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## THE FLOOD: POLITICAL ECONOMY AND DISASTER

*Mari Matsuda\**

### I. THE FLOOD BEFORE THE FLOOD

As summer faded to fall in 2005, a hurricane hit New Orleans, a city so unique in its history that it *has* more history than many American cities. It was nonetheless an American city in these telling parameters: a city of luxury alongside squalor, two-thirds Black, one-fourth poor, with the gap between its rich and poor growing at a gallop as the waters of lake and river lapped gently along aging, grass-covered levees.<sup>1</sup>

Freeze the frame before the waters rise, and what do you see? A devastated public school system, where Black children are labeled

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\* First delivered as a talk at the University of Hawaii Colloquium on Cultural Studies following Hurricane Katrina, and at Vassar College on September 21, 2005. The author thanks Shaina Aber, Anne Louise Marshall, and John Stith for intelligent research and editorial assistance.

1. See Philip C. Aka, *Analyzing U.S. Commitment to Socioeconomic Human Rights*, 39 AKRON L. REV. 417, 418 (2006) (noting that the city of New Orleans is about seventy percent Black); Dayna Bowen Matthew, *Disastrous Disasters: Restoring Civil Rights Protections for Victims of the State in Natural Disasters*, 2 J. HEALTH & BIOMEDICAL L. 213, 218 (2006) (“Before the storm waters overflowed the levees and the flood waters filled New Orleans, there had been documented complaints from residents about trees and brush growing out of levee walls, leaks and seepage from the canals they contained, as well as instances of incomplete inspection and maintenance records.”); Sherrie Armstrong Tomlinson, *No New Orleanians Left Behind: An Examination of the Disparate Impact of Hurricane Katrina on Minorities*, 38 CONN. L. REV. 1153, 1161-62 (2006) (noting that one in four people in New Orleans pre-Katrina were below the poverty-line, of which the overwhelming majority was African-American, and that the city was divided sharply across racial lines).

“failing,” along with their schools.<sup>2</sup> An outdated infrastructure of public works, decried by planners as a disaster waiting to happen.<sup>3</sup> Profligate availability of guns, and a valiant but failed attempt by the mayor to hold gun manufacturers liable for the carnage in his city;<sup>4</sup> the slogging poverty that now makes parts of America no different from what we call the underdeveloped world:<sup>5</sup> where babies fail to make it to their first birthday, where drug addiction and HIV exposure go unmitigated, where the simplest forms of preventive health care—pre-natal nutrition, vaccinations, a filling for a child’s rotting tooth—are beyond our capacity to provide.

This was the flood before the flood. The flood that was swallowing-up American cities across the nation.<sup>6</sup> The flood that was too ordinary for the front-page of the paper. The flood of the free market carried to its unmediated, unrestrained ends: winner-take-all, loser left-behind. In our very own cities, we have the street corner beggars, the old women scrounging from garbage cans, the hungry children, the ill-housed, the untreated ill, and the illiterate that we used to associate with those poor countries that are not us.

Not us. In order to let disaster go unmitigated, we must believe with certainty that it is not us and will never be.

So who are we when the flood comes?

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2. See generally Amy Waldman, *Reading, Writing, Resurrection*, ATLANTIC MONTHLY, Jan.-Feb. 2007, at 88-89 (describing the desolate state of New Orleans’ public school system prior to Katrina and the opportunity to start over in the hurricane’s wake).

3. Prior to Katrina, the threat of such a storm and the extensive havoc it would wreak was well-known. In 2004, the Federal Emergency Management Agency (“FEMA”) ran a simulation of a hurricane comparable to Katrina, entitled “Hurricane Pam.” The simulation revealed not only that the fallout from such a storm would be what heretofore had been unimaginable in the United States, but also that the existing evacuation plans left those with the fewest means, and therefore the greatest needs for evacuation assistance, unaddressed and stranded. Matthew, *supra* note 1, at 219.

4. See Michael Perlstein, *Morial Files Suit Against Gun Makers: City Seeks Compensation for High Cost of Violence*, TIMES-PICAYUNE (New Orleans), Oct. 31, 1998, at A1; see also Mari Matsuda, Essay, *On Causation*, 100 COLUM. L. REV. 2195, 2212-13 (2000). Mayor Morial and the city ultimately lost the case. *Morial v. Smith & Wesson Corp.*, 785 So. 2d 1, 19 (La. 2001).

5. See U.S. GOV’T ACCOUNTABILITY OFFICE, *POVERTY IN AMERICA: CONSEQUENCES FOR INDIVIDUALS AND THE ECONOMY* 5 (2007) (in 2005, 34.2% of African-American children and 27.7% of Hispanic children lived below the poverty line); Sara Corbett, *Patients Without Borders*, N.Y. TIMES MAG., Nov. 18, 2007, available at <http://www.nytimes.com/2007/11/18/magazine/18healthcare-t.html?ex=1353733200&en=cf6cea84791fff69&ei=5124>; Anne Alstott, *Hidden Rations: Why Poor Kids Can’t Find a Dentist*, SLATE, May 29, 2007, <http://www.slate.com/id/2167190/> (many child Medicaid recipients are not able to receive basic dental care, including Deamonte Driver, a twelve-year-old boy who died in 2007 of a brain infection caused by an untreated abscessed tooth).

6. The United States has the highest poverty rate in the developed world at 12.7%. Aka, *supra* note 1, at 418.

You might be the lucky one with an ATM card, a full bank account, a reliable car, a full tank of gas, and a house on high ground. However far away you are from New Orleans on the day that the images of disaster start blanketing the news, you have a psychological need to believe that you would make it out okay if the water near you started rising.

## II. DISASTER AND STRUCTURE

This Idea is about how we have come to abandon the public good, why we will not do the things we know are necessary to the health of our cities, and how we could start caring again. The flood is the organizing metaphor for the material consequence of the market.

How do we respond to a flood, or more specifically to the flood's illumination of the reality of the American propensity to abandon our own? The script is shock and outrage; followed by faith, hope, charity; followed by business as usual.<sup>7</sup> Sometimes it is a flood, sometimes it is the shooting of a child, sometimes it is a baby found abandoned or a child abused in some particularly horrific way. Something breaks through and the reality of the winner-take-all society becomes clear to us: there are losers. It is not possible to keep a steady gaze upon those left in the gutter. You look away, or you lose something of what it means to be human. Sometimes, as Langston Hughes said, it just explodes:<sup>8</sup> DC '68, LA '92. When the smell of char is in the air, there is

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7. In the days after Katrina, a speech by President Bush provided a compressed version of the common trajectory of disaster response:

Tonight so many victims of the hurricane and the flood are far from home and friends and familiar things. You need to know that our whole nation cares about you, and in the journey ahead you're not alone. To all who carry a burden of loss, I extend the deepest sympathy of our country. To every person who has served and sacrificed in this emergency, I offer the gratitude of our country. And tonight I also offer this pledge of the American people: Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes, to help citizens rebuild their communities and their lives. And all who question the future of the Crescent City need to know there is no way to imagine America without New Orleans, and this great city will rise again.

The work of rescue is largely finished; the work of recovery is moving forward. Press Release, White House, President Discusses Hurricane Relief in Address to the Nation (Sept. 15, 2005), available at <http://www.whitehouse.gov/news/releases/2005/09/20050915-8.html>; see generally Karen Bakker, *Katrina: The Public Transcript of 'Disaster,'* 23 ENV'T & PLAN. D: SOC'Y & SPACE 795 (2005) (discussing the common responses to disasters in the media and in the realm of public discourse).

8. "What happens to a dream deferred? Does it dry up like a raisin in the sun? Or fester like a sore—And then run? Does it stink like rotten meat? Or crust and sugar over—Like a syrupy sweet? Maybe it just sags like a heavy load. Or does it explode?" Langston Hughes, *A Dream Deferred*, in GEORGE SELDES, *THE GREAT THOUGHTS* 215, 215 (1996).

a sixty second pause for truth telling: these young people are angry for a reason. Then you have to stop saying it, or else you are condoning violence. Tell the truth once, quietly, and then stop, or they will cut your mic.<sup>9</sup>

The mic will stay on for depoliticized outrage, as in “how could we be so incompetent as to not have a plan for this flood.” Or as in “how can we spend all this money on schools and have all these children not learning to read?”

The “how could we be so stupid” form of outrage is a diversion that ignores political economy. That is, there are structural reasons for the results of this flood. To call it an act of God, is in fact blasphemy.<sup>10</sup>

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9. On an NBC nationally televised Hurricane Aid Concert, agitated hip-hop artist Kanye West blurted out his now famous unscripted moment “George Bush doesn’t care about black people.” Not long after the singer went off script, the station stopped the feed on his microphone. The outburst was aired live on the East Coast but was censored in the later West Coast viewing. Lisa de Moraes, *Kanye West’s Torrent of Criticism, Live on NBC*, WASH. POST, Sept. 3, 2005, at C1. West’s statement stunned viewers and spurred a brief flurry of debate on the presence of racism in government response to the storm and in media coverage of its aftermath. See Clyde Woods, *Do You Know What it Means to Miss New Orleans?: Katrina, Trap Economics, and the Rebirth of the Blues*, 57 AM. Q. 1005, 1006 (2005). During the 1992 Los Angeles riots following the Rodney King verdict, Lakers player Byron Scott was publicly criticized and personally threatened for expressing his inability to condemn the rioters, saying, “I know how they feel.” See Mike Downey, *Said and Done, but Scott Is Sorry*, L.A. TIMES, May 14, 1992, at 1; see also Ed Morrissey, Letter to the Editor, *They Have No Trouble Condemning Scott for Opinions on Riot*, L.A. TIMES, May 9, 1992, at C3 (“I would like to ask Byron if the next time I get angry at him for choking [in a game] . . . I can come over to his house or business, loot it, then set in [sic] on fire?”).

10. As a colleague, Frank MacPherson, said to me in the hall as we discussed the propensity to turn to the “will of God” explanation for the unbearable, “God is not that mean.” An affirmative defense for environmental clean-up liability in the wake of a disaster stipulates that, to qualify for such a defense, the environmental damages must be caused by an “act of God,” which is defined as “an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.” Joel Eagle, Note, *Divine Intervention: Re-Examining the “Act of God” Defense in a Post-Katrina World*, 82 CHI.-KENT L. REV. 459, 461-62 (2007) (citing “act of God” affirmative defense definitions in 33 U.S.C. § 2701(1) (2000) and 42 U.S.C. § 9601(1) (2000)). Due to the common knowledge that New Orleans and its levee system was a disaster waiting to happen, the massive destruction in the wake of the flood cannot, and should not, be defined as an “act of God” by congressional standards.

George Bush said, “the storm didn’t discriminate.”<sup>11</sup> It wasn’t the storm, it was us.<sup>12</sup>

There was a disaster plan for New Orleans, and things proceeded exactly as planned. Those with the means would leave, those without the means would not.<sup>13</sup> It is difficult to evacuate an entire city in a compressed time period. It eases the way for some if others are left behind so gridlock does not form. Anyone who had given it a thought, and some were paid to give it a thought, knew what triage would allow some to leave quickly. It was formed by the economic hierarchy of the city and by the political and economic theory of the globally ascendant capitalist class. In right-wing development theory,<sup>14</sup> they say feel-the-burn. The market hurts, take your medicine. Cut spending, cut regulation, cut services, cut taxes, lower costs (that is, cut wages and benefits), increase productivity (that is, make everyone work harder and longer and faster and more dangerously),<sup>15</sup> transfer wealth upward through a funnel that shoves the poor up against the middle class,

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11. President Bush’s full statement was, “[t]he storm didn’t discriminate, and neither will the recovery effort . . . . When those Coast Guard choppers—many of whom were first on the scene—were pulling people off roofs, they didn’t check the color of a person’s skin, they wanted to save lives.” *Bush Gets Ground Tour of Katrina Damage: FEMA Director Michael Brown Resigns Amid Criticism*, CNN.COM, Sept. 12, 2005, <http://www.cnn.com/2005/US/09/12/katrina.impact/>. The President, however, made no statements regarding systemic discrimination’s role in placing those people on rooftops in the first place.

12. City of New Orleans Comprehensive Emergency Management Plan (2005), available at <http://www.brianwise.com/HurricanePlan.htm>. A statement by President Bush’s mother, Barbara Bush, unmasked the latent discrimination in the pre- and post-Katrina world when, in discussing the evacuees, she declared, “[w]hat I’m hearing, which is sort of scary, is they all want to move to Texas crowded into a sports arena. . . . Everyone is so overwhelmed by the hospitality . . . . And so many of the people in the arena here, you know, were underprivileged anyway, so this is working very well for them.” *Relocation ‘Working Very Well’ for Poor Evacuees, Barbara Bush Says*, DALLAS MORNING NEWS, Sept. 6, 2005, at A16.

13. See Tomlinson, *supra* note 1, at 1163-67 (noting that despite the fact that over one-third of African-Americans in New Orleans did not have access to a car, truck, or van, the city’s evacuation plan focused significantly on evacuations by car while largely ignoring a bus evacuation plan that, when needed, failed and left stranded those without personal means of evacuation).

14. See NAOMI KLEIN, *THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM* (2007) (describing the opportunistic imposition of Chicago School economic “reforms” following major economic, political and psychological crises); RICHARD PEET WITH ELAINE HARTWICK, *THEORIES OF DEVELOPMENT* 49 (1999) (explaining that “right-wing” organizations disseminate “conservative political and economic ideas glorifying laissez-faire and rugged individualism”).

15. Of course, it is possible to increase productivity without increasing worker exploitation, see, for example, N. Gregory Mankiw, *PRINCIPLES OF ECONOMICS* 554-57 (4th ed. 2006) (summarizing traditional economic methods of measuring productivity), but the market takes no position on the moral content of productivity choices and squeezing workers is the cheap bottom-line fix for the short-sighted manager. The author thanks Anne Louise Marshall for her contribution to this discussion.

squeezing tight,<sup>16</sup> to extract surplus value for the tiny room at the top that is filled with gold and diamonds and wealth beyond imagination.<sup>17</sup>

We aren't supposed to call this greed under Reaganomics, later called the Contract with America, now called by the current puppet president simply "letting people keep their own money."<sup>18</sup> The theory sold to the public is that unrestrained capital is better for everyone.<sup>19</sup> It creates jobs and growth and a rising tide to lift all boats.<sup>20</sup>

In the post-Katrina world, it is too easy to mock the rising tide metaphor chosen by the architects of this economic policy. Try something harder: Why are Americans, the majority of whom are not benefiting from cuts of funding for basic human needs, nor from the trade of manufacturing jobs for Wal-Mart jobs, complacent in the face of

16. See Sarah Kaufman *The Criminalization of New Orleanians in Katrina's Wake*, SSRN.ORG (June 11, 2006), <http://understandingkatrina.ssrc.org/Kaufman/>.

17. It's fashion week in New York and I am fascinated by the picture of an heiress and her Burberry clad six-year-old. The text quotes retailers astonished at the lack of price resistance for the \$9000 jackets and \$5000 stilettos that they are selling as fast as they can stock the storerooms. "I don't really look at price tags," the heiress says, oblivious to the fact that the jealous reporter who runs with that quote is trying to show the rest of us that we are living under the dainty toe prints of a modern day Marie Antoinette. See Guy Trebay, *The Prices! Rising Fast and Still Finding Buyers*, N.Y. TIMES, Sept. 12, 2005, at B6.

18. Reaganomics, also known as trickle-down economics, was a term coined in the 1980s to describe the free-market ideology that brought drastic changes to the U.S. tax scheme, including a forty percent tax-cut for the highest tax-bracket by the end of Reagan's two-term presidency and an end to many federally-funded civil/social welfare programs. For more on Reaganomics, see generally Franco Modigliani, *Reagan's Economic Policies: A Critique*, 40 OXFORD ECON. PAPERS 397 (1988). For a positive spin on the Bush/Reagan Economic campaigns, see Jamie Glazov, *Bush's Tax Cut—The Return of Reaganomics*, FRONTPAGEMAG.COM, Feb. 19, 2001, <http://www.frontpagemag.com/Articles/Read.aspx?GUID=74D664A9-08B3-40F7-9913-CE88758EC4BB>; see generally George C. Edwards III, *Strategic Choices and the Early Bush Legislative Agenda*, PS: POL. SCI. & POL., Mar. 2002, at 41, 41-45 (discussing how President Bush's policy of tax cuts unified Republicans early on in his administration). As President Bush says, "I firmly stand on the side of letting people keep their own money. It's not only good for the economy, it's good for people, more importantly." Press Release, White House, Remarks by the President to African American Leaders (Mar. 29, 2001), available at <http://www.whitehouse.gov/news/releases/2001/03/20010329-3.html>.

19. But see Larkin M. Moore, Note, *Stranded Again: The Inadequacy of Federal Plans to Rebuild an Affordable New Orleans After Hurricane Katrina*, 27 B.C. THIRD WORLD L.J. 227, 232 (2007) ("[T]he current focus on free-market solutions in the form of tax breaks and opportunity zones is not sufficient to create adequate affordable-housing opportunities as New Orleans rebuilds.").

20. This, quite simply, is not true. Empirical studies of the "rising tide" indicate that it does not "lift all boats" as conservative economists claim. Instead, it entrenches segregation and separate economies, and increases the already insurmountable wealth gap. See, e.g., GARY ORFIELD & CAROLE ASHKINAZE, *THE CLOSING DOOR: CONSERVATIVE POLICY AND BLACK OPPORTUNITY* 21 (1991) ("The metropolitan Atlanta data show that an urban area can absorb a tremendous amount of economic growth without substantially improving conditions for blacks if blacks do not really participate in the white economy where the growth is concentrated.").

massive wealth transference from the poor and middle class to the top one percent?

I have asked this again and again about schools.<sup>21</sup> The vast majority of American families are dependent on public schools to educate their children.<sup>22</sup> Yet in one generation we have gone from an expectation that there is a school in your neighborhood that will give your child a shot at a decent education, to the assumption that if your child is in public school it is because you can't afford a decent education. If the private school option is not available for most Americans, why do we tolerate the gutted state of our public schools?

Why was there no disaster plan in New Orleans to accommodate the poor, the sick, the aged? Why no adequate funding for local infrastructure maintenance, for police, for fire fighters, for public health? Why were the poor of New Orleans contained in the bottomlands, where the concentration of poverty preordained failing schools and no means of exit, whether from the flood of ordinary social dislocation or the actual flood of a mighty river breaching weakened levees?<sup>23</sup>

High-poverty failing schools, no national health care, a privatized and anemic FEMA, and your local national guard deployed in Iraq: these are not signs of incompetence, they represent choices that will bring incredible wealth to some and leave others in dire need. Listen carefully to how the voice of the President—off key like a new guitar—became more and more in tune: first he tried “everything is ok, we’re doing a great job,” and when that didn’t work, he tried “nobody anticipated this flood, now is not the time to criticize,” and when that didn’t work, he switched to “we could have done better in our response to this flood.” This one sounds more in tune to the commentators, who will say “finally, someone is taking responsibility.” The responsibility notes fit in with the original tune: blame bureaucratic incompetence, since we have said all along that we want to cut government spending because it just goes to wasteful bureaucracies. The President gets to look like he is taking responsibility for the failures of an agency his economic policy

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21. See generally Mari J. Matsuda, *My Teacher Loves Me But She Hates Mice: Or, an Existential Lamentation on the Loss of the Public School*, 9 RACE ETHNICITY & EDUC. 117 (2006).

22. In 2003, 89.3% of students in grades one through twelve attended a public school. National Center for Education Statistics, Question: What Percentage of Students Are Enrolled in School Choice Programs?, <http://nces.ed.gov/fastfacts/display.asp?id=6> (last visited Oct. 13, 2007). Homogeneity, or segregation, is also commonplace in a majority of schools. See Thomas J. Sugrue, *Expert Report of Thomas J. Sugrue*, 5 MICH. J. RACE & L. 261, 265 (1999) (“A majority of American children attend primary and secondary schools with students like themselves.”).

23. See David Carr, *The Pendulum of Reporting on Katrina*, N.Y. TIMES, Sept. 5, 2005, at C1.



emaciated,<sup>24</sup> and then gets to look responsive as he announces that help is on the way. Suddenly there is a new pile of money and a new bunch of snouts waiting at the trough. Rebuilding New Orleans is a huge money grab, and no one will call it welfare or entitlements or wasteful bureaucracy as it flows straight into private hands via no-bid contracts.<sup>25</sup>

As a feminist and critical race theorist who never thought class analysis was over, I describe everything that has happened to our schools and our cities in structural terms. We have raced our schools, just as we have raced our cities: Black, incorporating Brown, with White and Asian becoming honorary Black if you are poor enough. Thus we allowed the infrastructure of public schools to literally crumble—students at many urban schools make sport of pulling chunks of crumbling plaster off their schools and tossing it at one another—because the children in those schools are a color that reads “not educable,” in our racist coding. The divestment from public education that follows from this coding affects poor rural school districts, where most of the children are white. The racism allowed the biggest cuts, and the poverty erased the voices of those who lost out, regardless of their race. The poor, wheelchair-bound white senior left behind in New Orleans was Black for purposes of this analysis, as was the white tourist caught up in a desperate crowd attempting to escape the city, held back at gunpoint at the bridge to suburbia.<sup>26</sup> When asked why his forces blocked passage over the bridge that was one of the only routes out of the collapsing city, Police Chief Arthur Lawson replied: “If we had opened the bridge, our city would have looked like New Orleans does now: looted, burned and pillaged.”<sup>27</sup> You cannot fathom why frightened flood refugees in the United States

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24. Kirsten Schamberg & Mark Silva, *Bush Takes Responsibility: Says Aid Failures Raise Questions About Nation's Preparedness*, CHI. TRIB., Sept. 14, 2005, at C1.

25. No-bid contracts are noncompetitive contracts that allow federal standards, requiring small and minority-owned business involvement, to be bypassed in disaster clean-up efforts. Federal monies in such contracts go almost exclusively to large national companies. See Griff Witte & Spencer S. Hsu, *Big Katrina Contractors Win More FEMA Work*, WASH. POST, Aug. 10, 2006, at D1. FEMA awarded nearly 4000 no-bid contracts in the wake of Hurricanes Katrina and Rita. Chris Strohm, *No-Bid Contracts Proliferated at FEMA*, NAT'L J., June 2, 2007, at 46.

26. The attempt by African-American evacuees to cross the greater New Orleans Bridge into the predominately-white Jefferson Parish was rebuffed by armed sheriffs shooting guns in the air above the fleeing refugees and barring their entrance. Tomlinson, *supra* note 1, at 1171-72.

27. Rebecca Eaton, *Escape Denied: The Gretna Bridge and the Government's Armed Blockade in the Wake of Katrina*, 13 TEX. WESLEYAN L. REV. 127, 144 (2006) (citing Rogers Cadenhead, *Police Trapped Thousands in New Orleans*, WORKBENCH, Sept. 9, 2005, <http://www.cadenhead.org/workbench/news/2748/police-trapped-thousands-new-orleans>). The attempt by African-American evacuees to cross the greater New Orleans Bridge into the predominately-white Jefferson Parish was rebuffed by armed sheriffs shooting guns in the air above the fleeing refugees and barring their entrance. Tomlinson, *supra* note 1, at 1171-72.

were held at bay by rifles fired over their heads without realizing the race of the various parties in this story.

You are supposed to understand why it was necessary to keep those people out. Race and class are locations of oppression that are deeply imbedded in American life, in ways that distribute life chances: where you will go to school, what you will learn there, whether you know anyone in prison, how many funerals of classmates you will go to before your eighteenth birthday, how the police will respond if they see you standing on a street corner with no apparent purpose, and what will happen to you in the event of a hundred-year flood.

This is not random incompetence. This is how we choose to distribute wealth, power, safety, and care. Because these structures are persistent and deep, they are not experienced as choice, but simply as life. Like the flood. This is just what happens. If someone gets rich from our outsourcing of the flood relief, that also is not a choice. It's just the market. Even if we know that not everyone has the choice to participate in the market, the reigning ideology claims that everyone can. That is what is great about this country. That is what we call freedom: the choice to become a FEMA contractor, or a left behind. Your choice.

The plan is, make your own plan. Every person for themselves, liberalism in extremis. Could Federal Express deliver enough sandbags<sup>28</sup> for you to hold back the Mississippi if it threatens your house? And how will the truck get in if the roads are closed? The insanity of thinking you could keep your family safe on your own with your Leatherman tool and your credit card is exactly the same as the insanity of thinking you can buy a prep school education to bail your child out of a bankrupt school system and ignore the fact that most children are still left in those schools, and that your child will have to live with them on this island called planet Earth.

### III. DON'T MOURN, ORGANIZE

The critical response is not vague outrage about the incompetent school system or the incompetent FEMA director. It is not nostalgia for a time before the flood: that lovely beignet with chicory coffee on that perfect day when normal had meaning. The critical response seeks class

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28. "We Have Millions of Sandbags In Stock!" I hope this ad was a joke, but since those ads are a revenue source for Google, I fear that it was not. This advertisement popped up when my research assistant collected reports from New Orleans. It ran in the margins, along with three hurricane charity ads. Jacobs Trading Co., [www.911sandbags.com](http://www.911sandbags.com) (last visited Nov. 29, 2007) (on file with the Hofstra Law Review).

consciousness, structural change and an answer to the “why” questions. Why did it get that bad? Why do we put up with it?

The answers to these questions are related. It got this bad because someone with power stood to benefit by letting it get this bad. We citizens put up with it because their power has both ideological and material components that are relentless in force, and we lack both the consciousness and the organized power to compete with theirs. If we get that, we will get back what we lost.

I want us to stop pretending that all of these disasters are stupid mistakes and accidents. Start with the ideological frame. Katrina’s disastrous aftermath was not an accident and neither is the desolate state of our schools.

Read Jonathan Kozol, Marian Wright Edelman, Bob Moses, Charles Lawrence, any number of wise writers who have looked at how we treat children and fail to educate them.<sup>29</sup> They will tell you exactly what we are doing wrong and how we could fix it.

I do not believe we are persistently stupid, nor deeply evil. Why then do we continue to put human needs last—whether it is planning safe cities or providing pre-natal care or rebuilding our schools? The answer is politics. That is the answer to both the “why is it this way” question and the “how will we change it” question.

By politics I mean the fight over distribution of wealth and power on material and ideological grounds. I believe as deeply as I love or believe anything in this world that justice is our human calling. We have no reason for being, no right to walk on this planet if we are takers and destroyers. We are justified in our existence by the righteousness we bring.

In contemporary American terms that means we have to work to change consciousness and change power relations. This is called organizing. Organizing is moving people from ignorance to knowledge, from acceptance of hegemonic rhetoric to capacity for critical thought, from futility to action, from passive object to empowered agent, from the wretched state of subordination to the democratic state of citizen ruler. Organizing means doing this wherever you are: calling attention to power relations, to who wins and who loses under present arrangements

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29. See JONATHAN KOZOL, *SAVAGE INEQUALITIES: CHILDREN IN AMERICA’S SCHOOLS* (1991); MARIAN WRIGHT EDELMAN, *FAMILIES IN PERIL: AN AGENDA FOR SOCIAL CHANGE* (1987); ROBERT P. MOSES & CHARLES E. COBB, JR., *RADICAL EQUATIONS: CIVIL RIGHTS FROM MISSISSIPPI TO THE ALGEBRA PROJECT* (2001); Charles R. Lawrence III, *Forbidden Conversations: On Race, Privacy and Community (A Continuing Conversation with John Ely on Racism and Democracy)*, 114 *YALE L.J.* 1353 (2005).

in your school, your workplace, and your city. Who will get rich from rebuilding New Orleans? From privatizing education? From giving social security to Wall Street? What is the race, the class, the gender position of the winners and losers in each decision we make? Act in ways that make people see it, and raise the stakes in the conflict between master and servant by putting up a fight every time they try to take something from those who already have too little.

Citizens who seek justice can become the flood—the cataclysmic event that illuminates for a moment the power distribution—by becoming political actors, by making visible the invisible. It is like coming out as a scared gay teenager, or marching in public protest as an undocumented worker. Something could happen on the landscape right in front of us that forces us to see all is not as it has been portrayed. Someone has something to gain from annihilating you, and you can either fight back or you can make them happy by disappearing.

The experience of fighting that fight is what teaches us to see power and how to get some for ourselves. It is the only way. My friends in the labor movement who do this as a vocation tell me that right now the other side is winning. The concentration of wealth, the consolidation of monopoly capital on a global scale, has no historical precedent.<sup>30</sup> My friends in business tell me they are worried, that the American economy is held hostage to China, and globalization means we are no longer in charge. “We” in that context meaning the American bourgeoisie. Power resides in consolidated wealth in a way that controls Congress and the President, regardless of party, and that owes no allegiance to any country in particular. Its only imperative is the market: control more resources, exploit labor to the fullest extent possible, cut costs at all costs, resist any regulations that protect human bodies or your planet. The market is in charge, and contrary to free market propaganda, we are not the market.

The best hope for a response is democracy. If democracy really works as it can, there will always be more of us (those who need a social compact of mutual care) than there are of them (those who amass wealth through exploitation), and each of our voices and votes will count. For a meaningful democracy, citizens must know enough to make choices and speak out. Global warming is a choice. Anemic disaster planning is a choice. Gutting schools is a choice. The hat trick justice-seekers must

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30. See Stephen Lerner, *Global Unions: A Solution to Labor's Worldwide Decline*, 16 NEW LABOR FORUM 23, 24 (2007) (“As multinationals have grown, wealth and capital have become increasingly concentrated. . . . [M]ultinational corporations are so powerful that they increasingly dominate what happens in whole countries, hemispheres, and the entire globe.”).

perform is getting the people who are cheated out of an education for critical thought to think critically so that they can object to the conditions of their schools.

We did it once. SNCC field organizers fanned out across the rural South and taught sharecroppers how to write their names and to conceive of schools as places where their children would become powerful, educated citizens. What they did is a gift to us—a blueprint for change.<sup>31</sup> In every corner of this planet we could find the same gift, the same legacy of struggle. A key strategy of corrupt power is to erase the story of resistance. So ours must be to tell it, then live it, then tell it again. And that is the only way to save ourselves from the flood.

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31. *See generally* HOWARD ZINN, SNCC: THE NEW ABOLITIONISTS (1964).