. Katrina was responsible for either creating or exacerbating many of these problems. But even with this knowledge of the problems that Katrina caused and compounded, there still remains a hope for the future. As Dana Kaplan from New Orleans’ Safe Streets/Strong Communities explained, although these problems persist, the small but growing reform movements within the African American and Latino communities have “ripple effects” that reach into their communities.¹⁷⁵ With increased cooperation, alliance, and commitment to reform, these ripples have the ability to spread throughout New Orleans in the coming years and bring about meaningful and permanent change.

¹⁷⁴ Keith Twitchell, interviewed by Caroline Gillespie, October 29, 2012, phone.

¹⁷⁵ Dana Kaplan, interviewed by Caroline Gillespie, March 26, 2013, phone.

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