

making the invisible **visible**

A New Approach to Disaster Planning and Response

KATRINA

MAKING THE INVISIBLE VISIBLE

A New Approach to Disaster Planning and Response

A summary report of the
Third National Conference on the Impact of Race and Ethnicity on the Justice System
New Orleans, Louisiana
November 3–5, 2006

Making the Invisible Visible
A Dialogue about the Lessons Learned in the Aftermath of Katrina

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Message from the Council Chair *and* Chair of the 2006 Third National Conference

We are honored to present the American Bar Association (ABA) Council on Racial and Ethnic Justice's report summarizing the conclusions of its Third National Conference on the Impact of Race and Ethnicity on the Justice System. The conference, appropriately titled "Making the Invisible Visible: A Dialogue about the Lessons Learned in the Aftermath of Katrina," was held in New Orleans, Louisiana, at the Marriott Convention Center Hotel, November 3–5, 2006.

The report, "Making the Invisible Visible: A New Approach to Disaster Planning and Response," centers on two basic themes: 1) that our youth, of all economic and racial backgrounds, were the most invisible of the invisible in the Gulf Coast disaster and 2) that future disaster planning and response should not only pay attention to youth, but also make them active participants in the planning and response efforts.

The youth have been at the forefront of hurricane disaster relief efforts. We invited several of these young people to share their stories, ideas, and experiences at the conference. This report highlights these student-led initiatives and activities. Our recommendations are based on information provided by these young leaders.

In celebration of the spirit of these young people, we are proud to feature throughout this report, the art work of Diago A. Greenhill, a talented student from Detroit. Diago is working his way through college, with the assistance of Council members. His story is an inspiration to us all; we commend him for doing an outstanding job.

This report would not have been possible without the gracious contributions of our sponsors. We express our heartfelt thanks and appreciation to all of the sponsors.

The recommendations proposed in this report require a major rethinking of how our society views young people. Implementing these recommendations will improve the way in which communities respond to disasters in the future. Moreover, the implementation of these recommendations could change how young people view their society and the potential they have to make a positive difference in that society. After you have read the report, we hope you will share it with another individual and/or organization involved in disaster relief and planning. Your assistance and support is needed to make sure that our message reaches all who have an interest in saving lives and restoring dignity and justice for all during and after a disaster.

Harold D. Pope III
Chair, ABA Council on Racial and Ethnic Justice

Gregory S. Prince Jr.
Vice-chair, ABA Council on Racial and Ethnic Justice and
Chair of the 2006 Third National Conference

PREAMBLE

Hurricane Katrina¹ did not discriminate. It devastated the lives and property of both rich and poor, people of color and whites, the healthy and infirm, young and old. By contrast, the plans for and responses to Katrina *did* discriminate. The poor, people of color, the infirm, and the elderly suffered, disproportionately, in this natural disaster. However, it is the youth that have been impacted most significantly in hurricane-ravaged New Orleans. These seemingly “invisible” victims continue to suffer the tragic repercussions of the disaster.

Educational institutions across the country know how to respond in the face of tragedy. Whether responding to the sudden death of a student or teacher or to incidents of campus violence, our schools provide overwhelming, focused and integrated professional counseling and community support services to their students. The youth affected by Hurricane Katrina received no such support in the face of what was arguably one of the most devastating natural disasters in U.S. history. First responders and others providing assistance in the aftermath of disaster should look to the example of our educational institutions for guidance in providing adequate and meaningful relief.

The neglectful treatment of the youth on the Gulf Coast makes two points very clear: 1) responders to the needs of children must work in integrated professional teams composed of representatives of the psychiatric, education, social work, legal, and public health communities and 2) these professional response teams should also comprise members of the youth community working in a variety of capacities, including as interns and assistants. Youth volunteers are often most effective in communicating with other youth, particularly in times of crisis.

In this report, we propose a new approach in disaster planning and response that empowers the younger generation to become participants and even leaders in planning and response, rather than solely being the recipients of services and aid. Involving young people as active contributors will make *everyone* more visible.

¹ The information on which this report is based, is derived from conferences and presentations about the racial, ethnic, and socio-economic ramifications associated with the response and relief efforts in the aftermath of Hurricane Katrina. Although this report refers specifically to Hurricane Katrina and its victims in its discussion, the suggested strategies and recommendations are intended for broad application to disaster planning and response, in general.

EXECUTIVE SUMMARY

In the twelve months following the devastation wrought by Hurricane Katrina, the Council conducted research, convened meetings, and presented a panel discussion at the 2006 ABA Midyear Meeting. The purpose of these endeavors was to identify the lessons to be learned from the disaster and to determine their impact on the justice system, in general, and people of color, in particular. The information produced by these programs and activities provided the foundation for the Third National Conference on the Impact of Race and Ethnicity on the Justice System, “Making the Invisible Visible: A Dialogue about the Lessons Learned in the Aftermath of Katrina,” presented by the Council in New Orleans in November 2006. The conference was convened to explore these themes and to garner input from a larger, more diverse group of participants, over a more extended period than had previously been possible.

During the conference, the Council heard testimony from numerous participants about the bureaucratic delays and ineptitude on the part of agencies such as the Federal Emergency Management Agency (FEMA) and other government entities, which created an environment that many have referred to as a “second disaster.” Beyond the general bureaucratic problems, however, many testified about the economic, ethnic, and racial patterns that contributed significantly to the woefully inadequate response, and how these patterns are likely to affect future disaster planning and response in other U.S. communities unless preventative steps are taken.

The Council concluded from this testimony that people of color, the poor, the infirm, and the youth, in particular, were given little to no consideration when New Orleans’s crisis plan was developed. The failure to include these constituents in the planning process directly related to the local, regional, and federal governments’ inability to provide the necessary relief to these vulnerable groups, in a timely and efficient manner. Accordingly, the Council has decided to focus

its attention on the broader, more complex underlying issues of racism, discrimination, and disparate treatment, as they relate to crisis planning and management. More specifically, the Council intends to concentrate on the impact of these issues on government's (local, regional, and federal) preparation for and response to disasters and the delivery of life-saving services to victims.

It is unrealistic to expect to be able to fully eradicate racism and discrimination from our society. These problems are centuries old and ingrained, and while much progress has been made, there is still much work to be done. We must look for ways to lessen the social and economic impact of racism, particularly on the most vulnerable in our society. Those charged with the responsibility of planning for future disasters must account for the potential impact that racism could have on crisis management, including the delivery of aid and other crucial services. Mechanisms must be in place to mitigate and ameliorate problems.

Much of the testimony heard by the Council during the conference was discouraging; however, there were also many stories of neighbors helping neighbors and communities pulling together in the face of tragedy. It was these *positive* stories that lead the Council to conclude that there is a tremendous untapped reservoir of talent, energy, resources, and goodwill available in local communities that can be useful in disaster management. At the center of this reservoir of talent is the younger generation—the youth of our country whose abilities and contributions are often underestimated and overlooked.

Time and time again, we have witnessed the incredible compassion, strength, and resilience of communities affected by tragedy. These qualities are invaluable resources that can help alleviate suffering during a disaster. The key is to find creative ways to tap into these resources. Disaster planners and responders must view communities as allies and partners, not mere recipients, clients, or burdens. Those who formulate the plans and provide the disaster assistance must become knowledgeable about the resources available in the communities they serve. Once

aware, they must learn to value these resources and use them appropriately in disaster situations.

The ultimate goal is to harness the energy and talents of the *entire* community. We believe that this is best achieved through a targeted process that initially focuses on the segment of the community that is best equipped and most willing to contribute—the youth community (i.e., high school, college, and graduate students, and young professionals). The youth community brings energy, fresh ideas, open-mindedness, and an unparalleled can-do spirit to problem solving. In addition, this constituent group has a knowledge of and comfort level with technology that is essential in modern-day disaster management.

In the aftermath of Katrina, young people have repeatedly proved to be a powerful force for good. Nationally, they have donated significant amounts of time and money to on-the-ground direct aid. Their contributions to the relief effort have had a positive impact in lessening the despair and cynicism of those most affected.

Students representing the Council on Legal Education Opportunity (CLEO), Thurgood Marshall Legal Educational Opportunity Program attended the November conference in New Orleans. Their participation in the conference and in many of the actual relief efforts taking place in the region exemplifies the invaluable assistance that the youth community has to offer.

CLEO students were providing assistance long before the November conference convened. As a consequence of CLEO's Student Dialogue Sessions (a component of CLEO's June 2006 Mid-Summer Professional Development Seminar and Career Fair in Detroit), approximately 28 CLEO students signed up to help with the planning, program implementation, and logistics at the conference. Most of these students had been intimately involved in the Gulf Coast relief efforts either through the Student Hurricane Network (SHN), National Black Law Student

Association (NBLSA), legal research projects or religious and community-based efforts. Many of the students spent several weeks in New Orleans assisting with the clean-up and providing direct relief assistance.

These students were the backbone of the conference. They came armed with laptops and a plethora of talent, skill and, most importantly, positive attitudes. CLEO students were involved with every aspect of the conference, including outreach and registration; they also participated as speakers, panelists, facilitators, reporters, and coordinators. They organized an all-student panel that presented outstanding student projects and initiatives from all over the country, which were implemented in response to the call to action to assist the survivors of Hurricanes Katrina and Rita. Some of the students worked on legal research projects that assisted indigent defendants; others helped to establish scholarship programs to provide funding for students to return to New Orleans; several assisted Katrina survivors with their housing needs. On the third day of the conference, CLEO students volunteered to clean homes and retrieve valuables from the homes for returning residents in the Ninth Ward.

These future leaders embody the principles of CLEO's motto "...Training Tomorrow's Lawyers...Preparing Tomorrow's Leaders." It is time that we take our younger counterparts more seriously and treat them as full partners; they have much to offer and will give back far more than they could ever take. Moreover, they are less likely to be influenced by the bias that permeated relief efforts in New Orleans. It is imperative that we invite the youth to participate. The experience they gain now will serve them and society well when it is their turn to lead.

To this end, the Council recommends that communities throughout the United States create and utilize Youth Emergency Action Response (YEAR) teams, trained by emergency response managers to assist and support certain components of emergency response plans, as outlined in the body of this report. Regardless of

whether governmental entities or nongovernmental agencies are responsible for organizing teams in a community, their job will be to match the YEAR teams with the appropriate planners and responders, as needed.

In this report, the Council also proposes a four-pronged strategy for tapping into the youth reservoir to strengthen community preparedness and response, and to reduce patterns of discrimination and unfairness in the delivery of disaster aid and services. The core prong focuses on the appropriate use of youth in this effort. The ancillary prongs relate to specific issues that will aid in the ability of youth groups to effectively contribute to the disaster planning and response effort. The four-prongs include: 1) efficiently utilizing the services of the youth generation, 2) overcoming the reluctance of victims to accept assistance, 3) providing limited or temporary “Good Samaritan” legal protection for responders, and 4) establishing a strong communications infrastructure.

It is our hope and expectation that the recommendations and strategies outlined in this report will provide a framework for involving the youth of this country in disaster planning and response, and crisis management initiatives. We believe that the youth are the key to ensuring that the mistakes that marred the relief effort following Hurricane Katrina are not repeated.



Diago A. Greenhill 2007

Student voices were a critical part of the New Orleans conference; they created a compelling picture of action and compassion that contrasted sharply with the failures of the establishment's response to one of this nation's worst disasters. The following are examples of some of the youth-led efforts that took place in the aftermath of Katrina, reported during the conference.

Brigid Ryan and University of Maryland Law Students

Brigid Ryan is a University of Maryland law student who worked last summer in the public defender's office in New Orleans. Brigid was appalled at the length of time people were detained for insignificant reasons during the aftermath. She and other University of Maryland law students commemorated the first anniversary of the Katrina disaster by viewing the film, *Prisoners of Katrina*, and discussing ways that they could get involved in follow-up relief activities. A group of students traveled to New Orleans to organize training sessions for other volunteers. Thus far, they have identified forty-five students interested in providing legal services to the needy, formed a group to work with Habitat for Humanity, and created a not-for-profit organization on the University of Maryland campus to accept donations on behalf of the victims.

Josie Beets and the Student Hurricane Network

Josie Beets, representing the Student Hurricane Network (SHN), described how she and other students created the network to assist law students whose studies

were interrupted by Katrina. SHN eventually evolved into an organization that performs legal work in New Orleans. The organization recruited 1,000 law students to travel to New Orleans to provide a variety of legal services. It recruited an additional 700 students over spring break. SHN is currently seeking professional support for students, conducting research for the legal aid society, organizing student trips, and matching law students with families desiring to return to New Orleans, to provide those families with legal assistance. In addition, SHN established a disaster preparedness committee and developed individualized resource books for every state. The group actively lobbies for change. Josie noted that the work transformed her; it gave her an opportunity to reform the system, to make it “infinitely” better.

Evan Allen-Gessesse and Common Ground

Evan Allen-Gessesse made a documentary film about Common Ground, a volunteer organization created to help residents in the Ninth Ward reclaim and restore their homes. He also volunteered with Common Ground. After viewing the moving film, several conference attendees signed on as Common Ground volunteers.

Kelli Byers Hooper and the National Black Law Student Association

Kelli Byers Hooper, a member of the National Black Law Student Association (NBLSA), the largest student run association in the country, stated that her organization’s first response was to send money to NBLSA chapters in New Orleans. The organization eventually established a scholarship program to help students return to New Orleans.

Kelly Knapp and University of California Law School Students

Kelly Knapp described how she and other students participating in the Critical Studies of Law and Race Program at the University of California Law School at

Los Angeles, supported the SHN relief fund. They assisted with special legal research projects, representing individuals who were being thrown out of New Orleans hotels to accommodate guests in town for Mardi Gras. They worked closely with the Vietnamese community. The student group also focused its efforts on working conditions and racial issues in the construction industry.

High School Groups and Common Cents

Several high school groups, funded by the Common Cents organization in New York, developed plans for the rebuilding of New Orleans. They used the arts to reach out to young people; they also wrote stories about and recorded histories of New Orleans.

The Story Project and Penny Harvest

The Story Project, an arts group composed of New Orleans students, worked with young people to give them a sense of purpose and hope. Thousands of New York middle school students worked for Penny Harvest (run by Common Cents), which held a national competition for art projects related to Katrina.

These young people are positive representatives of the thousands of their generation who responded to the call to action following Katrina. They did much to help restore hope and faith in many devastated communities.



Diago A. Greenhill 2007

Listening to the young people generated optimism and hope among the members of the Council. The comments of New Orleans residents who participated in the conference helped the Council to identify and delineate the factors responsible for the failure of the disaster relief system, including the flow of aid from one level to the next.

The bureaucracy

Mayor C. Ray Nagin opened the conference with his assessment of what was happening in New Orleans. Although his comments represent just one opinion, they provide some insight into real and perceived weaknesses of established disaster planning and response systems.

- According to Nagin, FEMA failed to manage, coordinate, and deliver in the immediate aftermath of the hurricane; this failure to deliver continued throughout the twelve months that followed the disaster. Some of the problems resulted from counterproductive bureaucratic regulations. For instance, the federal government knew that it would have to reimburse disaster-related expenses, but the government underestimated the extent of the devastation. As a result, many government agencies did not have the cash or credit on hand to allocate.

Several other public officials participating in the conference supported Mayor Nagin's views, including some of his political rivals.

Representatives of various professions, political parties, races, economic classes, and generations all painted a remarkably similar picture of a broken and unresponsive system.

- Some commented that the federal government allocated \$6 billion for middle class relief. Ten months later, only thirteen families had received grants. As of November 1, the home building program had spent \$140 dollars on administration for every dollar that it disbursed to families in need.
- To others, it appeared that the federal government used regulations to punish New Orleans. They noted that when Florida and New York were devastated by disaster, both received the aid that they needed; Florida received grants for rebuilding and New York received \$500 million in small business grants paid out over a five-year period. By contrast, New Orleans received only loans, and one year after Katrina, it still had not received any grants.
- Many complained of a lack of national leadership. For example, they claimed that nine months into his term in office, the federal representative overseeing the relief efforts in the Gulf Coast region had not familiarized himself with the regulations that spelled out his powers to accelerate recovery efforts. Valuable time was lost and significant amounts of energy were diverted, as a result.
- The Honorable Benny Rousselle, former president of Plaquemine Parish, reiterated concerns about FEMA. Residents and local government officials were frustrated with FEMA's claim that its hands were tied by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)², which was enacted to provide organized and systemic federal natural disaster assistance for state and local governments. Many viewed this as

² The Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, 42 U.S.C. §§ 5121-5206, was enacted to provide organized and systemic federal natural disaster assistance for state and local governments. It provides the statutory foundation for a presidential declaration of an emergency or disaster.

an excuse for not providing services. Others felt that FEMA was simply not equipped to deal with the magnitude of the disaster. They argued that flexibility should have been the rule, not the exception.

- Other commentators recounted that Plaquemine Parish had requested trailers to provide immediate shelter for residents after the hurricane. According to these commentators, FEMA had the only information available relative to the number of trailers needed; the Parish could not contact its residents, and, therefore, had no ability to make this determination. FEMA responded that it could not share this information due to privacy concerns. The Parish eventually guesstimated that two trailer parks would be necessary to serve displaced residents. The Parish's initial assessment overestimated the level of need. When the Parish asked FEMA if it could temporarily place the unused trailers for use on individual properties, FEMA refused and sent the unused trailers to Baton Rouge, despite the fact that residents still needed trailers on individual sites in the Parish. As a result, numerous FEMA trailers went unused.
- Some commented that FEMA paid for debris removal, but required the communities to contribute 10 percent of the costs. Plaquemine Parish was never able to obtain the actual cost figures from FEMA, and eventually sued FEMA to get the information. Further, the Parish had no say in the award of the debris removal contracts despite the fact that it shouldered a portion of the financial burden.

Race and Poverty

A variety of complex forces have to converge in order to create the level of inertia and disparity noted above. The Council recognized that these forces might vary from community-to-community. Both New York and New Orleans have had to overcome devastating loss and destruction. However, unlike 9/11 in New York, disasters like Katrina exposed ingrained patterns of racism and segregation. Race, ethnicity, and economic status clearly affected the pre- and post-disaster assistance that was available in certain areas of the city. Much of the testimony

presented to the Council underscored the lack of attention given to the poor and people of color in pre-disaster planning and post-disaster response.

The panel on “Revitalization and Revisioning,” organized by Michelle Gallardo, Assistant General Counsel, Ford Motor Company, concluded that while many factors contributed to the plight of New Orleans, race and poverty were significant among those factors and had to be addressed.

Virginia Boulet, special counsel, Adams and Reese, LLP, noted the difference between what actually happened in New Orleans and what was reported by various news outlets. A group that analyzed the events that transpired in the Superdome concluded that contrary to news reports of rampant violence, many acts of human kindness actually occurred. She also noted that no weapons were ever found in the Superdome. Erroneous assumptions were made based purely on the color and economic status of the Superdome’s inhabitants.

New Orleans is a poor city and its lack of resources has impacted its ability to rebound from this unimaginable disaster. The city has sustained approximately \$8 billion in public infrastructure damage that has yet to be repaired. Many argue that the city has been poorly treated and neglected by FEMA. Ms. Boulet serves on a committee overseeing FEMA response. She reported that FEMA had reviewed 18,000 claims but delayed paying them due to questions of whether the payments were appropriate under the Stafford Act. The city disputed FEMA’s interpretation of the Stafford Act; FEMA eventually conceded that the city’s position on the claims was correct and approved payment of a sum equal to all that it had approved in the first 13 months following the disaster.

Changing the patterns of spontaneous racism and discrimination may seem to be unattainable goals. Combined with longstanding structural inequities and bureaucratic inflexibility, the obstacles to achieving a more effective and equitable distribution of resources appear insurmountable. Nonetheless, future

plans can and should acknowledge the existence of these factors, and include mechanisms to lessen their impact on the delivery of services.

The Youngest Survivors

Katrina was one of the greatest disasters affecting children in this country; yet, there was no systematic plan to respond to the trauma experienced by the children of New Orleans. Yes, some lucky individuals received counseling support once they arrived at their relocation destinations; however, most received no such services when they returned to New Orleans. The youth of New Orleans - rich and poor, African-American, Caucasian, Hispanic, Asian, and Native-American, all experienced neglect. They were invisible in the pre-disaster planning and remained invisible a year after the event. Their invisibility in the eyes of the bureaucratic power structure contrasts starkly with the incredible outpouring of concern that came from other youth throughout the country.

Child Advocacy

Two of the panels that convened at the New Orleans conference focused almost exclusively on youth: “Juvenile Justice and Child Advocacy” moderated by the Honorable David Perkins, referee, Wayne County Juvenile Detention Facility, Detroit, Michigan, and “Critical Health Issues” moderated by Monique Edwards, Chairperson, Conference Planning Committee, Office of the Secretary, Louisiana Department of Natural Resources. Both panels stressed that children faced the greatest danger and suffered the most, but, generally, received the least amount of attention to their needs within the framework of disaster planning and response, particularly from a medical and legal standpoint.

Howard Davidson, director, ABA Children and the Law Program, warned that the country must learn how to deal with dispersed children in a disaster. Katrina taught us that the treatment of wards of the state must be reformed; these children need to be better protected when the normal monitoring systems for at-risk children collapse, and as families are dispersed. In the case of Katrina, even programs that were working well failed.

The Honorable Ernestine Gray, Judge, Orleans Parish Juvenile Court, New Orleans, Louisiana, noted that 75 percent of all issues affecting children are related to economics and neglect, not just physical abuse. Poverty is the biggest problem. Of the 2,000 cases on the court's docket involving children, almost all "went missing" after the disaster. There was no mechanism in place to track these cases before the disaster. After the disaster, efforts were made to track the cases of the children most at-risk. However, privacy-related issues thwarted the success of these efforts.

Physical and Mental Health

The "Crisis for Healthcare" program presented by Dr. Joy Osofsky, Louisiana State University Health Sciences Center, also focused on the plight of children. She spoke of a violence intervention program started by the New Orleans police department during the summer prior to Katrina. The police were concerned about the amount of free time that children had during the summer months, and the potential for them to get into trouble. Police officers running the program obtained licenses to drive school buses, and took children on tours of different parts of the city. The first summer of the program, juvenile crime dropped 35 percent, the next summer, 45 percent.

Dr. Osofsky noted that Katrina had simply revealed to the world a neglected city, plagued by poverty and racism. One sign of that neglect was the absence of a disaster plan designed specifically for children. No plan existed addressing the developmental needs of the young. Again, the children and their unique needs were virtually invisible. The most critical of these needs relates to post-traumatic syndrome and depression, which was very evident among many children. The slowness of the recovery effort increased the number of children affected, and deepened the level of their depression.

Dr. Osofsky argued for the need for federal funding, but stressed that the funding needed to be in the hands of local people. In order to be effective, disaster response must take into account the resiliency of local communities and their ability to help themselves. Putting at least some of the funding in the hands of these communities will help them re-establish a sense of community; it is that sense of community that engenders resilience. Dr. Osofsky stressed the need to create community structures to aid in building resilience in children. She reiterated that funds are needed to accomplish this goal, but tapping into the well of resilience has to be the main objective.

Dr. Corey Herbert, president, Herbert Medical Consulting LLC, Associate Children's Medical Clinic, Gretna, Louisiana, explained that the region lost 65 percent of its physician work force immediately following Katrina. Children suffer the most from the reduced availability of physicians in the area. New Orleans lost 70–80 percent of its psychiatrists, which left a great number of children suffering from post-traumatic syndrome, almost completely without care and support. Funding problems forced most hospitals and universities to place staff on furlough (institutions receiving “soft” money funding from grants, were the exception).

Dr. Herbert reiterated that children were most at-risk, and most at-risk for psychological reasons. He and one other doctor see 75 patients a day. The psychological needs of the children are not being met. Moreover, even after a child has been identified as needing services, there are still stumbling blocks to providing treatment. Substantial numbers of medical records were lost, creating serious logistical and ethical problems. How do you immunize or treat a patient with no medical records? Who pays for medical services? How do you develop a treatment plan without a medical history?

Dr. Herbert also stressed the need for emergency relief programs to cover the salaries of healthcare professionals. The Stafford Act assumes that crisis response

is to be performed by paraprofessionals; service professionals, such as doctors, are not included in the Act's provisions. The current system assumes that professionals are too well trained. This is particularly troubling to mental health professionals because there is no paraprofessional corps from which to draw for mental health responders. As with other needs, the basic mental health needs of children have been ignored. This is especially disturbing in light of the strong link between mental and physical health. Mental health can impact physical ailments such as asthma and hypertension.

Each state must develop a disaster plan that addresses as many juvenile issues as possible; it is critical that courts that handle abuse and neglect cases have mechanisms in place to enable them to track their cases, particularly because the stress of a disaster can aggravate situations that are already tenuous. These plans must also include targeted financial support to rebuild the juvenile justice system after a major disaster. Court-appointed support personnel for families under threat of having their children removed must be available. More child- and family-friendly court processes are needed.

Looking to the Future: Four Core Strategies

This report proposes four core strategies designed to strengthen the way in which communities prepare for a potential disaster, and respond once a disaster has actually occurred. These strategies will also help to mitigate the discrimination and inequity that naturally occurs based on patterns of entrenched racism and segregation.

Strategy One: Utilizing the Youth

The greatest untapped resource available to aid in the planning for and response to disasters are young people. The younger generation should be seen and accepted as potential responders, not simply as groups that need to be served. When given the opportunity, they are capable of amazing things. Engaging youth in the disaster management effort will improve our ability to respond effectively to the challenges wrought by disaster, as they occur. Further, the youth will gain valuable knowledge and experience that will aid them when they take up the reigns of leadership in the future.

The youth community brings energy, fresh ideas, open-mindedness, and an unparalleled can-do spirit to problem solving. In addition, this generation has a knowledge of and comfort level with technology, which is essential in modern-day disaster planning and response.

The Council recommends that communities and organizations engage youth in disaster planning and response initiatives. One way to accomplish this is to create YEAR teams, including a national YEAR corps. YEAR teams would be assigned to communities, as needed, to help deliver relief services and assist the communities in regaining normalcy as quickly and efficiently as possible.

The premise underlying this recommendation is one that has been tested repeatedly by the Council. Most of the issues that directly impact youth in the

United States are discussed and resolved without ever involving those most affected by the issues—the young people, themselves. In 1999, the Council hosted its first national conference, focusing on affirmative action and its impact on the future of the justice system. Seventy students joined over 200 judges and other representatives of the justice system. The judges attending the conference found the interaction with the college students so valuable that they asked the Council to plan similar inter-generational conferences every two-to-three years. The 2006 conference in New Orleans was the third in the series.

Conference participants commented that inclusion of the youth was the most important feature of the program. The students brought interesting, and sometimes surprising, insight into the problems and their solutions. During the conference, students testified about how Katrina impacted their lives; they shared their personal perspectives about the fallout that followed, and offered suggestions on how to prevent similar events from happening again.

Young people want to be engaged by the older generation; they want to be involved in problem solving, rather than being seen as the problem. It is important to them that adults respect them, take them seriously, and listen to their concerns and opinions. However, they do not feel that adults necessarily have to agree with them. The colleges that sponsored student representatives to participate in the conference reported that their students were transformed by the experience; the students returned to campus as stronger, more flexible, more constructive, and more dedicated leaders.

The Council has partnered with education leaders throughout the country; these leaders also consider the youth community to be an enormous untapped resource, a conclusion that was confirmed repeatedly during the New Orleans conference. What was particularly striking was the extent to which youth were at the center of so many of the challenges that beset the Gulf Coast region. There were many opportunities for the youth of New Orleans to help one another. Youth helping

youth is one of the most effective ways of getting relief and assistance to our youngest and, often, most vulnerable citizens. Young people are more likely to respond to their peers. Moreover, peer-to-peer contact fosters positive role model relationships.

There was a stark contrast between the realistic, yet hopeful and solution-focused testimony of the student participants and the alarming, more dire information presented by the various professional participants. This contrast provided the basis for the Council's recommendation to tap into the energy, optimism, and goodwill of the youth. The Council concluded that disaster plans should include components focused specifically on engaging students, high school level and up, as well as young professionals. These young people should be an integral part of the planning process, and also should be given meaningful roles to play in the response effort.

We recommend that local and regional response teams comprise two components: YEAR teams and youth services professional response teams, comprised of healthcare professionals, social workers, and other youth service professionals, as needed, including educators, temporary foster care providers, juvenile justice representatives, and children's law specialists.

The doctors who spoke at the New Orleans conference noted that medical and social service systems tend to breakdown the earliest and stay broken down the longest, in emergency situations. They reminded those present that doctors, nurses, and other professionals were victims of Katrina, too; many had to relocate; their records were either destroyed or otherwise inaccessible for an extended period of time. A two-pronged regional response to the disaster that included both youth *and* professionals specializing in youth care and services would have helped address many of the concerns voiced by New Orleans doctors.

Regional response teams should establish an organizational home base that is known to everyone, including local, state, and federal agencies, not-for-profits, responders, and regular citizens. This home base should be equipped with a well-developed communications system. The location of the home base may differ from region-to-region, depending on need. We strongly suggest that the base of operations and the parameters of responsibility of the responder teams be well thought out, adequately funded, and effectively communicated to the public.

National coordination among these regional organizations for training, capacity-building, and communication purposes is essential, as regional response teams may be required to respond to disasters from outside of their own region if, as with Katrina, there is displacement. If planning efforts involving young people could be coordinated regionally and nationally it would be possible to establish a nationwide youth volunteer response system. This would be an extraordinary way to develop an engaged citizenry that could respond not only in their own communities, but also in communities throughout the country.

Such a system would be invaluable in both disaster areas and areas receiving displaced persons. In an emergency evacuation, where a great deal of random dislocation takes place, trained youth could be assigned to buses and other locations to welcome and assist younger children. Youth volunteers would be a particularly reassuring sight for small children arriving at shelters.

Including youth in the planning and response efforts would foster role model relationships that would bolster children and lessen the impact of the disaster on these young survivors. When children feel disconnected, confused, and isolated, they are more likely to engage in destructive, anti-social behavior. The influence of youth volunteers can help reduce the occurrence of such negative behaviors.

The ideas that follow are meant to be suggestive rather than prescriptive. Our goal is to stimulate action on this recommendation on the part of those with experience

in volunteer management. We urge a major change in the mindset of organizations charged with the responsibility of disaster planning and response, particularly with respect to the way that they view young people. To that end, we propose that neighborhoods and schools create YEAR teams to work collaboratively on a local, regional, and national basis. These teams could take on a number of functions including, but not limited to:

- conducting research or surveys for emergency planners; canvassing neighborhoods to develop lists of those in need of special assistance in an emergency; distributing emergency plans directly to citizens.
- escorting individuals to collection sites or identifying locations where responders are needed in emergency situations.
- providing outreach to small children who are dispersed in shelters, and on buses, to offer comfort and reassurance, and to help re-establish a sense of normalcy.
- creating and staffing an Internet clearinghouse that would enable students to register for school in their displaced locations.
- coordinating student volunteers and assigning them specific tasks under the direction of a crisis management center.

YEAR teams should be composed of young people from all socio-economic classes, ethnicities, ages, and races. The teams should work together on common projects of real significance for their communities. Eventually, their work together will lead to the development of relationships that, over time, may reduce the racial and ethnic divides that exist.

Various organizations in different neighborhoods and regions can be used to recruit and train YEAR teams; regional and national organizations might also take on that responsibility. In some cases, entire schools could be mobilized to play a role. It is important to take advantage of every opportunity to reach out to young people in noncrisis environments, to build connections, community values, and responsibility. Examples of this type of mobilization do exist.

The Honorable Kevin Briscoe, the youngest judge on the Youth Court of the Mississippi Band of Choctaw Indians, spoke to conference participants about the Choctaw legal system, which works with 9,000 enrolled Mississippi Choctaw Indians, 35 percent of whom are youth. The Choctaw have a peacemaker's court that handles mediated settlements. If the mediated settlement process fails, the case moves to the court system. When dealing with youth cases, the goal is to rehabilitate; all juvenile cases are treated as misdemeanors. The Choctaw have a built-in system for working with youth, so, for instance, when the electricity went out after the hurricane, and the provision of all normal services came to a halt, the elders of the tribe used the opportunity to demonstrate to the youth how they lived and survived in the past. They were able to turn an otherwise dire situation into a learning and community building exercise, aimed directly at the youth in their community.

In organizing YEAR teams, upper level students can play a very important role in mentoring and leading younger students. Young professionals can provide invaluable paraprofessional support. The panel discussion on "Rebuilding the Justice System," moderated by the Honorable Charles Z. Smith, retired Justice, Washington State Supreme Court, provided many examples of how such support could be beneficial. Faun Fenderson, chair, Louisiana State Bar Section of Solo Practitioners and Small Firms, reported on the impact of Katrina on small firm and solo practitioners. Many lost their homes and offices, and were forced to relocate in the aftermath of the disaster.

Having law school students provide research assistance and other support would be invaluable to lawyers in crisis situations (as would be the case, with medical students providing support to doctors). Human service organizations and legal aid societies also would benefit. One story illustrates the difference that such services can have on clients in need.

Pamela Metzger, associate professor of law, Tulane University Law School, recounted one case in which a law student's assistance made all the difference. Mr. Dear, a poor, epileptic, schizophrenic, illiterate, and homeless African-American man, was arrested for trespassing in a public housing project. He had been in jail for several months when Katrina hit. The Army "rescued" Mr. Dear from his flooded jail cell, however, he like many others fell between the cracks and became lost in the system. Mr. Dear had no records and no identification. Lawyers interviewed Mr. Dear and other "lost" individuals in an effort to identify them and determine the circumstances of their incarceration. Lawyers determined that Mr. Dear had been incarcerated longer than he should have been. Unfortunately, he was moved shortly after the interview, and was lost in the system yet again. A law student who had previously worked on his case was able to locate him again. She discovered that he had been released with \$10 and nothing else. The student was able to get him into a health program, which was a more appropriate option than incarceration. It can be a real struggle to track these types of cases in times of crisis; law student volunteers can and do play a critical role when disaster strikes.

The Council believes that this core strategy of involving youth in the disaster planning and response process can make a meaningful difference in the provision of relief during crisis situations. The Council will continue to work to persuade political leaders and policymakers that this approach has merit and should be supported.

Strategy Two: Overcoming the Reluctance to Accept Help

Many believe that preventing people from cheating the system is the biggest challenge to disaster relief efforts. On the contrary, the greatest challenge is overcoming the reluctance of individuals to accept assistance. In order for relief efforts to be successful, people must be willing to receive them.

Efforts must be made to reach out to the vulnerable and marginalized, to persuade them that it is okay to accept help. The refusal to accept assistance is often grounded in shame, fear, and distrust. This is particularly true when historical patterns of racism and unfair treatment exist. YEAR teams can be useful in this effort by establishing rapport and relationships with groups that are resistant to receiving aid.

In all of the panel discussions presented at the conference, service providers within the immediate region and in areas to which survivors were relocated, reported, time and time again, that their biggest challenge was persuading those in need to accept help. Direct service providers were surprised by the level of resistance they met. Their frustration was compounded by the lack of cooperation from those higher up the command chain. Local government officials felt that upper level officials harbored a lack of trust; there was a sense that those who were supposed to be facilitating the response saw themselves as corruption fighters, as opposed to relief facilitators. The severity of this disconnect in New Orleans may have been due to the history of federal intervention in corruption cases, media images projected during the disaster, and ingrained racial stereotypes about the city and its inhabitants.

An unwillingness to relinquish control or to accept charity may have contributed to the reluctance of some to accept help. Many survivors feared that they would lose their independence. To some, dependence was just one more sign of failure in what was already a traumatic experience.

Cultural differences and experiences also may have played a role. Members of different communities view government intervention in different ways. Immigrants who may be concerned about their immigration status may shy away from accepting help. Moreover, language barriers may cause some in the immigrant community to refuse assistance. Some in the African-American

community may harbor a distrust of the government that is rooted in historical patterns of racism and disparate treatment.

When designing a crisis plan, it is imperative that these concerns be considered in order to counter community resistance. Responders should be prepared to encounter some resistance; however, they should be trained to overcome it. A well thought out plan, created in advance of a crisis should educate communities about the services available and how those services would be marshaled in a disaster. This type of pre-disaster planning could go a long way toward overcoming reluctance.

Enlisting the youth to disseminate information is another way to reduce the level of reluctance. Young people may be perceived as less threatening, which could make it easier to get the word out in some communities. Moreover, YEAR teams that are multicultural in composition can be very valuable in bridging cultural differences and language barriers. In addition, YEAR teams could distribute written materials to residents explaining that as taxpaying citizens, they are entitled to receive disaster relief services. Such services should be viewed as essential services that are available to *every* citizen based on his or her citizenship and status as a taxpayer. The Council strongly recommends that those experienced with the provision of social services review the applicable portions of disaster plans to ensure that they adequately convey this message.

YEAR teams, under the direction of an adult official, could go door-to-door handing out material and talking to residents about available assistance programs. Their canvassing efforts should be announced in advance and should be conducted under official adult supervision. Communities should institute alert systems to ensure that canvassing is conducted safely. Advance preparation would go a long way toward encouraging *all* citizens to accept assistance.

The Council does not have the resources to explore, in depth, the root causes of distrust and how it affects the willingness of honest individuals to accept help. However, we have heard enough testimony to support the belief that such reluctance does indeed exist, and is somewhat pervasive in disaster scenarios. We believe that fundamental changes and accommodations can be made if special attention is given to training those who will be providing relief.

Strategy Three: Providing “Good Samaritan” Legal Protection

The desire to offer assistance to others in need is human nature. However, those who are inclined to help are often reluctant to do so for fear of legal liability. It is imperative that responders be able to provide immediate support and assistance to disaster victims. Civil servants and volunteers must have assurances that their common sense, humanitarian acts in service of those in need will not be punished. To this end, the Council recommends that limited or temporary “Good Samaritan” legal protection be granted to responders, which will allow them to assist the victims of disaster without fear of consequences or legal repercussions.

The Honorable Max N. Tobias Jr., Judge, 4th Circuit Court of Appeal, Louisiana, participated on the “Rebuilding the Justice System” panel. Judge Tobias stated that a strong leader is needed to act and be accountable in a crisis environment. The issue is how to make common sense decisions in emergency situations. The Honorable Edwin A. Lombard, Judge, 4th Circuit Court of Appeal, Louisiana, shared a personal situation that illustrates this issue. One of the judge’s court guards was very worried about his wife, but did not want to leave his post. Judge Lombard told the guard to go home and bring his wife back to the courthouse. The judge told the guard that he would take responsibility for the safety of the courthouse. This was a case where swift action was required.

The Stafford Act should be revised, particularly with regard to adding “Good Samaritan” protection for officials and others using common sense and acting with good intentions during a relief effort. A well-written disaster plan should

include provisions about the hierarchy of leadership. The plan should be updated regularly to accurately reflect changes in procedure and personnel.

Strategy Four: Establishing a Strong Communications Infrastructure

Good communication and responsible reporting are paramount in disaster response. Rumor and innuendo compounded by press exaggeration about the extent of looting and violence, and the inability of responders to communicate in a coordinated manner, caused a great deal of harm to the residents of New Orleans, in the aftermath of Katrina. A strong and reliable communications infrastructure must be available during times of crisis. Inaccurate information can thwart relief efforts, especially in critical, life and death situations.

We were very discouraged to find that those charged with providing relief in the wake of Katrina were far less equipped to communicate with the outside world than the news outlets that came to report on them. The absence of communications made whatever command system that existed, virtually ineffective. Emergency workers clearly needed to be able to communicate with each other in order to coordinate relief efforts, and to give an accurate picture of what was actually happening. Command communication is essential in order to convey a clear and complete picture of what is happening in the trenches. The communication of this information is necessary in order for leadership to modify ground level decisions, as needed.

In New Orleans, the absence of accurate and timely information compounded the damage done by the press with its negative images and inaccurate reporting of actual events. The exaggeration of acts of lawlessness lessened the willingness of some responders to provide much needed assistance, which delayed relief efforts in some communities. The images were very damaging and intensified the distrust between victims and responders.

In truth, the number of acts of kindness and courage in the wake of Katrina outnumbered the lawlessness by the hundreds, if not thousands. Many of the so-called

incidents of “looting” (over 95 percent by some estimates) were, in actuality, acts of “Good Samaritans” appropriating emergency supplies for injured and displaced citizens. Better communication and more balanced reporting certainly could have helped dispel some of these negative images.

Communication on a person-to-person, grassroots level is also imperative. YEAR teams can be very helpful in facilitating this type of low-level communication. This is especially true in immigrant communities, where young people often speak and understand English better than their parents. The youth can take a leadership role in providing translation and first-aid services. Young people can also use their technological expertise to expand the avenues of communication via e-mail and text messaging. Our youth are a positive resource that should be nurtured and developed.

Focused Recommendations

In addition to the four broad recommendations, the conference generated a number of specific recommendations from the small discussion groups that should be considered by appropriate governmental and nongovernmental agencies.

- When creating a disaster plan, it is important to identify the segments of the community that suffer disproportionately, whether economically, legally, educationally, or medically; these are the groups that are most likely to present special problems for responders. Plans must be created to anticipate and respond to the needs of these challenging groups, appropriately. In the case of the Gulf Coast, the Council identified children, particularly African-American children, as the group most disproportionately affected. Each section of a community's disaster plan should be reviewed to ensure that it addresses the needs of *all* children.
- Disaster plans need to allocate more resources toward treating the psychological impact of disaster on *all* participants.
- Certain provisions in the Stafford Act should be revised to allow for the utilization of professional services in disaster areas; the Act should include professionals and not just emphasize the use of less expensive paraprofessionals.
- Disaster planning should make allowances for the psychological and physical needs of the responders, who are often victims, themselves.
- Schools should provide more than just classroom support; they need to find ways to bring both children and parents back into the community, simultaneously.
- Disaster planning must include provisions for handling dispersed children, especially those under the protective watch of the courts. Care should be taken to evacuate neighbors to the same safe area where neighborhood children can receive comprehensive educational and psychological support

services; older, trained children should be assigned to these locations to provide assistance to professional educational staff.

- Privacy laws should be reviewed and revised, as necessary, to provide the flexibility required to enable the tracking of those who are dispersed as a result of disaster.
- The services of nongovernmental organizations should be fully integrated into disaster response plans; these organizations are experienced in using project-based, student volunteers.
- Service providers should be trained to overcome the reluctance of individuals and families to receive help.
- Oversight agencies should be trained to balance facilitation and gatekeeping roles; these agencies should also review accountability procedures to determine whether competing interests are balanced and working.
- Plans should be sensitive to the cultural needs and experiences of the groups receiving relief services; it is important to understand their views on receiving public assistance.
- The Stafford Act should be revised to build in provisions that will allow for flexibility and common sense solutions, particularly with regard to transferring and tracking information. It should not be a straight jacket; on the contrary, it should empower communities in the rebuilding and restoration process.
- The provisions of the Stafford Act and other relevant legislation should be clear and enforceable with civil penalties that prevent the blocking of egress routes for evacuees. No local authority should be able to prevent the movement of evacuees unless those evacuees would be putting themselves or others in harms way.
- Liability limits should be established on fishing fleets relative to salvage liability.

- The Stafford Act should be amended to allow FEMA to pay disaster recovery expenses upfront, rather than requiring communities to be reimbursed for such out-of-pocket expenses.
- Leadership training should be provided; provision also should be made for the appropriate use of common sense decision making in emergency situations. If a “Good Samaritan” law or provision is enacted, responders should understand its parameters.
- An effective communications system must be developed to provide for quick response rumor control.
- Centers for Internet communication should be established to monitor Web pages.
- Free wireless systems should be set up to provide easier Internet connectivity in the event of displacement.

Conclusion

I rving Mayfield, founder and artistic director of the New Orleans Jazz Orchestra addressed the conference and talked about the influence of Ralph Ellison’s *The Invisible Man* on his life. Mayfield, who lost his father and brother in the devastation, referred to Katrina as a wake up call about the invisibility of race and ethnicity in America. He explained that in *The Invisible Man*, Ellison places jazz in the middle of the argument. The protagonist listens to jazz and peels back its layers of meaning. Jazz provides relief from injustice, but is, at the same time, complicit in that injustice by providing relief. This duality is repeated throughout American culture.

Jazz is not black or white. What occurred in New Orleans is not a black or white story. It is an American story. Katrina is a story about suffering and loss—not about race.

Mayfield spoke about “grace”—an important word to him. An amazing word, for it has so many meanings and derivatives. Through jazz, New Orleans had built into its culture grace and regeneration. Jazz was New Orleans’s gift to the world in the face of horrendous tragedy. It came from the slaves who learned how to get by, how to transform different music into stories of their own experiences. Out of slavery came one of the most human sounds we know—the democratic and graceful message that with courage we can turn even the worst situation on its head and make from it something beautiful.

In 2004, Mayfield founded the New Orleans Jazz Orchestra. Since the storm, he has tried to deliver the message of hope that is embodied in jazz. Jazz is the message forward—it expresses hope and regeneration. Katrina created a gumbo of hatred and despair; it exposed the reality of racism, poverty, and injustice. This is not a problem exclusive to New Orleans. What happened there could have happened in any city. Katrina revealed a 400-year-old epidemic in the United

States. It did not create the epidemic, it simply uncovered it. In spite of the racism, people of color in New Orleans have been able to lead graceful lives. America has to join us in the spirit of jazz and not abandon us.

Mayfield described, in moving terms, his first performance after returning to New Orleans. All of the city's musicians came together. The message was clear—we had suffered together and now we were all healing together. Our challenge, he explained, was to keep the spirit alive. Jazz music became an expression of community and unity—another invisible aspect of New Orleans that needs to be made visible. Making the invisible visible represents the community side of the equation. It is an expression of community spirit and community caring.

Mayfield concluded by noting that his Katrina story is not a heroic story; it is just the story of one family. “My father drowned because he had faith in community and in the levees. We are talking about an American story. My father died in a storm that could not have cared less about his color. That is the message of jazz. We are individuals that suffer and struggle, but all that matters is our ability to come together. There is tension between individual and community values as in jazz structure. Jazz is proudly individualistic, but when it is united into a whole in the form of a jazz band, those individualistic themes and notes are interwoven into a community.” Mayfield concluded that we should be less concerned about rebuilding New Orleans, and more concerned about fulfilling the American promise.

The Council believes that the youth of this nation can best understand and live up to this promise. It is our hope that the recommendations proposed in this report will help to fulfill the spirit of Irving Mayfield's eloquent appeal. We must engage our youth and believe in their abilities if we are to satisfy the creative promise about which Mayfield spoke.

Simon Bailey, another motivating speaker at the conference, retold an African proverb. In the story, a person has a recurring dream about being chased by a lion; he runs away. He goes to a counselor and asks what the dream means. The counselor tells him the next time he has the dream to stop and face the lion and ask it, “Who are you?” and “Why are you chasing me?” When the dream comes again, the person stops running, turns and faces the lion and asks, “Who are you?” “Why are you chasing me?” The lion responds, “I am your strength and courage. Why are you running from me?”

Our society needs to stop running away from and ignoring its youth. They are indeed our strength, our courage, and our future.

Appendix A

In the twelve months following Hurricane Katrina, the Council held a conference and a series of panel discussions focusing on the lessons that could be learned from the disaster. The Council was especially interested in how these lessons impact the justice system, in general, and people of color, in particular.

Third National Conference on the Impact of Race and Ethnicity on the Justice System New Orleans, Louisiana, November 1–3, 2006

**Opening Plenary Session: Libations: Memorial and Commitment Presented
by the Ashe Cultural Arts Center**

Welcome

Harold D. Pope III, chair, ABA Council on Racial and Ethnic Justice
Gregory S. Prince Jr., vice- chair and chair of the national conference

Setting the Stage

Gloria Bowens, Council on Legal Education Opportunities (CLEO),
University of Florida School of Law, Gainesville, Florida

Presenter: Evan Allen-Gessesse, *Standing on Common Ground*, Middle
Passage Productions Inc., Chicago, Illinois

Gary N. Brown, BP America Inc., BP Legal, Houston, Texas

Presenter: C. Ray Nagin, Mayor, New Orleans, Louisiana

Harold D. Pope III, Chair, Council on Racial and Ethnic Justice

Keynote Speaker: Simon Bailey, founder, Imagination Institute Inc.,
Orlando, Florida

Panel #1: Critical Health Issues

Moderator: Monique Edwards, Office of the Secretary, Louisiana
Department of Natural Resources, Baton Rouge, Louisiana

Panelists: Dr. Corey Herbert, president, Herbert Medical Consulting LLC,
Associate Children’s Medical Clinic, Gretna, Louisiana; Dr. Barbara
Howze, New Orleans, Louisiana; Dr. Joy Osofsky, Louisiana State
University, Health Sciences Center, School of Medicine, New Orleans,
Louisiana

Luncheon Panel

Moderator: Warren A. Bell Jr., associate vice-president, University and Media Relations, Xavier University, New Orleans, Louisiana

Panelists: Honorable Benny Rousselle, president, Plaquemines Parish, Belle Chase, Louisiana; Honorable Oliver M. Thomas Jr., council member-at-large, New Orleans City Council, New Orleans, Louisiana; Honorable John Young, council chair, Jefferson Parish, Gretna, Louisiana

Panel #2 Juvenile Justice/Child Advocacy

Moderator: Honorable David Perkins, referee, Wayne County Circuit Court, Detroit, Michigan

Panelists: Honorable Kevin Briscoe, Judge, Youth Court Mississippi Band of Choctaw Indians, Choctaw, Mississippi; Howard Davidson, director, ABA Children & the Law, Washington, D.C.; Honorable Ernestine Gray, Judge, Orleans Parish Juvenile Court, New Orleans, Louisiana; Janis van Meerveld, partner, Adams & Reese LLP, New Orleans, Louisiana; Victor L. Streib, professor of law, Ohio Northern University College of Law, Ada, Ohio

Reception Sponsored by Adams & Reese, LLP and Shell Oil Company

Presentations by ASHE Cultural Arts Center, “Cultural Celebration: Heritage to Legacy” featuring New Orleans cultural and creative traditions and celebrating the commitment and achievements of local New Orleans

Saturday Sessions

Plenary Session

Introduction: Shana Greenberg Barehand, Federal Communications Commission, Washington, D.C.

Keynote Speaker: Irvin Mayfield,
Founder and Artistic Director, New Orleans Jazz Orchestra Inc.

Panel #3 Re-Building the Justice System

Moderator: Honorable Charles Z. Smith, Justice (retired), Washington State Supreme Court, Olympia, Washington

Panelists: Faun Fenderson, chair, Louisiana State Bar Section of Solo Practitioners and Small Firms, New Orleans, Louisiana; Honorable Charles C. Foti Jr., Louisiana attorney general, Baton Rouge, Louisiana; Honorable Arthur Hunter Jr., Judge, Orleans Parish Criminal District Court, New Orleans, Louisiana; Honorable Bernette Johnson, Justice, Supreme Court of Louisiana, New Orleans, Louisiana; Honorable Edwin A. Lombard, Judge, 4th Circuit Court of Appeal, New Orleans, Louisiana; Pamela R. Metzger, associate professor of law, Tulane University Law

School, New Orleans, Louisiana; Honorable Max N. Tobias Jr., Judge, 4th Circuit Court of Appeal, New Orleans, Louisiana

Small Breakout Groups: 10:00–11:30 am

Panel #4 Revitalization & Revisioning

Moderator: Michelle M. Gallardo, associate general counsel, Ford Motor Company, Dearborn, Michigan

Panelists: Virginia Boulet, special counsel, Adams & Reese LLP, New Orleans, Louisiana; Kim Boyle, Phelps Dunbar LLP, New Orleans, Louisiana; Douglas Colbert, professor of law, University of Maryland School of Law, Baltimore, Maryland; Dr. Karen Leong, director, Asian Pacific American Studies (APAS), associate professor, Arizona State University, Tempe, Arizona; Robert Ward, dean and professor of law, Southern New England School of Law, North Dartmouth, Massachusetts

Lunch with Small Breakout Groups

Panel #5 Students' Response to Katrina

Moderator: Gloria Bowens, Council on Legal Education Opportunity (CLEO), University of Florida Law School, Gainesville, Florida

Panelists: Josie Beets, Brooklyn Law School, Brooklyn, New York; Evan Allen-Gessesse, Middle Passage Productions Inc., Chicago, Illinois; Kelli Byers Hooper, MPH, Cumberland School of Law, National Black Law Student Association (NBLSA), southern region chair, Birmingham Alabama; Kelly Knapp, University of California School of Law, Los Angeles, California; Brigid Ryan, University of Maryland School of Law, Baltimore, Maryland

Closing Session and Wrap-up

Sunday, November 5, 2006

Volunteering Our Services (with Common Ground)

Lower Ninth Ward Neighborhood

Conference participants volunteered their services to do cooking and cleaning-up flooded homes. Those who volunteered included students, emergency planners and responders, representatives of all parts of the justice, education, health and human services systems, and survivors of all generations.

**Equity for Racial & Ethnic Victims of Katrina
ABA MidYear Meeting
Chicago, Illinois, February 10, 2006**

This was the first in a series of panel presentations that were held by the Council on the issue of Katrina. Several of the recommendations from this panel presentation were implemented at the Third National Conference.

Introduction of Moderator by Harold D. Pope III, Chair

Overview of the Program by Honorable Arnette Hubbard

Introduction of the Panelists by Honorable Arnette Hubbard

Panelists: Beth E. Abramson, director, Disaster Legal Services Program, Louisiana, associate, McGlinchey Stafford PLLC; Jim Bennett, coordinator, Illinois Katrina Relief Project, Heartland Alliance for Human Needs and Human Rights; Charna R. Epstein, associate director, Crisis Prevention & Disaster Recovery, Heartland Alliance for Human Needs and Human Rights, manager, Katrina Relief Initiative, Chicago, IL; Voncille V. Johnson, Katrina survivor, Dallas, Texas
Dr. Karen J. Leong, director, Asian Pacific American Studies Program (APAS), associate professor, women and gender studies, Arizona State University; Reverend Dr. JoAnne M. Terrell, associate professor, theology and ethics, director, Doctor of Ministry Program, Chicago Theological Seminary

Panelists Comments

Questions & Answers

Appendix B

Ashe Cultural Arts Center

The ABA Council on Racial and Ethnic Justice extends a special thank you to the Ashe Cultural Arts Center of New Orleans, its executive director, Carol Bebelle, staff, artists, musicians, and performers, for providing the conference with the touch, taste, and feel of New Orleans. Ashe Cultural Arts Center provided the moving Libations: Memorial & Commitment during the Opening Plenary Session of the Conference. During this emotional ceremony, candles were lit, the walls of the room held plaques with the names of the more than 1,500 individuals who lost their lives during Katrina, and an interactive, memorial installation with music was presented.

This memorial installation was maintained in the foyer of the hotel throughout the conference, which allowed individuals to offer prayers and special tributes to the individuals who perished as a consequence of Katrina.

Ashe Cultural Arts Center also provided the spectacular entertainment at the conference reception, which included music by Bamboola 2000, dancing by the Mardi Gras Indians in full regalia, a presentation by the Nu New Orleans Renaissance Society, and a Secondline procession that involved the conference participants.

The infusion of New Orleans culture by Ashe's multi-talented members provided the perfect backdrop for the diverse, intergenerational, and interactive conference.

Appendix C

Special Sponsorships for Katrina Survivors

During the November conference, five Katrina survivors (currently living in Chicago) were granted travel sponsorships to return home to New Orleans and participate in the conference. These individuals had not been back to New Orleans since evacuating the city in the aftermath of Katrina.

Their hearts were heavy and their emotions were mixed. Many of them re-connected with family and friends for the first time since the hurricane. A few were fortunate enough to return to what was left of their homes and belongings. Their stories were a mixture of positives and negatives. Some are determined to return and rebuild in New Orleans; some vowed never to return to live, only to visit.

The Council was elated that the Katrina survivors were able to attend and fully participate in the conference. Their contributions were invaluable to the discussions and overall tenor of the conference. Their heartbreaking experiences and exceptional insights left an indelible impression on the other conference attendees.

We extend a special note of gratitude and appreciation to Catholic Charities for assisting these survivors and for their special sponsorship of the conference. The Council salutes and thanks Katrina survivors, Brenda M. Barron, Alvin and Dorothy Neal, Darryl Norman, and Mary Turner; their participation in the conference added another dimension of understanding to the tragedy of Katrina. We are proud of the significant contributions that each of these individuals made to the success of the conference:

ABA Council on Racial and Ethnic Justice 2006-07

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American Bar Association Council on Racial and Ethnic Justice

The American Bar Association (ABA) created the Presidential Task Force on Minorities in the Justice System in 1992, in the aftermath of the Rodney King verdicts and ensuing civil disturbances. In 1994, the task force became the Council on Racial and Ethnic Justice (Council). The Council was charged with developing partnerships with community groups, civil rights organizations, businesses, religious organizations, educational institutions, and bar associations with the ultimate goal of eliminating racial and ethnic bias in the justice system. The Council has succeeded in drawing attention to issues such as racial profiling, the use of technology to enhance access to the justice system, disparities in sentencing, the over-representation of people of color in the juvenile justice system, deficiencies in indigent defense, and the Tulia, Texas cases. The Council continues to defend affirmative action and, along with other ABA groups, promotes increased diversity in the legal profession. In furtherance of these efforts, the Council has reached out to other professions, especially those in education. We express our deepest appreciation to all who have supported the Council's work throughout the years.

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Acknowledgements

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In addition to the members of the local conference planning committee, who provided invaluable assistance in organizing the third national conference in New Orleans, we are indebted to the Honorable C. Ray Nagin, the Honorable Oliver M. Thomas Jr., the Honorable Benny Rousselle, the Ashe Cultural Arts Center, our panelists and presenters, CLEO students, and the City of New Orleans and its citizens. We also extend our sincere appreciation to those who were instrumental in the production of this report.

The Council on Racial and Ethnic Justice is committed to finding new approaches to disaster planning and response, in order to prevent the tragedy that occurred in the wake of Hurricane Katrina from happening again. We value your support of our efforts. Thank you.

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