

## New Orleans Trip Report

Prof. Kummert,

The 13 students who went to New Orleans the week of March 19 had a meaningful, some might say life-changing, experience in the few days we were there. We enjoyed beautiful, 70-plus-degree weather and went out frequently as a group to partake of New Orleans' famous cuisine and live music. I think a number of friendships were formed or strengthened during this trip; already we've planned a get-together for next week where we'll have a slide show of our photos and get the chance to exchange pictures and reflect some more on our time in Louisiana.

I think everyone got the chance to get out of the French Quarter where we were lodging and into the neighborhoods that were most severely affected by Katrina. What we saw affected us deeply: in stark contrast to the French Quarter, which was not badly harmed by the hurricane and has rebounded to its usual lively, tourism-oriented self, the Ninth Ward was described by several of us as a ghost town. Block after block, the houses are badly damaged or just plain gone. There has been little to no rebuilding in the Ninth Ward as yet. It and many other hard-hit areas of New Orleans remain utterly depopulated, 18 months after Katrina. (The population is down 300,000 from where it was pre-hurricane; only around 180,000 people live there today.)

We were assigned to several different projects during the week: the Natural Resources Defense Council; New Orleans Workers' Center for Racial Justice; Common Ground Legal; and the Louisiana Capital Assistance Center.

### **Natural Resources Defense Council**

Four of us, including me, spent Monday with the Natural Resources Defense Council (NRDC), doing soil sampling in different neighborhoods to test for arsenic that was left behind in a sedimentary layer of silt after the highly toxic Katrina floodwaters receded. Once the results of these tests are in, they will be compared to samples taken by Tulane University faculty pre-Katrina and by the EPA immediately post-Katrina. Depending on what arsenic levels are still present, the work we did may be used to convince the EPA to undertake cleanup efforts in New Orleans to deal with the arsenic problem. The residents of the neighborhoods where we took samples were very interested to learn what we were doing and often requested that NRDC mail them the test results so that they can know whether the soil near their homes and their children's playgrounds and schools is contaminated.

The NRDC planned to have the four of us work on document review the rest of the week, looking for relevant documents from the city's Sewage and Water Board that would support a FOIA request NRDC has made to EPA regarding the Clean Water Act. However, the SWB failed to produce the documents they had promised, so our project was ended and the four UW volunteers were reassigned to other projects. Two joined the UW volunteers working with the New Orleans Workers' Center for Racial Justice; I

joined the UW volunteers at the Common Ground legal relief project; and the fourth former NRDC volunteer split his time between those two groups. (When the two people assigned to the Louisiana Capital Assistance Center completed their project for the week, they too joined the effort at Common Ground.) While it was frustrating for the NRDC project to be cancelled, we all were glad to have the opportunity to work on some other projects and thus get insight into other aspects of the rebuilding work and continuing problems going on in New Orleans.

### **New Orleans Workers' Center for Racial Justice**

The four students assigned to the Workers' Center were joined by three former NRDC volunteers for part of the week. They worked on two projects: one, a labor rights project concerning Latin American guest workers who had entered the U.S. on H2B visas to work in New Orleans and were being subjected to abusive conditions by their employers; the other, fighting the imminent eviction of a number of employees of a local corporation from a trailer camp the corporation had established on its land, using trailers from FEMA. The students' work on both projects has been submitted to the attorneys who are helping the Workers' Center defend their clients.

Guided by a UW student who compiled documentation and organized her fellow students so that the tasks facing them were divided up efficiently, two other students conducted legal analysis of the state and constitutional issues around the guest workers' situation to determine what the elements of potential claims were. They wrote up attack outlines for these claims to aid other and future volunteers reading through workers' testimonials and other documentation in issue-spotting, so they could effectively analyze individual complaints to determine whether or not they had valid claims for violations of labor rights. Both the federal and the state law outlines received high praise from the supervisors of the project.

Another UW volunteer translated worker testimonials from Spanish into English. The testimonials revealed how the workers, generally skilled laborers, were recruited in Mexico to work for American corporations, only to be denied the contractual benefits they were promised. They have been employed part-time instead of full-time, at a lower wage than promised; they have been denied medical care and injury rehabilitation; they have been packed into hotel rooms, 5-15 people per room; and the corporate management illegally confiscated their passports. People organizing the workers have likened their conditions to indentured servitude or slavery. Translating their stories is essential to getting justice for these workers to ensure they are treated humanely in the future and that their contracts are honored.

Several other volunteers worked on an emergency injunction request that would prevent a group of employees of a local shipbuilding corporation from being evicted from the trailer camp they had called home for over a year. After Katrina, the corporation had wooed its employees back by promising to provide them FEMA trailers in which to live, housed on a lot it owned near the shipyards. The employees lived in this company town-like setting and worked for the corporation; money was taken out of their paychecks each

month to pay rent, although it is unclear whether the corporation was charging rent for the space in the lot, which they owned, or for the FEMA trailers, which come from the government and are not owned by the corporation. After initially giving notice of impending eviction in February, the corporation changed the move-out deadline several times, leaving residents scrambling to find alternate accommodations. The week we were in New Orleans was the week that utilities to the trailers were scheduled to be cut off. While most residents had picked up and left, others were still holding out, despite fear of losing their jobs, and it was on their behalf that our volunteers were working.

The students writing the injunction request were supported by research other UW students were conducting at Loyola Law School under the supervision of clinical faculty there. If granted, the emergency injunction would permit the hold-out families to remain in their trailers. The students turned over their work to the local attorney who has taken on the case. Although the outcome of the request is unknown at this time, at least one of the students who contributed to it plans to continue helping support the case attorney remotely now that we have returned to Seattle.

### **Common Ground Legal**

In addition to the three students assigned to the legal arm of Common Ground, one of the largest and longest-running relief groups to have sprung up in New Orleans after Katrina, several other students ended up devoting their time and effort to that group as well. The work we did at Common Ground centered around four projects: Section 8 housing; editing and cite-checking a Jailhouse Lawyer's Manual; investigating the possibly unconstitutional housing demolition practices by the city; and conducting exit interviews at a local prison.

One UW volunteer spent her whole week following leads for Section 8-eligible housing, which is in short supply compared to the huge demand for it. More than one-quarter of New Orleans' population before the hurricane lived below the poverty line; this is the demographic that has had the hardest time rebuilding their lives in the city, in large part due to the difficulty of finding housing. The student volunteer called landlords and property management companies who had listed apartments and homes available for rent, added the listings to a database, mapped them on Google Earth, and visited the homes to ensure they were livable and in good repair, documenting each site with photos. Thanks to her work, more resources are now available that will empower a number of families to be able to afford to move into real homes after spending months being bounced around different temporary housing situations, living in FEMA camps, or struggling to return to New Orleans at all from the cities where they relocated after the hurricane.

Another Common Ground volunteer and I spent two days editing and checking citations in chapters of a Jailhouse Lawyer's Manual that previous law student volunteers had written. The JLM is written in lay language and is aimed at lawyers representing prisoners and at the prisoners themselves. Our job in going through the chapters was to make sure the language remained accessible and the citations were accurate, in addition to adding citations as appropriate without disturbing the accessible tone of the handbook,

which informs inmates of their rights in regard to labor, visitation, and communication while in prison, parole, and other topics. While this exercise helped improve the quality of what promises to be an important resource for inmates and their counsel, it also brought home for us that our instruction in basic legal skills at UW will have real-world applicability and helped us see what legal writing can be like when not aimed at an academic audience, but rather at the people who need our services most.

After I finished working on the JLM, I aided another UW volunteer who was researching the constitutionality of an ordinance passed by the city concerning the demolition of houses damaged beyond repair by the hurricane. After passing other ordinances addressing the issue, the New Orleans city council at the beginning of February passed an ordinance providing for the declaration of condemnation of damaged homes, for public notice of the declaration, and for demolition of gutting of the houses. The ordinance called for the city to provide 30 days' notice of planned demolition, notice to be given by posting notice on the affected building, by publication on the city web site, and by publication for three consecutive days in the local newspaper.

However, adherence to the last two notice provisions was spotty at best; we checked the city web site and the newspaper and could not find listings for homes which had had notice flyers posted on them. The notice by posting was also of dubious constitutionality, as the homeowners were highly unlikely to see the notice and FEMA has refused to provide the last known address of the homeowners in defiance of court order in an unrelated case. Overall, there was a strong case for arguing that the city's notice practices fall short of the constitutional requirements under due process.

Adding to the problem was the fact that the city had not published the ordinance anywhere before it posted flyers on houses scheduled for demolition that quoted from the ordinance – essentially, declaring a planned trespass and taking without compensation under an unpublished law. As of the time of our research, the ordinance had been the subject of a press release by the city, but it still had not been published on the web site that lists the rest of the city ordinances. We had to go down to City Hall Friday afternoon and go through several city employees, the first of whom simply lied to us about the office not being open to serve the public that day, before we were able to obtain a copy of the ordinance. We were highly disturbed to find that people's homes are being scheduled for demolition, with no way of contacting the owners, under the authority of what is tantamount to a secret law.

Furthermore, the city has announced a plan that once it has gutted or demolished a home, it attaches a lien to the property in the amount of the cost of the procedure it undertook without the owner's permission. The predicted impact of the liens is that many property owners will be unable to pay it off and will be forced to foreclose, thereby losing their land.

The student with whom I was working wrote an extensive memo on the situation, which is still developing at the time of this writing. It is our hope that by issuing this memo, helping Common Ground search for the owners of homes scheduled for demolition, and

publicizing the unpublished ordinance, we may help prevent homeowners from being subjected to the loss of their property and may draw attention to practices by the city that have every appearance of being highly violative of constitutional due process requirements in multiple respects.

A number of students who worked with Common Ground had the opportunity to go to Orleans Parish Prison to do exit interviews with people coming out of the jail about the conditions of the jail and the circumstances of their arrests. The information they gathered will be included in a report Common Ground is putting together on arrest and prison conditions in New Orleans, a complementary project to the work going on at the Louisiana Capital Assistance Center, described below. The information our volunteers gathered supports a very grim picture of the penal system in the city.

The exit interviews revealed that absolutely no one is read their rights when they are arrested in New Orleans. People complained of rampant racism in the criminal justice process, such as one person who was told he was pulled over because the police officer “did not like dreadlocks,” and others who said that corrections officers were using racial slurs against them. Several people interviewed had spent more than 24 hours in jail after being stopped at a road block where it was discovered they had unpaid parking or traffic tickets. The interviewees reported that jails are packed with anywhere from 40 to 60 people per cell, with filthy walls and floors, no working toilets, little medical care, inadequate food and dirty/communal drinking water. It is Common Ground’s goal to use the report compiled from these interviews to draw publicity to the problems with the penal process and instigate change to clean up the criminal justice system.

### **Louisiana Capital Assistance Center**

Two students worked with the Louisiana Capital Assistance Center (LCAC) on criminal justice projects. One described the city’s criminal justice system as “a complete shock.” The students spent their week compiling a database of persons arrested in January, 2007. The project’s purpose was to create a complete database of every state-crime arrest during a one-month period, track what actually happens with the arrestee, and look for trends of unfair treatment, such as delays in bringing charges for the purpose of keeping people in jail without due process.

The students used court dockets to look at arrest dates; whether or not charges were ever brought; the bail amount; and how many days the person spent in jail before charges were either brought or refused (or neither). What started as a fairly simple data-entry-type project quickly turned very emotional for the volunteers. They reported that people regularly are spending 60 days in jail for arrests that the prosecution never brings charges for, even if the maximum sentence is substantially less than 60 days (e.g. first time possession of marijuana). The locals even have a name for this phenomenon: “D.A. sentencing.” A vast majority of those arrested, the volunteers realized, were black males. Bail is often set exceedingly high; at least two Louisiana judges are serving federal prison terms for taking kickbacks from bail-bondsmen. With the project the UW students completed, the LCAC and its partner organizations will be able to take further steps in

pushing for reform in the criminal justice system to ensure New Orleanians their constitutional guarantee of equal protection under the laws.

### **Conclusion**

We all feel that we were able to make a concrete contribution during our short time in New Orleans. The real benefit of our trip, however, will stem from the fact that we were able to see and experience the failures and inadequacies of the criminal justice system; the housing situation, including the mismanaged public housing system and the abuse of property owners' rights; and the labor situation, which is intricately caught up with basic human rights issues. As we go through law school and graduate into our careers, this knowledge will serve as a sharp reminder of the huge need for public interest law work in New Orleans and nationwide.

Several of us have expressed interest in returning to New Orleans again. Whether we are able to return to do further legal aid or not, our experiences last week have changed us indelibly. Because of the Law Foundation's sponsorship, thirteen people have been able to do valuable public service work in New Orleans that will continue to have an effect on that community even now that we have returned to Seattle. Moreover, we feel that we can advocate for justice much more effectively today and in the future. We know that our trip will be affecting the work we do for many years to come. Thank you for making this experience possible.

I have attached a photo taken of our group at our Student Hurricane Network orientation at Tulane Law School on Monday evening of our trip. (Two volunteers had not arrived yet, but most of us are in the picture.) The Student Bar Association had kindly donated a UW Law T-shirt to every student on the trip, and you can see half of us wearing the shirts in this photo. I have also attached a photo of the Workers' Rights volunteers at a church in the 9<sup>th</sup> Ward that they spent time helping to rebuild, along with their other projects, and a photo of the Common Ground headquarters where many of us spent time during the week. We are still compiling all our photos from the week, and will have more "action shots" available soon!

Best,  
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Student Trip Leader  
Class of 2009