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AND INJUSTICE FOR ALL:

Workers' Lives in the Reconstruction of New Orleans

Judith Browne-Dianis, Advancement Project
Jennifer Lai, Advancement Project
Marielena Hincapie, National Immigration Law Center
Saket Soni, New Orleans Worker Justice Coalition/Advancement Project

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Address worker issues comprehensively and at the institutional level.
Advocates should create mediating institutions and strategic interventions that can instigate systemic change.
Philanthropists should invest in institutions that address structural racism.
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Executive Summary

In the aftermath of Hurricane Katrina, several hundred thousand workers, mostly African American, lost their jobs. Since the storm, these workers have faced tremendous structural barriers to returning home and to finding the employment necessary to rebuild their lives. Without housing, they cannot work; without work, they cannot afford housing. As these pre-Katrina New Orleanians fight to return, the city has experienced a huge influx of migrant workers—citizen and noncitizen—who have been wooed to the area with promises of steady, good paying jobs. Yet, these workers, like their local counterparts, are finding barriers to safe employment, fair pay, and affordable housing that are driving them further into poverty. In fact, many workers are finding themselves exploited, homeless, and harassed by law enforcement. These workers and former residents, mostly people of color, recognize that New Orleans is being rebuilt *by* them, but not *for* them.

The stories of workers across New Orleans after Katrina are not simply tales of personal plight. They are also stories about institutional responsibility. Powerful institutional actors shaped the post-Katrina landscape and placed workers in situations of disadvantage and inequity. In the days following the Hurricane, the federal government came under fierce criticism for being slow to act in the wake of Katrina. Yet, in actuality, the federal government sprang into action quite quickly with a range of policy initiatives that were breathtaking in their scope and impact on workers

AND INJUSTICE FOR ALL: Workers' Lives in the Reconstruction of New Orleans raises the voices of New Orleanians struggling to return and reconstruction workers, all of whom are attempting to survive in the face of inequitable and unjust policies and practices of public and private institutions. It is through the stories of the workers in this report that particular policies and practices are identified that are putting these workers of color on a race to the bottom. The report is intended to provide a road map for organizers, advocates, policymakers, and funders—providing data and direction with regard to some of the most pressing needs of Hurricane Katrina survivors and reconstruction workers in New Orleans.

AND INJUSTICE FOR ALL: Workers' Lives in the Reconstruction of New Orleans focuses on structural racism, which is far more pervasive and profoundly damaging than individual racism because it is systemic. Structural racism occurs across institutions and throughout society. It occurs because a number of institutions create policies and practices that routinely disadvantage people of color and benefit primarily wealthy whites. This racism may not be intentional but does have an adverse impact on people of color. Our report makes three key contributions to the existing body of work focused on workers' conditions in post-Katrina New Orleans.

First, it lifts up workers' voices. In order to understand the complexity of the issues faced by workers and the dire conditions in which they work, it is essential to listen to the workers themselves. This report is the result of the most comprehensive worker conditions documentation project to date since Katrina. Through the historic role of student volunteers, more than 700 workers were interviewed between January and April 2006.

Second, through the voices of the workers, this report illuminates how the actions of government and private institutions have locked some workers out of work and others into situations of abject exploitation. While the workers tell deeply personal stories, they reflect the impact of broader policies and practices by both state and private actors.

Third, the report identifies the patterns of disadvantage and inequity that emerge from the

workers' stories, and reveals the structure of racism that fuel the inequities. By illuminating racism at the systemic level, this report proposes interventions that could proactively advance racial justice.

The interviews of the more than 700 workers reveal disturbing patterns:

- Many African-American survivors of Hurricane Katrina are being shut out of reconstruction jobs due to failed housing policies, discrimination, and lack of transportation, among other services.
- Workers are living in unsafe conditions and many are homeless.
- Reconstruction workers are experiencing significant incidences of wage theft.
- Many reconstruction workers are working under hazardous conditions with no protective gear and no workers' compensation or healthcare if they are injured.
- Reconstruction workers report harassment and racial profiling by law enforcement (local police and immigration officers).

Ultimately, the voices of workers in post-Katrina New Orleans demonstrate that the actions and inactions of federal, state, and local governments and the actions of the private reconstruction industry have created deplorable working and living conditions for people of color striving to rebuild and return to the city. Because these workers are migrant, undocumented, and displaced they have little chance to hold officials and private industry accountable (e.g., many cannot vote, while displaced New Orleanians continue to experience barriers to voting) except through organized, collective action.

Workers of color, regardless of status (immigrant, citizen, or pre-Katrina resident) are facing similar struggles; yet, they have been pitted against each other in a so-called competition for jobs. The media and political officials have promoted racial conflict. While some workers interviewed believe this competition exists, others fully understand that other racial groups are not to blame for the situation in New Orleans but instead the government is the perpetrator. Through multi-racial, cross-industry collective action, workers will gain a greater awareness of these dynamics and their shared struggles in order to exert power to change the paradigm of exploitation and marginalization that currently plagues New Orleans. Furthermore, reconstruction policies must take into account the inequalities they may create and therefore avoid them by considering their racial impact. This analysis must ensure that one racial group is not advantaged to the disadvantage of another, to limit racial conflict that may occur. Lastly, there must be a unified front that ensures, a just reconstruction for all.

Ultimately, the voices of workers in post-Katrina New Orleans demonstrate that the actions and inactions of federal, state, and local governments and the actions of the private reconstruction industry have created deplorable working and living conditions for people of color striving to rebuild and return to the city.

INTRODUCTION

MONDAY MORNING

4:45 am: An hour before sunrise. Rose Harrison[1] stands in the dark, waiting for the Louisiana Swift[2] at a Baton Rouge bus stop. Rose works at a casino in the famous French Quarter of New Orleans—80 miles away. After Katrina, Rose and her family were moved here, to a FEMA trailer park in Baton Rouge. She will get on the bus at 5 a.m. and ride an hour and a half to New Orleans to start work at 7:30 a.m. At 6:30 p.m. she will be back in her FEMA trailer with her husband and her 16-year-old daughter, though as she says, "I can't call it home." Rose is an African-American woman who lived all her life in New Orleans until Katrina. Now, stepping onto the bus, she says, "Sometimes I feel I'm not from there anymore." The bus lurches forward to start the 80-mile run to New Orleans.[3]

5 a.m.: Dan Nazohni emerges from his tent in City Park. He has been living here for several months now. "This isn't what we were expecting," he says. "We just weren't told it was like this." In September, a labor broker arrived at the White Mountain Apache Nation reservation where Dan lived in Arizona and told him about work in New Orleans. He was told the pay was $14 to $16 an hour, the work was guaranteed, and he would have housing. The tribal government paid a labor broker $1,600 for gas and expenses, and some 80 Apaches climbed into vans to find work. In New Orleans, the labor broker disappeared. The Apaches, including Dan, were dropped off in front of a FEMA office, and were turned away. After several days of homelessness, the Apaches found City Park, an unlit makeshift campground, where Dan has been paying $300 a month to pitch a tent. For months, he would barely find enough construction work to scrape by. "Now I have a job. I drive a truck for a company that's rebuilding the levees." Dan works 18-hour shifts. Today he works from 6 a.m. to midnight, but the port-o-lets at the park are only open from 8 a.m. to 8 p.m. "So where do I brush my teeth?" Dan asks, clutching a toothbrush as he leaves the park to get to work.[4]

7:30 am: As Rose is starting work at the casino, Luis Gutierrez arrives at Lee Circle, the city's premiere day laborer hiring site. Forty Latino and Black day laborers are already gathered at the feet of a towering bronze statue of General Robert E. Lee. Luis came to the United States from Mexico three years ago and has been in New Orleans since December 2005. Until yesterday, he was sharing a room in a Mid-City motel with eight others. Last night, he and three other workers slept in a friend's van after they were evicted from the hotel. Luis couldn't make his motel payment because the check from his last job—$500 for a week's work—bounced. As the morning's first contractor pulls up, Luis knows he will be homeless if he does not earn enough today to pay for another motel. Minutes later, pushing through a crowded frenzy of negotiations, Luis hops onto the back of the contractor's pick up truck.

Another day of work has begun in New Orleans.

In the aftermath of Hurricane Katrina, several hundred thousand workers, mostly African American, lost their jobs. Since the storm, these workers have faced tremendous structural barriers to returning home and to finding the employment necessary to rebuild their lives. Without housing, they are unable to work; without work, they are unable to afford housing. In the absence of any functioning infrastructure for health care and education for their children, they remain effectively locked out.

Since Katrina, by some estimates, 30,000 to 100,000 migrant workers[5] have arrived in the Gulf Coast region to work in the reconstruction zones.[6] Although a large number of these migrant workers are Latinos—documented and undocumented—they also include significant numbers of other races: African Americans, Native Americans, Asian Americans, and poor Whites. The migrant worker population is diverse, not only in terms of race and national origin, but also immigration status, ranging from United States born and naturalized citizens to undocumented workers and, more recently, guest workers on H-2 visas issued for temporary workers.

What they have in common is an unprecedented level of exploitation. They often live and work amid substandard conditions, homelessness, poverty, toxicity, under the threat of police and immigration raids, and without any guarantee of a fair day's pay, if they are paid at all. They also face structural barriers that make it impossible to hold public or private institutions accountable for their mistreatment.

To understand the nature of structural racism, the complexity of the issues faced by workers, and the dire conditions in which they work, this report lifts up the voices of more than 700 workers interviewed between January and April 2006. The stories of these 700 workers demonstrate how government and private institutions have locked some workers out of work and locked others into situations of abject exploitation. Together, they comprise a narrative of how these actions have created a perception of competition between workers of color, fueling racial tension between people who in reality share a common struggle. These remarkably similar personal stories reveal emerging patterns of disadvantage and inequity, and the structure of racism undergirding the inequities.

The treatment of workers in New Orleans constitutes a national crisis of civil and human rights. Through the workers' own stories, this report aims to detail the crisis for policymakers, advocates, and philanthropists. A key contribution to the existing body of work focused on workers' conditions in post-Katrina New Orleans, the report illuminates the structural racism that workers experience in post-Katrina New Orleans. It also recommends key interventions necessary to addressing the inequities workers face at the institutional level.

Ultimately, the voices of workers in post-Katrina New Orleans bring into focus the deplorable working and living conditions for people of color striving to rebuild and return to the city. Because these workers are migrant, displaced, undocumented, or have temporary work authorization, they have little chance to hold officials and private industry accountable (e.g., many cannot vote, while displaced New Orleanians continue to experience barriers to voting) except through organized, collective action. Through multi-racial, cross-industry collective action, workers will be able to exert power to fight their situations of exploitation and marginalization.

Media and political discourse are fueling a misperception of competition that positions labor issues as a wedge issue between communities of color. In reality, low-wage workers of color are all losers in a "race to the bottom." This report is a step toward recognizing that the issues they confront are similarly oppressive and, as such, presents an ideal opportunity to create a new paradigm for racial unity in New Orleans.

CHAPTER ONE

The Politics and Discourse of Race

Post-Katrina New Orleans is a microcosm of the United States. Work has become a racial wedge issue. People of color are pitted against each other in perceived competition over jobs. That racial wedge is nowhere more visible than in New Orleans. And the powerful institutional actors that create competition and conflict among people of color perform on the New Orleans stage at a grand scale.

The enormity of the disaster and of the subsequent reconstruction effort has magnified the tension over work and the disappearance of work in this city. African Americans, fighting to return home to work in the city they loved and built, find themselves shut out of the reconstruction. They see immigrant workers in reconstruction jobs that they themselves cannot access; they wonder, are the immigrants stealing our jobs?

Immigrant workers, on the other hand, are often recruited to come to New Orleans. They work in horrific conditions, often facing homelessness and grave risks to health and safety. They do not see Black workers doing this work; they wonder, is it because black people don't like to work?

Two communities, African American and immigrant, both suffer from a profound lack of awareness of and exposure to each others' plight. African Americans do not know that governmental policy and practice pushed workers into exploitative jobs. Immigrants do not know that governmental action and inaction have systematically excluded African Americans from work in New Orleans after Katrina.

Although the perception is that workers of color are competing for jobs, the reality is that private contractors are competing for the cheapest labor. Governmental action and inaction allows for and encourages such competition, setting workers in a race to the bottom in terms of wages, living standards, and human rights. The workers share a common struggle. They may have come to New Orleans in different ships, but they are now in the same boat.

"Chocolate City" or Melting Pot?

Before Hurricane Katrina, 67 percent of New Orleans' population was African American.[8] In many ways, New Orleans was a city that exemplified Black America—in its cultural and political genius, and also in its experience of racism.

Black workers powered New Orleans for centuries. The city anchored the Trans-Atlantic Slave Trade until Congress banned international slave trading in 1808, after which New Orleans became the largest center for domestic slave trade.[9] More than a hundred years later, the legacies of slavery and Jim Crow were perhaps nowhere more evident than in New Orleans. Racism was deeply embedded in the institutions that impacted Black people. The exclusion of Black people from opportunity, access, and equity in New Orleans was systematic and acute.

Before Katrina, many New Orleanians had trouble becoming and remaining employed. As of 2004, the city's unemployment rate stood at nearly 12 percent, more than twice the national rate. While Blacks represent more than two-thirds of New Orleans residents, the overall city unemployment rate was 20 percent higher than the national unemployment rate of all Black workers.[10] Poverty rates of individuals in the city, at 23 percent, were ten percentage points higher than the national average in 2004, and median family incomes were only two-thirds of the national average.[11]

The racial fault lines exposed by Katrina—so shocking to most Americans—are not new to New Orleanians.

The arrival of immigrant workers into these fault lines is a microcosm of immigration—particularly Latino immigration—to the United States during the last 15 years. There was already a largely invisible but established immigrant and refugee community that called New Orleans home prior to Katrina.[12] An estimated 140,000 Hondurans lived in the greater New Orleans area, the largest Honduran community outside of Honduras.[13] New Orleans also has a significant Vietnamese immigrant community, with about 30,000 Vietnamese in the greater New Orleans area at the end of the twentieth century.[14] However, a vast, new population of immigrants arrived after the storm, looking for work, in the same way that low-wage immigrant worker arrival has increased in other cities across the United States more gradually since the early '90s.

Pushed out of their home country by institutional factors that create economic necessity (such as United States foreign policy and free trade agreements), and pulled into New Orleans by companies offering work following Hurricane Katrina, immigrants entered a situation where they constitute a cheap, flexible, and disposable workforce. Once in New Orleans, they find they have also entered a history of Black experience and renewed anger. They inadvertently find themselves pitted against a workforce that has been historically denied access to work and other social benefits, and is now denied the right to return home to work.

The personal stories in this report illuminate the commonality of the struggles faced by African-American survivors and migrant workers but also the institutional responsibility, and how policies and practices create a structure of racism. The institutions involved must be held accountable. Creating equity for workers will take proactive interventions that change the ways institutions work.

Across the city, workers—both returning survivors and new migrant workers—list calamities that have become routine: homelessness, wage theft, toxic working conditions, joblessness, police brutality, and layers of bureaucracy. These shared experiences with structural racism, as described in this report, unite low-wage workers across racial, ethnic, and industry lines.

Scripting Racial Conflict

In the aftermath of Katrina, the authors of media and political discourse wrote a script about race war and job theft. They cast the actors as Black victims and Brown invaders, and told stories that distracted the public's focus from the institutional responsibility of government and private contractors to ensure that all workers are treated with fairness. This "bait and switch" has fueled the perception of racial conflict and competition. The conflict has been embraced by many, to the disadvantage of the excluded and exploited communities.

In New Orleans, as across the United States, media and political discourse feeds into the tension by perpetuating these myths. Media and elected officials play an important role in concealing the institutional machinery that has locked workers into situations of exclusion and exploitation.

Two powerful scripts shaped the race debate following Hurricane Katrina and turned jobs into a wedge issue between Black and immigrant communities at a time when working towards the reconstruction of the Gulf Coast should have been a priority:

Script 1: "There's a mob at the gates."[15]

In early October 2005, Mayor Ray Nagin asked, "How do I make sure that New Orleans is not overrun by Mexican workers?"[16] The image of immigrant workers, particularly Mexican

workers, as the "mob at the gates" became a powerful wellspring for politics of fear and racial polarization. Nagin asked a question that defined the public debate, turning native New Orleanians into "us" and Mexicans into "them."

A more useful defining question might have been: "How do I ensure that private out-of-state contractors do not profit from excluding survivors from work and forcing Mexican workers into exploitative labor conditions?" Yet media and political discourse followed Nagin's script:

- "While no one knows how many Hispanic workers are in New Orleans, teems of Mexican and Central American laborers drawn from around the United States appear throughout the city."[17]
- "[T]he Spanish-speaking day laborers have flooded into New Orleans…"[18]

This script masks the powerful push and pull factors—economics, United States foreign policy, recruitment—as well as the domestic policies and practices of government that brought migrant workers to the Gulf. The public imagination tells stories in terms of "good guys" and "bad guys." The question of who is to blame for Black exclusion from the reconstruction was answered by Nagin and the reinforcing messages of the press: "the Mexicans."

Script 2: "They're stealing our jobs."

In October 2005, Senator Mary Landrieu stated, "While my state experiences unemployment rates not seen since the Great Depression, it is unconscionable that illegal workers would be brought into Louisiana aggravating our employment crisis and depressing earnings for our workers." [19] This positioning of immigrant workers as directly at fault for the unemployment rate, and indeed, deeply harmful to Louisiana became another powerful source of racial tension and fear.

Landrieu might have issued a more productive condemnation, such as: The extraordinary obstacles to employment for Louisiana's poor—race discrimination, lack of infrastructure for return, government dismantling of civil rights protections—are unconscionable.

Instead, Landrieu called for the "Immigration and Customs Enforcement to dispatch a team of additional immigration enforcement and investigations officers to the Gulf Coast region. Furthermore, I request that the Department [of Homeland Security] institute a zero tolerance policy for the use of illegal workers in government contracts for reconstruction."[20] Again, the media followed Landrieu's job theft script:

- "[W]e have a report tonight about the effort to rebuild the hurricane zone and the controversy it has ignited in New Orleans. Many of the laborers lining up for jobs there are Latino. The concern, should Black evacuees have those jobs? This has led to racial tension."[21]

- "Watching Hispanic workers take jobs, [Black New Orleanian homeowner] seethes, 'They are allowing people to come in who are getting jobs while we as homeowners who built this city, they don't let us get access to our property.'"[22]

These stories pitted Black and immigrant workers against each other. Blamed for lack of inclusion and opportunity for Black New Orleanians after Katrina, immigrants were scapegoated by media and politicians while they were being exploited by contractors. The script also masked the key role that government and private institutions played in creating the exclusion of Black people and the exploitation of Latinos and other migrant workers. Finally, the script created a climate of public receptivity to the exploitation and harassment of Latinos.

To write a new script and make strategic interventions that create systemic change, the focus cannot be on interpersonal dynamics between Blacks and immigrants, but on institutional and structural responsibility. Institutions and structures pit workers against each other. The beneficiaries of the racial tensions between workers are the institutions and structures that profit from cheap labor.

Reframing the Debate, Rewriting the Script

Given the emerging patterns and the central role of the media in creating them, the media, elected officials, government agencies, and disaster relief profiteers must be held accountable for constructing the current climate of racial competition and hostility. Alternative views that challenge the media's portrayal must be written and promoted.

Civil rights advocates have offered alternative scripts. In an interview with CNN's Lou Dobbs, Reverend Jesse Jackson reframes the script:

> *DOBBS: Reverend Jesse Jackson joins me tonight from New Orleans. He says American contractors appear to be hiring illegal aliens in New Orleans on a massive scale.*
>
> *What would you—at this point, is this a conspiracy of circumstance, the devastation that the [struck] New Orleans and the displacement of hundreds of thousands of New Orleans residents who can't get back? Give us your thoughts.*
>
> *JACKSON: Well, number one, these workers are not just coming across the border, they're being sent for, brought in, and hired. They've been trafficked in often working on…very exposing condition without of course any health insurance.*
>
> *What must be clear, made clear by our government, is that those who have been displaced have the right to return home. The purpose is on jobs, job contracts, and that precedent has not been established…*[23]

Shortly after Mayor Nagin asked executives how he could ensure that the city would not be "overrun by Mexican workers," national civil rights groups called for a different message:

> *"[W]e are united in the belief that legitimate concerns should not be the catalyst for pitting one group against another. New Orleans Mayor Ray Nagin's unfortunate comment at a public forum on October 6, 'How do I ensure that New Orleans is not overrun by Mexican workers?' is an example of remarks that can divide Americans at a time when we need to be united.*
>
> *Let us be clear about what the real challenges are. We are deeply concerned that contractors who have already begun the rebuilding process are being encouraged to bypass laws designed to protect wages and working conditions of construction and other workers. This is a recipe for abuse. We must ensure that our nation's laws are respected and that workers are treated with dignity and fairness, and our communities will work together to ensure that justice and equality prevail in the Gulf Coast."* [24]

The comments by political figures such as Nagin and Landrieu struck a negative chord in particular with long-time New Orleanians dedicated to worker justice, racial justice, and human rights. New Orleans civil and human rights lawyer, Bill Quigley, who directs a poverty law clinic at the Loyola Law School explains:

> *"There is also this tremendous division that's going on by our elected officials trying to pit the immigrant workers and the local workers, both of whom have been abused by lack of living wages, lack of decent working conditions. People talking about one group is stealing another group's jobs. There are so many jobs for so many people. The truth is that New Orleans does not want the people to return. The people who were left behind…the elderly, the children,*

the disabled, the Black, the poor, the like, those are the same people that are being left behind today in the rebuilding of New Orleans, and plenty of people are happy that they are being left behind."[25]

Emerging Patterns and Perceptions

The government actions and inactions detailed in this report shine a spotlight on emerging patterns in post-Katrina New Orleans. African-American survivors are being excluded, while Latino and other migrant workers are facing exploitation of grave proportions. The institutions creating and perpetuating the web of disadvantage and inequities remain unaccountable, thus undermining any attempts to effectively address the problems.

Workers of color are brutally aware of these patterns. Many Black workers feel they are being pushed out of the city. They believe that the rebuilding of the city will not benefit them but, in fact, come at their expense:

A Black public works employee put it bluntly, "They are trying to do ethnic cleansing here."[26]

One worker stated, "I would like to see New Orleans back to the way it was but it is not going to happen… New Orleans will never be like it was…They would rather build a big ol' casino out there in the Ninth Ward. Let the rich people get richer and the poor people get poorer."[27]

Another Black city worker could barely contain his anger: "Why are you writing down what I'm saying? Nobody's going to care. We are getting chased out of the city. I have to watch my back. What can you expect of a place that does not want you here?"[28]

Migrant workers also have a bleak outlook on reconstruction. A day laborer from Honduras says, "I'm just trying to live the American dream, but I don't see any dream here."[29]

"There's so much racism here in the United States On the one hand, everyone wants us to do all of this hard work, the dirty work, and they like how hard we work. On the other hand, people always want to check our papers, and when there's easy money to be made, they want us to get the hell out of the way…"

-Rogelio Palma, a day laborer from Florida[7]

CHAPTER TWO

The Structure of Racism

Across New Orleans, workers—both returning survivors and new migrant workers—list calamities that have become routine: Homelessness. Toxic working conditions. The inability to find work. Police brutality. Layers of bureaucracy. These are not randomly occurring misfortunes. Within each story and across all of the stories, we observe patterns of disadvantage and inequity.

Gwendolyn Hammond and Tomas Hernandez are two residents of post-Katrina New Orleans. She is African American, a New Orleanian trying to come home and work in her own city. He is Latino, from El Salvador, and arrived after the hurricane looking for work. Their stories serve to illuminate these patterns and reveal the structure underneath—a structure in which many institutions act together to have a compounded impact on workers of color in New Orleans.

Gwendolyn Hammond's Story

"The last time I worked was the week before the storm came…I'm back and forth trying to get myself together."

Gwendolyn Hammond is an African-American woman in her 40's, a survivor of Hurricane Katrina. Before the hurricane she was a nursing home worker and a long-time resident of the St. Bernard housing project.

Gwendolyn recalls her evacuation vividly. "Me and my children were stuck for five days. We had to get off the best way we can … and then we had to wait on the interstate for a bus to come get us. The first two days we had food but the other days we didn't." Gwendolyn's mother got sick during the evacuation. "I think it was the water, because she's on oxygen. I'm not sure [she had enough oxygen for the whole time]. But she made it thank God … That was a lot for me because there was nothing I could have done. No one came to help. … Everybody was breaking doors down, getting food together, one lady was stuck in a wheelchair, they put her on a boat, my mom on a boat … We ended up walking ourselves. … I was scared."

Gwendolyn has been living in a Baton Rouge hotel, taking the free bus to New Orleans. "The last time I worked was the weekend before the storm came. I've been going back and forth trying to get situated with FEMA in Baton Rouge. … I've been staying [with a voucher] for low-income people. We've been in a hotel since December. … Since December everything has fallen apart."

Gwendolyn has been trying to return to work but her only transportation is the free bus. The nursing home has 12-hour shifts, and the bus schedule does not fit. And she needs the bus because she can't afford to live in the city. "Rents are now $700, $800, $1,000." [30]

Tomas Hernandez's Story

"Mi vida aquí es puro trabajo…El dia que descansamos, nosotros lavamos ropa a mano." [My life here is just work…The day we have off we wash our clothes by hand.]

Twenty-eight-year-old Tomas Hernandez is from El Salvador. He was working in New York, making $5.50 an hour at a factory, when he heard on Spanish language television about jobs in New Orleans—after Hurricane Katrina. He and some friends packed their bags and moved. He now lives with several other Salvadoran workers in a cold house without electricity.

Tomas has been picking up jobs cleaning houses, often working in toxic conditions. The houses are full of mold, sludge and, even at times, snakes and dead animals. And bosses rarely provide protective gloves, goggles, and masks to protect workers.

"Personally … I expected to find more work," Tomas says. Last week he only worked one day out of the week. Work in New Orleans is not stable. Neither is pay. Tomas has earned, on average, $100 a day. "Many of my friends have not been paid, but what can I do?" Like many migrant workers across the city, Tomas' friends have been victims of wage theft.

Tomas has had numerous problems with the police. One night, for example, he and his friends were asleep when "the police opened the door to our house, shined lights on us. Five White male cops and one female cop. They ordered us to lift our arms and asked us to lift our shirts to see if we had tattoos. … They were supposedly looking for "Maras" [Salvadoran gang members also known as MS-13]. … Once they were satisfied we weren't gang members, they asked us what we did and we told them that we were working. One of the policemen asked if we had work for tomorrow. They were pointing guns at us. We said no. He said he needed work done on his house." To Tomas' surprise, the next morning, the officer picked him and his friends up. (To the officer's credit, Tomas notes: "He did pay us.")

Tomas has also heard that "la Migra [immigration] has been harassing people." Several of his friends have been detained. Tomas talks about his life in New Orleans and in the United States: "My life here is just work. The day we have off, we wash our clothes by hand. We don't have a car; we rely on friends to take us to the grocery store. Sometimes we find canned food to eat, sometimes we buy some meat to last us the week, tortillas, arroz, beans, whatever will give us more strength to work." He tries to shrug off the racism in the

United States. "Sometimes we are walking and we have to look behind us…What can you do in a place where you are not wanted?"

Does he want to stay in the United States? "My idea is to return to El Salvador. It is not easy to be here. The family,"— Tomas starts to cry as he talks—"my mother, my father, they are the only ones I have. My father is 70 years old and my mother is 65. I also have two nephews that live in the same house with my parents. I came here principally to take care of them financially. The little that I have managed to earn I send to my family. I speak to them every weekend because I need them so much, I miss them. Family is our priority. Sometimes we work in our countries doing many different things. I used to be a radio personality. I used to sing in a tropical music band. I love art. I used to dance. But I had debts to pay and my parents to take care of, so I decided to come here."[31]

Gwendolyn and Tomas reveal patterns: the exclusion of African American workers from the reconstruction, and the exploitation of migrant—largely Latino—workers participating in the reconstruction. The patterns of disadvantage and inequity that exist across stories like these reveals the structure of racism in post-Katrina New Orleans. To address the problems that Gwendolyn and Tomas face, we must understand how racism works in the United States.

Racism exists at the interpersonal and at the systemic level.

Interpersonal racism occurs between individuals as a result of actions and attitudes. It is often intentional, driven, and reinforced by ingrained beliefs and stereotypes, which leads to differential treatment at the hands of individuals. This report does not detail this racism at the "micro" level.

Instead, this report focuses on a form of racism that is far more pervasive and profoundly damaging: structural racism, or racism at the systemic level. Structural racism, which occurs across institutions and throughout society, happens when a number of institutions (public or private) create policies and practices that routinely disadvantage people of color and benefit primarily wealthy Whites. This form of racism may not be intentional. Policies and practices may not set of explicitly to exclude or mistreat people of color. Nonetheless, they may differentially impact people of color. Structural racism is measured by impact, not intention.

The stories of Gwendolyn and Tomas illuminate structural racism. The stories demonstrate how a number of institutions, including government agencies (e.g., housing), law enforcement, and private industry together create disadvantage and inequity for people of color in the post-Katrina workforce. [32]

It is critical that the workers' stories are viewed through this lens of structural racism. Workers, whether they are pre-Katrina residents of color or migrant workers (citizens or documented or undocumented immigrants), live under the constraints and barriers constructed by layers of public and private institutional policies and practices that—through the routine production of disadvantage and disparity—adversely and chronically impact people of color.

Locked Out of Work

Gwendolyn's story is familiar to many Hurricane Katrina survivors, particularly African-Americans, who have returned home unable to find employment. Powerful institutional actors play a role in keeping Gwendolyn locked out of work. Her story presents a blueprint of the institutional maze that survivors must navigate.

Gwendolyn has not worked since the week before the storm, but not for lack of trying. She has had no time to look for work, attend parent-teacher conferences, or find a stable living situation because she has been busy going "back and forth with FEMA." Indeed, the Federal Emergency Management Agency (FEMA) has been a major obstacle to employment for many New Orleanians.

The Inspector General at the Department of Homeland Security (DHS) explained why so many hurricane survivors are battling FEMA in this scathing indictment of FEMA, reported by *The Washington Post*:

> *"The Federal Emergency Management Agency faces staffing problems 'on a day-to-day basis.' … The problems go beyond the 'weaknesses in FEMA's ability to staff catastrophic events' such as Hurricane Katrina, the report said. 'Frequent reorganizations, chronic vacancies, the use of temporary staff in permanent positions, and fragmented human resources management limit FEMA's ability to hire and retain sufficient staff.' … Interviews with employees suggested that understaffing might be getting worse, but investigators could not ascertain the extent of the problem because of a lack of organizational charts and pre-2005 workforce data."*[33]

It is no small wonder, then, that Gwendolyn has been unable to work.

Additionally, FEMA's hotel program created instabilities utterly incompatible with steady work. Like thousands of other survivors, Gwendolyn ended up living with her entire family in a hotel room. FEMA threatened to stop payment to hotels for evacuees numerous times from December 2005 and into March 2006.[34] Gwendolyn and her family likely endured countless threats of eviction from their hotel and avoided homelessness from week to week.

In large part, Gwendolyn cannot work because she has nowhere to live. The federal government's "erratic federal evacuee housing assistance system" failed New Orleanians in countless ways. [35] For Gwendolyn, a public housing resident, the failure is particularly acute. The federal government bolted the projects shut, but offered Gwendolyn no viable alternative.[36] Pre-Katrina, the local housing authority in New Orleans operated 8,322 units of public housing.[37] To date, only about 880 families have returned to public housing in New Orleans, living in Iberville, Guste, Fischer, River Gardens, and the Hendee Homes.[38]

While Gwendolyn waits to return to public housing, she cannot afford to rent in the city. While rents have skyrocketed, government attempts to control rents and curtail price gouging have failed.[39]

Even if she could afford New Orleans rents, Gwendolyn's children would likely be shut out of New Orleans schools. Like most residents, if her children cannot go to school in New Orleans, she cannot work in New Orleans. After Katrina, the state took control of 102 out of 117 public schools in Orleans Parish and created a special recovery district which opened only four public schools. [40] In comparison, 20 charter schools have opened; however, the waiting lists before April 2006 exceeded 100 students per school.[41]

Meanwhile, in Baton Rouge, schools have been unprepared to deal with students from New Orleans. Teachers have not been trained to know what to expect from a group of children newly arriving in their classrooms from such a traumatic experience. And counseling for the children themselves is minimal.[42]

Gwendolyn's story, is the story of how the policies and practices of FEMA, HUD, the public education system, healthcare institutions, and transportation infrastructures have collectively prevented her from returning to work and to her home. Her ambivalence about returning is, in part, in response to the seemingly insurmountable difficulties she is encountering in attempting to do so. The question for Gwendolyn is not whether she wants to return, but—in light of these exclusionary barriers—how can she?

While Gwendolyn is excluded from work, Tomas is exploited at work. His story exposes the racism faced by thousands of migrant workers of color who are living in and rebuilding the city. Just as powerful institutional actors play a role in locking Gwendolyn out of employment, they also play a role in keeping Tomas employed on the condition that he remain a cheap, vulnerable, and disposable resource.

Locked Into Exploitation

Thousands of workers now live in the same conditions as Tomas, or worse: they sleep in the very homes they are gutting; they are packed in motels, sometimes 10 to a room; in abandoned cars that survivors were forced to leave behind; and they live on the streets. Most migrant workers were promised housing by their employers but quickly found upon arrival that there were no housing accommodations. Instead, they were left homeless.

The doors of FEMA reconstruction housing, established for FEMA contractor employees, are closed to Tomas. The federal government sent mixed messages. On the one hand, it relaxed the immigration law requirements relating to hiring practices, thereby sending a message to contractors that hiring undocumented workers was permissible if not condoned.[43] On the other hand, FEMA failed to assure these workers and their family members that they would not be turned over to immigration authorities.[44]

Similarly, state and local government turned a blind eye to Tomas' housing needs. Although the city depends on individuals like Tomas to act as a flexible, temporary workforce, it made no arrangements to provide them with temporary housing. As a result, the workers who are rebuilding New Orleans have nowhere to sleep in New Orleans.

Tomas reports: "Many of my friends have not been paid," and asks: "What can I do?" The institutions' response: "Very little." The very agency charged with protecting workers from wage theft, the United States Department of Labor (DOL), has devoted few resources to deal with wage theft, even as the level of unaccountability among contractors rises to lawlessness. As of May 2006, DOL had only one permanent bilingual investigator in Mississippi and four in Louisiana.[45] Moreover, the State of Louisiana Works Department of Labor does not have a division that directly handles wage and hour claims because Louisiana does not currently have a minimum wage law on its books.[46]

Despite its ineffectiveness, DOL is the only agency of recourse for Tomas' friends. There are no state or local laws to supplement the weak labor laws and loop holes at the federal level. Low-wage workers were exploited in these circumstances before Katrina. They are worse off now, since contractors have been given the signal that they can take advantage of workers like Tomas with impunity.

The number of [undocumented] immigrants in the city remains unknown, but capturing them has certainly heated up operations at Federal Immigration and Customs Enforcement (ICE).

In the midst of this wage theft, the federal government has increased its resources for immigration enforcement. "The number of [undocumented] immigrants in the city remains unknown, but capturing them has certainly heated up operations at Federal Immigration and Customs Enforcement (ICE)."[47]

'Maybe almost a dozen operations we've conducted in the last three or four months, we've probably apprehended about 400 or 500 people,' said Temple Black, an ICE spokesman.[48] Workers are being detained and placed into deportation proceedings. United States Attorney Letten said, "immigrants would not disappear any time soon, so law enforcement efforts were gearing up for the long haul."[49]

Tomas' problems don't end there. Migrant workers rarely have access to safety equipment, proper training, or workers' compensation benefits when injured on the job. The federal government suspended the enforcement of health and safety regulations in a number of counties and parishes affected by Hurricanes Katrina and Rita, claiming that this would enable the Occupational Health and Safety Administration (OSHA) to respond more effectively to workers involved in cleanup and recovery efforts.[50] Like its sibling, DOL, the OSHA has a poor record of enforcing existing laws throughout the United States and preventing job-related injuries and deaths. Suspending these basic requirements endangers the lives of all workers in the reconstruction efforts.

Migrant workers, just like survivors, contend with almost nonexistent public health care and support systems. The public health ramifications of unsafe and unhealthy working conditions and the longer-term environmental justice concerns are grave.

Compounding inadequate on-the-job health and safety concerns, the late night police raid Tomas and his roommates experienced was an incident of racial profiling resulting from gang-profiling which has historically targeted young African-American and Latino men.

New Orleans Police Superintendent Warren Riley explained that "residents' fear of violent Latino gangs such as MS-13 and the Latin Kings has spread with an influx of Latino workers. Around the city, Latino work crews are gutting homes and repairing rooftops. Many are day laborers who gather daily at spots such as Lee Circle, looking for work."[51] FBI official James Bernazzani further stated that "most of the Hispanic gang members in town are skilled craftsmen, electricians, plumbers, and carpenters who just happen to be gang members."[52] However, more recent reports state the opposite. "As federal agents continue their efforts to capture illegal immigrants who have migrated to New Orleans in the last nine months, the United States Attorney said Thursday there remains no evidence to support fears that vicious Latin American gangs could move into the city."[53]

Despite conflicting media accounts, Tomas and many other immigrants have experienced a heightened level of harassment from the New Orleans Police Department (NOPD). Like the all-too-common experiences of young Black men in New Orleans before and after Katrina, Tomas' constitutional and civil rights were likely violated.

Gwendolyn and Tomas' experiences illustrate how governmental policies and practices impact the lives of people of color. FEMA, public housing, public schools, public transportation, and private hotels all affect Gwendolyn's ability to rebuild her life. Each institution acts with many others to create a situation in which she simply cannot work, even though she has the skills and employment history to work, and even though a job is guaranteed to her. Without work, she cannot find housing or return to New Orleans. This is the overwhelming experience of survivors, particularly African-American survivors.

FEMA, DOL, ICE, and private contractors are also among the institutions that have locked Tomas into exploitative conditions. Many migrant workers are at the mercy of employers, many of whom are out of town subcontractors with no ties to New Orleans and therefore have very little, if any, investment in seeing a just reconstruction. In the absence of any effective social infrastructure which includes functioning governmental agencies, these workers are unable to secure a decent living or working conditions. Tomas' story provides a window into the conditions experienced by the majority of migrant workers in New Orleans–United States-born or foreign-born, documented or undocumented.

Locked Into Conflict

Gwendolyn and Tomas have not heard each others' stories. If they took the free bus from Baton Rouge together and talked, they would find they have a great deal in common. They are both impacted by FEMA, by the government's lack of a comprehensive housing plan, by the exploitative structure of private contracts. They are both adversely impacted by commissions and sins of institutions, both public and private. And both are racially profiled. They are victims of the same criminalization by the media and in political discourse, which makes their exploitation and exclusion permissible.

Because they are unaware of each others' common experiences, African-American and immigrant workers, like Gwendolyn and Tomas, are being divided in New Orleans. As one survivor put it, "Right now they got all these Mexicans down here stealing all the work from people."[54]

As Tomas says, "There 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."

The tension echoes a larger national dynamic between the two populations. Particularly as Americans watch immigrants mobilize to demand first-class citizenship, work has become the principle racial wedge issue between communities of color. Twin myths serve as engines of the tension: "Black people don't want to work," and "immigrants are stealing jobs." It is not surprising, then, that a number of workers report racial tensions between Blacks and immigrants.

Gwendolyn and Tomas are central characters in a drama that is bigger than their own stories. Their personal stories reveal the commonality of the struggles faced by African-American survivors and migrant workers; and reveal also how policies and practices create a structure of racism that locks workers into place. To understand the world of the worker more deeply, and to understand how these institutional policies and practices shape that world, we must listen to more workers talk about their experiences in their own words.

CHAPTER THREE

Critical Issues Raised By Workers

The stories of New Orleans' workers post-Katrina are not simply recollections of personal hardship. They are stories about institutional responsibility. Powerful institutional actors shaped the post-Katrina landscape and placed workers in situations of disadvantage and inequity.

In the days following the hurricane, the federal government came under fierce criticism for being slow to act in the wake of Katrina. Yet, in actuality, the federal government sprang into action swiftly, with a range of policy initiatives practices that were breathtaking in their scope and impact on workers.

In this chapter, workers tell stories about how these policies are impacting their lives everyday. Public policy has erected barriers for African-American survivors to participate fully in rebuilding their own community; created working conditions that are replete with exploitation; made access to safe, stable, and affordable housing a near impossibility; and permitted law enforcement agents to operate in a climate that breeds fear and harassment, mainly in communities of color.

SECTION ONE

BARRIERS TO FULL PARTICIPATION

"They told me they're not hiring those looters from New Orleans."

—Brenda Thompson, former shrimp factory worker[55]

"I been trying to find work. They looking over the people who were born and raised here."

—Malcolm Tibbs, former construction worker[56]

"People want to participate [in the reconstruction], but they don't know how to, where they fit."

— Harold LeBlanc, electrician from the Lower Ninth Ward[57]

Black New Orleanians reported multiple barriers to full participation in the reconstruction, but highlighted several areas of concern:

- The lack of basic infrastructure and support systems, such as affordable housing, open public schools, accessible and reliable public transportation, affordable day care, and public benefits, constituted the primary, central barriers to employment for Black New Orleanians interviewed.
- A number of New Orleanians reported they were not able to find work because "once they see that state ID, they don't want you," a stigma attached to being from New Orleans.[58]
- Black resident interviewees, including those in skilled trades and construction, agree that Blacks have been and are being excluded from employment in redevelopment jobs, particularly in the construction industry

Desperately Seeking Employment

Gloria Dillon lives at "The Renaissance," a FEMA trailer park near Baton Rouge.[59] She lived in Gentilly before the storm, with her three children and her mother. When Hurricane Katrina hit, she was working at a toy store chain where she was paid $6.78 an hour.

"The storm hit me bad." Her house in Gentilly had about eight feet of water. She evacuated to Tyler Town, Miss., where she lived in a van until the end of September, and then moved to Baker, La.

Gloria's biggest needs now are finding employment and housing in New Orleans, transportation from Baker to a job, clothing for her children, and daycare. Her only income now is public assistance, which provides $240 a month.

Likewise, Gail Duncan, a Katrina survivor and former clothing boutique employee, could not get a job in Fort Worth, Texas, where she fled with her children after Katrina. Retail stores and restaurants in town refused to hire her, purportedly because she lost her identification papers in the storm. Gail, however, feels it was because she is Black and from Louisiana.

Gail is now working in a kitchen of a restaurant on St. Charles Avenue, but cannot afford an apartment in New Orleans. She and her family sleep on the floor of a relative's apartment at Iberville housing project.[60]

Unwelcome at Home and Abroad

Gloria believes local businesses in Baton Rouge do not want to hire anyone from New Orleans. "They just don't want us. Otherwise what's wrong with hiring me? I have a good resume. I am an excellent employee. I have the skills. But when I did try to get jobs—once they see that state ID, they don't want you." She has applied for customer service jobs around Baton Rouge, but has not been able to find work.

Gail and her family felt unwelcome in Fort Worth in other ways. When children threatened Gail's daughter in school, school officials told her: "Leave Texas. Go back to New Orleans." It took Gail and her family seven months to leave Fort Worth.

Getting There

The lack of a public transportation system that is affordable, dependable, and flexible denies New Orleanians the ability to work. One worker, a barker on Bourbon Street, reports the most urgent need is more frequent and reliable transportation.[61] Barbara Harris, a former airport worker, agrees. Jobless, Barbara says transportation is at the heart of her problems. She lost both her home in the Ninth Ward and her car in the flood. She is staying with family members in Gretna, a suburb of New Orleans.

Before the storm, Barbara worked at an airport. Without her car, she had to forfeit her job. Barbara's insurance did not provide a pay-out on her old car. Even finding a new job is difficult because "it takes transportation to get where you got to go."[62]

Transportation is also a barrier for Gloria; only one local bus runs every hour taking trailer park residents to the business areas, but that bus is very erratic.

Daycare Dilemma

The lack of adequate daycare is a barrier for working families who without it, cannot look for a job or go to work. Kenya Taylor has a six-year-old son. Like Gail, she is also an Iberville resident, but is currently living in a hotel while she waits for the Housing Authority of New Orleans (HANO) to inspect her apartment. Before the storm, she worked as a crossing guard. She has been offered a job as a reconstruction worker, but cannot accept it without daycare for her son.[63]

Another New Orleanian and former hospital worker, Amanda Cade, has four children. She was nine months pregnant and in the Convention Center after Katrina. "My water was about to break. It actually broke in the Kenner airport," she says. Her youngest child was born four days after Katrina. "They airlifted me to Baton Rouge and that is what made my family have to come over here. We get through it day by day."

Amanda is not working because of inadequate daycare: "[M]y major problem [is] I didn't have any help." She is currently living in a FEMA

trailer in Baker. Before the storm, she worked at a hospital as a housekeeper/patient escort for $7 an hour. Amanda wants to work, but says: "I don't have a daycare for him."[64]

Government Assistance Denied

Reginald Stokes, a restaurant worker, reported that he was denied FEMA assistance because he was out-of-state when Hurricane Katrina hit and all of the bills were in his sister's name. FEMA ignored the fact that all of his identification had his New Orleans address, where he has lived since he was three years old.[65]

In addition to the daily struggles of rebuilding their lives, many survivors have had to contend with problems with FEMA and other government agencies that are supposed to provide them with emergency assistance. Survivors are often wrongfully cut off or denied aid, or given the run-around.

One former cook, now unemployed after Katrina, is sleeping in "Bed No. 3" at a local homeless shelter and, despite having lived in New Orleans continuously for the past 30 years, is being denied FEMA assistance.[66] Another New Orleans resident reports, "You talk to one person at FEMA and they tell you one thing, and then you talk to someone else at FEMA, and they tell you another. They don't stick to the same story."[67] He adds, "FEMA acts like they are doing so much, but really they are doing nothing. The little money that they are giving out to people, they are not doing this out of their kindness of their hearts. They are doing it to keep them [FEMA] out of trouble."[68]

"To be honest with you, FEMA is a joke."[69]

The Necessity of Education

The lack of open public schools also determines whether New Orleanians are able to return home and work. For example, Alfred Smith, a bellhop at a hotel in the Central Business District, and his family evacuated to Houston. The hotel promised to keep his job for him, but Alfred and his wife could not find a school in New Orleans for their autistic son. Their home was damaged, but livable. The key to returning was finding a school to accept their son. Alfred was on the verge of losing his job when a local civil rights attorney filed suit on behalf of their son and successfully forced the school district to admit their son. With their son's education back on track, Alfred and his family have finally returned. [70]

Jacqueline Thompson, a hotel housekeeping supervisor, lost her home in the storm, but not her job. After 15 years of cleaning rooms at the same upscale French Quarter hotel, she makes $13.62 an hour. She and her husband are "FEMA guests" at a hotel in New Orleans—but not the one where she works. Jacqueline's own employer evicted her from her hotel. Jacqueline's family has been separated by Katrina because of the lack of public schools; her eight-year-old son and 15-year-old daughter are with family members in Shreveport, La., about eight hours away, because Jacqueline could not enroll them in school in New Orleans.[71]

Shut Out of Reconstruction

Although many African-American New Orleanians are skilled workers or qualified contractors, they face discrimination on two fronts:

- Skilled workers report they are not being hired by White out-of-state contractors despite their local knowledge base and skills.
- Local minority-owned contractors are being shut out of the reconstruction contracts and

have been unable to get SBA loans. Instead, Black skilled workers and contractors have had to hustle small jobs around the city, which has fostered a sense of competition with newly arrived migrant workers.

Derrick Lawrence and his brother were landscapers before the storm. Their equipment came in handy during the storm. Trapped in their yard, they had to cut their way past seven or eight big trees in order to evacuate.

The following week, Derrick heard that there were jobs cleaning streets and highways. He and his brothers were hired by the subcontractor. They worked for about four days. When they turned in their paperwork to get paid, "They found out we were Black, all hell broke loose."

Derrick recalls that he was ordered to show all of his equipment to the contractor. "[The other people] said, 'Man, why are they asking you all that? They didn't ask us nothing like that. 'The dude couldn't find the serial numbers because they were older machines, and he told us, 'Look, I'm going to have to call the company and make sure and see if they have a hidden serial number. Because I don't know who this machine belongs to. It could belong to anybody.'

"He was saying it wasn't ours, and we were just trying to get some money out of him. But we had documented everything we did, and we had people in the neighborhood who knew what we had been doing. It took a couple days before we got paid. That was the end of that job."

Derrick recounts numerous similar frustrations. "Ever since I've been back in town, look like every business we try to create there are obstacles."

At one point, Derrick took 14 empty tractor trailers to City Hall to call attention to the lack of opportunities for Blacks in the reconstruction "but it fell on deaf ears. It's not that we haven't been trying, because I kept records of everything we did since the storm trying to develop work that's meaningful to us. 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." [72]

For some, the only work they've found isn't benefiting the areas most severely affected by Katrina. Albert Sparks is a city worker who lost his home in Gentilly. Since the hurricane, Albert has returned to continue working on a Canal Street "beautification" project while his house and neighborhood remain in complete destruction. "It does not make sense for me to be fixing up palm trees on Canal Street right now."[73]

The common thread in these stories is that the hurricane has eroded the economic status of New Orleans' Black community by decisions taken at all levels of government. No-bid contracting steered billions in public money away from small, local minority businesses and into the hands of politically-connected federal contractors. The suspension of affirmative action requirements shut Black contractors out of most of the reconstruction business. Moreover, the backlog in small business loan processing, along with the current administration's opposition to emergency bridge loans, has further starved Black contractors out of work in their own neighborhoods. Additionally, the government has dodged initiatives to employ local, low-income Black residents. These factors, coupled with structural barriers set forth above such as the lack of housing, transportation, and schools, have effectively disabled displaced Black working families from returning to and surviving in New Orleans.

LOCKED OUT—NO CONTRACTS, NO JOBS

The following actions and inactions are among those that led to the government's failure to ensure local participation and racial equity in the reconstruction:

- **On 9/9/05 Department of Labor (DOL) Suspends Affirmative Action:** The United States DOL suspended Executive Order 11246 which requires federal contractors to submit written affirmative action and nondiscrimination plans. [1] Thus, federal contractors were not required to monitor the diversity of their workforce, or identify and eliminate barriers to equal employment opportunity. Under intense pressure from civil rights, grassroots, and Black commerce and small business organizations, the suspension was lifted on December 9, 2005.[2]
- **Department of Homeland Security (DHS) Awards Billions in Public Money Through No-Bid Contracts:** Since Katrina, DHS has awarded about 3,400 contracts worth approximately $5.3 billion; more than 1,000 contracts exceeded $500,000, but less than half were competitively bid.[3] Thus, contractors did not have to prove they could deliver the best services and supplies to Katrina communities at the lowest cost.[4]
- **FEMA Awards Less Than Two Percent of Katrina Contracts to Minority Businesses**: By October 4, 2005, only 1.5 percent of the $1.6 billion awarded by FEMA went to minority businesses, rather than the five percent normally required.[5]
- **FEMA Awards Only 18 Percent of Contract Dollars to Hardest Hit States:** As of March 2006, 18 percent of contract dollars for repairs in areas damaged by Hurricanes Katrina and Rita were awarded to companies in Louisiana, Mississippi, and Alabama.[6]
- **Small Business Administration (SBA) Delays Processing of Loans; Then Denies Loans:** By December 2005, of the 28,540 loan applications received by the SBA from the Gulf Coast, only ten percent had been processed and only three percent received approval.[7] As of May 2006, the SBA had denied approximately 11,500 Louisiana loan applications and approved about 11,400, but had distributed only 4,200 checks.[8]
- **Federal Government Fails to Enact Local Contractor Preferences and Employee Requirements to Katrina Contracts**: To date, the federal government has promulgated no guidelines to ensure that contracts and subcontracts go to small, local businesses or that local workers are hired.

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1 See Charles E. James, Sr. Deputy Assistant Secretary, US Department of Labor, "Memorandum to all Contracting Agencies of the Federal Government Re: Contracts for Hurricane Katrina Relief Efforts," (September 9, 2005); Exec Order No. 11,246, 3 C.F.R. § 339 (1964-65), reprinted as amended in 42 United StatesC. § 2000e (2004) ; see also 41 C.F.R. § 60-1.5 (b)(1), 60-250.4(b)(1) and 60-741.4(b)(1); CONGRESSIONAL RESEARCH SERVICE, KATRINA RELIEF: United States LABOR DEPARTMENT EXEMPTION OF CONTRACTORS FROM WRITTEN AFFIRMATIVE ACTION REQUIREMENTS NO. RS22282, Sept. 27, 2005

2 DEPARTMENT OF LABOR, OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, LIMITED EXEMPTION FOR NON-CONSTRUCTION CONTRACTORS INVOLVED IN THE HURRICANE KATRINA RELIEF EFFORT EXPIRED DECEMBER 9, 2005, (available at http://www.dol.gov/esa/ofccp/Katrina2.htm).

3 United States Senate, Committee on Homeland Security and Government, Hurricane Katrina: A Nation Still Unprepared, May 2006, at 653-54. Gerard Shields, Investigation Reveals Waste, The Advocate, May 5, 2006 available at http:// www.2theadvocate.com/news/2749256.html.

4 Sifting Through Katrina's Legal Debris: Contracting in the Eye of the Storm Before the House Comm. on Government Reform, 109th Cong. (2006) (statement of Matt Jadacki, Special Inspector General, Gulf Coast Hurricane Recovery Office of Inspector General, United States Department of Homeland Security. INTERFAITH WORKER JUSTICE, GULF COAST COMM'N ON RECONSTRUCTION EQUITY, GOOD WORK AND FAIR CONTRACTS: MAKING GULF COAST RECONSTRUCTION WORK FOR LOCAL RESIDENTS AND BUSINESSES, 5 (2006). (noting that many of the largest Gulf Coast contractors have executives, lobbyists, or consultants who are better known for their political influence than for their business ability).

5 Associated Press, Minority Firms Getting few Katrina Contracts October 4, 2005), available at www.msnbc.msn.com/id/9590752.

6 Press Release, Committee on Small Business, Federal Contracting Opportunities for Small Firms Remain Weak (March 30, 2006) (available at http://www.house.gov/smbiz/democrats/PressReleases/2006/pr033006.htm).

7 Editorial, Slow Business Administration, WASH. POST, December 9, 2005, at A30.

8 Bruce Nolan, Kerry Pledges to Rebuke the SBA; Many local firms say they are getting no help, THE TIMES PICAYUNE, May 6, 2006 available at http://www.nola.com/news/t-p/frontpage/index.ssf?/base/news-5/1146895458274960.xml.

SECTION TWO

WAGE THEFT

"After working four days doing clean-up and demolition work, I was paid with a hamburger and coke."

—Mario Fuentes, day laborer from Peru[74]

Wage theft—the nonpayment and underpayment of promised wages by an employer—is widespread and rampant in post-Katrina New Orleans. Individuals have been paid either partially or, in many cases, not at all, for days or weeks of work.

Throughout the city, workers interviewed for this report routinely reported wage theft for some period of time. At City Park, for example, 39 of 66 workers interviewed, or 60 percent, had a potential wage claim.[75]

The new migrant workers experienced a range of problems relating to wage theft which include:

- Nonpayment of wages for work performed, including overtime.
- Payment of wages with checks that bounce for insufficient funds.
- Inability to identify the employer or contractor in order to pursue claims for unpaid wages.
- Subcontractors—many times immigrants themselves—who want to but cannot pay wages because they have not been paid by the primary contractor (often a more financially stable White contractor).

These conditions are especially true for immigrant workers because they are often perceived by contractors to be more submissive and presumed to be undocumented, and they are hired for their hard labor but then are robbed of their legally owed wages.

Mario Fuentes came to the United States from Peru. He spent four years in Houston, and drove to New Orleans just before Christmas in search of work.

At the beginning of January, he got picked up for his first job. "I worked four days doing clean-up and demolition work. At the end of the four days, the contractors took me to a fast food restaurant on Canal Street and told me to order some food while they went to get the money to pay me for my work. They bought me a hamburger and coke."

That was at 6 p.m. Mario ate his hamburger, drank his coke, and waited.

Three hours later—at 9 p.m.—the fast food restaurant was closing for the day, but there was still no sign of the contractors. "I had to leave because I did not even have one dollar to buy something else."

Mario gave the contractors the benefit of doubt: "I thought maybe something had happened to them. So the next day, I returned to that fast food restaurant and waited for them that morning but I did not see them. I continued passing by every once in a while in case I saw them." But he never did. "It's as if the earth had opened up and swallowed them."

Nonpayment of Wages

Joaquin Flores is from Mexico but has lived in New Orleans for three years. Before the hurricane, he worked at a casino near the French Quarter; he now works in restaurants cleaning up, and performing any work needed. Joaquin has worked for several contractors who never paid him. He is currently owed more than $700 by a White contractor. Joaquin and 15 others were transported to the outskirts of the city, worked six days a week, 10 to 12 hours a day,

TRACIE WASHINGTON

Director, NAACP Gulf Coast Advocacy Center, New Orleans, LA

Wage theft is nothing new in New Orleans. There is a plantation mentality in New Orleans: I don't have to pay to get it done. People think they can get away with it.

Labor movements in this city have not gone anywhere. Folks continue to just get by. The mentality has not changed. We are still a plantation-based economy: the exploiters and the exploited—all very much based on race.

There is a lack of governmental enforcement and a dearth of people who can take these wage and hour cases. Right now, wage theft results only in civil penalties. We need to have better and stronger enforcement.

We have got to change. The only way that we change the plantation mentality is to have people rise up and start causing problems in the pocketbook. Stores and restaurants cannot open without taking care of their employees. Employers right now think: They are making enough. Employers do not ask what is the value of their work, can you live on this, where do you live. What if people down at fast-food restaurants were making $10 an hour before the storm? We would have had less people on the rooftops.[1]

1 Interview with Tracie Washington, NAACP Gulf Coast Advocacy Center, at Hope House New Orleans, LA, (May 29, 2006).

and were to be paid $10 per hour. At the end of the second week the contractor refused to pay. Soon thereafter, the contractor disappeared, leaving Joaquin and the other workers stranded in the outskirts of the city. A fellow worker gave Joaquin $20 for gas, so he could return to New Orleans.[76]

Jorge Ramos, a Honduran worker from Houston, is one of 12 tree service workers who cleaned up the hurricane debris in the parks of the Garden District of New Orleans for 13 days straight, 12 hours a day, but were not paid. Jorge and the workers live in tents on Scout Island at City Park. The workers are owed well over $20,000.[77]

Across Scout Island at the Apache camp, Bennie Tortos reports that he and four other Native American construction workers worked and were not paid on a combined 314 hours of cleaning and debris-hauling work for a fourth-tier subcontractor.[78]

Contractors don't honor what they say," says Leon Robinson, an African-American carpenter from Kansas. One contractor promised Leon $150 per day; Leon worked five days, but was paid only $250. "It's like $4 an hour."[79]

A large number of workers reported that they did not receive overtime pay. For example, Isabel Rivas, a demolition worker, worked from 6:30 a.m. to 5 p.m. without a day off—sometimes more than 70 hours a week. Isabel received $110 per day, with no overtime pay.[80]

David arrived from Honduras three months ago to work for a contractor at $17 an hour. He works 60 hours a week, and likely has an overtime claim for approximately $2,000 for 20 hours of overtime a week for three months.[81]

Sérgio Ferreira and several other Brazilian workers worked approximately 80 hours per week from November 28, 2005 to March 3, 2006. The amount of unpaid overtime owed to Sergio and others amounts to about $6,000 each.[82]

The problem of wage theft goes beyond the reconstruction industry. One worker reported, "My girlfriend was working at a fast food restaurant in New Orleans and they started them

off at $9.25 an hour and then they brought it all the way back down to $5.15 an hour. They told her that they were going to give her a $200 starting bonus and they never gave this to her."[83] This abuse took place as the media reported on the generous wages and benefits being offered by food and service corporations to lure workers because of an alleged dearth of workers.[84] Similar reports of wage theft were made by workers in the hotel and service industries, and by workers who interacted with temporary staffing and referral agencies.[85]

A number of workers told harrowing stories about being forced to work, or to relinquish promised wages, under threat or at gunpoint. "One time, a contractor brought me back and handed me $60. I said, 'hey man, you said, $150.' He took out a gun and said, 'get out of my car.'"[86]

Payment by Fraud

While most workers are paid in cash, those who received checks had many complaints. Because banks were not functioning soon after the hurricane, contractors would often promise to cash the checks and distribute money, but instead would cash the checks and run.[87]

Ernesto Guerra, a day laborer from Honduras, did the work he was asked to do by a sub-contractor.

The sub-contractor received a paycheck from the main contractor on behalf of Ernesto. The sub-contractor cashed Ernesto's check, but Ernesto never saw the money. He has a back wage claim of $2,800 against the contractor.[88]

Oscar Martinez, a day laborer recruited from Texas, has suffered four incidents of wage theft. Two of these incidents involved bounced paychecks written by the same contractor.[89]

Who's the Boss?

Because there are multiple tiers of subcontractors, often flowing from a handful of primary contractors with federal government contracts, workers often do not know the identities of their employers. This is typical of the growing contingent low-wage workforce throughout the country. In New Orleans, workers explained that without knowing the identity of the employer, they cannot pursue wage claims against these subcontractors.

Julio Martinez, a day laborer who traveled directly from Chiapas, Mexico, receives between $30 and $40 a day, sometimes up to $60, for demolition and painting. Julio is destitute and very discouraged about his situation. He complained that he is starving, and wants to return to Chiapas. Most recently, he worked two days, but was only paid for one. Julio has no idea who he worked for or where he worked. This lack of information makes recovery of his stolen wages impossible.[90]

Leonardo Colindres is from Honduras. Almost immediately after Katrina, he came to New Orleans from North Carolina in search of work. He remembers that the city was like a desert, everything was quiet, and no one was around. Leonardo has four potential wage theft claims. On one occasion, he worked 30 hours, but made only $33. Another time, Leonardo worked a 60 to 70 hour week, but made nothing. Leonardo

can only remember that one of the contractors drove a green truck, with yellow and white letters—"MM"—on the side. He has no other information about his employers.[91]

Workers also reported that many contractors used rented vans and trucks without any formal identification. Or, that contractors changed their identities: One week the contractor's truck announced the company by one name, and the next week there was a different name on the truck.[92]

Immigrant Subcontractors' Catch-22

Many of the new immigrant workers in New Orleans were recruited in other states by immigrant subcontractors who were contracted by larger general contractors. These subcontractors are often small business entrepreneurs who seized an economic opportunity and hired crews of migrant workers, only to find that they were not getting paid by their contractor, leaving them in a legal bind. Often, these immigrant subcontractors have sought the assistance of worker advocates because they want to pay their workers but do not have the means to do so.

John Kim is a Korean American survivor who has lived in Metairie, a suburb of New Orleans, for decades. Before the storm he and his wife ran a convenience store. He came back after Katrina to find the store flooded. He began looking for new work. John met a contractor who asked John to lay tarps on damaged roofs. John put together his own crew, mostly other Korean Americans.

John and his crew did blue roofs for more than a month. The contractor reportedly told John that they would get paid every week but John was not paid for a month. He eventually took out a $50,000 loan to pay his crew. The contractor has not returned any of John's phone calls about payments.[93]

The stories of workers in New Orleans provide a glimpse into the most serious of labor violations that low-wage workers throughout the United States face. The first three lawsuits filed against employers profiting from the reconstruction in Mississippi and Louisiana alleging wage theft tell the same story.[94] The wage theft perpetrated by a complex web of contractors and subcontractors throughout the Gulf Coast is a microcosm of a larger national crisis.[95] A recently published study of day laborers throughout the United States found that "almost half of all day laborers experienced at least one instance of wage theft in the two months prior to being surveyed. In addition, 44 percent were denied food, water, or breaks while on the job."[96]

SECTION THREE

HOUSING

"I want to stay in New Orleans, but I can't find a house. … But with me not working right now, I can't even afford a house. But I'm not working because I don't have a place to stay. It's like, what do you do?"

—Shirley Fisher, African-American, survivor[97]

"[The city] don't want to open up no homeless missions. They got people sleeping in cars. As a matter of fact, I slept in a car last night under the bridge."

—Malcolm Tibbs, African-American, survivor[98]

Housing is perhaps the greatest crisis facing workers after the storm. Survivors returning home and new residents seeking work face unstable housing, unsafe housing, and often-abject homelessness. A backdrop to this predicament, of course, is skyrocketing land and housing prices after Katrina, which has left the majority of workers hopeless in their search for affordable housing. Survivors coming home and migrant workers arriving to find jobs share a common reality: working and not working in New Orleans are inextricably linked with housing issues.

CONSTRUCTING CONDITIONS FOR WORKER EXPLOITATION

- **September 6, 2005—Department of Homeland Security (DHS) Suspends Employer Sanctions:** DHS suspended sanctions for employers who failed to verify the work authorization of their employees as required under federal immigration law.[1] DHS reinstated this requirement on October 21, 2005.[2]
- **September 8, 2005—President Bush Suspends Davis-Bacon:** By executive order, President Bush suspended provisions of the Davis-Bacon Act, which requires that federal construction contractors pay no less than the prevailing wage rates for private construction workers in a particular area of the United States.[3] As a result, federal contractors and subcontractors were able to cut the pay of construction workers below the already low levels that prevailed in Mississippi and Louisiana prior to Hurricane Katrina.[4] In addition, contractors were no longer required to maintain records on wage rates paid for specific work, thereby facilitating wage discrimination and fraud. Under intense pressure from labor unions, grassroots organizations, worker advocates, and legislators, on November 3, 2005, the prevailing wage provisions of the Davis-Bacon Act for government contracts in areas affected by Hurricane Katrina were reinstated.[5]
- **September 8, 2005—United States Immigration and Customs Enforcement (ICE) Saturates Gulf Coast Region:** ICE announced it had deployed more than 725 personnel to the Gulf, including approximately 400 special agents from the Office of Investigations, 200 officers from Federal Protective Services, and 100 officers from Detention and Removal Operations. ICE also sent "eight Special Response Teams (tactical law enforcement teams) comprised of highly trained armed personnel from the Office of Investigations and Detention and Removal Operations."[6]
- **August 30, 2005 —Occupational Safety and Health Administration (OSHA) Suspends Enforcement of Job Safety and Health Standards**: OSHA suspended enforcement of job safety and health standards in a number of counties and parishes affected by the Hurricanes Katrina and Rita,[7] claiming it would be able to respond more effectively to workers involved in cleanup and recovery efforts. These OSHA regulations remain suspended in the areas that suffered the greatest damage, including New Orleans.[8]

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1 Press Release, Department of Homeland Security, Notice Regarding I-9 Documentation Requirements for Hiring Hurricane Victims (September 6, 2006) (available at http://www.dhs.gov/dhspublic/display?content=4788).
2 Press Release, Department of Homeland Security, Notice Regarding I-9 Documentation Requirements for Hiring Hurricane Victims (October 21, 2005) (available at http://www.dhs.gov/dhspublic/display?content=4901).
3 Press Release, President George W. Bush, Message to Congress of the United States regarding Hurricane Katrina (September 8, 2005) (available at http://www.whitehouse.gov/news/releases/2005/09/20050908-7.html).
Proclamation by the President: To Suspend Subchapter IV of Chapter 31 of Title 40, United States Code, Within a Limited Geographic Area in Response to the National Emergency Caused by Hurricane Katrina, September 8, 2005, available at www.whitehouse.gov/news/releases/205/09/20050908-5.html.
4 Before Hurricane Katrina, the prevailing wage rates for construction workers in Mississippi and Louisiana were the lowest and the fifteenth lowest, respectively, in the United States. See Economic Policy Institute, Economic Snapshots: Gulf families' recovery at risk, (September 28, 2005), at http://www.epi.org/content.cfm/webfeatures_snapshots_20050928. For example, the prevailing wage for a carpenter is about $12 an hour in New Orleans and $7 an hour in Gulfport, Miss., both far below the national average. Without Davis-Bacon, employers could cut wages down to the federal minimum wage, which is a paltry $5.15 for employers covered by the Fair Labor Standards Act (FLSA). Peter Dreier, Katrina and Power In America, 41URB. AFF. REV. No. 4, at 1-22, March 2006 (available at http://departments.oxy.edu/uepi/publications/katrina.pdf).
5 Press Release, President George W. Bush, A Proclamation by the President: Revoking Proclamation 7924 (November 3, 2005) (available athttp://www.whitehouse.gov/news/releases/2005/11/20051103-9.html). However, the Davis-Bacon Act still does not apply to any contract entered during the suspension period.
6 Press Release, United States Immigration and Customs Enforcement, ICE Law Enforcement Support Proves Critical to Hurricane Katrina Rescue and Security Efforts (September 8, 2005) (available at http://www.ice.gov/pi/news/newsreleases/articles/050908washington.htm).
7 "Secretary Chertoff has declared the devastation caused by Hurricane Katrina an incident of national significance—the first-ever use of this designation." Press Release, White House, Office of the Press Secretary, Fact Sheet: Federal Relief for the Victims of Hurricane Katrina, Task Force Response (August 31, 2005) (available at http://www.whitehouse.gov/news/releases/2005/08/20050831-4.html).
8 Press Release, OSHA, OSHA Resuming Regular Enforcement Along Most of United States Gulf Coast, (January 20, 2006) (available at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=11805).

The barriers survivors report include:

- High rental and housing prices render stable, safe housing inaccessible to low-income families.
- Unstable jobs and inconsistent pay leave many workers on the brink of homelessness or actually homeless.
- Transitional housing payments are constantly under threat of ending.
- Public housing remains largely closed.
- Blatant housing discrimination limits housing prospects.
- Requirements, such as credit checks, are particularly problematic for families who lost everything in the disaster.

Migrant workers share similar housing barriers and have just as few resources available to them. As a result, many migrant workers live in overcrowded and unsanitary housing, if they are not homeless.

Late one Sunday afternoon, eight men stood in a circle just outside a motel. They were dressed in jeans. Their t-shirts, riddled with paint stains, were neatly tucked in. Some wore baseball caps over their sweaty brows. They all held identical white sheets of paper in their hands and stood in silent contemplation.

The notice they held was written in English. One of the men translated it for the others; it was a notice for eviction. They had just received it from the motel management. It was dated the day before, and stated that as of noon, they were to vacate the motel.

The men, workers from Honduras, Peru, El Salvador, and Mexico, all traveled to New Orleans in search of jobs. They struggled over several months to pick up enough work to pay for the motel, where they shared bunk beds, sometimes four or five to a two-bed room. Now they faced homelessness.

Mario Fuentes spoke up. "There are others in the hotel, maybe 60 or 70, who got the same letter. People already started leaving in the morning. They don't want to wait until the hotel calls immigration."

But where would they go? "Anywhere. The streets. Many people don't have a plan. But those guys have a plan," said Mario, pointing to four men sitting in a parked van. With no alternatives, the four men decided to move into their van. "Hey, if I had a van I'd rent it out for $800 a month," one Salvadoran worker joked. Another said: "Then you could evict us." The men laughed, then slipped back into silence.

Mario spoke up again: "There is a woman in the motel from Mexico. She is pregnant. She is the one I am worried about. Who will take her in?" More workers streamed out of the hotel. Dressed as if for church, bags in hand, they stepped into the next chapter of their New Orleans sojourn.[99]

Too Close To Homelessness

"Seems like you can either live in this city or work in this city, but they don't want you to do both."

—Tyrone Davis, African-American, day laborer[100]

Because of the housing crisis, workers often have tenuous and unstable housing arrangements that often fall through leaving them just a day away from becoming homeless.

Tesfai Bereket is a taxi driver. Originally from Ethiopia, he is a long-time New Orleans resident. He returned to the city after Katrina and found that his key no longer turned the lock of his rental unit. The landlord had doubled the rent, thrown out Tesfai's possessions, and changed the locks. Tesfai had nowhere to go, so he lives in his cab. "It's my apartment," he says. There are no shelters available to Tesfai and hotels are too expensive.[101]

Ernest Wayne, a New Orleans resident, evacuated to New Jersey during Katrina. He returned to New Orleans in December 2005, and goes to Lee Circle each morning for work. Since his return to New Orleans, he has been staying at motels with a friend, most recently at a motel in Mid-city for $100 a night. Because of the cost of motels, he has saved no money from his work. Ernest has often slept on the streets when he has not been able to afford a hotel.[102]

Harry Jackson, a migrant worker from Ohio, is living in his truck. He says his wife calls every day just to see if he made it through the night.[103]

Jerome White, a migrant worker from Texas, has been sleeping in an abandoned car under the I-10. He refers to the car as his "temporary housing program."[104]

Luis Contreras, a worker from Honduras, says that shelters give preference to New Orleans residents, leaving him no option but to sleep in the street.[105] But many African-American New Orleans residents complain that shelters close too early for them to enter. Shelter doors close at 4:30 p.m., but few workers can get off work before 6 or 7 p.m.

"I don't care what they say, 'please come back, please do this,' but if you don't have no where to live. …" says Michael Johnson, a former army officer and Katrina survivor, pointing to the many people sleeping on the streets.[106]

Price-Gouging

"New Orleans people have never paid that kind of money for rent."

—Mary Joyce, African-American, survivor[107]

Cassandra Morris was born and raised in New Orleans. She spent six days in the Superdome with her child, evacuated to Texas, and has finally returned. She lost her apartment to the storm. Cassandra currently works at a restaurant in the French Quarter, but has had to pick up a second restaurant job to pay for the rent on her new apartment which is $1,000 a month.

"I never in my life paid $1,000 for nothing. I can take my rent, my life, my phone, my kids, my car, my insurance, and still would never add up to $1,000. And now I'm paying $1,000 just for rent, so I have to work two jobs just to survive," she says.

Cassandra thinks New Orleans will be "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 that we had and the houses that poor people have built."[108]

Jacob Owens, a reconstruction contractor, says, "They are price gouging across the board right now." Through his work gutting and refurbishing homes, Jacob has witnessed rents soar alongside inflated land values. "I've watched 'home income' jump up 17 percent in the last two weeks … [T]hat house across the street was $225,000. It's now worth about $400,000. This house right here was built in 1857. I did the construction on the interior and exterior. The homeowners are going to want at least $450,000 for it, and if they lease it out it will be $1,000 a month."[109]

Salvador Barros, a day laborer from Honduras, said he was living in a studio where renters were charged $2,000 per month.[110]

Wages, however, are not keeping up with rent prices. "[The restaurant] is not paying us but $5.15 per hour," says Reginald Stokes, a Katrina survivor. "My check is $292 every week. That's all I get paid. My rent is $450 per month. But hell, I have to work two full weeks in a row. My rent takes two full checks."[111]

HOUSING

Of the 711,698 people acutely impacted by Hurricane Katrina, an estimated 645,000, or 92 percent, are from Louisiana; the remaining 66,000, or 8 percent, were from Mississippi. Orleans Parish accounts for the highest number of people affected at 373,206. Over half of all people displaced from their homes by the hurricane and its aftermath are from the City of New Orleans.[1]

Approximately 250,000 homes in the metropolitan area were rendered "unusable."[2] An estimated 112,000 low-income homes in New Orleans were damaged.[3] Those homeowners, however, are still outnumbered by the number of displaced renters. Before the storm, 54 percent of New Orleans housing units were occupied by renters and 46 percent were occupied by their owners.[4]

The racial impact of the flood—its disproportionate impact on Black New Orleanians, in particular—is well-documented.[5] Seventy-three percent of those affected in Orleans Parish—272,000 people—are African American.[6] Damaged areas in New Orleans were 45.8 percent Black, compared to 26.4 percent in undamaged areas. Almost all of the neighborhoods that were in the range of 75 to 100 percent Black at the time of the 2000 Census were damaged by the flood.[7]

Prior to Hurricane Katrina, New Orleans had 7,100 public housing units, of which more than 5,100 were occupied, with the remaining slated for demolition. Almost 100% of the residents were African American. Today, only 880 families have been permitted to return. The Housing Authority of New Orleans (HANO) and its receiver the U.S. Department of Housing and Urban Development (HUD) have boarded up most of the units and plan to demolish 5,000 units regardless of whether they sustained damage. Public Housing residents want to return and recently filed a lawsuit against HUD and HANO to re-open habitable units and repair others.[8] The case alleges that HUD and HANO have failed to permit public residents to return in violation of their obligations under the residents' leases and that the actions and inactions of the defendants have a discriminatory impact on African Americans.

The future of housing for low-income residents of New Orleans is also bleak as a result of the Louisiana's Road Home Program. This massive, multibillion dollar program leverages federal Community Development Block Grant (CDBG) funds to rebuild and buyout housing and rebuild basic infrastructure destroyed in the wake of Katrina.[9] While CDBG funds must, by law, be directed primarily at low-income persons, the plan does anything but that. Thus, the plan does not take into account need. Instead, the plan provides for funds to homeowners regardless of income and provides no assistance to renters. In addition, the Road Home program penalizes homeowners who did not have insurance by reducing their payout by 30 percent. Many of homeowners who will be penalized are low-income and Black.[10]

In addition to these failed housing policies, the government (federal, state, and local) failed to make any plans for temporary housing for the tens of thousands of workers that are needed for the reconstruction.

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1 All data from GABE, FALK, ET. AL, CONGRESSIONAL RESEARCH SERVICE, HURRICANE KATRINA: SOCIAL-DEMOGRAPHIC CHARACTERISTICS OF IMPACTED AREAS, (November 4, 2005) (available at http://www.gnocdc.org/reports/crsrept.pdf).
In addition to Orleans, three other parishes were severely affected: Plaquemines with 13,000 affected residents; St. Bernard with 65,000 affected residents, and Jefferson with 181,000 affected residents.

2 *Id*. at Summary, 1, 7. See also, Housing Options in the Aftermath of Hurricanes Katrina and Rita Before the House Financial Services Committee Subcommittee on Housing and Community Opportunity 109th Cong. (January 13, 2006). (Statement of the National Policy and Advocacy Council on Homelessness (NPACH)), (available at http://www.npach.org).

3 Bill Quigley, New Orleans: Leaving the Poor Behind Again, COMMON DREAMS, October 12, 2005, available at http://www.commondreams.org/views05/1011-20.html.

4 Greater New Orleans Community Data Center, Orleans Parish: Housing & Housing Costs, at http://www.gnocdc.org/orleans/housing.html.

5 JOHN R. LOGAN, BROWN UNIVERSITY THE IMPACT OF KATRINA: RACE AND CLASS IN STORM-DAMAGED NEIGHBORHOODS, (2006).

6 Gabe, Falk, et. al, at Summary, 1, 7.

7 Logan.

8 Anderson v. HUD, Case No. 2:06-CV-3298, (E.D. LA).

9 LOUISIANA RECOVERY AUTHORITY, THE ROAD HOME HOUSING PROGRAMS ACTION PLAN AMENDMENT FOR DISASTER RECOVERY FUNDS, reprinted at 71 Fed. Reg. 29 (Feb. 13, 2006) (available at http://www.lra.louisiana.gov/road_home.html).

10 For comments about the Louisiana Road Home Program go to www.AdvancementProject.org; www.nilc.org/disaster_assistance/nilccomments_Larecoveryactionplan_2006-4-17.pdf. See also, Perry and Smith, Letter to Louisiana Recovery Authority (LRA), GREATER NEW ORLEANS FAIR HOUSING ACTION CENTER, available at http://www.gnofairhousing.org/index.html.

Double Payments

"We lost everything but the bills."

—Michael Tran, Vietnamese American, survivor[112]

Michael Tran has lived in New Orleans on and off for 20 years. His family moved once to Houston and once to California. He is Vietnamese and remembers when the Vietnamese population first immigrated to New Orleans and there were around 100 people. He lived in New Orleans East before the storm. His house flooded with four feet of water and the pharmacy he owned sustained some roof damage. His customer base has decreased by about half—most have not returned because of a lack of jobs and schools. His sister works at a food production plant in New Orleans East, where she has returned to work. He had to take his children out of school three times since the storm because they had to move. Michael feels lucky because his business has a low overhead and his family lives in the apartment above the shop. However, Brandon must still pay the mortgage on the home that they cannot live in now.

Thu Ha Dinh lost her home and is paying mortgage and rent while she waits for FEMA. "I really don't want to default." Her husband owns a restaurant that flooded, and she is a nurse, and the hospital where she was employed is closed. The hospital told her that they could help her get a job at a sister hospital, but that has not come through. As a result, "eveything is messed up," Thu Ha says. "Half of our income is gone. I had to cut my insurance. My 13-month-old-daughter does not have insurance. So I had to pay for a doctor out of my pocket."[113]

Transitional Housing

Jamal Jordan is a young African American in his late teens who returned to New Orleans after Katrina. Weeks of job searching finally landed him work at a local restaurant. He had been staying at a hotel on Canal Street in the Central Business District with his uncle on a FEMA voucher, but he and many others faced eviction from hotels. Jamal was told by FEMA to go to a shelter in Shreveport, La., approximately eight hours from New Orleans. The Shreveport shelter was the only option for those facing eviction, and most survivors at the hotel were going to take it. Jamal faced a difficult post-Katrina reality—either be employed but homeless in New Orleans, or be unemployed and live eight hours away from home in a FEMA shelter.[114]

Despite the known fact that the reconstruction of New Orleans would require a large number of workers, and despite the actual influx of new workers to the area immediately following Katrina, arrangements for transitional housing for these new residents were virtually nonexistent.

Paulo Barron Olivaras, a migrant worker from Mexico, lives in a large hotel conference room with 150 other men where they sleep in three-level bunk beds while cleaning and gutting the hotel. The hotel is severely overcrowded and without hot water. In addition, their boss threatens Paulo and his fellow tenants by telling them that if they do not perform the work, he will contact the immigration authorities. The threat of deportation looms over the workers' heads. The lack of housing in New Orleans gives the workers few options to leave such situations.[115]

Meanwhile, public housing residents in New Orleans cannot return to their homes, even those that are habitable, and thus most remain displaced and often, homeless.

Sylvia Washington, Iberville housing project resident, is living in a car with her husband outside of her sister's FEMA trailer. Before the storm, Sylvia worked at a casino near the French Quarter. On February 10, the casino called her

to return to work. HANO had told her that her apartment would be ready February 1, and so she decided to return from Georgetown, Texas, the place she evacuated to after Katrina. When she arrived, her apartment was far from being ready. HANO then told her it would be ready by March 1. On March 1, it was still not ready.

Sylvia and her family have no where to go. The homes on the Section 8 voucher list start at $1,100 a month, which is out of her reach. Sylvia and her husband sleep in a car, and pay $64 per month to store their belongings. Every morning, Sylvia showers at her grandmother's house before work in the buffet line at the casino. Her daughter, a high school student, sleeps at her grandmother's house. Her son is still in Texas, because of their housing situation.[116]

No Real Alternatives

Even when workers find a place to stay, the housing is often substandard and dangerous. Guillermo Martin is living in a building near Franklin and St. Claude Avenues. The building has no hot water and the floors are wet and moldy. Workers bunk two to a room and pay $300 per room, per month. A total of 18 workers live in the building. Guillermo reported that there was a fire upstairs that destroyed part of their building, causing ashes and debris to fall on them.[117] Similarly, Juan Ramos, a day laborer from Colombia, and four other construction workers, pay $600 a month to live in a building with no heat and no water, five blocks away from a day laborer hiring site in the Ninth Ward.[118]

Lucio Barros, a Mexican worker from Guanajuanto, lives in a moldy church with three walls. Lucio traveled to New Orleans from the Oklahoma spinach fields in November 2005. He lived in a motel during his first month in New Orleans, but was kicked out. He, along with 12 others, now sleep in a gutted church behind the up in an extremely moldy area. Every now and then, they try to bathe at the motel.[119]

Rodney Jackson lives on the streets. Rodney is from Atlanta. He is African American, a carpenter, an auto repair worker—and now, a day laborer. Every morning, he stands at Lee Circle to wait for work. At night, he roams the streets in Baton Rouge and New Orleans. There is no where to go; the shelters are full, motels are too expensive, and rents are unaffordable. "People have no respect for the people who have come in to help rebuild the city," says Rodney.[120]

DON EVERARD

Executive Director, Hope House, New Orleans, LA

People in New Orleans don't have enough money to get decent housing and won't unless societal conditions change.

It is harder now to fix the problems. The game is set up. The powers that be think that New Orleans people are better off somewhere else and are putting their energy into getting people to stay away. Housing is the best tool for that.

There is a belief among White folks that the city's problems stem from poor Black folk. Some would take off the poor part. There is a fundamental racism that is there. We are not talking about getting rid of poor White folk, we are talking about getting rid of poor Black folk. Property values will be the code term for racism.

There are other ways to express racism other than overtly. You have to structure things to make it hard for some folks to come back. All these attempts to pull in more high-end businesses, to build senior retirement complexes with deposits starting at $250,000, to create wealth in the city by drawing in the people from the suburbs, all amounts to the same thing.1

1 Interview with Don Everard, Executive Director of Hope House, New Orleans, LA (May 29, 2006).

SECTION FOUR

HEALTH AND SAFETY

"They chew you up and spit you out if you fall off a roof or get sick. Spit you out like you don't matter."

—Deidre Ward, migrant worker from Florida[121]

In addition to grappling with the stress of having survived Hurricanes Katrina and Rita, survivors and migrant workers across the city reported working and living conditions with disastrous health consequences. Despite the grave environmental and public health crisis resulting from Katrina, the level of health and safety training and equipment provided to most workers, if any, falls well below the standards required under federal and state law. And survivors, as well as immigrant workers, have virtually no options for public, affordable health care.

Workers recited a litany of physical illness and injuries, and presented their own bodies as exhibits: bloody noses from demolition work; coughing from spraying down homes with bleach; burns on their hands, arms, and legs; headaches, dizziness, and itching; lost appetites; numbness; nausea, upset stomachs, flu, and colds; fever and upper respiratory problems; nails through hands and feet; burning eyes, rashes, and pneumonia; and injuries from physical violence, like being stabbed in the eye. One worker reportedly almost died from a staph infection. The doctor who treated the worker speculated that the infection resulted from bacteria in standing pools of water at migrant worker campsites in New Orleans.[122]

Health concerns raised by both survivors and migrant workers can be summarized as:

- Acute health care concerns for survivors.
- Lack of appropriate health and safety training and equipment for workers.
- Workplace injuries that go unaddressed due to a dearth of medical care.

DR. BEVERLY WRIGHT

Founder and Director, Deep South Center for Environmental Justice at Xavier University
New Orleans, LA

We don't know the long-term effects of working in this environment. This is a long-term research experiment. We are all lab rats who have not consented to this testing. There are so many denials about the risks and levels.

We do know that workers have been reporting a lot of accidents and cuts and problems from nail guns; from not wearing respirators. There will also be a lot of respiratory problems. Workers are not getting any protective gear. People doing gutting of homes don't have masks. If they have masks, they need goggles as well.

The Deep South Center for Environmental Justice collaborated with the United Steelworkers of America to train 180 community people in hazmat. We told them don't go into houses unprotected. You have to protect yourself while helping others. We trained them to do clean up in a way that protects them. We also trained about 50 contractors in hazmat and mold remediation so that they could train their employees. People need to know about these environmental risks and hazards.

Acute Health Care Concerns for Survivors

Hurricane survivors face serious health concerns. The long-term mental health concerns raised by this national catastrophe must be addressed in order to ensure the well-being of the broader community as New Orleans is rebuilt. The trauma of surviving Hurricanes Katrina and Rita coupled with the financial stresses and other factors that affect the health of low-income communities of color present an urgent call for a functioning public health system.

Numerous workers talked about the mental and physical stress of surviving Katrina. Paul

Gordon, a roofer and a former New Orleans East resident, had to evacuate twice. His home was completely destroyed. He evacuated during Hurricane Katrina to Beaumont, Texas, but then during Hurricane Rita fled with his wife and three children to Baytown, Texas, where they stayed for three months. It took him four months to find an affordable apartment in Kenner. Paul was recently diagnosed as a diabetic. He says that the stress of coming back and seeing his home destroyed was too much for him and he "lost it" for a while.[123]

Forty-eight-year-old Marshall Freeman, a long-time Iberville resident and a Katrina survivor, has requested but been denied mental health services. "I just need to talk," Marshall says. Two weeks before the hurricane, Marshall's wife died. He somehow managed to survive the catastrophe—without food for five days, on the I-10 highway for two days, in the Superdome for one day where he said he could smell the dead bodies—after which he was transported by the government to an evacuee shelter in San Antonio, Texas. He sought mental health services, but the doctors in San Antonio did not take him seriously and dismissed him as "crazy." He believes that the doctors discriminated against him because of his race.[124]

Black residents also reported serious physical health concerns arising from direct exposure to Katrina floodwaters. Willie Stevens, an African American man and a homeowner from the Eighth Ward, spent 28 days in the hospital after Katrina because the floodwater infected his leg.[125] J.J. Jones, a woman who had been incarcerated in Orleans Parish Prison during the flood, showed interviewers the small boils on her face that grew after Katrina.[126] A number of migrant workers are also manifesting physical signs of exposure to these toxic conditions. Early post-Katrina sludge removal workers have contracted skin abscesses and boils across their faces and bodies.[128]

Lack of Proper Health & Safety Training and Protective Gear

As migrant workers take on the huge task of cleaning up the debris and toxins left behind by the storms, they have been ill-prepared to do so because their employers have failed to provide them with the proper training and health and safety equipment. Many workers have resorted to purchasing their own safety gear even if it is not the appropriate equipment, while others faced with a choice between feeding themselves and preventing future medical problems, have forgone the equipment. The health conditions workers are suffering directly impact the health of their co-workers, roommates, neighbors, and other community members.

Kevin Williams is an African-American demolition worker who arrived from Atlanta. Kevin is homeless, and plans to move to a hotel when he finds steady work. Until then, he carries all of his belongings with him every morning to Lee Circle, where he picks up jobs gutting homes, painting, or putting up sheetrock. He has worked numerous jobs without gloves or masks. He knows the old houses being torn down after the hurricane have "poison in them." And he and other workers have complained about health and safety. But the contractors will not do anything to protect workers. Kevin cannot buy his own gloves and masks—the little money he has, he must spend on food.[129]

Workers reported extremely unsanitary conditions at work and where they live. "They don't give you vaccinations, so people get sick," says Humberto Garza about one of his employers.[130] Humberto explains that workers were dirty all the time, but they could not wash their hands. As a result, several people became ill eating with dirty hands. One worker was so sick he was unable to continue working. At City Park, the high cost of basic sanitation put cleanliness out of reach for many workers. As one City Park resident put it, "Five

dollars a shower means that we cannot shower every day. We cannot afford it. And we need to shower. We will get sick if we cannot clean up after work."[131]

Still others reported cleaning toxic mud left over from the hurricane without being provided with any protective gear or safety instructions. Workers have also complained about headaches and nausea but employers do not provide medical treatment for them.[132]

Workplace Injuries

Not surprisingly, many workers who lack health and safety training and protective gear also suffer serious injuries on the job. Although they are most likely entitled to workers' compensation benefits, they are often denied this benefit by employers. The failing public health care system is also wrongfully closed off to many of these workers, particularly those who do not have a valid state identification card.

Pablo Valiente is from Honduras. A father of five, he came to New Orleans looking for work a few months after the hurricane. He was working on a roof one day when he fell and hurt his arm. A few weeks later, when the pain in his arm became unbearable, he started making desperate phone calls, searching for someone who spoke Spanish who could help him. He was able to connect with a volunteer. The only public hospital in New Orleans was closed, so the volunteer took him to a health clinic that was operating out of the Convention Center. But because he did not have a state identification card, he was turned away. In the meantime, the homeowner he had been working for had not paid him, and Pablo could not work so his friends were collecting money to help him survive. Finally, another volunteer was able to arrange a meeting between Pablo and a volunteer doctor in an Uptown café. The doctor told him that he had to get his cast reset but the only hospital that would accept him was in Baton Rouge. Volunteers shuttled Pablo to Baton Rouge where he finally received medical attention.[133]

Similar to low-wage immigrant workers throughout the nation, workers in New Orleans risk being wrongfully terminated and abandoned by their employers if they are injured on the job. Carlos Diaz is a Mexican day laborer who arrived in New Orleans in November 2005. In late November, he worked for an environmental waste company which had a reconstruction contract with a large contractor, cleaning public schools for six weeks. As a lead worker or foreman, he says he witnessed workers being terminated for complaining about severe eye infections after exposure to toxic substances.[134]

The long-lasting physical consequences of working in the post-Katrina labor force remain to be seen. But it is very likely that many workers and residents will face serious health impacts resulting from exposure to toxic conditions.

SECTION FIVE

LAW ENFORCEMENT

"They treat you like criminals."
—Rodney Jackson, day laborer from Atlanta [135]

"Hispanos can't even walk down the street; they get picked up and deported."
—Mateo Garcia, day laborer from Mexico [136]

Vestiges of the unjust criminal justice system and abusive law enforcement agencies operating prior to Hurricane Katrina are alive and un-well in New Orleans. Workers across race and industry report numerous incidents of law enforcement abuse and violence at the hands of police and immigration authorities. Harassment and abusive practices at the hands of local police officers,

XOCHITL BEVERRA

Co-Director, Families and Friends of Louisiana's Incarcerated Children (FFLIC), a coalition member of Safe Streets/Strong Communities
New Orleans, LA

[In post-Katrina New Orleans,] people are being arrested for spitting on the sidewalks and in massive sweeps. This does not make anyone safer. Police Chief Riley has made statements, boasting about the 900 arrests that are made in New Orleans per week. Police brutality and harassment has continued as seen by the number of documented deaths at the hands of police officers. NOPD is missing an opportunity to think differently about public safety and criminal justice.

In order to achieve justice, a structural change is necessary. The community as a whole must be making the decisions about what is important and have a process for holding accountable the officers who continue to harass and harm communities of color everyday. We can start with the opening of the Office of the Independent Monitor which will force community involvement in the process.

As for root causes, we are often told that the New Orleans Police Department works for Uptown white folks. There have been numerous reports of using racial epithets, saying, '*you shouldn't have come back here, you're not wanted here.*' The criminal justice system is being used to oppress and control certain communities and decide who can and cannot come back. This will never serve to make anyone safe. [1]

1 Telephone Interview with Xochitl Beverra, co-director of FFLIC, (May 31, 2006).

and DHS and ICE agents, are quickly becoming one of the top issues affecting workers in New Orleans. Workers report a disturbing trend of police conduct including extortion, arbitrary stops, and arrests violations of civil rights and liberties. And, the apparent collaboration between local law enforcement agencies and immigration authorities presents grave concerns, especially for the growing immigrant community that is concerned about reporting crimes to the police but risks being deported.

Extortion of Workers

A number of workers report that police officers abuse their authority by extracting free work by force for their personal benefit. Workers also report that police officers have stolen from them.

Orlando Palma, a migrant day laborer related the story of a friend and co-worker who refused to do additional work without additional pay. The boss was an NOPD officer. "[The officer] grabbed my friend by the shirt, and dragged him outside to a car. He slammed [my friend] against the car and stole his cell phone. Another worker had been working inside too, and saw what happened. … The police officer took out his revolver, and said, 'One way or another, you're going to do this work.' He threatened them with the gun, took them back inside, and made them work against their will, while he kept threatening with his gun. It was about three hours they worked like this, at gunpoint. At the end, the officer never paid my friend for any of the work they did—neither the contracted work nor the work by force."[137]

Arbitrary Stops and Arrests

Workers across the city report that they are often stopped for no apparent reason. Racial profiling appears to be common practice, especially for young Latino and Black male workers. Female workers also report sexual harassment.

Kelly Carter, African-American Katrina survivor and a mother of four, works in the hospitality industry. She recalls an officer pulling her over for running a stop sign, which she claims she did not run. At some point, the officer said, "Maybe I like what I see," and started making obscene comments. It was a humiliating incident and Kelly was especially upset since it occurred in front of her children. [138]

Workers have fearfully come to expect that "police will take them away for no reason and just make up a crime."[139] "[The police] are much ruder here and will take you away for no good reason," said one day laborer who changed his license plates to Louisiana plates "to avoid being stopped by police because when they see you they just stop you, especially if you are [from] out of state."[140] Yet, another worker refuses to go into the city because he says, "New Orleans police are always looking for an excuse to give tickets or mess with you."[141]

Workers are afraid not only of the harassment but also the consequences of getting a criminal record. "Police put us in jail for nothing, then you get a criminal record, and you can't get anything or any job."[142] Workers report being evicted by police from homes to which they have house keys, because officers assume they are squatting.[143] And, one worker was arrested for disorderly conduct [144] while he was knocking on a friend's door.

Violations of Civil Rights & Civil Liberties

There are a host of stories told by workers that underscore rampant violations of civil rights and liberties. Workers speak of problems at the jails, lack of language access in legal proceedings, and police beatings.

Tomas reports that once a police officer stopped him and his friends, hit his friend in the back of the head, took $300 from his friend, and accused all of them of stealing. "He didn't tell us why he stopped us. He pointed a gun at us. … There was nothing we could do. Told us that the next time he saw us he was going to kill us. He was going to shoot us." One of Tomas' friends who spoke English confronted the police officer and asked him why he was assaulting them. "The policeman said that we might be delinquents. The policeman then threatened our English-speaking friend and told him that if he was giving us work he could be removed from the country." The police officer reiterated again, "if he saw us again we might be dead." Tomas' friend—the one who took the blows to the head—was injured, but survived the encounter.[145]

The infamous jails of New Orleans are filled with stories of civil rights violations. The "jails are full of out-of-town workers."[146] Limited English speakers often do not have interpreters for court proceedings. There are numerous reports of workers who were held for long periods of time. One worker interviewed reported that he has a friend who has been in jail for more than four months for not having the proper license plates on his car.[147]

Police brutality occurs at a disproportionately high rate in Black communities. Interviewers for this report witnessed the beating of Gordon Lewis—a young, African-American man—while in the Lower Garden District of New Orleans. Gordon had been arrested, beaten by police, cuffed, and put into a police car where he kicked out the window, after which the police pulled him out of the car and continued to beat him. The interviewers witnessed the end of the second brutal assault.[148]

Harassment at Lee Circle

Lee Circle, the premiere hiring spot for day laborers, is also a regular site of police harassment and brutality as well as immigration raids. This is a source of great frustration for workers who wonder, "What can we do so people can seek work in peace?"[149]

Luis Cruz, a worker from Oaxaca, Mexico, has been in the United States for three years. He heard the work was good in New Orleans, but the truth is that it comes with many problems. "Police are the worst problem. They come and throw us

out of here, and where are we supposed to go? If we're gone, the bosses will stop coming with work, then where are we going to get work? We come here to work. Nothing else. Every morning around 10 to 11, the same patrol car comes by, with the same two officers (one Black, one with black hair). They say 'vamonos, vamonos,' and try to get everyone to leave. Some people come up here (to Lee's Circle) to drink, but a lot of us are here to work. So why do the police try to cause so many problems?"[150]

Other workers, homeless because of the unaffordable rents and motel costs, face harassment when they spend the night on the streets. "They say they don't want us here and threaten to lock us up for staying where we sleep [on Lee Circle]."[151] "We are trying to rebuild their city, but at night they say we can't be here."[152]

Heightened Immigration Enforcement

Numerous workers have witnessed immigration raids at Lee Circle, and across the city, at big hotels downtown, the bus station, hiring sites across the city, the Superdome, on work sites, in the parking lots of home improvement stores, and even inside homes that workers are gutting or rebuilding. Workers report:

- Frequent immigration raids.
- Retaliatory calls to immigration, or threats of such calls, by employers.
- Collaboration between local law enforcement and ICE to the benefit of employers.

Orlando Palma recalls, "On December 15, 2005, I was on Lee's Circle waiting for work. About 9 a.m., three black, unmarked cars pulled up. From each car two men got out with pistols drawn. There were about 65 people standing around, and nobody moved. One man said, 'Immigration!' Then, some people started scattering because they had no papers. I think they took away about 12 or 15 people that day. But one of the kids they grabbed had more problems. One officer threw him on the ground. He hit his head on the cement and lost consciousness. Three officers were around him. They kicked him about two times in the back. He regained consciousness and they asked him, 'Why did you run?' All of the rest of the officers had their guns drawn the whole time. He didn't answer, but I knew he was running because he has no papers, and since it was almost Christmas, he didn't want to be taken away. They took him away. I don't know where they went."[153]

NOPD, la Migra, and the Boss

Bosses frequently threaten undocumented employees with calls to 'la Migra.'[154] One worker remembered a contractor who dropped him off at a house and assigned him with the task of tearing down the house. The worker did the job and for some reason, not long afterward, the police arrived. The worker realized that the contractor had used him to steal bricks from the house. "The cops took my phone and called whichever numbers I had there thinking that they could find the contractor that way. They ended up calling my friends thinking that one of them might be the contractor and told them that I was dying and they had to come immediately. When my friends showed up they too were handcuffed until we convinced them that we didn't know that the contractor didn't have permission to tear down the house. We were not released until 6:30 at night and the police didn't catch the contractor. I knew where to find the contractor so the next day me and my friend went to confront him and demand that he pay me. He refused to pay me and told me that his sister worked for immigration and he would have me deported. That was 20 days ago. I don't know his name."[155]

Workers believe that there is coordination, which is often explicit, between local law enforcement and immigration. Darren King has witnessed three separate raids where employers have called the city police, who arrested workers, and then turned them over to ICE. Darren reported the casualties of the raids; eight workers in the first raid, eight in the second, and four in the third.[156]

According to some workers, home improvement stores, a large hiring spot for many workers, call ICE if the managers and the police believe that workers are bothering customers.

The presence of police and immigration officers not only intimidates workers but also has a negative impact on employment opportunities. Francisco Jauregui wants authorities to arrange a better spot besides Lee Circle for hiring so that workers and bosses can get together without police interference. "Bosses get shy about hiring when police are around."[157]

The lack of labor and civil rights enforcement in the Gulf Coast stands in stark contrast to the aggressive tactics employed by local police and ICE, who readily respond to tips from unscrupulous employers who report workers that voice employment-related grievances. As a result, ICE raids of day laborer sites and work sites have increased substantially in the wake of Hurricane Katrina. Both ICE and DOL have expressed their commitment to developing a process whereby ICE will determine, before deporting any worker detained in the Gulf Coast, whether the worker has any unpaid wage claims. Although ICE and DOL are reportedly engaged in ongoing consultations on this subject, no agreement appears to be in place. Workers live in fear of these tactics everyday and most cannot or will not complain for fear of more severe repercussions.

SECTION SIX

VISAS AND HUMAN TRAFFICKING

"[Our boss] told us that we shouldn't leave, and [our other boss] also prevented us from going out of the hotel. … We were told to put out all our candles, and keep the curtains closed at all times."

—Thanom Tiemchayapum, a reconstruction worker from Thailand via North Carolina on an H-2A visa, virtually detained in a motel in New Orleans by his employer.[158]

"They 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."

—Raoul Arcentales, a worker on an H-2B visa who only worked five hours during his first 18 days in the city[159]

These workers are in New Orleans on immigration visas. Officially designated "non-immigrant workers," they are allowed entry into the United States temporarily, for both seasonal agricultural (H-2A) and non-agricultural (H-2B) work. Their sponsoring employer can only hire them if it proves that no United States workers are willing or able to do the work. And, the workers can enter the United States on the condition that they will work only for that employer while they are in the country. If the worker does work for someone else or quits his job because of abusive working conditions, the "guestworker" loses his temporary status and must return to his home country or else risk detention and deportation.

Waiting For Tuesdays That Never Arrive: Workers On H-2B Visas

Four Latino workers stand in a room crowded with bunk beds and makeshift furniture. The door is shut tight, and one worker watches out for the manager: they don't want her to know they are having a meeting. The others hold open their Mexican passports, and showed their tickets to the "American Dream:" their H-2B visas.

> We were not allowed to leave the hotel in New Orleans, except when our supervisor escorted a few people to the supermarket or to look for work. We couldn't leave the hotel because our main boss told us it was a "disaster zone." He told us it was off limits, and no one was supposed to be there."

The problem: these five workers haven't worked in three weeks. They arrived in New Orleans a few months ago, and have worked a total of five hours each. They go back to the work site everyday—sometimes twice a day—begging their employer for work, and are told to return later. And they have no alternative. "Other workers go to temp agencies and [day laborer hiring spots] to find work. We are afraid to do that." And for good reason; if they are discovered violating their contract, they will be deported from the United States, and face jail time or a $3,000 fine in Mexico, according to their contract.

So they are holding a meeting, and telling their story.[160]

How did they get to New Orleans? Raoul Arcentales, Ricardo Gonzales, Jesus Blanco, and Eduardo Cruz are all from the same city in Mexico. They have known each other all their lives. They grew up in the same neighborhood and they were good friends; they played football together, went out into the fields, never fought over girls. "There were enough girls for everyone," they said. (There still are, Raoul confirms.)

Ricardo worked at a local factory. Jesus and Eduardo worked on ships, doing manual loading and unloading.

Raoul describes how they got to the United States. "We saw some ads in the local newspaper. The ad said there were jobs in the United States." It listed an address in a neighboring city. So they went together to this city, found a little storefront, and were directed to a room in the back. There, at a desk, was a lawyer, they believed. This was in February 2005.

"[The lawyer] asked for all our personal information, documents, and work history—what kinds of work we have done before."

Then they applied for 'the right to a visa.' They went to a bank, and paid the requisite 1,700 pesos ($100 USD) to the United States Consulate.

Then they waited for the United States company to contract them. If a company decides to hire a worker, it contacts the lawyer. In this case, the lawyer called these workers several weeks later, with good news: a contractor had decided to hire them all.

The workers paid her $600, and signed a contract. They committed to working and staying for nine months. "If you don't fulfill the obligation, you pay $3,000, or go to jail." They signed a promissory note for the $3,000. Their contract also said that if they don't work for the company then the contracting agency cuts their visa and they become undocumented.

She then submitted a petition to the United States Consulate for a visa.

Early in the morning, they went to the United States Consulate with their bags packed for the United States. They were interviewed, approved for visas, and were put on a bus. They crossed the border in Texas. It is a three day bus ride direct to New Orleans. More than 100 workers came together. Half came to New Orleans, the other half went to Mississippi.

The morning they arrived, Raoul, Ricardo, Jesus, and Fausto were taken to a construction work site in New Orleans, and were tested in operating some heavy equipment. The test amounted to five hours of work. They were paid less than $70. Since then they have not been placed to work.

They talked to the contractor and asked directly: "If there is no work here, why don't you place us elsewhere?" The contractor replied, "Well, we only have a contract with this company." They were directed by the contractor to find work elsewhere, with anybody who would hire them. But, of course, the contract that the workers signed prohibits that.

The workers are worried that if they work for someone else, it gives the original contractor an excuse to fire them, and cut costs. "Right 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 annul their contract, in which case they would be undocumented in this new country or face fines or jail time in their own.

Meanwhile they do not know if they are paying food and hotel costs; the expenses are supposed to be automatically deducted from their paychecks. They are concerned that when they start working again, they will be charged for accrued food and shelter costs.

One worker said they tested him to assess his skill level. He passed the test, and was approved to work in the United States. Once in New Orleans, he went straight to the work site. There they tested him again on a different kind of machine, and he failed the test. He has not worked in weeks.

Rene, Isidoro, Eduardo, and Ricardo continue to visit the work site every morning, their original contractor keeps telling them, "you'll work next Tuesday, you'll work next Tuesday." "He likes Tuesdays," says Raoul. "But Tuesday never comes."

Trafficked to and Imprisoned in New Orleans: Workers on H-2A Visas

Since Katrina, but especially in the first two months after Katrina, local civil and human rights advocates witnessed multiple groups of Asian reconstruction workers working and living in New Orleans. One such group ended up being held captive by contractors in a mid-city motel.[161] Recruited from Thailand on promises of good work at good pay, the workers in this

group were first transported to North Carolina directly from Thailand on H-2A visas obtained by the contractors. Like Raoul and his fellow H-2B visa holding coworkers from Mexico, shortly after they arrived, these workers found that the contractor lied to them about their work and working conditions in the United States. When the workers realized that their situations in North Carolina would not change, the first group of 75 workers fled. The others built up the courage to complain. The contractor retaliated by transporting these workers to post-Katrina New Orleans. These are their stories:

Thanom Tiemchayapum's Story

"I was recruited to work as a farm worker in the United States under fraudulent promises. Because of these promises, I took out loans of more than 450,000 baht ($11,450 USD) to pay the large fees charged by the recruiting company in Thailand. When I arrived in the United States, nothing was as promised. Our employer offered far less work than was promised, and we eventually ended up doing hurricane reconstruction in New Orleans, for which we did not receive our pay.

"[Our main boss] took our passports so we could not 'escape' while we worked for him, and told us we would be arrested or deported if we escaped from him. … [On the morning we left for New Orleans,] our main boss went into his house and came back with a gun … We all saw the gun. … Guns are not common in Thailand, and I felt uncomfortable around the gun. Our main boss only came to New Orleans to drop us off. He left us with his friend, who is Laotian, to supervise us. I saw our main boss give his gun to our supervisor as he was leaving.

"We stayed in the same hotel we were working at … The first floor of the hotel had been flooded by the hurricane, and it was destroyed. … There was a lot of mold, and everything was damp and wet. … We stayed on the second floor which did not have electricity or hot water. It had running water, but it was contaminated. Some of us got colds because of the mold and damp conditions. We did not drink the contaminated water, but we did cook with it and bathe in it.

"To eat, we had to pool our money and buy food at the supermarket. Our supervisor would escort two or three of us there occasionally. The food at the grocery store was very expensive, and sometimes we could not afford to buy enough to eat. We also had to buy all our water, because the water was not potable. We had to light matches and cook our food on little gas stoves in our rooms, or in the hallway of the hotel. Sometimes I was hungry.

"While we stayed at the hotel, we worked cleaning up everything downstairs. … We were given masks, but we had to buy our own gloves. The work was very hard. We worked nine hours a day, and we only got one 20-minute break for lunch.

"[Our supervisor] would occasionally get angry and yell at us when we did not do the work like he wanted us to do it. I was afraid that he would use the gun on us, since he often had it with him.

"We were not allowed to leave the hotel in New Orleans, except when our supervisor escorted a few people to the supermarket or to look for work. We couldn't leave the hotel because our main boss told us it was a "disaster zone." He told us it was off limits, and no one was supposed to be there.

"[The bosses] warned us not to be seen by the police because the police would come and deport us. Some of my co-workers saw police in patrol cars passing by. We felt afraid because we were told it was illegal for us to be working there. I was scared. I was scared of the police arresting us. … I had trouble sleeping at night because I was so afraid."

Pravit Chanthawanit's Story

"It was scary because there were troops patrolling the area all the time. We were afraid that if the soldiers arrested us, they would deport us.

"We stayed in three different hotels. … [The third hotel] was ruined. It had no electricity or hot water. We couldn't drink the water there. We had to stand in line at the water truck to be rationed water. We had to light candles to cook in the evening. … [Our supervisor] told us we had to draw the curtains in the evening so no light would show. He said the hotel was declared off limits and we weren't supposed to be staying there. I didn't feel good. We had to hide at that hotel.

"While we were at the third hotel, we ran out of money for food and propane … and we ran out of rice. We had no food and we were hungry. We told our supervisor. He said he didn't have any money, either, and that the owners of the places we were cleaning had paid our main boss our wages but the main boss had taken all the money and gone back to North Carolina.

"At this time I felt helpless."

Kiet Tanghkanaurak's Story

"I felt that I had no choice but to obey [the main boss] and go wherever he would send me. I had promised the Ministry of Labor and the labor recruiter not to abandon my employer.

"Our work was to clean up a restaurant. I didn't have any special equipment to do this with—we took out the ceiling and cleaned out the place. I was afraid if I got a cut on my hand, it would be dangerous because the water there was so dirty. We had to bathe in the water in the hotel, even though it wasn't clean; it was all there was. We worked at there for three days. … I was never paid for this work.

"At this point, I became convinced that [the main boss] and [the labor recruiter] had tricked me and didn't care what happened to us now that they had their money."

Abusing and exploiting temporary workers has been an inherent part of "guestworker" programs that do not permit portability regarding employment, have no path to permanent status, and include no labor protections for workers. Human trafficking is a modern form of indentured servitude fueled by both international labor smuggling rings and domestic demands for cheap labor. Traffickers often recruit victims through fraudulent advertisements, and then upon arrival to their destination victims are under the complete control of their traffickers and threatened with prosecution or deportation if they ask for help.[162] For New Orleans to be rebuilt in part on the broken backs of these exploited temporary and trafficked workers is a national shame.

CHAPTER FOUR

Recommendations

New Orleans is at a critical moment in its history. The city was shaped by African-American labor, history, and culture. Today, thousands of African-American families are displaced. The federal, state, and local actors that failed them during the country's worst disaster now leave them locked out of the reconstruction of their own city. These survivors of Hurricane Katrina face tremendous barriers to coming home: no housing, jobs, transportation, or educational opportunities for their children. While the city is being rebuilt, they are finding themselves on the sidelines with no voice in the process and no power to hold institutions accountable.

It is in the context of this exclusion—and the resulting anger of Black New Orleanians—that migrant workers have arrived. Thousands of workers have been lured to New Orleans to rebuild the city at the lowest cost and highest rate of profit. Migrant workers—immigrant and non-immigrant, documented and undocumented—are facing challenges similar to those of survivors. Moreover, the city's reconstruction plan is dominated by a system of private contractors that relies upon and benefits from the vulnerability of migrant workers. Unable to vote or otherwise participate in the reconstruction of New Orleans, migrant workers similarly are unable to hold institutions accountable—even as they rebuild the city.

New Orleans is being rebuilt on the backs of underpaid and unpaid workers perpetuating cycles of poverty that existed pre-Katrina, and ensuring their existence in the newly-rebuilt city. Exploitation and exclusion are deeply immoral grounds upon which to reconstruct and repopulate the city. The racial fault lines that were revealed during Hurricane Katrina are being drawn even deeper by the continued actions and inactions of government and private institutions that disadvantage communities of color. The structural racism that shapes New Orleans today is the result of a series of policies and practices (public and private) that create, maintain, and worsen inequities faced by survivors and other workers of color.

Hurricane Katrina has created a situation where there is no government or private accountability for the creation and maintenance of these inequities. Displaced voters have no voice back home, while reconstruction workers are either nonresidents or noncitizens. As a result, contractors have free reign to exploit workers, and the government has felt no pressure to ensure that survivor and migrant workers are protected and able to access basic human needs. Progressive reform will occur only when advocates band together—across race, ethnicity, and legal status lines—for the advancement of all workers in New Orleans.

Policymakers must create policies and practices that proactively advance racial justice.

Whether by design or by consequence, post-Katrina policies and practices have disadvantaged people of color. As this report details, workers of color in New Orleans face significant barriers to access and inclusion while enduring great levels of exploitation, creating a racially inequitable reconstruction. Policymakers at the local, state, and federal level must take intentional and proactive steps to advance racial justice.

- **Anticipate the racial impact of policy decisions.** When creating public policy, officials should undertake a racial impact analysis of proposed legislation. A racial impact analysis would determine whether laws, once passed, will have a differential impact on people of color. Policies that are "race-neutral" in their intention nonetheless often result in racially disparate impacts, creating inequities for people of color

by increasing the level of existing racial stratification. Policymakers must analyze proposed policies to determine whether they promote racial justice or increase racial inequity. Furthermore, policies should be analyzed for their impact on racial groups to prevent a violation of Title VI, which prohibits discrimination on the basis of race in the use of federal funds.

Address worker issues comprehensively and at the institutional level.

The reconstruction of New Orleans is being conducted on the backs of exploited migrant workers and to the exclusion of Black survivor workers. The only way to bring policies and practices away from the profit-at-any-cost model and toward a system of corporate accountability and workers' rights is to address post-Katrina worker issues comprehensively and at the institutional level.

- **Ensure effective oversight of state and federal agencies' enforcement of applicable labor laws.** Without the enforcement of wage and hour, anti-discrimination, workers' compensation, and health and safety laws, contractors will continue to get away with exploitative hiring and employment practices. The enforcement of labor laws benefits all workers, because it ensures that job competition is not a race to the bottom, but instead about fair and safe working conditions.

- **Monitor and improve working conditions.** This report begins what must be an ongoing monitoring of the working conditions in post-Katrina New Orleans. The public lens on the exploitative and hazardous practices should push officials and employers to improve health and safety conditions, provide workers' compensation and healthcare to injured workers, and combat the significant incidences of wage theft. Such monitoring should also provide the impetus for increasing transparency and accountability in the federal contracting process.

- **Create and improve housing. Workers are living in unsafe conditions, and many are homeless.** The government must ensure the availability of suitable and affordable housing for workers who are rebuilding New Orleans, as well as for survivors seeking to participate in the reconstruction of their city.

- **Stop harassment of reconstruction workers by law enforcement.** The New Orleans Police Department and federal immigration authorities must cease harassing and racially profiling reconstruction workers. This in turn will help prevent employers from misusing immigration laws to circumvent their legal obligations in the workplace. Law enforcement should instead focus on helping promote workers' rights; For example, they should help combat the pervasive incidents of wage theft.

Advocates should create mediating institutions and strategic interventions that can instigate systemic change.

The workers who are rebuilding New Orleans must be validated, not exploited, for their participation in the reconstruction. The workers who are now excluded from reconstruction altogether because they face barriers to work—or to their return—must be given avenues of access. Advocates must invest in institutions and infrastructures that make strategic interventions to promote workers' rights. These institutions and infrastructures would effectively counter the current patterns of exclusion and exploitation that dominate reconstruction policies and practices.

Because worker exploitation and exclusion occurs at the institutional level, mediating institutions must organize for institutional change.

- **Create a worker justice center.** There is a need for a worker-led membership organization that can organize for a racial justice and worker rights agenda, thus creating systemic social change for workers in the Gulf region. This worker justice center must:
  - **Build a multiracial constituency.** A mediating institution for worker justice must be explicitly dedicated to building multiracial alliances between workers.
  - **Advance racial justice.** A worker center in this city must be consciously dedicated to advancing racial justice—not just racial understanding between individual workers, but racially-just policies and practices at the systemic level.
  - **Have a multi-industry focus.** Because industries rely on differential treatment of workers along the lines of race, ethnicity, and immigration status, a multi-racial organizing strategy must straddle the various industries in which reconstruction workers are toiling.
  - **Be worker-led and committed to worker leadership.** The workers who are rebuilding New Orleans must participate in deciding the future of the city. The worker justice center must create such paths of participation for these workers.
- **Build and support advocacy on behalf of Black and immigrant workers.** There is a need for policy advocacy at the local, state, and federal level. This work should include monitoring state and federal labor policies, analyzing their impact, and continually educating policymakers about the needs of workers.
- **Build and support basic human services.** Workers in New Orleans have a tremendous need for basic human services. Individual workers facing housing issues and homelessness, wage theft, unsafe working conditions, and health issues must have a service infrastructure to meet their needs comprehensively.

Philanthropists should invest in institutions that address structural racism.

The philanthropic community should seek opportunities to promote racial equity by investing in programs and agendas that explicitly seek to create inclusion, access, and opportunities for people of color. As this report details, the post-Katrina landscape is shaped by the manipulation of racial conflict to ensure that workers are cheap and disposable. Therefore, we call on philanthropists to:

- **Support organizing and advocacy efforts on issues that cut across race and industry.** Issues such as lack of housing, failure to enforce laws that protect workers, and discriminatory law enforcement are faced by workers across race, ethnicity, and immigration status. Organizing efforts around such unifying issues can build strategic links between communities that would otherwise continue to stay divided.
- **Support intentional, long-term efforts to build a multi-racial constituency.** Groups such as African Americans, Native Americans, Latinos, and Asian Americans often have their own institutions acting for their own interests. A multi-racial constituency that shares a common framework for its organizing and advocacy would bolster the political power of each racial group to reform unjust policies.

Research should comprehensively document the issues faced by communities of color.

Further documentation is necessary to accurately assess the needs of communities of color in the Gulf region. Such research should be conducted in a manner that highlights the common histories of and issues faced by these communities.

- **Conduct a comprehensive study of the New Orleanian Native-American, Latino, and Asian-American communities.** While in many ways New Orleans was a city that exemplified Black America, there was a largely invisible but established immigrant and refugee population that called the city home prior to Katrina. The stories of these communities, as well as of the significant Native-American population in the Gulf region that suffered tremendous loss, were virtually buried in the mountain of Hurricane Katrina media coverage.

> New Orleans is being rebuilt on the backs of underpaid and unpaid workers perpetuating cycles of poverty that existed pre-Katrina, and ensuring its existence in the newly-rebuilt city. Exploitation and exclusion are deeply immoral grounds upon which to reconstruct and repopulate the city.

- **Collect data by race and ethnicity.** Racially disaggregated data concerning housing, law enforcement, and work conditions and opportunities must be collected and analyzed to help discern patterns of discrimination. This analysis will not only ensure that all groups are equitable beneficiaries of policies but will also assuage concerns about racial competition and conflict.

EPILOGUE

FINDING FAMILY IN CITY PARK

In the wake of Hurricane Katrina, construction workers from across the United States traveled to New Orleans. Several hundred of these workers lived on Scout Island, an area of City Park, a large public park in the heart of New Orleans. They are Black, White, Brazilian, Honduran, Mexican, Native American, documented and undocumented. Many were recruited to come here from factories in Maryland, reservations in Arizona, and parking lots in Pensacola. They were promised steady jobs, fair pay, and free rent. Many found themselves without any stable work, chasing after paychecks owed to them by contractors, while having to pay exorbitant rent to live in abject conditions in "Tent City."

Workers paid $300 a month in rent to live in tents—which they had to purchase—in a muddy, unlit campground. They had no heat, no electricity, and no light. They paid $5 to take cold showers. The showers were only open from 8 a.m. to 8 p.m. Many of these workers left for day laborer corners as early as 4:30 a.m. and returned at 7 p.m. The port-o-lets, until recently, were not cleaned regularly. And management used an unlawful process to evict workers who failed to pay rent.

On February 20, 2006, the workers of Tent City met in the dark and shared their common concerns by flashlight. They moved to institute a weekly food and supplies distribution. After the meeting, two workers met to have an extended conversation. Deidre Ward, an African-American woman from Pensacola, invited us to her campfire. Aurora Sanchez, a Mexican woman from Chiapas, sat with her and they exchanged stories and experiences. What follows is a record of their interaction.[163]

Aurora Sanchez's Story

Aurora Sanchez is from Chiapas, Mexico. Her daughter had a hip replacement, and the costs of surgery drove the family deep into debt. So Aurora's husband crossed the border to work. Two years later, Aurora joined him in Maryland.

One day Aurora was at work at a canned fruit factory when a man arrived looking for people to come with him to New Orleans. "He offered us trailers, $15 an hour, $18 overtime." Aurora and her husband were not ready to leave immediately, but the recruiters kept calling. And so, they decided to come to New Orleans to find work.

"When we arrived at the location that we had been given [a supermarket chain] we were told that workers from the Carolinas had already arrived, and they didn't need us anymore."

Aurora and her husband retreated to their car, pulled into a supermarket chain parking lot, and lived there for three weeks. Then one day the police noticed them, and told them to leave by 6 p.m.

"They told us they would call immigration on us at 6:30 p.m. At 6:30 they arrived as they had promised, and screamed at us. We told them we didn't have anywhere to go. They asked us if we wanted them to call immigration."

They drove around that night until they found Scout Island, an area of City Park. They saw tents, and a woman told them they could camp here and gave them a tent.

Finally, they found a job fixing up a house. They worked for two weeks and they were paid. A woman at a day labor location offered them a place to stay for $100 every three days. "At least you'll have a roof over you head," she said, but they couldn't afford it. They continued to stay at Scout Island.

"My husband and I will never forget what happened to us here, how we were treated. People from this country can go in and out of Mexico or anywhere else whenever they please. And if anyone from this country ever came to my house in Mexico they would be welcome, always be welcome: food, a bed, our house would be open. But we've come here, far from home, and we are treated so badly. Is it because everyone is rich here?"

Deidre Woods' Story

"That's the truth. Everyone in this park came here from somewhere else. Everyone came from far away. We came because we wanted to better ourselves, better our situation, and to help the people of New Orleans. We wanted to work. But now we are sitting in a park with no work, no food, living in mud. We haven't benefited from this at all."

Deidre "Deedy" Woods is from Pensacola, Fla., and is a survivor of Hurricane Ivan. She lost her trailer house and obtained a FEMA trailer but the time ran out on her FEMA trailer and, ultimately, she found herself homeless. She suspected that she was kicked out of her FEMA trailer, so that they could bring the trailer to New Orleans.

She was staying with family members when she received a phone call about work in New Orleans. She was guaranteed $1,500 a week and rent-free living on the campsite, with a tent, heat, free showers, and three hot meals a day provided.

So Deidre relocated to New Orleans. But the promises were empty. She is charged for rent, had to purchase a tent, pays $5 a day for showers, and spends a hundred dollars a month on laundry; and even worse, there were no jobs.

When Deidre arrived in New Orleans, no one was hiring. She drove around for days looking for work, and asking for job leads. Finally, she met a man who told her about a contractor who would pay her $125 a day. Actually, she was paid $10 an hour. She left that job and found another—for 10 days she worked from 10 a.m. to 9 p.m. inside the supermarket, where Aurora and her husband were living in their car in the parking lot.

"I told them I was sick, I was throwing up, I needed a break. The foreman said, 'Get your Black ass back here and hold that sign; if [the higher tier contractor] sees me ride a bobcat without a sign, I'm going to lose my license. So get your Black ass back and hold that sign."

WORKING, FIGHTING, LIVING

The supermarket is a hub of contractor hiring. Major contractors operate from its parking lot. Deidre went from job to job. She only lasted 10 days at the supermarket. Then she went to work for a woman who was a subcontractor. She worked for this woman for a week, but did not get paid at the end of the week.

"I had to hunt the woman down to get my paycheck." She finally tracked the woman down and obtained her paycheck the following Wednesday.

Aurora worked for a company that refused its workers breaks. Aurora recalled that one day a man from the company said that there was going to be an inspection, and that the workers had to say they were getting regular breaks. Aurora told him that she would tell the truth; there was generally only one break, sometimes at one, sometimes at noon, and never longer than half an hour—and sometimes none at all. When the inspector came, Aurora did as she had promised; she told the truth. In response the boss fired all the workers on the spot. "They said we broke our agreement." So they left, and Aurora and her husband found a job with another contractor … but [this contractor] is only employing them three days a week.

Deidre also worked for this contractor. She described her experiences. A few weeks ago she had the flu but she went to work anyway. That day she was holding up a sign for a bobcat.[164] It started to rain, and Deidre felt worse and worse. She had diarrhea, and was vomiting in the rain—and she was still holding a sign for the bobcat. The foreman on duty and his wife operated the work site.

"I told them I was sick, I was throwing up, I needed a break. The foreman said, 'Get your Black ass back here and hold that sign: if [the higher tier contractor] sees me ride a bobcat without a sign, I'm going to lose my license. So get your Black ass back and hold that sign.'" And she did.

Finally, after an eternity, there was a lunch break. Deidre was still standing in the street holding the sign. It was still raining. And the foreman and his wife went down to the end of the street and had lunch.

"Instead of telling me it was lunchtime, they are just sitting there laughing and eating." Deidre threw her sign down, disgusted, and walked home. "I walked from Filmore to City Park. The next day when I got to work [the foreman] said, 'Give me your badge.' I said, 'Why?' He said, 'You're fired.' I said, 'Why?' 'Because you left the bobcat standing in the middle of the street with no sign,' which was a lie. When I left at lunchtime that bobcat was parked on the side. It was safe."

But they fired her anyway.

REFLECTIONS & INVITATIONS

Deidre talked about that rainy afternoon as if in a trance. "They left me, standing there. And I am still holding that sign. And I am telling them, 'Look at me. I'm throwing up. I can't hold my diarrhea in.' And they park their bobcat and sit there laughing and eating their lunch."

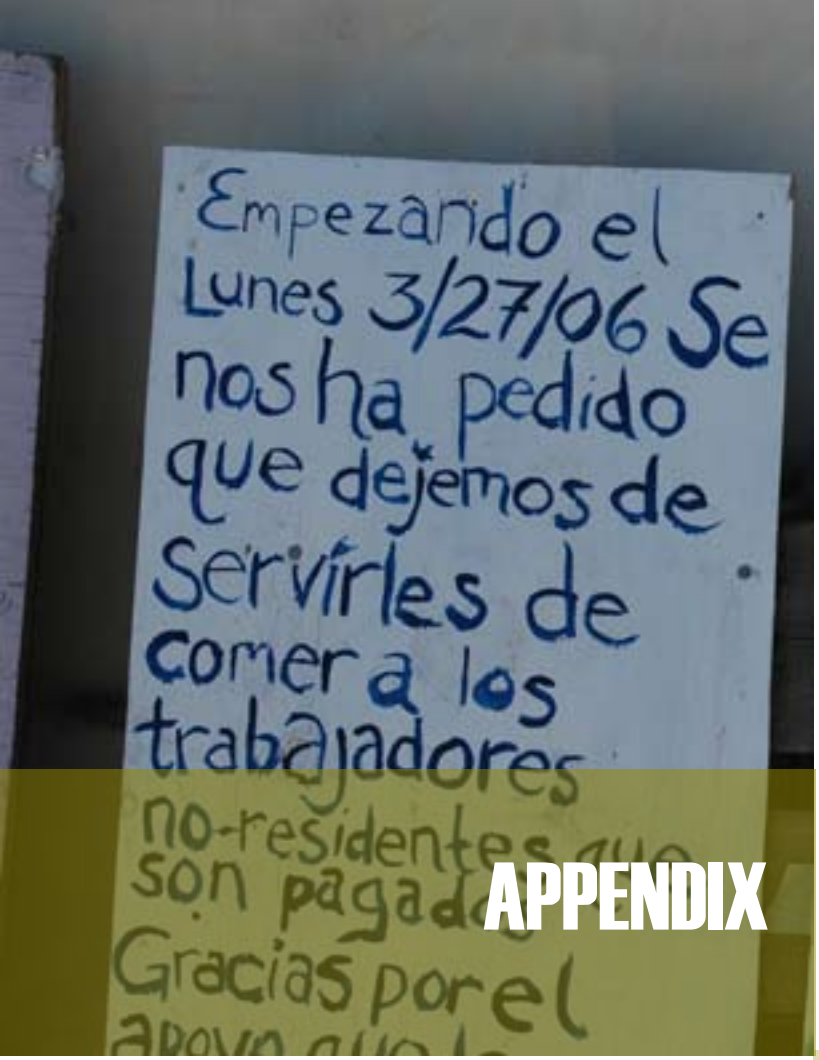
Aurora closed her eyes. "We'll never forget what happened to us here in New Orleans."

Deidre: "Look at us. Look at who is here. Ninety percent of the people who came here, who live in the park, we came here to improve ourselves, to better ourselves. I was doing construction work in Pensacola. I went through Hurricane Ivan, and I lost my trailer, and when I got that phone call I thought I could come and make some money, and also help out the people here. Help New Orleans. I know what a hurricane is. But I am not benefiting from being here. I am spending more money that I am saving. I'm paying rent. Paying for bathrooms. Paying for laundry. Every time it rains I have to wash all of my clothes. And what's our situation? We are living in a toxic dump. That swamp over there has [three inches] of sludge standing on it. I have a cough, I don't know what it is. My nose has been bleeding since I got here. I can't hold my bladder long enough to get to the bathroom. I'm going to get an x-ray done when I go back home; I am getting sick. And my situation is better than yours. You have it worse than I do. The Hispanics have it worse. They are bringing in the Hispanics to clean up the city while it's still toxic, and using them up and then they don't need them anymore."

Aurora said that she and her husband were trying to pay off the debt of their daughter's hip surgery. But now their daughter would have to have another surgical procedure and they would have to find more work somehow.

As we got up to leave, Aurora turned to Deidre and said, "I want to say this to you in English but I can't, so I will tell you through an interpreter; I know that our situations are the same. My tent is right over there and you are always welcome. Whatever we have, we have food, water—you're always welcome."

Deidre said: "Same here. My tent is right over here. And if I'm not here just let people know you're a friend of Deedy's."[165]



APPENDIX

Data Summary

This portrait of labor conditions in post-Katrina New Orleans is based on interviews with approximately 706 workers over ten week-long interviewing sessions from January through April 2006. In several interviewing sessions, each written interview summary represented a discussion with multiple workers, since often a group of workers were part of the discussion, even if "data" was only completed for one worker. As a result, the total number of workers who were consulted for this report surges well into the 800 and 900 range.

The field teams in New Orleans did not set out to conduct a quantitative study of workers. The strategy was simply to find communities of low-income, low-wage workers in and around New Orleans, engage these workers in conversations about their conditions, and document the results of these conversations.

The narrative approach to the fielding of this survey permitted the documentation of a wide range of worker experiences. In addition to the themes and issues arising from the stories which we have set forth in this report, we have the following aggregate information about our interviewees:

Of the 706 written and taped conversations with workers, 431 workers (61 percent) were suffering from an immediate workplace abuse (wage claim, health and safety violation), a crisis in housing, a FEMA and public benefits issue, unemployment, or a combination of all or several of these crises. In other words, close to two out of three workers in New Orleans, are in an acute crisis that requires immediate follow-up. This does not account for general under-employment.

The vast majority of those interviewed are people of color. Of the 706 interviewees, 356 are Latino workers (50.4 percent), 241 are African-American workers (34.1 percent), 44 are White workers (6.2 percent), 10 are Native workers (1.5 percent), and six are Asian workers (0.8 percent). Forty-nine interview summaries (6.9 percent) did not state the interviewee's race.

Of those interviewed, 214 workers (30.3 percent) identified themselves as Hurricane Katrina survivors. The vast majority of interviewees—587 out of 706 (83.1 percent)—are men. Of the 110 women workers interviewed, 77 are African-American women, 18 are Latinas, six are White women, four are Asian women, and three are Native women. Nine interview summaries did not state the interviewee's gender.

Those who had traveled to New Orleans after Katrina were primarily from the South including: Texas, Florida, Alabama, North Carolina, South Carolina, Georgia, and Mississippi. Workers also hailed from the Midwest: Illinois, Kansas, Wisconsin, and Indiana, as well as the East: Maryland, New York, New Jersey,

and Pennsylvania, and the West: Arizona and California. The workers' countries of origin included Mexico, Nicaragua, Ethiopia, Honduras, Guatemala, Peru, El Salvador, Brazil, and the Dominican Republic.

In addition to reconstruction workers, the field teams interviewed a tailor, a tour bus driver, a Mardi Gras float builder, a magician, a retired longshoreman, a retired print shop worker, artists, and musicians as well as former and current low-income, low-wage workers in hotels, high-end and fast food restaurants, assembly plants, linen companies, nursing homes, clothing stores, bars, parking lots, car washes, moving companies, touring companies, auto detailing shops, grocery and convenience stores, and janitors in offices and businesses downtown. A number of city and state workers, including public school and public works employees, waste management workers, and state health workers also participated in the interviews.

Reconstruction workers interviewed performed the following types of work: cleaning hotels, cleaning out houses, gutting, cleaning mud, asbestos removal, demolition, roofing, putting ceramic tile, waste management, waste removal/ garbage pick-up, and installing sheet rock.

Data Collection

Based on a field map created with our local and regional partner organizations, our teams began interviewing workers across metropolitan New Orleans in early January. One January team focused exclusively on City Park, a focus that continued throughout February, although our February teams also spent a significant amount of time in motels and hotels. By March, our field teams had exhausted the original field map. We therefore began interviewing workers on city and regional buses and canvassing workers door-to-door in neighborhoods in Baton Rouge and New Orleans. Also in March, we started dispatching "roving" workers' rights teams to key sites referred to us by other workers and local grassroots organizers. By May, our field teams were joined by the organizing staff of the New Orleans Worker Justice Coalition. We completed the field component of this report in early June.

In the midst of interviewing workers, it became clear that they had needs that had to be addressed. Interviewers provided workers with resource lists and know-your-rights materials provided by our partner organizations. Given the staggering levels of immediate need (food, shelter, and benefits and employment assistance) in the low-wage and low-income worker communities across New Orleans, the teams also tracked the number of workers who needed follow-up. Over the past five months, we distributed several thousand pages of know-your-rights materials and resource lists and referred hundreds of workers to local, national, and regional service providers.

Bearing Witness: The Role of Students "On the Ground" Post-Katrina

Our field teams were powered by an extraordinary group of students. Since December 26, 2005, approximately 165 students from about 20 schools and universities have worked tirelessly to produce the interviews that form the basis of this report.[166] Week by week, they rose before dawn to interview workers on hiring corners and on buses, and turned in late after meeting workers on night shifts. In addition to this intensive field schedule, students produced a significant amount of legal, media, and policy research to support the development of a New Orleans-based worker center. Students also contributed to community efforts to defend the rights of workers. After witnessing a massive ICE raid at Lee Circle, one team met with organizers and advocates, and then launched a response in the local media, by issuing a press release and speaking to the

media. Another team launched a direct action strategy to complement a legal strategy against a motel that sought to evict hurricane survivors. These students demonstrated true commitment to working in solidarity and alongside worker communities and people of color in the Gulf South.

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Craig Wahl
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Grace Hwa
Isela Arellano
Jackie Brand
Jackie Corcoran

James Crawford
Jen Kelley
Jen McDonald
Jennifer Johnson
Jenny Chung
Jeremy Pfetsch
Jill Coronnado
Jill Kon
Joe Briggs
Joe Smiga
Josh Kagan
Josh Mukhopodhyny
Jozlyn Gardner
Juno Turner
Justin Storer
Justine Diamond
Kaleb Hansberger
Katie Brown
Katie Kolon
Kaycee Taylor
Kelleen Corrigan
Kelly Knapp
Kelly S. Newsome
Kelly Tanner
Kendra Fox-Davis
Kerrie Sparks
Kiran Prasad
Kisha Petticolas
Kristin Barford
Kristina Schaefer
Laboni Rahman
Laila Hass
Lakshmi Lakshmanan
Lamar Litz
Lance W. Neagle
Larry Spollen
Laurel McElhaney
Lauren Drury
Laurence Spollen
Laureve Blackstone
Lee Prieto
Lun Kham
Lyandra Retacco
Lydia M. Vace
Marc Bauer
Mariko Hirose
Mark Voruink
Marko Kuo
Marti Reed
Mary Ann Dorsey
Mary Nagle
Matt Tevax
Matthew C Monroe
Meagan McDaniel
Megan Beaman
Melissa Rasmussen
Melissa Tannehill
Mickael Perret
Mike Kerstetter
Na'shaun Neal
Nazim Sial
Niki Moss
Nikolai Guerra
Nina Hernandez
Nina Magno
Ola Herndon
Patrick Hogan
Paula Boa Sousa
Payal Shah
Peter Romer-Freidman
Porcia Thurstan
Priscilla Ocen
Raqiyyah Pippins
Rebecca Netter
Rebecca Ohler
Regsheena Burley
Roxy Trudeau
Sara Jackson
Sarah Truesdell
Sean Zehtab
Sera Hwang
Shamika Walker
Shane Fleenor
Shantel Vachani
Sheena Williams
Shelley-Ann Williams
Shondella McClellan
Shuchang Xiang
Siobham Beasley
Sowmya Rao
Stacy Anderson
Susannah Barr
Suzanne Dubon
T. Linh Ho
Tatiana Arriagada
Teidra Williams
Tiffany Alvoid
Tracey Kim
Triana Davison
Tschika McBean
Tsilos Kosbab
Valerie Zukin
Vanessa Spinazola
Victoria Lai
Whitney Fisler
Yvonne Ballesteros

ENDNOTES

1 All interviewee names have been changed to protect their identities.

2 The Louisiana Swift is a free bus service between Baton Rouge and New Orleans. The service ends on June 30, 2006.

3 Interview with Rose Harrison, African American, survivor, casino worker; at her home in Baker, La. (Apr. 15, 2006).

4 Interview with Dan Nazohni, Native American, construction worker from White Mountain Apache Nation; at City Park (Jan. 24, 2006); telephone interview (Apr. 24, 2006). See infra note 164 for current state law concerning City Park.

5 The term "migrant worker" throughout this report refers to workers of any race who have migrated internally within the United States or from outside of the United States to New Orleans. We intentionally do not limit this term to foreign-born or immigrant workers, as is often used.

6 Keith Plocek, Shortchanged, Houston Press (Feb. 2006) at 2, available at <http://www.houstonpress.com/Issues/2006-02-09/news/feature_print.html>; Cynthia L. Cooper, The Gulf Rush, In These Times (Mar, 2006) at 26, available at <http://www.inthesetimes.com/site/main/article/2519/>.

7 Rogelio Palma, Latino day laborer from Mexico via Atlanta; at a gas station (Mar. 14, 2006).

8 United States Census Bureau, Census 2000 Full-count Characteristics (SF1) (2000), available at http://www.gnocdc.org/orleans/people.html.

9 See generally, Ralph Clayton, Cash for Blood: The Baltimore to New Orleans Domestic Slave Trade (2002).

10 Harry J. Holzer and Robert I. Lerman, Urban Institute, Employment Issues and Challenges in Post-Katrina New Orleans (2006) at 2, available at http://www.urban.org/UploadedPDF/900921_employment_issues.pdf

11 *Id.*

12 Indeed, over 270,000 foreign-born persons are estimated to have lived in Alabama, Louisiana, and Mississippi in 2004. These include individuals from Honduras, Nicaragua, Mexico, Vietnam, China, Philippines, and Korea, among others. The Vietnamese American community makes up approximately one-third of the Asian American communities in these three states. United States Bureau of the Census, published data for Alabama, Louisiana, and Mississippi from the 2004 American Community Survey.

13 Brenda Muñiz, National Council of La Raza, In The Eye of the Storm: How The Government and Private Response to Hurricane Katrina Failed Latinos 2 (2006), available at http://www.nclr.org/content/publications/detail/36812.

14 Carl L. Bankston III, Tulane University, The Vietnamese Population in Louisiana (2004), available at http://ccet.louisiana.edu/03a_Cultural_Tourism_Files/01.02_The_People/Vietnamese.html.

15 Robert B. Reich, Tales of A New America: The Anxious Liberal's Guide To The Future (1987). Reich writes that United States politics follow four foundational stories, one being the "mob at the gates." For an explication of how the "mob at the gates" story is use in media, see Hunter Cutting and Makani Themba-Nixon, eds., Talking The Walk, A Communications Guide for Racial Justice (2003).

16 Karen Brooks, New Orleans Owners Say Outsiders Getting Recovery Contracts, The Dallas Morning News (Oct. 7, 2005), available at http://www.kvue.com/sharedcontent/nationworld/katrina/stories/100705ccHurricaneswcBizfema.105c840a4.html.

17 Saundra Amrhein, Who's Rebuilding New Orleans?, St. Petersberg Times (Oct. 23, 2005) (emphasis added).

18 Peter Pae, Immigrants Rush to New Orleans as Contractors Fight for Workers, The Los Angeles Times (Oct. 10, 2005).

19 Letter from Sen. Landrieu to Secretary Michael Chertoff, Secretary of the Department of Homeland Security, dated Oct. 18, 2005 (on file with authors).

20 *Id.* See also, Bruce Alpert, Landrieu says illegal workers hurt La., The Times Picayune (Oct. 20, 2005).

21 World News Tonight: Shut Out? Racial Tensions in New Orleans, ABC News,(Oct. 23, 2005) (on file with ABC News Transcripts).

22 Amrhein, supra note 16.

23 Lou Dobbs Tonight Interview with Rev. Jesse Jackson, CNN Broadcast (Jan. 30, 2006).

24 Press Release, National Council of La Raza, National Urban League, National Association for the Advancement of Colored People, Asian American Justice Center , and Leadership Conference on Civil Rights Call for Unity and Fairness in the Hurricane Katrina Rebuilding Effort (Oct. 18, 2005), available at http://www.nclr.org/content/news/detail/34440.

25 Democracy Now: Poor People, Disabled People, People of Color Are Not Welcomed Back to New Orleans—Activists Paint Grim Picture of Struggling City—Interview with Bill Quigley and Tracie Washington, Pacifica radio broadcast (Apr. 10, 2006).

26 Interview with Alderick King, African American, survivor, public works employee; at a bakery in Ninth Ward (Mar. 28, 2006).

27 Interview with Reginald Stokes, African American, restaurant worker, survivor; on the Louisiana Swift (Mar. 10, 2006).

28 Interview with Kevin Fischer, African American, survivor, municipal worker; in a Ninth Ward bakery (Mar. 28, 2006).

29 Interview with Wilberto Portillo, Latino, day laborer from Honduras; at a motel (Mar. 13, 2006).

30 Interview with Gwendolyn Hammond, African American, survivor, former nursing home worker, currently unemployed; on the Louisiana Swift (Mar. 10, 2006).

31 Interview with Tomas Hernandez, day laborer from El Salvador; in Chalmette (Mar. 28, 2006).

32 Manual Pastor, Robert D. Bullard, James K. Boyce, Alice Fothergill, Rachel Morello-Frosch, and Beverly Wright, Russell Sage Foundation, In the Wake of the Storm: Environment, Disaster, and Race After Katrina (2006).

33 Stephen Barr, GSA Prepares to Combine Two Acquisition Divisions, The Washington Post (Apr. 17, 2006) at D4.

34 National Low Income Housing Coalition, Housing Policy Responses to 2005 Hurricanes, available at http://www.nlihc.org/news/091305katrina.html; Advocacy on behalf of FEMA hotel tenants included lawsuits such as Powell v. Quality Inn Maison St. Charles, Civil Case No. 2006-190, in which a Louisiana civil judge temporarily restrained a private hotel owner in New Orleans from evicting survivors, declaring the hotel owner's action "shockingly unconscionable." Similarly, in McWaters v.

FEMA, a federal judge ordered FEMA to continue its short-term lodging program for all evacuees nationwide, calling the agency "numbingly insensitive" and "unduly callous" 408 F. Supp. 2d 221 (E.D. La., Jan. 12, 2006)

35 Will Fischer & Barbara Sard, Center on Budget and Policy Priorities, Housing Needs of Low-Income Hurricane Evacuees Are Not Adequately Addressed (2006), available at http://www.cbpp.org/2-23-06hous.pdf).

36 Gwen Filosa, Housing holdout facing lock out; HANO to seal off closed complexes, The Times-Picayune (Nov. 15, 2005).

37 In addition to these units, the Housing Authority of New Orleans (HANO) also authorized 9,646 Section 8 vouchers. See Housing Options in the Aftermath of Hurricanes Katrina and Rita Before the House Financial Services Committee Subcommittee on Housing and Community Opportunity 109th Cong. (Jan. 13, 2006) (statement of the National Policy and Advocacy Council on Homelessness (NPACH), available at http://www.npach.org.

38 The Ninth Ward complexes, Florida and Abundance Square (formerly Desire), were destroyed in the storm; the largest complexes, St. Bernard, B.W. Cooper, C.J. Peete and Lafitte, were shut down. See Gwen Filosa, Top HANO Officials Replaced, The Times-Picayune (Apr. 14, 2006), available at http://www.nola.com/news/t-p/neworleans/index.ssf?/base/news-5/1144994369105110.xml.

39 New Orleans Considers Implementing Rent Control, NPR Morning Edition (Nov.29, 2005), available at http://www.npr.org/templates/story/story.php?storyId=5030544. See also Louisiana HB385–2006, authored by Rep. Cheryl Gray, D-New Orleans. The bill prohibits unfair residential rental increases; it was involuntarily deferred in House Commerce committee and last considered on May 15, 2006.

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41 Elizabeth Jeffers, long-time New Orleans public school teacher, currently a charter high school teacher, formerly at Colton Middle School, Douglass Community Coalition member; interview at Hope House (May 20, 2006).

42 *Id.* During her evacuation, Jeffers taught in the Baton Rouge public school system. According to Jeffers, in addition to the lack of counseling, Baton Rouge schools created segregated classes for New Orleans students and lacked conflict resolution training for students and teachers.

43 Press Release, Department of Homeland Security, Notice Regarding I-9 Documentation Requirements for Hiring Hurricane Victims (Sept. 6, 2006), available at http://www.dhs.gov/dhspublic/display?content=4788).

44 Elena Shore, Katrina Victims Denied Aid and Face Deportation, Pacific News Service, September 28, 2005.

45 Notes from Ongoing Advocacy Efforts with DOL (on file with authors).

46 Kenneth M. Murchison, Local Government Law, 64 La. L. Rev. 275 (2004) (summarizing efforts to establish local minimum wage ordinances in New Orleans).

47 Bill Capo, United States Attorney: No Evidence of Latin Gangs in City, WWL-TV News (June 9, 2006).

48 *Id.*

49 *Id.*

50 Press Release, OSHA, OSHA Resuming Regular Enforcement Along Most of United States Gulf Coast (Jan. 20, 2006), available at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=11805.

51 Trymaine Lee, Cops: Recovery may include

gangs; But most workers seeking honest living, The Times Picayune (Mar. 17, 2006).

52 *Id.*

53 Bill Capo, supra note 46.

54 Interview with Arnold Stevens, African American, survivor, coastal cargo worker; on Tchopitoulas bus (Mar. 10, 2006).

55 Telephone interview with Brenda Thompson, African American, survivor, St. Bernard Parish resident, former shrimp factory worker (Sept. 9, 2005). Brenda evacuated to Alexandria, Louisiana; she could not get hired at a fast food restaurant or a nursing home in the weeks after the storm.

56 Interview with Malcolm Tibbs, African American, survivor, unemployed; at a laundromat (Mar. 10, 2006).

57 Interview with Harold LeBlanc, African American, survivor, electrician; in Lower Ninth Ward (Mar. 25, 2006).

58 This stigma suggests that media portrayals of Black survivors as criminals during and immediately after Hurricane Katrina has had continuing effect on and is limiting the ability of survivors to find work.

See Michael Eric Dyson, Come Hell or High Water: Hurricane Katrina and the Color of Disaster (2006), at 164-177 (setting forth analysis of media framing of African American hurricane survivors from New Orleans as "outlaws and savages" and the black urban poor as "violent and animalistic" shortly after Hurricane Katrina made landfall).

59 Interview with Gloria Dillon, African American, survivor, former retail employee, currently unemployed; at her home in Baker, LA (Apr. 15, 2006).

60 Interview with Gail Duncan, African American, survivor, restaurant worker; at the Iberville project (Mar. 28, 2006).

61 Interview with Benjamin Glover, African American, survivor, barker (gets people to come into a bar); on Canal Street (Mar. 14, 2006).

62 Interview with Barbara Harris, African American, survivor, former airport worker, currently unemployed; in Chalmette (Mar. 28, 2006).

63 Interview with Kenya Taylor, African American, survivor, unemployed; at the Iberville project (Mar. 29, 2006).

64 Interview with Amanda Cade, African American, survivor, former hospital housekeeper, currently unemployed; at her home in Baker, LA (Apr. 15, 2006).

65 Interview with Reginald Stokes, African American, hospitality worker, survivor; on Louisiana Swift (Mar. 10, 2006).

66 Interview with Vernon Price, African American, survivor, unemployed; on Magazine to Louisiana bus (Mar. 15, 2006).

67 Interview with Russell Carter, African American, survivor, unemployed, 24 years old; on Louisiana Swfit (Mar. 10, 2006).

68 Interview with Paulina Hardy, African American, survivor, nursing home worker; at her home (Mar. 7, 2006).

69 Interview with Reginald Stokes, African American, hospitality worker, survivor; on Louisiana Swift (Mar. 10, 2006).

70 Interview with Tracie Washington, Director, NAACP Gulf Coast Advocacy Center; at Hope House (May 29, 2005).

71 Interview with Jacqueline Thompson, African American, survivor, hotel supervisor; location unspecified in interview summary (Mar. 13, 2006).

72 Interview with Derrick Lawson, African American, survivor, landscaper; at the Hope House (Mar. 28, 2006).

73 Interview with Albert Sparks, African American, survivor, city worker; on Canal Street (Mar. 30, 2006).

74 Telephone interview of Mario Fuentes, Latino, day laborer, from Peru (May 29, 2006).

75 Jennifer Lai, Advancement Project staff

attorney, legal outreach debrief and summary (Feb. 9, 2006) (on file with authors).

76 Interview with Joaquin Flores, survivor, from Mexico, formerly a casino employee, currently a day laborer; interviewed at Lee Circle (Mar. 26, 2006).

77 Interview with Jorge Ramos, day laborer from Honduras via California; at City Park (Feb. 8, 2006).

78 Interview with Bennie Tortos, construction worker from White Mountain Apache Nation; at City Park (Jan. 24, 2006).

79 Interview with Leon Robinson, African American, carpenter from Kansas; at Lee Circle (Mar. 14, 2006).

80 Interview with Isabel Rivas, day laborer from El Salvador via Houston, cleaning and demolition; at City Park (Jan. 10, 2006).

81 Interview with David Palma, day laborer from Honduras via Indiana; at a hotel (Mar. 14, 2006).

82 Interview with Sérgio Ferreira, construction worker from Brazil; at a motel in Kenner, LA (Mar. 28, 2006).

83 Interview with Russell Carter, African American, survivor, unemployed, 24-years-old; on the Louisiana Swift (Mar. 10, 2006).

84 Pam Radtke Russell, Recruiting After Katrina Exasperating, The Times Picayune (Apr. 23, 2006), available at http://www.nola.com/business/t-p/index.ssf?/base/money-0/114577209043530.xml; see also Shawn Chollette, City Looks to Students for Economic Boost and Help Building the "New" New Orleans, The Black Collegian (Feb. 1, 2006) at 30; Businesses Beg For Workers at Job Fairs in Louisiana, CBS Morning News (Nov. 30, 2005).

85 Interview with Federico Herrera, hotel housekeeper from Panama via Brooklyn; at an Uptown motel (Mar. 14, 2006).

86 Interview with Oscar Vasquez, day laborer from Mexico via Ohio; at Lee Circle (Apr. 5, 2006).

87 Hilary Exeter, Fordham Law public interest law professor; debrief notes (Jan. 6, 2006) (on file with authors).

88 Interview with Ernesto Guerra, day laborer from Honduras; at Lee Circle (Mar. 26, 2006).

89 Interview with Oscar Martinez, day laborer from Texas; at day laborer hiring site in Kenner (Mar. 16, 2006).

90 Interview with Julio Martinez, day laborer from Chiapas, Mexico; at Lee Circle (Mar. 14, 2006).

91 Interview with Leonardo Colindres, day laborer from Honduras via North Carolina; at an Uptown hotel (Mar. 14, 2006).

92 Hilary Exeter, Fordham Law public interest law professor; debrief notes (Jan. 6, 2006) (on file with authors).

93 Telephone interview with attorney representing John Kim, Korean American, survivor (April 24, 2006).

94 See Campos, et al. v. MFC General Contractors, Inc., et al., Civil Case No. 05-CV-3393 (CCB), filed Dec. 20, 2005, (CASA of Maryland filed this lawsuit on behalf of thirty-five day laborers who were recruited from Maryland to work in casinos in Biloxi and Bay Saint Louis, MS only to be paid with checks with insufficient funds, no overtime wages, and fleeced of approximately $100,000 collectively); See also Xavier, et al. v. Belfor USA Group Inc., Case No. 06-0491 (SECT. A MAG 3), filed Feb. 1, 2006, (a collective action under the Fair Labor Standards Act (FLSA) for nonpayment of wages and overtime filed by Southern Poverty Law Center on behalf of approximately 1,000 workers jointly employed by the corporate giant Belfor and its subcontractors);, Navarrete-Cruz, et al. v. LVI Environmental Services of New Orleans, Inc. and D&L Environmental, Inc., Case No. 06-0489 (SECT. K MAG 4), filed Feb. 1, 2006 (a collective action under the FLSA for nonpayment of wages and overtime filed by Southern Poverty Law Center on behalf of approximately 700 workers against LVI and its subcontractor).

95 A United States Department of Labor (DOL) survey found that in 2000, 100% of all poultry processing plants were non-compliant with federal wage and hour laws. See United States Department of Labor, FY 2000 Poultry Processing Compliance Report (2000). See also, Press Release. San Francisco: United States Department of Labor Employment Standards Administration Wage and Hour Division, Only One-Third of Southern California Garment Shops in Compliance with Federal Labor Law (Aug. 25, 2000), available at www.dol.gov/ESA/Media/Press/Whd/Sfwh112.htm.

96 See Abel Valenzuela, Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez, Center for the Study of Urban Poverty at UCLA, On The Corner: Day Labor in the United States (2006), available at http://www.sscnet.ucla.edu/issr/csup/pubs/papers/item.php?id=31.

97 Interview with Shirley Fisher, African American, survivor, unemployed, former employment unknown; in front of her Ninth Ward home (Mar. 10, 2006).

98 Interview with Malcolm Tibbs, African American, survivor, unemployed; at a laundromat (Mar. 10, 2006).

99 Telephone interview with Mario Fuentes, Latino, day laborer, from Peru (May 29, 2006).

100 Interview with Tyrone Davis, African American, survivor; at a hotel in Central Business District (Feb. 17, 2006).

101 Interview with Tesfai Bereket, Ethiopian, survivor, taxi driver; in Mid-City (Dec. 31, 2006).

102 Interview with Ernest Wayne, African American, Native American, and Scottish, survivor, day laborer; at Lee Circle (Mar. 16, 2006).

103 Interview with Harry Jackson, African American, migrant worker, day laborer from Ohio; Lee Circle (Mar. 29, 2006).

104 Interview with Jerome White, African American, musician from Texas; in flooded-out car (Feb. 18, 2006).

105 Interview with Luis Contreras, day laborer, from Honduras; at a hotel (Mar. 13, 2006).

106 Interview with Michael Johnson, African American, survivor; on Canal Street (Mar. 10, 2006).

107 Interview with Mary Joyce, African American, survivor, former medical assistant, currently unemployed; on Canal Street (Mar. 10, 2006).

108 Interview with Cassandra Morris, African American, survivor, restaurant worker; on S. Claiborne bus (Mar. 10, 2006).

109 Interview with Jacob Owens, African American, construction contractor; on Canal Street (Mar. 10, 2006).

110 Interview with Salvador Barros, Latino, day laborer, roofing and demolition, from Honduras; at Lee Circle (Jan. 4, 2006).

111 Interview with Reginald Stokes, African American, hospitality worker, survivor; on the Louisiana Swift (Mar. 10, 2006).

112 Interview of Michael Tran, Vietnamese American, survivor, pharmacy owner; at his pharmacy in New Orleans East (Apr. 14, 2006).

113 Interview of Thu Ha Dinh, Vietnamese American, survivor, former nurse; in her husband's restaurant in New Orleans East (Apr. 14, 2006).

114 Interview with Jamal Jordan, African American, survivor, restaurant worker; at hotel on Canal Street (Feb. 14, 2006).

115 Interview with Paulo Barron Olivaras, day laborer, from Mexico via Alabama; at Lee Circle (Jan. 4, 2006).

116 Interview with Dolly Washington, African American, survivor, hospitality worker; at the Iberville project (Mar. 28, 2006).

117 Interview with Guillermo Martin, day laborer and part-time janitor; in Central Business District (Mar. 14, 2006).

118 Interview with Juan Ramos, day laborer from Colombia via Connecticut; at gas station in Ninth Ward (Mar. 14, 2006).

119 Interview with Lucio Barros, day laborer from Mexico via Oklahoma; at a motel (Mar. 13, 2006).

120 Interview with Rodney Jackson, African American, day laborer from Atlanta; at Lee Circle (Mar. 14, 2006).

121 Interview with Deidre Ward, African American, migrant worker from Pensacola; at City Park (Feb. 16, 2006).

122 Interview with Jessica Burberick, White, migrant worker from Florida; at City Park (Jan. 24, 2006).

123 Interview with Paul Gordon, African American, survivor, roofer; in Mid-City (Mar. 15, 2006).

124 Interview with Marshall Freeman, African American, survivor; at the Iberville project (Mar. 29, 2006).

125 Interview with Willie Stevens, African American, survivor, unemployed; at a Ninth Ward baker (Mar. 14, 2006).

126 Interview with J.J. Jones, African American, survivor; at her home in Lower Garden District (Mar. 6, 2006).

128 Interview with Hector Linares, attorney, Juvenile Justice Project of Louisiana/Southern Poverty Law Center; at a restaurant (Dec. 27, 2005).

129 Interview with Kevin Williams, African American, migrant worker from Atlanta; at Lee Circle (Mar. 16, 2006).

130 Interview with Humberto Garza, day laborer from Oaxaca via Tennessee; at Lee Circle (Mar. 14, 2006).

131 Interview with Cynthia Shaw, White, construction worker; at City Park (Jan. 27, 2006).

132 Interview with Luis and Miquel Lopez, father and son, day laborers from Florida; at Lee Circle (Jan. 4, 2006).

133 Interview with Pablo Valiente, day laborer from Honduras; at his home (Mar. 13, 2006).

134 Interview with Carlos Diaz, day laborer from Mexico; at Lee Circle (Jan. 4, 2006).

135 Interview with Rodney Jackson, African American, migrant worker from Atlanta; at Lee Circle (Mar. 14, 2006).

136 Interview with Mateo Garcia, day laborer from Mexico via Houston, Texas; at Kenner gas station (Mar. 16, 2006).

137 Interview with Orlando Palma, day laborer from Houston; at Lee Circle (Mar. 16, 2006).

138 Interview with Kelly Carter, African American, survivor, unemployed; outside of her apartment in Kenner (Mar. 16, 2006).

139 Interview with Jorge Alanis, day laborer from Honduras via Ohio; at Lee Circle (Mar. 26, 2006).

140 Interview with Pedro Vasquez, day laborer from Mexico via Texas; in Seventh Ward (Mar. 28, 2006).

141 Interview with Henry Duplesis, African American, construction worker; interviewed at day laborer hiring site in Kenner (Mar. 16, 2006).

142 Interview with Rodney Jackson, African American, migrant worker from Atlanta; at Lee Circle (Mar. 14, 2006).

143 Interview with Lucio Barros, day laborer from Mexico via Oklahoma; at a motel (Mar. 13, 2006).

144 Interview with Dan Nazohni, Native American, construction worker from White Mountain Apache Nation; at City Park (Jan.24, 2006); telephone interview (Apr. 24, 2006).

145 Interview with Tomas Hernandez, day laborer from El Salvador; in Chalmette (Mar. 28, 2006).

146 Interview with Dan Nazohni, Native American, construction worker from White Mountain Apache Nation; at City Park (Jan. 24, 2006); telephone interview (Apr. 24, 2006).

147 Interview with Jorge Alinas, day laborer from Mexico via Texas; in Seventh Ward (Mar. 26, 2006).

148 Colette Tippy, Advancement Project volunteer; interview notes (Mar. 7, 2006) (on file with authors).

149 Interview with Raul Marquez, day laborer; at Lee Circle (Mar. 14, 2006).

150 Interview with Humberto Garza, day laborer from Oaxaca, Mexico; at Lee Circle (Mar. 14, 2006).

151 Interview with Ernest Wayne, African American, Native American, and Scottish, survivor, day laborer; at Lee Circle (Mar. 16, 2006).

152 Interview with Kevin Williams, African American, migrant worker from Atlanta; at Lee Circle (Mar. 16, 2006).

153 Interview with Orlando Palma, day laborer from Houston; at Lee Circle (Mar. 16, 2006).

154 Interview with Francisco Jauregui, day laborer from Mexico; at Lee Circle (Mar. 29, 2006).

155 Interview with Alberto Muñoz, day laborer from Mexico via Pennsylvania; at Ninth Ward gas station (Mar. 28, 2006).

156 Interview with Darren King, African American, survivor, construction worker; on Canal Street (Mar. 13, 2006).

157 Interview with Francisco Jauregui, day laborer from Mexico; at Lee Circle (Mar. 29, 2006).

158 Excerpts obtained from affidavits and other legal pleadings provided to authors by Lori Elmer, Staff Attorney, Legal Aid of North Carolina Farmworker Unit, representing these workers from Thailand.

159 Interview with Raoul Arcentales, H2-B visa holder from Mexico; in Mid-City (May 18, 2006).

160 Interviews with Raoul Arcentales, Ricardo Gonzales, Jesus Blanco, and Eduardo Cruz, H-2B visa holders; in New Orleans (May 18, 2006).

161 Excerpts obtained from affidavits and other legal pleadings provided to authors by Lori Elmer, Staff Attorney, Legal Aid of North Carolina, Farmworker Unit, representing these workers.

162 United Nations, Office on Drugs and Crime, Report: Trafficking in Human Beings: Global Patterns (Apr. 2006), available at http://www.unodc.org/unodc/trafficking_human_beings.html.

163 Interviews with Aurora Sanchez, migrant worker from Mexico via Maryland, and Deidre Ward, African American, migrant worker from Pensacola, Florida; at City Park (Feb. 20, 2006).

164 A "bobcat" is a type of construction equipment.

165 On June 15, 2006, the State of Louisiana passed a law barring use of New Orleans' City Park for "residential purposes, including but not limited to temporary residential purposes." La. R.S. 36:802.21(F); HB744—2006 Regular Session (Act 395) (of the Louisiana Legislature), available at http://www.legis.state.la.us/billdata/byinst.asp?sessionid=06RS&billid=HB744

http://www.legis.state.la.us/billdata/streamdocument.asp?did=403020 (emphasis added). The law goes into effect on July 1, 2006.

166 Depending on the week, some students worked on other New Orleans-based grassroots legal advocacy projects including fact investigations in litigations against bulldozing of homes and against evictions of hurricane survivors from hotels. The majority, however, worked on this report.