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Reviving the Dream:

Confronting Racism in the 21st Century



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DISCUSSIONS

The Racial Implications of Hurricane Katrina

Patty Ferguson, *Pointe-au-Chien Indian Tribe*

Patty Ferguson is a member of the Pointe-au-Chien Indian Tribe and the Tribe's attorney. Since Hurricane Katrina and Rita, she has been working closely with the affected tribes in Southern Louisiana, to support their repair work and efforts to maintain community and culture. Ferguson is a former Fulbright Fellow and is currently as Associate in the Indian and Tribal Relations Practice Group of the Arizona law firm, Sacks Tierney.

Eva Patterson, *Equal Justice Society*

Eva Paterson is the President and a founder of the Equal Justice Society, a national organization dedicated to changing the law through progressive legal theory, public policy and practice. Prior to taking the helm of the Equal Justice Society in 2003, Paterson worked at the Lawyers' Committee for Civil Rights for twenty-six years, thirteen of them as Executive Director. Paterson led the organization's work providing free legal services to low-income individuals, litigating class action civil rights cases, and advocating for social justice. Paterson co-founded and chaired the California Coalition for Civil Rights for 18 years, and was a leading spokesperson in the campaigns against Proposition 187 (anti-immigrant) and Proposition 209 (anti-affirmative action) and numerous other statewide campaigns against the death penalty, juvenile incarceration and discrimination against lesbians and gay men. Following her graduation from U.C. Berkeley's Boalt Hall School of Law, she worked for the Legal Aid Society of Alameda County and co-founded A Safe Place, a shelter for battered women in Oakland, California.

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UC HASTINGS SCHOOL OF LAW RACE AND POVERTY LAW JOURNAL
Reviving the Dream: Confronting Racism in the 21st Century Conference
Racial Implications of Hurricane Katrina—The Native Perspective
Presentation Outline
April 13, 2006

I. Introduction

Many of us have seen the images on TV, the destruction caused by Hurricanes Katrina and Rita. A small voice has gone unheard and unseen. Hurricanes Katrina and Rita severely impacted six coastal Indian tribes in South Louisiana.

Statistics—Hurricane Impacts

- A. Pointe-au-Chien Indian Tribe
 - 1. Katrina: over 25 homes with wind/roof damage
 - 2. Rita: water rose 9 feet; over 50 homes flooded
 - 3. No FEMA trailers available, took at least three months to receive one FEMA trailer, now we have 7 FEMA trailers
 - 4. People are living in homes that must be raised or rebuilt
 - 5. Insurance hasn't paid; rebuilding process has not even begun
- B. United Houma Nation, over 3,500 homes affected
- C. Grand Caillou Band of BCCM, 1,000 members affected
- D. Isle a Jean Charles Band of BCCM, 230 members affected
- E. Bayou Lafourche Band of BCCM, wind damage
- J. Grand Bayou Community – Members Died

These two hurricanes are recent examples of the forgotten peoples of South Louisiana. Certain communities have been left out of emergency plans, levees, rebuilding efforts and discussions relating to coastal erosion.

And why is this the case? Today's panel focuses on the racial implications of Hurricane Katrina. For the Native people of Louisiana, we must look to the past to understand the present and to develop a plan to deal with the future.

II. Background of Louisiana Tribes

Much of the problems facing LA tribes results from the lack of federal status.

A. Lack of Federal Status

1. Four Federally Recognized Tribes (Tunica-Biloxi, Coushatta, Jena Band of Choctaw, Chitimacha)
2. 9 State Recognized Tribes
3. 2 non-status tribes
4. 5 bayou tribes (totaling 20,000) (none are federally recognized)

B. Impact of Status

1. Limits Ability to protect burial grounds, land rights, fishing rights, culture, traditions, and language
2. Environmental Concerns
3. Lack of federal/state response to emergencies
4. Sacred/Cultural Sites Exposed
5. Coastal Erosion

C. History of Official Discrimination in Louisiana

1. Education

- a. LA Constitution prohibited nonwhites from attending school with whites
- b. 1938 Baptist Mission School opened in PAC
- c. Not until late 60's, early 70s were Indians allowed to attend high school
- d. H.L. Bourgeois, Terrebonne Parish School Board Superintendent, in his masters' thesis claimed that the Indians were "so called Indians"
- e. School officials/principal encouraged tribal members to quit school and become fishermen
- g. Recent discussions to close PAC Elementary

2. Library was closed in 1997 (four branches)
 - a. In 1998, parish voters approved a quarter cents sales tax for the library system.
 - b. A new library was built in Houma; PAC library permanently closed

III. Pointe-au-Chien

- A. Small fishing tribe located in Lafourche and Terrebonne Parishes along Bayou Pointe-au-Chien; speak a distinct dialect of French
- B. Live, hunt, and fish on ancestral land, lakes and bays named after ancestors
- C. Formerly had extensive cattle and agriculture operations, including sugar cane mill
- D. A number of hurricanes have hit Pointe-au-Chien in the last 13 years. The recent hurricanes have resulted in increased land loss
- E. Land has been diminished by **salt water intrusion** and **coastal erosion** impacting culture and lifestyle
 1. Channeling of Mississippi River means no replenishment of the soil and has led to loss of barrier islands
 2. Extensive canal systems built for oil and gas exploration has resulted in massive land loss
 3. Wetlands surrounding Pointe-au-Chien used to be **LAND** where our members and their families lived

IV. Proposed Levee - Morganza to the Gulf

- A. Only includes a portion of Pointe-au-Chien
2.7-mile section of Pointe-aux-Chenes (Reach J1)
- B. Does not include sacred sites including burial grounds (Congressman's response)
- C. Does not protect high land further down (i.e., sugar ridges and campsites) that will be eroded - will the tribe be compensated for this loss?
- D. Probably have more hurricanes before the levee is built (approximately 3-20 years)

V. Relief

- A. Mennonite Disaster Services

B. National Relief Charities

C. Private Donations

VI. Future

A. Concerned about loss of land, culture, and kinship society that will result from loss of tribal community

B. Need FEMA mitigation monies to help raise homes

C. Need immediate levee to protect homes

D. Funds to study sea level rise and possible alternative camp locations for Pointe-au-Chien Community to evacuate during future hurricane

E. Need to clarify federal status

F. Environmental Concerns/Burial Grounds, etc.

G. Louisiana Coastal Tribes Coalition