

Hurricane Katrina Indictment

Count 1: Knowing failure of the Bush administration to adequately maintain and upgrade the levees directly contributed to the foreseeable loss of life and suffering of many people when Hurricane Katrina struck.

Count 2: Despite foreknowledge of Hurricane Katrina striking land as a greater than category 3 storm and the devastation that this would cause, the Bush administration failed to implement an emergency evacuation plan for people who were in the path of the storm and unable to evacuate the area on their own.

Count 3: The Bush administration neither launched an immediate rescue operation nor provided the emergency shelter, food and water needed to save peoples' lives and prevent needless suffering.

Count 4: Federal authorities blocked the provision of emergency services, including rescue and provision of food and water on the part other levels of government and private sources despite the obvious need for this kind of relief.

Count 5: Federal authorities enforced repressive conditions and eventually carried out an evacuation that separated families, including separating small children from their parents, and left many people not knowing where their loved ones were located and even if they had survived the storms.

Background

On or about August 28, 2005 Hurricane Katrina, a category 4 storm, landed on the Gulf Coast of the United States causing massive devastation, casualties, and human suffering in Louisiana and Mississippi.[1] The world saw horrifying images of hundreds of thousands of people, most of the black and almost all of them poor trapped by rising flood waters, without food or water. The world also heard Bush and other government officials demonize Katrina survivors who took it upon themselves to go out and get what they needed to survive as "looters" and "thugs."

The likelihood of a hurricane of this magnitude striking in this area was known to be great. Several days before the this storm hit land in these areas, experts predicted that it would hit the Gulf Coast and cause massive destruction. This indicated that complete evacuation was necessary to avoid loss of life and suffering. There was ample time between the acquisition of this information and the actual landfall of Hurricane Katrina to evacuate all affected areas. Despite this advance warning, the Federal Emergency Management Agency (FEMA) failed to take any action to assist the safe evacuation of persons that it knew or should have known would be stranded due to inability to evacuate.

Because Katrina was going to strike land and impact a multi state area, it was a federal responsibility to oversee the emergency response, including evacuation, rescue, provision of emergency supplies, etc. Federal authorities were responsible for coordinating the efforts of all levels of government to deal with this emergency and to provide resources and capability that was beyond that of the affected states.

FEMA - a former independent agency that became part of the new Department of Homeland Security (DHS) in March 2003 - is tasked with responding to, planning for, recovering from and mitigating against disasters. In 1979 President Carter created FEMA by an executive order that merged many separate disaster-related responsibilities into a new federal agency.

Today, FEMA is one of four major branches of DHS and has about 2,500 full-time employees in the Emergency Preparedness and Response Directorate supplemented by more than 5,000 stand-by disaster reservists.

According to its website FEMA's mission remains: to lead America to prepare for, prevent, respond to and recover from disasters with a vision of "A Nation Prepared." [2]

The levee system in New Orleans was created to protect the city and the surrounding area from such floods, and its maintenance and upgrading is a federal responsibility. Federal authorities were aware of deficiencies in the levee system. They had commissioned tests in early 2005 and were in possession of the results of these tests that indicated the levees were inadequate.

Indictment for Abandonment, Criminally Negligent Homicide, Reckless Endangerment, and Failure to Prevent Avoidable Imminent Harm to Thousands of people in the response to Hurricane Katrina

The Accused

George W. Bush, President of the United States who was responsible for taking action to protect the lives of United States citizens in cases of national emergencies. He appointed the head of FEMA and is responsible for his actions and inactions. Further he is responsible for the actions and inactions of military leaders sent to the area.

Dick Cheney, Vice President of the United States and second in command the executive branch of the United States government.

Michael Brown, former head of FEMA, who was in charge of the response by the United States Government to Hurricane Katrina.

General Allegations

The Bush administration committed criminal acts in connection with Hurricane Katrina by failing to adequately build and maintain the levee system in a manner that would protect Louisiana residents from harm. The Bush administration failed to evacuate people from the path of the Hurricane once it was clear that Katrina would strike land with a magnitude that would overwhelm the levee system.

Once Katrina struck land, the Bush administration was responsible for organizing immediate rescue operations, setting up emergency shelter and providing food and water to people trapped by the flood waters. The Bush administration failed to immediately dispatch staff and equipment to carry out this responsibility, constituting further criminal activity on its part. Additionally, when FEMA and the military did get on the scene they oversaw sheltering people in unsafe, unsanitary and repressive conditions and even blocked aid from private parties when FEMA knew or should have known that this aid could have saved lives and averted needless suffering. Finally, FEMA's belated evacuation was carried out in such a way that it separated families, including separating very young children from their parents and leaving people not knowing what part of the country their loved ones were sent to, or even if they had survived Katrina. All of this constitutes further criminal activity on the part of the Bush administration.

Count 1

Prior to August 2005, the federal government, including FEMA, was aware, through tests conducted by the United States Army Corps of Engineers, that the New Orleans and metropolitan area levees couldn't withstand a category 3 or larger hurricane. Despite this knowledge the Bush administration did nothing to upgrade the

levee system. Further the Bush administration cut funding for levee maintenance. In August of 2005, Hurricane Katrina, a category 4 storm, hit Louisiana and some of the levees were breached as predicted.

Knowing failure of the Bush administration to adequately maintain and upgrade the levees directly contributed to the foreseeable loss of life and suffering of many people when Hurricane Katrina struck. This failure led directly to preventable loss of life, serious physical injury, and suffering and constitutes criminally negligent homicide, reckless endangerment, acting with depraved indifference and abandonment.

Count 2

Despite foreknowledge of Hurricane Katrina striking land as a greater than category 3 storm and the devastation that this would cause, the Bush administration failed to implement an emergency evacuation plan for people who were in the path of the storm and unable to evacuate the area on their own. This failure constituted criminally negligent homicide, reckless endangerment, acting with depraved indifference and abandonment.

Count 3

Once Katrina struck land, the entire world watched in horror as the lives of hundreds of thousands of mostly Black and overwhelmingly poor people were at risk. Despite these horrifying images, the Bush administration neither launched an immediate rescue operation nor provided the emergency shelter, food and water needed to save peoples' lives and prevent needless suffering. This failure led to people being housed in unsafe, unsanitary and repressive conditions and constituted criminally negligent homicide, reckless endangerment, acting with depraved indifference and abandonment.

Count 4

Federal authorities blocked the provision of emergency services, including rescue and provision of food and water on the part other levels of government and private sources despite the obvious need for this kind of relief. This action led directly to preventable loss of life, serious physical injury, and suffering and constitutes criminally negligent homicide, reckless endangerment, acting with depraved indifference and abandonment.

Count 5

In belated establishing federal control and beginning evacuation of the areas affected by Katrina, federal authorities enforced repressive conditions and eventually carried out an evacuation that separated families, including separating small children from their parents, and left many people not knowing where their loved ones were located and even if they had survived the storms. This action led directly to preventable loss of life, serious physical injury, and suffering and constitutes criminally negligent homicide, reckless endangerment, acting with depraved indifference and abandonment.

Further Issues in the Bush Administration's Response to Hurricane Katrina

In addition to this prosecution, we will hear evidence that will shed light on further actions and inactions by the Bush administration in relation to the aftermath of Hurricane Katrina. These relate mainly to the rebuilding of the area. We will explore whether the Bush administration and others are consciously trying to drastically reducing the Black population of New Orleans. Or are they carrying out acts that a rational person should know

would lead to that result. Have federal authorities been more aggressive in forcibly evacuating Black areas and in denying people re-entry to their neighborhoods and homes in Black sections? Are curfews being enforced in a discriminatory manner? As the plans to rebuild New Orleans and other areas having the effect of significantly decreasing the Black population of New Orleans, and if so, is this intentional? We will hear evidence from eyewitnesses to Katrina and its aftermath and from expert witnesses who can shed light on this critical issue. We will also present exhibits that will address these questions.

[1] At one stage a category-5 hurricane, Katrina ultimately made landfall in Louisiana and Mississippi at category 4 strength. http://www.weather.com/newscenter/tropical/?from=wxcenter_news

[2] <http://www.fema.gov/about/history.shtm>