The looting and poverty in New Orleans put an ugly public face on a crisis that Bush Administration policies have made worse. The millions in America who grow poorer and more desperate are bitter testament to those failures. The pity is that it took Bush’s criminal incompetence and Mother Nature for the worse. The millions in America who grow poorer and more face on a crisis that Bush Administration policies have made violence that rips apart many black communities.

At first the city appears like a giant conceptual art installation, or the set of some archetypal cold-war disaster movie. But then comes evidence of what this really means: dazed refugees wade through the filthy water or push shopping carts down ravaged streets or wait silently in lines for evacuation. And every now and then there is the stench of abandoned corpses. Officials have no idea how many people are lost, trapped in the attics soon to be dead, or drowned and hidden in their homes.

Few can fathom the near-total lack of planning and coordination among local, state and federal authorities. “I been hearing about this is gonna happen for my whole life—how could they not have a plan?” says a man named Reginald Bell as he drops off extra candles to a neighbor.

On a side street in Algiers, on the flood-spared west bank, the corpse of a young black man in blue pants and white shirt lies rotting in the sun about ten feet from a chained-up health clinic. Swollen, greasy and oozing maggots, the dead man has become a symbol of official neglect. There are scores of uncollected corpses like this all over New Orleans.

“See, they just leave him here,” says Malik Rahim, a community organizer who is spearheading a grassroots relief effort called the Green Cross. “He’s been here almost five days, man.”

The next day at the infamous convention center, where stunned refugees are being searched and then loaded onto outbound helicopters, a dozen ambulances sit waiting for orders. No rescues yet today, I am told. As for corpses, no one knows what the plan is.

Archie Haley, an emergency medical technician from Oak Grove, near the Arkansas border, squats as I scarf down a military MRE food ration; he explains that the major problem is “the large population of welfare-ized blacks who can’t help themselves.” My interlocutor is white like me, so he feels comfortable. “See, these people are the city’s disease.” His is an attitude that is far too common among officials here. Racism and incompetence seemed to merge to create a sluggish response. Despite all the troops, SWAT teams and out-of-town cops that have arrived since September 5, there’s still little sign of a plan: On the ground, chaos reigns. Civilian volunteers are still doing many of the rescues; no one knows where to get water or MREs; the radio reports nothing of use.

By the Wednesday after Katrina hit, people here began to grow desperate as their stockpiles of supplies ran out. Survival looting, facilitated by the police, gave way to opportunistic rampaging and panic. “We grew more and more frightened each day because there was never any word from the government about emergency foods and water distribution, and we listened to the radio pretty regularly,” says Mike Howell, a former academic, local peace activist and Nation reader I happened upon in a dark but open bar in the Bywater district. There is no power or water in this joint but somehow there is cold beer and free BBQ.

“All they kept saying was, Go to the Superdome, but we knew conditions over there were horrible, and we heard they weren’t letting people back out who wanted to leave,” says Howell.

Several SRO hotels, he says, have organized themselves into “communes” and do their survival looting in an organized and collectivist fashion. Everywhere one hears stories of mutual aid.

One of the most striking things about being in New Orleans is the number of people who outright refuse to leave. Howell calls them “the diehards.” The mayor has ordered a mandatory evacuation, but the diehards, as well as tens of thousands who live in dry, relatively unscathed areas, are poised to defy the order.

Out east on elevated I-10, above the dark, oily floodwaters of Elysian Fields, a man and his son are camped in a looted mail van. Two empty bottles of champagne sit on the dash; BLACK POWER is spray-painted on the side. “We’re bringing food and water back down in to the dogs. I got two of ’em still... (Continued on Page 30)
in the house." He points off east to roof-deep water.

At the far eastern edge of New Orleans, where the floodwater consumed I-10, a crew of rescuers from the state Department of Wildlife and Fisheries—biologists with boats—are getting ready to launch. They’ve been out here for days, bringing in water and bringing out the wounded, but as Clint Jeske explains, “A lot of people are in there just wading around, getting supplies and wading back in. They’re living in half-flooded homes and they don’t want to come out.”

Nearby, in a sudden trailer park in the Chef Menteur Highway area, Paul Breaux sums it up thus: “I did two tours in Nam, went through the LA quake. I was a federal cop. I can deal with this. All I need is some resupply, some MREs and water.” Breaux and three of his friends are camping outside their trailers; the water here had been four feet high but flowed out after a day. Why people should leave dry areas of the city is not at all clear. When pressed, some local officials say they might reconsider the order, which smacks of the incoherence and high-handedness that have characterized the whole evacuation. Refugees are loaded onto buses and just shipped away, not told where they’re going or for how long. It’s this sort of bad treatment that hardens people’s resolve to stay.

By a levee on the west bank, school buses wait to load up. “I don’t want to go far away, but I was in a boat with my disabled neighbor for five days eating nothing but potato chips and two gallons of water and some Gatorade,” says a tall, skinny man named Lee from the totally submerged and oil-fouled St. Bernard Parish. “They just told us, Out,” says another man, from the Algiers neighborhood, which has running water but no lights. The mayor has threatened to force people out and deny them food and water if they insist on staying.

Traditions of racism, exploitation and exclusion are visible in every aspect of this crisis. One also feels the repressive reflexes of the war on drugs and war on terror. Rather than work on rescue and cleanup with the mutual-aid networks, like the Algiers neighborhood, which has running water but no lights. The mayor has threatened to force people out and deny them food and water if they insist on staying.

William Rehnquist

Even more than Ronald Reagan, William Rehnquist embodied the enduring preoccupations of the American right. As a young clerk to Justice Robert Jackson, he argued that the notorious separate-but-equal precedent Plessy v. Ferguson was “right and should be reaffirmed.” As a Republican legal activist in the 1960s he challenged African-American voters at the polls. From the ashes of the Goldwater campaign Rehnquist hitched his fortunes to Richard Nixon’s appeal to fear of racial integration, sexual revolution and crime, serving as a combative assistant attorney general whose labors in carving out expansive presidential power to wage war and monitor dissent still echo through the Bush Administration’s legal justifications for Guantánamo and the Patriot Act.

Named Associate Justice in 1971 by Nixon, Rehnquist showed canny brilliance at translating the politics of resentment into the judicial arena. Some Justices evolve, re-evaluating the impact of their theories and decisions. But Rehnquist, appointed Chief Justice by Reagan in 1986, never betrayed doubt. He was a dissenter in Roe v. Wade and the all-too-brief abolition of the death penalty in the 1970s, and after 1980 he became the pivotal figure in a new antiliberal majority. In case after case he promoted a contradictory theory of federalism that is taken for granted today as synonymous with conservative judicial philosophy: On the one hand, he fought to limit the power of Congress and federal courts to enforce civil rights, desegregate schools or regulate business. Alongside that was his equally fierce commitment to policing, prisons and every element of social control, whether undercutting the Miranda ruling’s limitations on search-and-seizure or through his dissents in abortion cases. As Chief Justice he was at the heart of the GOP takeover of all three branches of government, joining the infamous Bush v. Gore decision of 2000.

Rehnquist’s death during the New Orleans catastrophe caught the Administration at a vulnerable moment. Bush’s decision to elevate the nomination of John Roberts—leaving retiring Justice O’Connor in her seat for now—rests on the presumption that his nomination is secure. Roberts, as we have argued in these pages, is Rehnquist’s ideological heir: His consistent favoring of presidential power and his restrictive vision of the federal judiciary’s role in civil rights and environmental law reflect his old boss’s agenda. But that doesn’t guarantee his confirmation. To the contrary; the authority of the Chief Justice to assign opinions and manage Court traffic gives ample reason to revisit presumably closed questions and to review his Solicitor General records. The prospect of Roberts as Chief Justice ought to force consideration of his unethical role in the Hamdan Guantánamo case and his secret job interviews with the White House while hearing that case.

Bush hopes Roberts will carry forward Rehnquist’s counter-revolution. But for all his brilliance, Roberts—a flame-throwing appellate litigator, not a consensus-builder—lacks Rehnquist’s years of experience on the bench. Like the right generally, today’s Court conservatives are fragmented; they disagree on abortion, the death penalty, international law and other issues. It’s doubtful Roberts can succeed where even his mentor finally failed to hold the coalition together.

Rehnquist showed little regard for the social consequences of his relentless application of conservative legal theory. The legacy of segregation, “states’ rights” and “limited government” is visible in the ranks of the dead and homeless from Hurricane Katrina. To look back is to look forward with clear eyes. But like his mentor Rehnquist, Roberts pledged himself to the conservative faith as a young man, and he has never looked back.  

Bruce Shapiro was director of The Nation Institute’s Supreme Court Watch during the nominations of Justices Thomas, Breyer and Ginsburg.
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