

HURRICANE KATRINA’S FOLK DEVILS: HOW MISINFORMATION FUELS VIOLENCE, DISPLACEMENT, AND CAPITAL

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This Note examines the extent to which mischaracterization of violence in New Orleans following Hurricane Katrina facilitated criminalization and displacement of the Black, urban poor during the city’s reconstruction. Media depictions of a city fallen into chaos caused by roving gangs of wild criminals, bolstered by law enforcement and state and local officials, resulted in a moral panic targeting the city’s most vulnerable residents. Thus, the city diverted resources from search and rescue operations and supply distribution to enacting violence and terror on largely Black, poor hurricane survivors. This also gave cover to white vigilantes to inflict racist violence on their Black neighbors with impunity. This moral panic further facilitated the reconstruction of New Orleans to serve elite interests and erode public services. Twenty years later, the most vulnerable New Orleans residents still feel the gap in public services. Ultimately, the story of Katrina reveals how easily elites and market forces can hijack disasters to serve their own interests by amplifying and targeting vulnerable minority groups. These lessons take on new urgency given the destruction caused by Hurricane Helene and the increasing likelihood that future natural disasters will compound these problems through greater frequency and higher intensity.

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INTRODUCTION

“You never want a serious crisis to go to waste. And what I mean by that [is] it’s an opportunity to do things that you think you could not do before.”

– Rahm Emanuel¹

Hurricane Katrina is remembered as one of the most devastating natural disasters ever to take place in America. Its death toll was only surpassed in 2017 by Hurricane Maria, and, more recently, in 2024 by Hurricane Helene.² In the almost twenty years since Katrina, many writers and authors have tried to make sense of the storm’s destruction and infamous institutional failures which wrought havoc on New Orleans.³ Images of destruction and suffering shocked and horrified the American public. As the survivors tried to make sense of this disaster, the narrative began to spin that New Orleans was now overrun by violent mobs who were taking advantage of the suspension of norms. The narrative was highly racialized, focusing mostly on alleged violence and criminality of the mostly Black, poor New Orleanians who were trapped in the city for weeks after the storm. The demonization of this population emerged as a moral panic: a phenomenon where elites, mass media, and government officials villainize an already marginalized group of people, blaming them for real, exaggerated, or wholly fictional social ills.

This moral panic, fed by national news media and local and state officials, was ultimately proven to be false. However, the damage was

1. Wall Street Journal, *Rahm Emanuel on the Opportunities of Crisis*, YouTube (Nov. 19, 2008), https://www.youtube.com/watch?v=_mzcbXi1Tk&ab_channel=TheWallStreetJournal.

2. Dan Stillman, *Helene has Become One of the Deadliest Hurricanes of the Modern Era*, WASH. POST (Oct. 3, 2024, 4:11 PM), <https://www.washingtonpost.com/weather/2024/10/03/hurricane-helene-deadliest-mainland-since-katrina-storm/> [https://perma.cc/CZ98-YGN6].

3. See, e.g., William P. Quigley, *Thirteen Ways of Looking at Katrina: Human and Civil Rights Left Behind Again*, 81 TUL. L. REV. 955 (2007) (examining the aftermath of Hurricane Katrina through a human and civil rights lens); Beverly Wright & Earthea Nance, *Toward Equity: Prioritizing Vulnerable Communities in Climate Change*, 4 DUKE F. L. & SOC. CHANGE 1, 7–13 (2012) (analyzing the relationship between poverty and climate change in the case of Katrina); Lisa Grow Sun & RonNell Andersen Jones, *Disaggregating Disasters*, 60 UCLA L. REV. 884, 915–18 (2013) (examining the effect of militaristic euphemisms and rhetoric in natural disaster such as Katrina).

already done. In the short term, aid and relief efforts were delayed or abandoned, and Black hurricane survivors were targeted for violence by law enforcement and white vigilantes. In the medium to long term, the moral panic paved the way for the destruction of essential public services in New Orleans when it was rebuilt. The focus became income from tourism and market-based solutions to social problems. While the targets of the moral panic and the wider community attempted to fight these forces, the market had already begun to churn, stemming from the original post-storm panic. Many scholars have applied various frameworks to the post-Katrina demonization of its Black survivors, as well as the opportunistic reconstruction of the city. This Note will look back and draw a throughline through these phenomena.

Part I of this Note will discuss various man-made factors which exacerbated the damage of Hurricane Katrina and the ensuing media coverage which portrayed the mostly Black hurricane survivors as violent criminals. This Note will reframe these events in the context of Stanley Cohen's moral panic framework. Part II will examine the immediate effects of the moral panic on Black hurricane survivors including the violence they faced from law enforcement and white vigilantes. Part III will analyze the wider consequences of the moral panic, and connect the overcriminalization of the Black, urban, poor population with the attacks on social services during the rebuilding of New Orleans, which has continued in the twenty years since Hurricane Katrina. Lack of public education, limited affordable housing for renters, and other missing public services continue to harm the city's communities, with the Black, poor citizens bearing the brunt. Although the harm of increased privatization on racial and economic underclasses is hardly new, the lens of a moral panic helps to reveal the connections between the demonization of these underclasses and the systems that are built and maintained by market forces to drive them out of their homes and communities. Finally, Part IV will compare Katrina with the early days of disaster caused by Hurricane Helene in and around Asheville, North Carolina. Although Helene's recovery has only just begun at the time of writing, it is a useful comparison given the familiar scenes that the storm conjured.

I. KATRINA AND THE BEGINNING OF A MORAL PANIC

A. *A Natural Disaster Turns Man-Made*

At 10:11 AM, on August 28, 2005, meteorologist Robert Ricks issued a haunting warning to the media and government officials.⁴ It read in part: "Devastating damage expected . . . Hurricane Katrina . . . a most

4. DOUGLAS BRINKLEY, *THE GREAT DELUGE: HURRICANE KATRINA, NEW ORLEANS, AND THE MISSISSIPPI GULF COAST* 79 (2006).

powerful hurricane with unprecedented strength . . . Most of the area will be uninhabitable for weeks . . . perhaps longer.”⁵ He went on to warn that at least one-half of well-constructed homes would experience structural failures and that the majority of industrial buildings would fail.⁶ He predicted weeks-long power outages and water shortages that could “make human suffering incredible by modern standards.”⁷ Less than twenty-four hours later, Hurricane Katrina made landfall in Louisiana.⁸

At first, it seemed that Ricks’ apocalyptic warning would fail to come to fruition.⁹ Upon landfall, Katrina had weakened to only a category three storm, rather than a category five.¹⁰ However, the vanishing natural wetlands protecting New Orleans from the bodies of water which surround it and its elevation at just below sea level made the area uniquely vulnerable to floods.¹¹ It was only as strong as its protection: a system of levees along the Mississippi River and Lake Pontchartrain.¹² Thus, when Hurricane Katrina caused a massive storm surge overwhelming the already taxed levee system, it caused devastating flooding throughout eighty percent of the city.¹³

The devastation to infrastructure, businesses, and homes alone was massive, but the human cost was even more staggering.¹⁴ Hundreds of people died due to the storm surge or lack of medical attention.¹⁵ Officials at the city, state, and federal level displayed gross incompetence in their preparation for and management of the disaster, exacerbating the human toll.¹⁶

Two factors unique to New Orleans amplified the devastation. First, a great proportion of people lived in poverty.¹⁷ At the time, 27.9% of the population lived below the poverty line.¹⁸ Second, New Orleans was also home to a much higher proportion of elderly residents than other

5. *Id.*

6. *Id.* at 80.

7. Hurricane Katrina made landfall in the early morning of August 29, 2005. *Id.*

8. ANDY HOROWITZ, *KATRINA: A HISTORY, 1915-2015*, at 117 (2020).

9. *Id.* at 118.

10. *Id.*

11. BRINKLEY, *supra* note 4, at 12–13.

12. *Id.* at 13.

13. REBECCA SOLNIT, *A PARADISE BUILT IN HELL: THE EXTRAORDINARY COMMUNITIES THAT ARISE IN DISASTER* 235 (2009).

14. *Id.*

15. Mark Schleifstein, *How Many People Died in Hurricane Katrina? Toll Reduced 17 Years Later*, NOLA.COM (Jan. 15, 2023), https://www.nola.com/news/hurricane/how-many-people-died-in-katrina-toll-reduced-17-years-on/article_e3009e46-91ed-11ed-8f2a-a7b11e1e8d34.html [<https://perma.cc/SJ3P-TEU7>].

16. *See* BRINKLEY, *supra* note 4.

17. *Id.* at 32.

18. *Id.*

similarly sized cities.¹⁹ These populations lacked access to personal transportation and were more likely to suffer from health problems making driving long distances difficult. Together, these factors led to a population that needs more time and effort to evacuate.²⁰ Additionally, many residents stayed behind because they could not afford to leave and had no family or friends with whom to stay.²¹ Poor communication from government officials left many residents in the dark about the severity of the storm so that they did not feel the need to evacuate.²²

Rescue efforts also left much to be desired after the storm had passed. Survivors were desperate to get out of the unlivable city, and many found themselves trapped in hot, crowded makeshift storm shelters with no power or plumbing and very little food and water.²³ While tens of thousands of New Orleanians suffered, Louisiana Governor Kathleen Blanco and President George W. Bush played political football with federal aid, each trying to blame the other for the lack of help getting to survivors.²⁴ The Federal Emergency Management Agency (“FEMA”) displayed total ineptitude in rendering aid, to the point where they were shown up by Wal-Mart’s ability to quickly and efficiently distribute supplies throughout the city.²⁵

Communication breakdowns and disorganization throughout FEMA caused extreme slowdowns in aid delivery, to the point where workers were often sitting around, waiting for something to do.²⁶ In Baton Rouge, the de facto FEMA command center, people joked they would name their next baby “FEMA,” because it took nine months to arrive.²⁷ In the wake of the chaos and devastation caused by the natural disaster, a man-made disaster quickly emerged. National media began to report that the stranded residents, mostly Black and low-income individuals, were becoming violent and animalistic due to the lack of law and order in the city.²⁸ This became a defining narrative of the Hurricane Katrina disaster.²⁹ Not only did it significantly hinder disaster-relief efforts, but it also allowed for other waves of violence to go both under- and un-reported for years following.

19. *Id.* at 33.

20. *See id.*

21. SOLNIT, *supra* note 13, at 239.

22. *See* BRINKLEY, *supra* note 4, at 64–65.

23. HOROWITZ, *supra* note 8, at 120.

24. *Id.*; *see* BRINKLEY, *supra* note 4, at 39.

25. BRINKLEY, *supra* note 4, at 251–53.

26. *See, e.g., id.* at 250–51.

27. *Id.* at 245.

28. *E.g.,* SOLNIT, *supra* note 13, at 236–37.

29. *Id.* at 235.

B. False Rumors Lead to Moral Panic

Although many scholars have tried to make sense of Hurricane Katrina and its aftermath,³⁰ this Note analyzes the proliferation of fantastical rumors and the ensuing law enforcement and white vigilante violence through the framework of a moral panic.

In his seminal work on the subject, *Folk Devils and Moral Panics*, Stanley Cohen defines a moral panic as:

A condition, episode, person or group of persons emerge . . . to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges, or deteriorates and becomes more visible.³¹

Cohen describes the target of the panic as “folk devils,” meaning “visible reminders of what we should not be.”³² Through the moral panic process, the folk devils are turned into symbols and “stripped of all favorable characteristics and imparted with exclusively negative ones.”³³ Folk devils are deviant groups operating outside of the bounds of polite society who must be driven out, as their existence is a dangerous threat.³⁴

The exaggerated media coverage of post-Katrina crime is a primary aspect of moral panics. While the object of a panic may appear “quite novel,” it may also be “something which has been in existence long enough, but suddenly appears in the limelight.”³⁵ Here, underlying stereotypes about poor, Black city residents were easily activated in the minds of the public.³⁶ Popular media portrayal of Black persons as criminals is older than the United States itself, with its

30. *E.g., id.* at 21. Solnit employs the theory of elite panic wherein during disasters “the elite often believe that if they themselves are not in control, the situation is out of control, and in their fear take repressive measures that become secondary disasters.” *Id.* Sociologist Alford A. Young posits that ignorance of the lives of the poor, Black citizens of New Orleans, combined with fear of urban violence created the violent narrative. Alford A. Young Jr., *Unearthing Ignorance: Hurricane Katrina and the Re-Envisioning of the Urban Black Poor*, 3 DU BOIS REV.: SOC. SCI. RSCH. ON RACE 203, 205–06 (2006).

31. STANLEY COHEN, *FOLK DEVILS AND MORAL PANICS* 1 (3d ed. 2002).

32. *Id.* at 2.

33. ERICH GOODE & NACHMAN BEN-YEHUDA, *MORAL PANICS: THE SOCIAL CONSTRUCTION OF DEVIANCE* 27 (2d ed. 2009).

34. See COHEN, *supra* note 31; see also *id.* at 27–28.

35. COHEN, *supra* note 31, at 2.

36. See Dan Berger, *Constructing Crime, Framing Disaster: Routines of Criminalization and Crisis in Hurricane Katrina*, 11 PUNISHMENT & SOC’Y 491, 492 (2009).

roots tracing back to paranoia of slave uprisings in colonial America.³⁷ In the late twentieth century and early aughts, new themes began to emerge of so-called “urban crises.” These media trends painted Black, urban residents as responsible for the crisis du jour, from drug use to the AIDS epidemic.³⁸ The post-Katrina media frenzy shows how easily these ongoing narratives can be whipped into a moral panic. The media narrative drew upon deeply entrenched stereotypes to transform them into Cohen’s folk devils,³⁹ creating a “looter class” of hurricane survivors who were “depraved, impoverished, pathological, [and] [B]lack.”⁴⁰

Soon after the storm, rumors began to swirl regarding chaos and violence engulfing the city, painting a Hobbesian state of nature following Katrina’s destruction.⁴¹ CNN reported that anyone walking the streets of the city was “taking their own lives into their hands.”⁴² Media outlets asserted that the residents left in New Orleans had resorted to cannibalism and that the city was a “snake-pit.”⁴³ Many major news outlets widely reported that roving gangs of violent maniacs controlled the Superdome and the city itself.⁴⁴ National guardsmen returning to the U.S. from Iraq called New Orleans “Baghdad on a bad day.”⁴⁵ The media also fixed its focus on looters. News stories portrayed so-called looters as greedy and self-serving, suggesting that they were taking advantage of the situation to steal electronics or luxury items.⁴⁶

State and local officials, particularly Mayor Ray Nagin and Police Superintendent Edwin P. Compass, bolstered these media reports. For example, Mayor Nagin told the press that “drug-starving, crazy addicts” were “wreaking havoc” in the city.⁴⁷ Nagin also confirmed the existence of violence at the Superdome, claiming that it was in an “almost animalistic state” after “five days watching dead bodies, watching

37. Bryan Adamson, “Thugs,” “Crooks,” and “Rebellious Negroes”: *Racist and Racialized Media Coverage of Michael Brown and the Ferguson Demonstrations*, 32 HARV. J. ON RACIAL & ETHNIC JUST. 189, 218–19 (2016).

38. *Id.* at 224–26.

39. *Id.*

40. Berger, *supra* note 36, at 501.

41. SOLNIT, *supra* note 13, at 236–37.

42. Berger, *supra* note 36, at 501.

43. HOROWITZ, *supra* note 8, at 122.

44. Timothy Brezina & Herbert E. Phipps, Jr., *False News Reports, Folk Devils, and the Role of Public Officials: Notes on the Social Construction of Law and Order in the Aftermath of Hurricane Katrina*, 31 DEVIANT BEHAV. 97, 108 (2009).

45. *Id.* at 106.

46. *E.g.*, BRINKLEY, *supra* note 4, at 501–02.

47. U.S. SENATE, S. REP. NO. 109-322, HURRICANE KATRINA: A NATION STILL UNPREPARED: SPECIAL REPORT OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS 440 (2006).

hooligans killing people, raping people.”⁴⁸ Superintendent Compass broke down in tears on the Oprah Winfrey show, stating, “We had little babies in [the Superdome] . . . Some of the little babies [sic] getting raped.”⁴⁹ Compass also reported to the news that gangs of criminals were beating and raping tourists in the streets.⁵⁰

It did not take long for the popular media narrative of violent mobs and total social collapse to be disproven. By the end of September 2005, several media organizations began reporting that previous stories of violence and anarchy had either been exaggerated or were outright false.⁵¹ No babies or children had been raped at the Superdome, nor were there roving gangs picking off innocent people.⁵² Throughout the time that the Superdome was used as an emergency shelter, there was only one attempted sexual assault, one suicide, and zero homicides.⁵³ The level of violence had been greatly exaggerated.⁵⁴

In fact, not only was the level of violence exaggerated, there was a groundswell of prosocial behavior from the trapped residents in the absence of competent government leadership.⁵⁵ Some people formed organized groups with the explicit goal of gathering resources to protect themselves and the vulnerable.⁵⁶ One such group called themselves the Robinhood Looters.⁵⁷ They were a group of eleven friends who worked to commandeer boats and rescue their neighbors from the floods.⁵⁸ A former Black Panther Party member, Malik Rahim, founded a first-aid station, which later turned into a fully-fledged health clinic called Common Ground Clinic.⁵⁹ Five members of a social club, the Black Men of Labor, stayed behind in the city after their families evacuated for the express purpose of helping storm survivors who could not evacuate.⁶⁰

While there were reports of violent gangs assaulting people in emergency shelters such as the Superdome and Morial Convention

48. Brezina & Phipps, *supra* note 44, at 101.

49. BRINKLEY, *supra* note 4, at 573.

50. Brezina & Phipps, *supra* note 44, at 101.

51. *Id.* at 99.

52. U.S. SENATE, *supra* note 47, at 443.

53. *Id.*

54. See BRINKLEY, *supra* note 4, at 94–95.

55. E.g., SOLNIT, *supra* note 13, at 243–44.

56. *Id.*

57. Havidán Rodríguez, Joseph Trainor & Enrico L. Quarantelli, *Rising to the Challenges of a Catastrophe: The Emergent and Prosocial Behavior Following Hurricane Katrina*, 604 ANNALS AM. ACAD. POL. SCI. 82, 91 (2006).

58. *Id.*

59. SOLNIT, *supra* note 13, at 290–95.

60. BRINKLEY, *supra* note 4, at 138.

Center, this was not the reality.⁶¹ Rather, groups of these would-be “gang members” organized themselves to provide aid to the suffering refugees.⁶² An eyewitness at the Convention Center, Denise Moore, said:

Somehow these guys got together, figured out who had guns and decided they were going to make sure that no women were getting raped, because we did hear about women getting raped in the Superdome, and that nobody was hurting babies. And nobody was hurting these old people. They were the ones getting juice for the babies . . . They were the ones getting clothes for people who had walked through that water. They were the ones fanning the old people, because that's what moved the guys, the gangster guys, the most, the plight of the old people.⁶³

In the absence of help from FEMA or government officials, regular citizens stepped up to provide for their neighbors.⁶⁴ The media reports of gangs in the Superdome were correct insofar as, “there were gangs there, if *gang* is the right word for inner-city men who grow up together and hang out together.”⁶⁵ Although there was undoubtedly crime and violence in New Orleans after the storm, it was not nearly as rampant as media reports claimed.⁶⁶

Additionally, many major news outlets exaggerated reports of looting, infecting them with racial bias. While some people did steal electronics or other luxury items,⁶⁷ many others “looted” grocery stores for food and other essentials.⁶⁸ In the aftermath of Katrina, stores were not open for business, and it was not possible to purchase essentials through normal economic means.⁶⁹ For example, because FEMA was of little help distributing supplies,⁷⁰ doctors had to resort to “looting” their local Walgreens pharmacies for medical supplies.⁷¹ The difference in coverage of looting was racialized.⁷² While white citizens who broke into stores or homes for supplies were portrayed as “self-reliant, rugged

61. *Id.* at 476–77. While evidence reflects there was violence at the Superdome and Convention Center, the reports at the time greatly exaggerated the extent. See SOLNIT, *supra* note 13, at 244.

62. BRINKLEY, *supra* note 4, at 476–77.

63. *Id.*

64. *Id.*

65. SOLNIT, *supra* note 13, at 244 (emphasis in original).

66. Timothy Brezina & Joanne M. Kaufman, *What Really Happened in New Orleans? Estimating the Threat of Violence During the Hurricane Katrina Disaster*, 25 JUST. Q. 701, 707 (2008).

67. BRINKLEY, *supra* note 4, at 361.

68. HOROWITZ, *supra* note 8, at 121.

69. SOLNIT, *supra* note 13, at 237.

70. BRINKLEY, *supra* note 4, at 178.

71. *Id.* at 362.

72. See HOROWITZ, *supra* note 8, at 121.

individualists,” Black citizens engaging in the same survivalist behavior were portrayed as greedy, opportunistic criminals.⁷³ Historian Andy Horowitz encapsulates the phenomenon succinctly: “White people ‘find,’ but Black people ‘loot.’”⁷⁴

This media narrative allowed city officials to shift the blame for the bungled hurricane response from their own mishandling to the survivors’ violence.⁷⁵ The rumors that they fed to the press functioned as “rationalizations for organizational and institutional paralysis.”⁷⁶ The images coming out of New Orleans horrified the public, but this moral panic provided cover for why help was slow to arrive and take effect.⁷⁷

By framing the main problem of Katrina as individuals committing heinous crimes rather than institutional failings, the demand was created for increased law enforcement presence.⁷⁸ The exaggerated media narrative provided the excuse for extreme acts of law enforcement violence.⁷⁹ Cohen’s concept of escalation posits that “if one conceives of the situation as catastrophic and . . . [will] get worse and probably spread . . . then one is justified in taking elaborate and excessive precautionary measures.”⁸⁰ Thus, the disproportionate response of deploying the National Guard not to assist storm survivors, but to police them.⁸¹ White vigilante violence bolstered the brutal policing,⁸² as vigilantes received implicit and explicit permission from law enforcement to carry out their actions.⁸³

II. THE MORAL PANIC UNLEASHES VIOLENCE

A. Law Enforcement Violence

This moral panic was far from harmless: this narrative led police to respond to survivors with violence rather than expanded search and rescue operations.⁸⁴ A 2006 Senate report on Hurricane Katrina and its aftermath noted that the perception of the city’s descent into chaos had “a significant detrimental impact on Katrina’s victims and on those who

73. *See id.*; *see also* SOLNIT, *supra* note 13, at 237.

74. HOROWITZ, *supra* note 8, at 121.

75. Brezina & Phipps, *supra* note 44, at 111; *see also* Berger, *supra* note 36, at 492.

76. Brezina & Phipps, *supra* note 44, at 114.

77. *Id.* at 111.

78. Berger, *supra* note 36, at 493–94.

79. *Id.* at 495.

80. COHEN, *supra* note 31, at 91.

81. *Id.*

82. *See generally* SOLNIT, *supra* note 13.

83. *See, e.g., id.* at 251.

84. U.S. SENATE, *supra* note 47, at 439; Berger, *supra* note 36, at 501.

were trying to help them.”⁸⁵ Government officials diverted the National Guard and police off of search and rescue and gave them orders to protect private property.⁸⁶ This turned law enforcement loose on a city where mostly poor, Black residents remained. The government and media narrative that “mythic monsters” roved the streets “ravaged the lives of tens of thousands of the most vulnerable.”⁸⁷

Cohen’s theory of society control culture is instructive in analyzing the violence against hurricane survivors. He describes social control as the institutional and organized response to moral panic.⁸⁸ The theory’s three elements—diffusion, escalation, and innovation—are exemplified by the violence in post-Katrina New Orleans.

The first element is defined as the “gradual diffusion from the area where the deviant behavior made its immediate impact.”⁸⁹ This is where the panic spreads beyond the population who are immediately affected by the allegedly deviant behavior. The panic can move from the local level to regional, or even national.⁹⁰ In the case of Katrina, the Gretna Bridge incident serves as a salient example. In response to the moral panic, local police outside of the city “treated New Orleans as a contagion to be quarantined.”⁹¹ In response to groups of mostly Black hurricane survivors attempting to evacuate the destroyed city on foot to the neighboring town of Gretna, the Gretna police blockaded the bridge.⁹² Some claim that the police fired warning shots at the survivors.⁹³ Gretna officials supported the actions of the officers; one reportedly remarked: “[Gretna’s] West Bank was not going to become New Orleans, and there would be no Superdomes in their city.”⁹⁴

Next, Cohen’s concept of escalation refers to the number of control agents, such as police or military, as well as the scope and intensity of the reaction.⁹⁵ In New Orleans, this is evinced by the way that the hysterical media coverage justified a stronger and more excessive response to any criminal behavior. The idea is that “if one is dealing with a group which is vicious, destructive, causing the community a

85. U.S. SENATE, *supra* note 47, at 439.

86. *Id.*

87. SOLNIT, *supra* note 13, at 235.

88. COHEN, *supra* note 31, at 89.

89. *Id.* at 90.

90. *Id.*

91. See HOROWITZ, *supra* note 8, at 124.

92. Elise C. Boddie, *Racial Territoriality*, 58 UCLA L. REV. 401, 401 (2010).

93. HOROWITZ, *supra* note 8, at 124.

94. Boddie, *supra* note 92, at 401.

95. COHEN, *supra* note 31, at 91.

financial loss and repudiating its cherished values, then one is justified in responding punitively.”⁹⁶

Various law enforcement agencies, from the New Orleans Police Department to the National Guard, had orders to restore law and order to New Orleans.⁹⁷ They were diverted from search and rescue or distributing supplies to tackling the alleged looting problem and property crimes.⁹⁸ When the National Guard was deployed to New Orleans, Louisiana Governor Kathleen Blanco announced to the public:

These troops are fresh back from Iraq, well-trained, experienced, battle-tested and under my orders to restore order in the streets. They have M-16s and they are locked and loaded. These troops know how to shoot and kill and they are more than willing to do so if necessary and I expect they will.⁹⁹

When this force did arrive, they were less than helpful, even at restoring order.¹⁰⁰ A team of 247 troops at the Convention Center “did not even try to restore order; they ducked into a hall and locked the door, appearing only rarely after that.”¹⁰¹ Other teams, like those tasked with restoring order at the Superdome, focused on cuffing looters and turning them over to the NOPD and separating the “troublemakers from those who [were] behaving well.”¹⁰²

On the other hand, the NOPD was responsible for several high-profile killings.¹⁰³ Rather than calming or halting the alleged violence taking over the city, the NOPD was often the source of the violence that made the city so dangerous after the storm.¹⁰⁴

The Danziger Bridge incident is an infamous example of the police violence that permeated New Orleans shortly after Hurricane Katrina.¹⁰⁵ On September 4, 2005, groups of people walked along the Danziger Bridge, some searching for family, others for food supplies.¹⁰⁶ Police officers who were out of uniform emerged from an unmarked van and shot at someone they claimed was reaching for a gun.¹⁰⁷ All victims were later found to be unarmed.¹⁰⁸ Two people were killed and four

96. *Id.*

97. *See Berger, supra* note 36, at 493.

98. *Id.* at 497.

99. *Id.*

100. *See, e.g., BRINKLEY, supra* note 4, at 477.

101. *Id.*

102. *Id.* at 420–21.

103. SOLNIT, *supra* note 13, at 248–49.

104. *See id.*

105. *See id.* at 248.

106. *Id.*

107. *Id.*

108. *Id.*

were wounded, including one woman who had her arm blown off.¹⁰⁹ One of those killed was a man with a developmental disability; he was shot five times in the back.¹¹⁰ The police claimed to be responding to reports of snipers in the area, but witnesses say there were never any snipers.¹¹¹ This was one of the few cases where officers faced criminal penalties. After pressure from the victims' families, the Department of Justice indicted and convicted five police officers for their roles in the shooting and the attempted cover-up.¹¹²

In another violent incident, a police officer shot and killed a Black man, Danny Brumfield, who was using scissors to cut up cardboard.¹¹³ He died in front of his young children.¹¹⁴ The NOPD officers claimed that they were in fear of their lives when they shot him.¹¹⁵ The officer who killed him was not charged with the shooting itself, but he was sentenced to twenty months in prison for obstruction of justice and perjury connected to the killing.¹¹⁶

Another infamous victim of police violence was Henry Glover.¹¹⁷ He and his brother were walking near a mall in Algiers when Glover was shot and wounded.¹¹⁸ A good Samaritan picked them up and brought them to a police outpost with the expectation that the police would render first aid.¹¹⁹ Officers responded by beating Glover's friend and the good Samaritan, taking their wallets, and kicking them out.¹²⁰ The last they saw of Glover, he was still in the car being driven away by a police officer.¹²¹ Later, they found the vehicle "burned beyond belief"

109. *Id.*

110. *Id.*

111. *Id.* Rumors of sniper attacks proliferated throughout post-Katrina New Orleans. Many were proven false, though some credible witnesses insist on their veracity. BRINKLEY, *supra* note 4, at 489–90.

112. *Danziger Bridge Officers Sentenced: 7 to 12 Years for Shooters, Cop in Cover-Up Gets 3*, NOLA.COM (Jul. 19, 2019), https://www.nola.com/news/crime_police/danziger-bridge-officers-sentenced-7-to-12-years-for-shooters-cop-in-cover-up-gets/article_5ee6da31-48c1-5740-897e-4fe177c66930.html [<https://perma.cc/GT2D-6QWN>]. The officers' original sentence from 2011 was set aside after a finding of prosecutorial misconduct. *Id.* The officers were resentenced in 2016 and received shorter sentences. *Id.*

113. SOLNIT, *supra* note 13, at 248.

114. *Id.*

115. *Id.*

116. Sarah Moughty, *NOPD Officer Sentenced in Post-Katrina Shooting*, PBS (Apr. 11, 2012), <https://www.pbs.org/wgbh/frontline/article/nopd-officer-sentenced-in-post-katrina-shooting/> [<https://perma.cc/XLA2-687T>].

117. SOLNIT, *supra* note 13, at 258.

118. *Id.*

119. *Id.*

120. *Id.*

121. *Id.*

and Glover's charred skull, ribs, and femur with the coroner's office.¹²² When questioned about the incident years later, the police said that the body was likely burned by law enforcement when it started to smell bad, and that Glover was probably shot for being a looter.¹²³ It took until 2015 for a coroner to rule his death a homicide.¹²⁴ All of the officers involved, including the rookie officer who shot him and those officers who burnt his body, were charged by federal prosecutors, but all were acquitted.¹²⁵

NOPD officers were not the only law enforcement officers doling out violence to civilians.¹²⁶ The Department of Homeland Security contracted with a private security firm, Blackwater USA, to "secure neighborhoods" and "confront criminals."¹²⁷ Wealthy elites hired other private security outfits, including ex-Israeli Defense Force fighters, to protect their property.¹²⁸ Journalist Jeremy Scahill reported on a story he was told by one of the security force members wherein they claimed to have encountered gunfire:

Montgomery told me they came under fire from "Black gangbangers" on an overpass near the poor Ninth Ward neighborhood . . . he and his men were armed with AR-15s and Glocks and that they unleashed a barrage of bullets in the general direction of the alleged shooters on the overpass. "After that, all I heard was moaning and screaming, and the shooting stopped. That was it. Enough said."¹²⁹

No official report appears to document this incident.¹³⁰

Malik Rahim, founder of Common Ground clinic, observed that the police and troops frequently treated him as a criminal or an insurgent.¹³¹

122. *Id.*

123. *Id.* at 258–59.

124. Inci Sayki, *The Henry Glover Killing & the New Orleans Police Department's Efforts to End Federal Oversight*, PBS (Oct. 24, 2023), <https://www.pbs.org/wgbh/frontline/article/henry-glover-new-orleans-police-departments-consent-decree/> [<https://perma.cc/SB4Z-5GYD>].

125. *Id.*

126. *E.g.*, Jeremy Scahill, *Blackwater Down*, THE NATION (Sept. 21, 2005), <https://www.thenation.com/article/archive/blackwater-down/> [<https://perma.cc/BK8A-2TVM>].

127. *Id.*

128. *Id.*; Rodríguez et al., *supra* note 57.

129. Scahill, *supra* note 126.

130. *Id.*

131. James Ridgeway, *The Secret History of Hurricane Katrina*, MOTHER JONES (Aug. 28, 2009), <https://www.motherjones.com/environment/2009/08/secret-history-hurricane-katrina/> [<https://perma.cc/G9FG-HJNB>]. In 2024 The Nation reported that Rahim was not only targeted by local police but by the New Orleans Joint Terrorism Taskforce, led by the FBI. Delaney Nolan, *When the Feds are Still Watching*, THE NATION (Dec. 20, 2024), <https://www.thenation.com/article/activism/fbi-surveillance-trauma-black-activists/> [<https://perma.cc/5WLE-YXY5>]. In August 2006 this taskforce investigated whether Rahim and Common Ground were planning terrorist attacks and

The targeting of Black men became so extreme that Common Ground was forced to rely on white volunteers to move throughout the city.¹³² Another survivor, Cory Delaney, described trying to get himself and his elderly, disabled parents out of the ruined city on foot.¹³³ He said that while one police officer offered them water, more came later to threaten them with M16s and AK-47s in hand.¹³⁴ Stories like these are likely the tip of the iceberg, with many incidents remaining unreported, uninvestigated, or leaving no survivors.

B. Vigilante Violence

Cohen's concept of innovation is the final element of society control culture.¹³⁵ This is where there might be "suspension of certain principles governing individual liberty, justice, and fair play" in pursuit of stopping the deviant actors.¹³⁶ In New Orleans, this was exemplified by not only the extra-judicial law enforcement violence, but also the white vigilante violence. These vigilantes understood that they had permission to take matters into their own hands, given the severity of the threat they supposedly faced.¹³⁷ Some vigilantes claimed to have received explicit permission from NOPD officers to protect their neighborhood with lethal force.¹³⁸ Even without explicit instruction, they did not appear particularly concerned about legal consequences. They bragged about murdering Black people in cold blood to anyone who would listen, including film crews and reports.¹³⁹ They believed they could kill with impunity, and for the most part, they were right. Here were the real violent, "rampaging gangs tak[ing] full advantage of the unguarded city" and killing indiscriminately.¹⁴⁰

spreading anti-government propaganda. *Id.* Ultimately the taskforce did not find or report any wrongdoing by Rahim or Common Ground. *Id.* To this day, Rahim believes he is targeted by FBI surveillance and vigilante violence. *Id.*

132. Ridgeway, *supra* note 132.

133. SOLNIT, *supra* note 13, at 233.

134. *Id.* at 233–34.

135. COHEN, *supra* note 31, at 92.

136. *Id.* at 93.

137. A.C. Thompson, *Post-Katrina, White Vigilantes Shot African-Americans with Impunity*, PROPUBLICA (Dec. 19, 2008, 12:30 PM), <https://www.propublica.org/article/post-katrina-white-vigilantes-shot-african-americans-with-impunity> [<https://perma.cc/Q7NU-CTHZ>] [hereinafter *White Vigilantes*].

138. *Id.*

139. *See, e.g.*, SOLNIT, *supra* note 13, at 252 (citing WELCOME TO NEW ORLEANS (Fridthjof Film 2006)).

140. *Id.* at 237 (citing CNN NEWS & LIONHEART BOOKS, CNN REPORTS: HURRICANE KATRINA: STATE OF EMERGENCY (2005)).

White vigilantism was concentrated in Algiers.¹⁴¹ The Algiers neighborhood was one of the lucky few spared from flooding.¹⁴² Although Algiers is home to a mix of Black and white residents of varying class status, the area of Algiers Point was an upper-class almost entirely white enclave.¹⁴³ The national news media's reports of rampant, violent looters stoked the fears of many white residents.¹⁴⁴ This fear, combined with widespread gun ownership and pre-existing hostility towards Black people, quickly devolved into indiscriminate, organized, racial violence.¹⁴⁵

When prompted, these vigilantes were not shy about their crimes. Rebecca Solnit writes, "More than one person told me, told me personally, that yes, 'We shot seven people and we killed them.' Or 'We killed five people and we don't know what happened to the other two.' Or 'It was four and three.'"¹⁴⁶ A group of vigilantes admitted in a documentary that "[i]t was like pheasant season in South Dakota. If it moved, you shot it."¹⁴⁷ Many of these vigilantes also explicitly expressed their hatred of Black people. One person described their uncle's excitement at the violence: "My uncle was very excited that it was a free-for-all-white against [B]lack—that he could participate in . . . For him, the opportunity to hunt [B]lack people was a joy."¹⁴⁸ Another Algiers Point resident, Nathan Roper described his displeasure with the Black Katrina refugees making their way through the neighborhood: "[they were] hoodlums from the Lower Ninth Ward and that part of the city . . . I'm not a prejudiced individual, but you just know the outlaws who are up to no good. You can see it in their eyes."¹⁴⁹

Donnell Herrington is one of the most high-profile victims of the white vigilantes. While walking through the Algiers neighborhood with his friends, trying to reach the evacuation ferry, he was suddenly shot in the neck with a shotgun.¹⁵⁰ He found himself lying on the ground, bleeding, in excruciating pain.¹⁵¹ Soon after, three armed white men approached them, shouting racial epithets.¹⁵² Despite the attack,

141. *Id.* at 253.

142. BRINKLEY, *supra* note 4, at 292–93.

143. SOLNIT, *supra* note 13, at 250.

144. *Id.* at 250–51.

145. *Id.*

146. *Id.* at 251.

147. *Id.* at 252 (citing WELCOME TO NEW ORLEANS (Fridthjof Film 2006)).

148. *White Vigilantes*, *supra* note 137.

149. *Id.*

150. SOLNIT, *supra* note 13, at 256.

151. *White Vigilantes*, *supra* note 137.

152. *Id.*

Herrington and his friends managed to escape, though Herrington barely survived, having been shot in the jugular vein.¹⁵³

Two years after A.C. Thompson reported on Herrington's story, his shooter was identified as Roland Bourgeois, Jr.¹⁵⁴ Bourgeois was charged with violent use of a firearm and a hate crime.¹⁵⁵ Nine years after the charges were brought, he pleaded guilty and received a ten-year prison sentence.¹⁵⁶ As part of his plea agreement, Bourgeois admitted that he "formed an armed vigilante group to keep African Americans or other 'outsiders' from entering his neighborhood . . . [and] he told a neighbor, 'Anything coming up this street darker than a brown paper bag is getting shot.'"¹⁵⁷

A.C. Thompson's 2008 report identified eleven possible murder victims who were likely killed by the Algiers Point vigilantes.¹⁵⁸ While it is probable that the stories from the vigilantes contain an element of braggadocio, this estimate may be an undercount given the poor record-keeping.¹⁵⁹ The full extent of the homicides carried out by these vigilantes will likely never be ascertained. At least one long-time resident of Algiers believed that eighteen or more Black males were killed in the area.¹⁶⁰ One vigilante claimed to have killed thirty-eight "looters" whose bodies he turned over to the Coast Guard.¹⁶¹ Records show that several Black men died of drowning in Algiers, a suspicious report, given that the neighborhood did not flood.¹⁶²

These white vigilantes lay bare just how racialized violence toward hurricane survivors was. If you were Black, you had a target on your back, regardless of whether you were searching stores for supplies or just walking down the street. The moral panic created such a great threat that acts of extreme violence were justified. As horrific as this violence was, the moral panic and the response continued and evolved as the order of the day became rebuilding the devastated city.

153. *Id.*

154. A.C. Thompson, *Feds Charge Man as New Orleans Inquiry Turns to Vigilante Violence*, PROPUBLICA (July 15, 2010, 9:10 PM), <https://www.propublica.org/article/feds-charge-man-as-new-orleans-inquiry-turns-to-vigilante-violence> [<https://perma.cc/54ZV-QA5U>].

155. *Id.*

156. *Id.*

157. *Id.*

158. *White Vigilantes*, *supra* note 138.

159. *Id.*

160. SOLNIT, *supra* note 13, at 252.

161. Ridgeway, *supra* note 132.

162. *White Vigilantes*, *supra* note 138.

III. WHAT THE VIOLENCE OF THE MORAL PANIC WROUGHT

When moral panics are examined in the framework of governance, they may be regarded as “*episodes, emerging out of the combined efforts of a variety of heterogeneous agents, in which certain governing objectives are furthered by way of governing through fear.*”¹⁶³ This fear facilitates an increase in law enforcement budget and resources,¹⁶⁴ and it results in consolidating power in law enforcement in the face of a dangerous enemy.¹⁶⁵ In this instance, the moral panic in New Orleans helped business interests reshape the city in their image, with foundational support from law enforcement.¹⁶⁶ The gutting of public goods and services post-Katrina, made possible through the moral panic, continues to plague the city today.

The increased militarization of the New Orleans police did not dissipate as the city began to rebuild.¹⁶⁷ For example, law enforcement policed labor relations during the post-Katrina rebuilding process. President Bush temporarily repealed the Davis-Bacon Act, which allowed construction companies to hire a largely non-unionized, immigrant workforce for below minimum wage.¹⁶⁸ This opened the door for law enforcement to coerce the workers to work in dangerous situations and even forfeit their wages under threat of arrest or deportation.¹⁶⁹ Justifications for increased police presence included “*secur[ing] the city amid a great housing crisis, increasing privatized education system, and a more complete turn to a tourist economy.*”¹⁷⁰ As the city reconstituted itself after Katrina, increased policing of the new folk devils facilitated a greater pro-business turn.¹⁷¹

163. Willem Schinkel, *Governing Through Moral Panic: The Governmental Uses of Fear*, in THE ASHGATE RESEARCH COMPANION TO MORAL PANICS 293, 295 (Charles Krinsky ed., 2018) (emphasis in original).

164. K. Babe Howell, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, 5 UNIV. DENV. CRIM. L. REV. 1, 12–13 (2015) (citing Richard C. McCorkle & Terance D. Miethe, *The Political and Organizational Response to Gangs: An Examination of a “Moral Panic” in Nevada*, 15 JUST. Q. 41 (1998); Carol A. Archbold & Michael Meyer, *Anatomy of a Gang Suppression Unit: The Social Construction of an Organizational Response to Gang Problems*, 2 POLICE Q. 184, 189–98 (1999)) (describing how public fear of gang violence is fed by popular media and then leveraged to increase police abilities and resources).

165. *See id.*

166. Berger, *supra* note 36, at 499.

167. *Id.* at 502.

168. *Id.*

169. *See* Gwen Filosa, *Report: Workers in N.O. Endure Abuse; Low-Wage Laborers Exploited in Recovery*, NOLA.COM (July 7, 2006); Berger, *supra* note 36, at 502.

170. Berger, *supra* note 36, at 502.

171. *Id.*

Journalist Naomi Klein posits that the events following Hurricane Katrina exemplify disaster capitalism, writing that the storm functioned as an inflection point for “economic logic that had greatly exacerbated the human disaster with its relentless attacks on the public sphere.”¹⁷² Evacuation was left to individuals to coordinate for themselves, the levees that broke remained in catastrophic disrepair, and FEMA’s experiments with contracting with private firms was an embarrassment.¹⁷³ Mayor Nagin, elected to the position on a pro-business platform and considered a “darling” of the Conservative elite despite being a Democrat, and “Chamber of Commerce cheerleader,”¹⁷⁴ was exposed on the national stage as incompetent.¹⁷⁵

As the dust started to settle in the weeks and months after Katrina, competing views emerged about what should happen to the city.¹⁷⁶ Some argued that New Orleans was too environmentally dangerous to rebuild, as it could easily face another catastrophic flood again soon.¹⁷⁷ Others

172. NAOMI KLEIN, *THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM* 516 (2008); *but see* HOROWITZ, *supra* note 8, at 147 (complicating the theory of disaster capitalism which Naomi Klein uses to analyze Katrina and the rebuilding of New Orleans). Horowitz argues that disaster capitalism and market capture do not fully explain the events of post-Katrina, as a democratic majority of citizens were able to defeat the “shrink the city” rebuilding plan. HOROWITZ, *supra* note 8, at 147. The shrink the city plan would have turned many of the low-lying neighborhoods, mostly occupied by poor, Black residents, into greenspace. *Id.* In this instance, the larger community was able to defeat the market interests pushing for total abandonment of these flood-prone areas through organizing efforts pressuring officials including Mayor Nagin. *Id.* This was a significant win for the organized resistance to market forces, but this win alone does not negate the overwhelming influence of market forces in other areas of the rebuilding process. Horowitz also criticizes the theory of disaster capitalism as painting the time before the storm as “an antediluvian before, when government operated as a benevolent social welfare apparatus beyond the reach of the market.” *Id.* The goal of using the disaster capitalism framework within this Note is not to imply that New Orleans was a socialist utopia before Hurricane Katrina, but rather that market forces corrupted the rebuilding process such that pre-storm public services were massively damaged or wholly destroyed and an opportunity to build a more egalitarian city was lost.

173. *Id.* at 516–17.

174. BRINKLEY, *supra* note 4, at 21–22.

175. *See, e.g., id.* at 34–35 (describing how Mayor Nagin wasted crucial evacuation time on consulting attorneys regarding his potential legal liability to hotel owners for lost revenue because of the evacuation). In 2014, Mayor Nagin was sentenced to ten years in prison for bribery, fraud, and money laundering in connection to a kickback scheme involving city contractors during the rebuilding of New Orleans. Andy Grimm, *Ray Nagin, Once New Orleans' Mayor, Now Federal Inmate No. 32751-034*, NOLA.COM (July 19, 2019), https://www.nola.com/news/crime_police/ray-nagin-once-new-orleans-mayor-now-federal-inmate-no-32751-034/article_33d74cc8-3c66-5719-b193-ebe9d5d97ac6.html [<https://perma.cc/Z59Z-28Z4>].

176. HOROWITZ, *supra* note 8, at 134.

177. *Id.* at 135.

offered dueling views for the future of the city. Malik Rahim saw the opportunity to build “a progressive utopia: a city with high minimum wage and universal healthcare, encircled by restored wetlands, and freed from fossil fuels.”¹⁷⁸ This vision bumped up against those from conservative pundits such as David Brooks, who commented: “if we just put up new buildings and allow the same people to move back into their own neighborhoods, then urban New Orleans will become just as rundown and dysfunctional as before.”¹⁷⁹ Some were less abashed about their desire to see former residents driven out.¹⁸⁰ A New Orleans realtor told a reporter that “the hurricane drove poor people and criminals out of the city, and we hope they don’t come back . . . the party’s finally over for these people.”¹⁸¹

Ultimately, a huge part of the rebuilding process in New Orleans was increasing privatization and decreasing social services for the poor.¹⁸² All public school teachers were fired, and a vast system of charter schools swept in to replace public education.¹⁸³ Public housing was demolished, even buildings left untouched by the floods.¹⁸⁴ Endesha Juakali, an organizer who helped set up a protest at a public housing demolition, remarked:

They’ve had an agenda for St. Bernard [public housing] for a long time, but as long as people lived here, they couldn’t do it. So they used the disaster as a way of cleansing the neighborhood when the neighborhood is weakest . . . This is a great location for bigger houses and condos. The only problem is you got all these poor Black people sitting on it!¹⁸⁵

One of the largest hospitals in the city, Charity Hospital, shut down.¹⁸⁶ This hospital primarily served poor and indigent city residents.¹⁸⁷ In the years leading up to Katrina, more than one in five New Orleanians lacked health insurance, and Charity Hospital was where they were most likely to be treated.¹⁸⁸ In 2003, Charity Hospital

178. *Id.*

179. *Id.* (citing David Brooks, *Katrina’s Silver Lining*, N.Y. TIMES (Sept. 8, 2005), <https://www.nytimes.com/2005/09/08/opinion/katrin-silver-lining.html> [<https://perma.cc/6MPW-Q3EK>]). Brooks’ idea for Katrina rebuilding centered on integrating the poor of the city into middle-class neighborhoods to teach them how to adapt to middle-class culture. *Id.*

180. *Id.* at 135.

181. *Id.*

182. SOLNIT, *supra* note 13, at 302–03.

183. *Id.* at 302; KLEIN, *supra* note 172, at 5–6, 524.

184. SOLNIT, *supra* note 13, at 302.

185. KLEIN, *supra* note 172, at 524 (emphasis in original).

186. SOLNIT, *supra* note 13, at 302.

187. KLEIN, *supra* note 172, at 524; HOROWITZ, *supra* note 8, at 162.

188. HOROWITZ, *supra* note 8, at 162–63.

conducted approximately ninety percent of outpatient services and eighty percent of inpatient treatment for patients unable to pay.¹⁸⁹ One year after Katrina, the American College of Emergency Physicians called the loss of Charity's psychiatric services the "number one cause for the mental health crisis."¹⁹⁰ Public transit services dropped by eighty percent.¹⁹¹ Solnit notes that these public service shutdowns "were not responses to disaster, but expansions of it."¹⁹² Katrina provided an excuse to erode further the public sphere.¹⁹³

The charter school takeover serves as a striking example of the public services erosion that took place post-Katrina. In the months following Katrina, almost all the public schools in New Orleans were either closed or converted to charter schools.¹⁹⁴ Although the rise of charter school education in New Orleans has coincided with a significant increase in high school graduation rates and reading and math performances, these numbers are arguably misleading.¹⁹⁵ New Orleans charter schools have been accused of artificially inflating outcomes such as graduations and test scores by filtering out students who need more academic support, thereby disenfranchising some of the most vulnerable members of the communities.¹⁹⁶ Additionally, the statistics may fail to capture the harm that charter schools cause to the sense of community in the city.¹⁹⁷

The defunding and destruction of public services can be traced back to the moral panic that demonized the urban, Black, and poor residents who most often used services such as public housing, public transit, and Charity Hospital; they have effectively been driven out of the city.¹⁹⁸ Even programs ostensibly designed to encourage poor residents to return contributed to further displacement.¹⁹⁹ For instance, Road Home was a federal program administered by the state. It provided

189. *Id.* at 163.

190. HOROWITZ, *supra* note 8, at 165.

191. SOLNIT, *supra* note 13, at 302–03.

192. *Id.* at 303.

193. KLEIN, *supra* note 172, at 524.

194. Olympia Duhart & Hugh Mundy, *Cash is King: How Market-Based Strategies Have Corrupted Classrooms and Criminal Courts in Post-Katrina New Orleans*, 39 SEATTLE UNIV. L. REV. 1199, 1203–04 (2016).

195. *Id.* at 1202 (citing Lyndsey Layton, *In New Orleans, Major School District Closes Traditional Public Schools for Good*, WASH. POST (May 28, 2014), https://www.washingtonpost.com/local/education/in-new-orleans-traditional-public-schools-close-for-good/2014/05/28/ae4f5724-e5de-11e3-8f90-73e071f3d637_story.html).

196. *Id.* at 1209–12.

197. *Id.* at 1209.

198. Berger, *supra* note 36, at 492.

199. See David V. Simunovich, Comment, *The Quiet of Dissolution: Post-Disaster Redevelopment and Status-Preserving Compensation*, 38 SETON HALL L. REV. 331, 335 (2008).

financial assistance to those who wished to repair their homes, allowed recipients to sell their homes at pre-disaster market rate, and gave financial assistance with relocation elsewhere in Louisiana.²⁰⁰ However, the program included a carveout wherein residents who live in an area “where a high proportion of homeowners are choosing not to invest” in their homes might not qualify for a rehabilitation grant.²⁰¹ This provision incentivized displacement of lower-income communities in the city, such as the Lower Ninth Ward.²⁰²

The Road Home program also discriminated against Black New Orleanians in other ways. One was the requirement that homeowners show clear title to their property in order to qualify for a grant.²⁰³ This was difficult for many survivors of the storm given that such documents could have easily been destroyed or lost, but was particularly burdensome for Black homeowners.²⁰⁴ Black homeowners in the city were more likely to have obtained their property through lease-to-buy programs or inherited their property without filing for succession, so they were more likely to lack the necessary title documents.²⁰⁵ Further, even if a Black homeowner was otherwise eligible for a grant, they were likely to receive less money than a white homeowner because grants were capped at the lower value of either cost to repair or pre-storm market value.²⁰⁶ As the cost to repair homes usually exceeded the market value, this put Black homeowners in a uniquely disadvantaged situation as their homes were more likely to be undervalued by the real estate market.²⁰⁷ The effect was that in practice, Black homeowners were eligible for less money to repair their homes than white homeowners.²⁰⁸

This is not to say that residents stood idly by and let business interests reshape the city with no resistance. Many New Orleanians were there to fight back.²⁰⁹ When it was clear that their homes were in danger of destruction, public housing residents began camping out in front of

200. *Id.* at 334–35.

201. *Id.* at 335.

202. *See id.* (noting that the Ninth Ward is uniquely vulnerable to such displacement, given both low-income status and high rates of homeownership).

203. HOROWITZ, *supra* note 8, at 153.

204. *Id.*

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.* As a result of the pre-storm market value disparity, Black homeowners sued the Louisiana Recovery Authority, the agency administering the road home funds for violations of the Fair Housing Act of 1968. *Id.* at 154. The plaintiffs argued that the reliance on the pre-storm market value had cost Black homeowners over half a billion dollars in potential grant money. *Id.* In 2011, the case settled, and sixty-two billion dollars were made available to homeowners still trying to rebuild. *Id.*

209. HOROWITZ, *supra* note 8, at 138–39.

them in a “Survivor’s Village” in protest.²¹⁰ When the City Council held a vote to issue demolition permits for many public housing buildings, protestors outside demanded to be let in.²¹¹ The protests turned violent when the police attacked demonstrators with tear gas and tasers.²¹²

One of the most contentious fights was which neighborhoods would be rebuilt using federal grant money. The Urban Land Institute (“ULI”) is a non-profit which sent a panel of experts to advise Mayor Nagin and the city council on how best to go about the rebuilding process.²¹³ Their assessment included many non-controversial proposals, such as focusing on coastal restoration to prevent future flooding and adopting a living-wage ordinance to help lift residents out of poverty.²¹⁴ However, they also recommended that many of the lower elevation, flood-prone neighborhoods be turned into greenspace, and that rebuilding destroyed homes be disallowed.²¹⁵ A study indicated that the land ULI wanted to turn to greenspace housed 80% of New Orleans’ Black population.²¹⁶ Meanwhile, the ULI proposal focused on rebuilding the least damaged areas first, to restore a stream of revenue to the city.²¹⁷

This proposal was met with fury from Black and white residents alike.²¹⁸ Residents fought back through collective action—some formed neighborhood advocacy groups with support from the Association of Community Organizations for Reform Now.²¹⁹ Others staked out their intentions to return to their destroyed homes by coming in every weekend to work on their houses.²²⁰ Residents showed up in droves at a City Council press conference to express their resistance to the plan.²²¹ One threatened to “suit up like I’m going to Iraq and fight this [plan]” while others criticized the proposal as a plan to turn “Black people’s neighborhood into white people’s parks.”²²² It was this collective action which moved Mayor Nagin to stake out his opposition to the plan.²²³ In a

210. *Id.* at 159.

211. *Id.* at 161.

212. *Id.*

213. GARY RIVLIN, *KATRINA: AFTER THE FLOOD* 168–171 (2015).

214. *Id.* at 174.

215. *Id.*

216. Gary Rivlin, *Why the Plan to Shrink New Orleans Failed*, FIVETHIRTYEIGHT (Aug. 27, 2015, 6:30 AM), <https://fivethirtyeight.com/features/why-the-plan-to-shrink-new-orleans-after-katrina-failed/> [<https://perma.cc/ZB7K-HBFV>] [hereinafter *Plan to Shrink New Orleans*].

217. RIVLIN *supra* note 213, at 174.

218. HOROWITZ, *supra* note 8, at 145.

219. *Id.*

220. *Id.*

221. RIVLIN, *supra* note 213, at 213.

222. *Id.* at 214.

223. *Id.* at 246.

speech on Martin Luther King Day, Nagin announced that New Orleans “will be chocolate at the end of the day . . . This city will be a majority African American city. It’s the way God wants it to be. You can’t have New Orleans no other way; it wouldn’t be New Orleans.”²²⁴ Nagin’s commitment to bringing back historically Black neighborhoods helped him to win reelection, despite his many failures in handling Katrina.²²⁵

While the consequences of the erosion of public goods and services are disproportionately borne by the most impoverished citizens of New Orleans, the harm is not limited to the poor. Lack of public services and increased privatization also harm the middle class. Returning to the example of charter schools, the prevalence of these schools in New Orleans hurts their teachers, as unionized teachers are replaced by less-experienced teachers from programs such as Teach for America.²²⁶ Closures of public schools can also cause more intangible harms to the poor and middle class alike, such as a loss of a centralized community.²²⁷ Research shows that integrated classrooms have cognitive benefits for all students, yet charter schools increase racial segregation.²²⁸

All people benefit from public goods such as affordable healthcare, public transportation, and affordable housing.²²⁹ Now, years after the demolition of large sects of public housing, renters in New Orleans must contend with the scourge of short-term rentals.²³⁰ Lack of housing availability due to the city’s emphasis on catering to tourists is another problem hurting the community as a whole.²³¹

Increased privatization and shutdowns of public goods and services increase both socioeconomic and racial segregation.²³² As historian

224. *Id.* at 242.

225. See HOROWITZ, *supra* note 8, at 146; see also RIVLIN, *supra* note 213, at 244.

226. Duhart & Mundy, *supra* note 194, at 1205 n. 42; see Danielle Dreilinger, *Most Katrina Laid-off Never Came Back, Study Confirms*, NOLA.COM (July 22, 2019), https://www.nola.com/news/education/most-katrina-laid-off-teachers-never-came-back-study-confirms/article_37292297-2337-5f33-bdac-b565bddaffb7.html.

227. Duhart & Mundy, *supra* note 194, at 1209.

228. See IN THE PUBLIC INTEREST, *HOW PRIVATIZATION INCREASES INEQUALITY* 44–45 (2016).

229. See *id.* at 3.

230. Sophie Kasakove, *New Orleans Short-Term Rental Laws are in Effect After Legal Fight. What Happens Now?*, NOLA.COM (Mar. 19, 2024), https://www.nola.com/news/politics/new-orleans-short-term-rental-rules-are-in-effect-after-legal-fight-what-happens-now/article_4f421266-e593-11ee-9685-3b7433622b14.html [https://perma.cc/BWL6-Z275].

231. See Emily Peck & Charles Maldonado, *How Airbnb is Pushing Locals Out of New Orleans’ Coolest Neighborhoods*, HUFFINGTON POST (Jan. 31, 2024), https://www.huffpost.com/entry/airbnb-new-orleans-housing_n_59f33054e4b03cd20b811699 [https://perma.cc/JHT9-VCD7].

232. IN THE PUBLIC INTEREST, *supra* note 228, at 4–5.

Andy Horowitz puts it: “[t]he suite of post-Katrina policies did not just restore existing inequalities, however; these policies often magnified them.”²³³ A study from 2010 suggested that five years after Katrina, ten percent of the population of New Orleans had moved there since the flood, and those people were younger, more educated, and more likely to be white renters.²³⁴ In 2015, the median income of the mostly white neighborhood, Lakeview, had increased to more than seventy percent above the state average, while the median income in the Lower Ninth had fallen to fifty percent below the state average.²³⁵

As of 2022, the data indicates that the Lower Ninth Ward, the poorest and most storm-ravaged neighborhood in New Orleans, had less than one-third of the population it had in 2005.²³⁶ More upper-class neighborhoods like the Central Business District and Lower Garden District have more than doubled their pre-storm populations.²³⁷ The 2020 census indicated that fifty-three percent of the New Orleans population was Black, compared with two-thirds before the storm.²³⁸

Government officials took advantage of a natural disaster they mishandled to cause a moral panic, blaming the most vulnerable residents for the botched hurricane response. In turn, this moral panic greased the wheels for increased policing and incarceration of the objects of the moral panic. This was the needed support to rebuild a more privatized and profitable New Orleans.

IV. MISINFORMATION INFECTING DISASTERS TODAY

In September 2024, images of the death and destruction of Hurricane Helene in western North Carolina and eastern Tennessee evoked comparisons to Katrina.²³⁹ The storm wiped towns like

233. HOROWITZ, *supra* note 8, at 139.

234. *Id.* at 168 (citing THE HENRY J. KAISER FAMILY FOUNDATION, *NEW ORLEANS FIVE YEARS AFTER THE STORM: A NEW DISASTER AMID RECOVERY* (2010)).

235. HOROWITZ, *supra* note 8, at 139–40.

236. Jeff Adelson & Chad Calder, *15 Years on, New Orleans' Uneven Recovery from Katrina is Complete; Population Slide Resumes*, NOLA.COM (Jan. 3, 2022), https://www.nola.com/news/politics/15-years-on-new-orleans-uneven-recovery-from-katrina-is-complete-population-slide-resumes/article_ffead5e-6a65-11ec-8112-6f484ce8b956.html [https://perma.cc/5JWY-6K43].

237. *Id.*

238. *Id.* Note that “some portion of the change owes to changes to census questionnaires that encouraged people to provide more nuanced answers about their identity. The census now counts nearly 12,200 of New Orleans’ residents as multi-racial—almost three times as many as a decade ago—and there are an additional 2,000 people who do not identify with any of the government’s major racial classifications.” *Id.*

239. See, e.g., Ana Faguy & Brandon Drenon, *Helene is Deadliest Mainland US Hurricane Since Katrina*, BBC NEWS (Oct. 3, 2024), <https://www.bbc.com/news/articles/c1k70mrp4xo> [https://perma.cc/VL25-95XT].

Asheville, North Carolina almost off the map, completely leveling houses and other buildings while simultaneously cutting off roads in and out.²⁴⁰ Although it is too soon to tell how Asheville and other towns will fare during rebuilding, or what the wider narrative of the storm will be, the echoes of Katrina are present in more than just the devastating flooding and death toll. The affected areas are now being inundated with misinformation.

Misinformation is spreading from many sources, including President Donald Trump.²⁴¹ Throughout the 2024 election and in previous presidential campaigns, President Trump has consistently invoked the images of undocumented immigrants who are to blame for all manner of ills from crime to “poisoning the blood of our country.”²⁴² The Hurricane Helene disaster response has proved to be no exception. At a campaign rally in Michigan, he claimed that the Biden administration has “stole[n] the FEMA money . . . so they could give it to their illegal immigrants that they want to have vote for them this season.”²⁴³ He also posted this claim to social media website, Truth Social, writing that “the GREAT people of North Carolina are being stood up by Harris and Biden, who are giving almost all of the FEMA money to Illegal Migrants in what is now considered to be the WORST rescue operation in the history of the U.S.”²⁴⁴

Misinformation regarding Helene recovery efforts seems to be coalescing around FEMA and the agency’s roles in assisting residents. A post on X, formerly Twitter, claimed that FEMA snipers have killed five

240. Jeffrey Collins, *Supplies Arrive by Plane and by Mule in North Carolina as Helene’s Death Toll Tops 130*, AP NEWS (Sept. 30, 2024, 8:55 PM), <https://apnews.com/article/hurricane-helene-north-carolina-asheville-f02869c7d01e68f2d7f0553abb82252f> [https://perma.cc/XV9W-CHAE].

241. Gabriella Rudy, *FEMA Says Misinfo Having ‘Negative Impact on Ability to Help,’* NBC NEWS (Oct. 4, 2024, 4:56 PM), <https://www.nbcnews.com/news/weather/live-blog/hurricane-helene-live-updates-rcna173973/rcrd58609?canonicalCard=true>. [https://perma.cc/BGV6-A9BY].

242. Much of President Trump’s rhetoric regarding undocumented immigrants bears the hallmarks of a moral panic. *See, e.g.*, Kate Sullivan, *Trump Suggests Undocumented Immigrants Who Commit Murder Have ‘Bad Genes,’* CNN (Oct. 7, 2024, 2:20 PM), <https://www.cnn.com/2024/10/07/politics/trump-undocumented-immigrants-bad-genes/index.html> [https://perma.cc/VKW7-7ZXG].

243. Stephen Fowler, *Fact-Checking Falsehoods About FEMA Funding and Hurricane Helene*, NPR (Oct. 7, 2024), <https://www.npr.org/2024/10/07/nx-s1-5144159/fema-funding-migrants-disaster-relief-fund> [https://perma.cc/3VH4-4JW4].

244. Nikki McCann Ramirez, *Local Lawmakers Beg ‘Politicians, Billionaires, Grifters’ to Stop Pushing Helene Misinfo*, ROLLING STONE (Oct. 7, 2024), <https://www.rollingstone.com/politics/politics-news/hurricane-helene-misinformation-response-local-lawmakers-1235127693/> [https://perma.cc/VR4X-TMFQ] (emphasis in original).

people in North Carolina.²⁴⁵ Although a community note attached to the post debunks it, this post garnered over 1.4 million impressions.²⁴⁶ Less fantastical rumors have also proliferated, such as the claim that FEMA is conspiring to seize land and property from hurricane survivors or that FEMA relief will be capped at \$750 per person.²⁴⁷ Rumors like these and others have prompted FEMA to set up a webpage listing and debunking the most common among them.²⁴⁸

It is too soon to say what wider effect, if any, this stream of misinformation will have on the rebuilding process. It appears that although these rumors have hindered the recovery process so far, the effects on FEMA's on-the-ground operations have been limited.²⁴⁹ Additionally, just as in New Orleans post-Katrina, Asheville is seeing its share of survivors and Good Samaritans popping up to serve their neighbors in need.²⁵⁰ As the damage is surveyed and the rebuilding process begins, towns ravaged by Helene will face the same fundamental question posed to New Orleans post-Katrina: What does recovery from disaster look like? As climate change continues to fuel more deadly natural disasters with increasing frequency, such situations may become more commonplace.²⁵¹ Only time will tell how affected areas will choose to answer this question, but hopefully awareness of

245. @RealRawNews1, X (Oct. 7, 2024, 12:26 PM), <https://x.com/RealRawNews1/status/1843326979250258195>.

246. Nikki McCann Ramirez, *Hurricane Response Disrupted by Reports of Militia 'Hunting FEMA,'* ROLLING STONE (Oct. 14, 2024), <https://www.rollingstone.com/politics/politics-news/hurricane-helene-response-disrupted-militia-fema-1235133009/> [<https://perma.cc/4BHH-K4MR>].

247. See Huo Jingnan, *How FEMA Tries to Combat Rumors and Conspiracy Theories About Milton and Helene,* NPR (Oct. 9, 2024, 12:29 PM), <https://www.npr.org/2024/10/09/nx-s1-5146475/milton-helene-fema-rumors-conspiracy-theories> [<https://perma.cc/NLH2-U7FB>].

248. FEMA, *Hurricane Rumor Response,* <https://www.fema.gov/disaster/recover/rumor/hurricane-rumor-response> [<https://perma.cc/7PP2-JMWK>] (last visited Oct. 29, 2024).

249. Brianna Sacks & Dan Lamothe, *North Carolina Authorities Arrest Armed Man After Threats Against FEMA Workers,* WASHINGTON POST (Oct. 14, 2024, 4:57 PM), <https://www.washingtonpost.com/weather/2024/10/13/federal-officials-nc-temporarily-relocated-amid-report-armed-militia-email-shows/> [<https://perma.cc/AEW9-TC6T>] (indicating that although initial reports showed more widespread threats against FEMA workers, the reality of the threats was much more limited).

250. Jessica Wakeman, *'Put Your Head Down, Help Each Other Out': Inside Asheville's Helene Response,* ROLLING STONE (Oct. 3, 2024), <https://www.rollingstone.com/culture/culture-features/hurricane-helene-asheville-mutual-aid-response-1235124168/> [<https://perma.cc/F36Y-K4PE>].

251. Alejandra Borunda & Rachel Waldholz, *Climate Change Made Helene More Dangerous. It Also Makes Similar Storms More Likely,* NPR (Oct. 9, 2024, 12:01 AM), <https://www.npr.org/2024/10/09/nx-s1-5144216/climate-change-hurricane-helene> [<https://perma.cc/K7JF-P3LC>].

what happened after Katrina and the way the recovery was co-opted can provide a path forward where all residents who wish to return can do so and thrive.

CONCLUSION

While almost all New Orleanians faced unimaginable devastation from Hurricane Katrina, Black New Orleanians who were left behind in the wreckage also had to contend with the dangers posed by rogue police and racist vigilantes. All this stemmed from manufactured media hysteria, a moral panic, whose flames were fanned by officials such as Mayor Nagin and Superintendent Compass. While the media painted a racist portrait of Black looters running amok, the truth was that Katrina survivors experienced unimaginable devastation from the flooding, the lack of government assistance, and threats to their lives.

Ultimately, this moral panic culminated in massive death, displacement, and suffering. The moral panic paved the way for demolishing public housing, privatizing education, and other reforms to serve the interests of the elite. These reforms continue to cause damage to communities, particularly the poor, Black communities who experienced the brunt of the moral panic. This series of events illustrates the ease with which elites and market forces may take advantage of disasters to further their own interests by amplifying existing structural inequalities.

There is no easy solution to the problem of moral panics. They are designed to whip up fearful emotions of the public such that any action from the government and law enforcement is warranted. In such a frenzy, those affected are not ruled by logic and reasoning. I hope that this Note can add to the literature on the harm that moral panics may cause, but also provide inflection points where targeted communities may organize to disrupt them. In better understanding a moral panic as a mechanism of government control, the targeted communities and their allies may be more capable of fighting the most harmful effects.