

THREE AND A HALF YEARS after the hurricanes, in the most devastated areas of New Orleans, it's still common to glimpse rows of impeccably rebuilt homes nestled amid dilapidated eyesores with overgrown lawns and moldy interiors untouched since the floodwaters subsided. Despite the many housing challenges, though, there have been some glimmers of progress. Musicians Harry Connick Jr. and Branford Marsalis teamed up with Habitat for Humanity to create "Musicians' Village," a neighborhood of vibrantly colored homes for New Orleans musicians who lost their houses to Katrina. Actor Brad Pitt's Make It Right Foundation has also drawn national attention for its rebuilding efforts in the blighted Lower 9th Ward.

Along with placing thousands of displaced residents in shelters and low-cost housing, UNITY and the Archdiocese of New Orleans were part of a successful appeal to Congress in 2008 to allocate 3,000 Permanent Supportive Housing (PSH) rent vouchers to be distributed to poor people with disabilities in New Orleans and across the state and to offer them free case-management services. PSH integrates permanent, affordable rental housing with the supportive services needed to help people with physical and mental disabilities access and maintain stable housing in the community. It is a nationally recognized model being replicated throughout the country as a cost-effective solution to preventing and ending homelessness among low-income people with disabilities—but there isn't enough of it.

"We have a long process ahead of evaluating and assessing our clients for available program slots, but we believe what we're doing is working," says Miller of UNITY. "Overall, I think we're seeing less homelessness. Will '09 be better? I don't know." **TAP**

Chandra R. Thomas is an award-winning Atlanta-based journalist whose work has appeared in Essence, Ebony, Newsweek, People, Upscale, Heart & Soul, and Atlanta magazines, as well as on Time.com.

Justice Polluted

An environmental-justice attorney explains how the civil rights of Gulf Coast residents were violated.

BY ADAM SERWER

The images of suffering from Hurricane Katrina are seared into America's collective memory: the flooded streets, the abandoned corpses, the residents crying for help that took days to arrive. Yet the months and years following the hurricane may provide even more egregious examples of government abdicating its responsibilities.

Monique Harden, the co-director of Advocates for Environmental Human Rights, an environmental-justice organization, explains why the Bush administration violated the civil rights of Gulf Coast residents and even the letter of the United Nations' guiding principles on internal displacement.

AS: Your organization fights environmental racism. What exactly is that?

MH: It's unequal environmental protection based on race. And so for example, the United States: the data collected by the Environmental Protection Agency shows that African Americans are 79 percent more likely than whites to live in polluted neighborhoods. This could be completely prevented if we had adequate laws that recognize that all people have a right to a healthy and safe environment. Instead, we have laws that look to the economic feasibility of polluters as a priority, not to health protection and environmental sustainability.

AS: How has environmental racism manifested in the Gulf Coast area?

MH: The typical way in which environmental racism expresses itself is that people don't have the right to determine their future in the community; someone else does, and that decision can be debilitating in terms of the future of that community. After Katrina, there's that

same kind of injustice, where the people who lived in the communities prior to the hurricane really don't have this right to determine what's best for their communities, what's best for restoration and rebuilding. Instead, they're having to contend with a decision to raze all the houses to put something else there, or not to open a public health-care facility, or in decisions to close down schools. These are the battles that are taking place all over the Gulf region in areas that were affected by the hurricanes, taking away the things that make a community a *community*, which means pushing people out of communities, whether it's Alabama or Mississippi or Louisiana.

AS: What has happened with displaced people who moved back to New Orleans?

MH: Many residents who manage to come back home still experience issues of displacement because of the closing of a local school or health-care facilities not being up and running or the job that you had before Katrina is no longer available, so you're struggling to find a way to make ends meet. No one in this country has the right to recover when a national disaster is declared. Everything is up to the discretion of whoever is in the White House, and under the Bush administration, that has meant ushering in a disaster-response agenda that really boils down to privatizing public services and unraveling basic social networks that people have relied on in this region.

When a national disaster is declared, it triggers a federal law called the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The law is extremely problematic because it grants the president complete discretionary authority over all matters involving governmental

response to the disaster, with just a few small exemptions. And it explicitly denies an individual affected by a national disaster the right to claim assistance or compensation for loss. So it's basically a law that denies governmental accountability when you need government the most.

AS: Does that mean residents who say they were poisoned by the formaldehyde in their FEMA trailer don't have any standing to sue the government?

MH: The lawsuits right now are against the companies that manufactured the trailers and not against the government. There [was] a class-action lawsuit [struck down in December]. Again, it [was] a private piece of litigation—individual residents who were in the FEMA trailers versus the companies that manufactured those trailers that were then sold to the government. So it bypass[ed] governmental accountability and responsibility.

AS: How are the environmental circumstances affecting public health?

MH: In many parts of our state, air quality is unhealthy because of the pollution. We have a high mortality rate when it comes to cancer. But we're promoting companies that release cancer-causing, lung-damaging pollutants to operate here. In addition, the coastal region of our state has been significantly eroded, primarily through the infrastructure for drilling offshore for oil and gas. There's no accountability system there, either. We've got submerged lands and open water that allow the storm systems and hurricanes to wreak havoc on populated areas just north of the coastal area. With that kind of industrial use of our state, it's really left us more vulnerable to natural disasters like Hurricane Katrina as well as the ongoing disasters of toxic exposures that are happening in many African American communities.

Since Katrina, one of the concerns has been the potential for exposure to pollutants such as lead, diesel contaminants, and volatile organic compounds, which were all detected in the mud that was left after the area was drained of the floodwaters. And we got the message from the Environmental Protection Agency that it

had no support from the Bush administration to go in and do any cleanup.

AS: Would you consider these to be human-rights violations?

MH: Our government actually has established a post-Katrina agenda that is in conflict with human-rights standards, as well as in conflict with our own U.S. foreign-aid policy. The United Nations has a set of standards that establish the duty of national governments to protect the rights of people who are displaced. These standards would not have been enacted without the insistence and cooperation of the U.S. government. So it's really ironic that our government now doesn't seem to know they exist.

We were able to bring [the post-Katrina situation in New Orleans] to the attention of the United Nations Committee on the Elimination of Racial Discrimination (CERD). It was not just about housing, but other issues ... from managing health care to the environment. The committee reviewed our government's compliance with the CERD treaty and determined that the right to freedom from racial discrimination, particularly in housing, was being undermined by governmental actions. Again, the guiding principles are hinged on the right to housing and the right to freedom of movement: being able to have a choice to return home or resettle elsewhere or reintegrate into the place where you may be evacuated. But it's really being denied here in the post-Katrina Gulf region where affordable housing (public housing being included in that) has been demolished in Alabama, Mississippi, and Louisiana.

AS: So what the government did was a violation of the U.N. principles on internal displacement?

MH: The principles specifically prohibit action taken by government that would alter the racial or religious demographic of the displaced population. And it's happening on a daily basis in this region, with the government demolishing public and affordable housing, removing public health-care facilities, closing public schools, and making it hard for landlords to continue to rent to people who are eli-

gible for rental assistance. Again, you see this progression toward pushing people out throughout the Gulf region.

Although the U.N. guiding principles on internal displacement are not a law and not a treaty, they're derived from human-rights laws and treaties that our government is obligated to uphold because we've ratified them. And so we've had not one but two U.N. treaty-monitoring committees say, "Hey, United States government, you're undermining fundamental human rights, and you should be implementing the U.N. guide on internal displacement. To do anything less and to continue the actions that have been undertaken thus far would only deny them their fundamental rights, because you still don't have an infrastructure that would protect communities from flooding."

AS: What would a better U.S. government policy look like?

MH: We all deserve a law that at the very least places governmental responsibility and individual rights in a way that comports with basic human rights and specifically the U.N. guiding principles on internal displacement. The first responsibility under the guiding principles is that [government] should prevent, if at all possible, the conditions that can cause displacement. That certainly wasn't done here. We had substandard levees that caused 80 percent of New Orleans to flood. That's government action, to have built these levees as badly as they did. The flooding of 450,000 or so people and residents caused massive displacement.

Also, when you look at climate change, and you know the effect is going to be stronger hurricanes, and you're doing nothing to curb or reduce the amount of carbon dioxide going into the environment, you're laying the ground for future displacement. So it's necessary to take care of the environment and infrastructure to ensure that people are not displaced from their homes. That's in the guiding principles. Following a disaster, they also call for the government to build up an infrastructure that ensures the safety of communities, so that you can avoid this happening or at least mitigate these kinds of consequences in the future. **TAP**